



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."

CONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

26 MARCH 2015

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.

Councillor		Cr G Campbell	Cr J Bloom	Cr H Tracey	Cr D Male	Cr M Manado	Cr C Mitchell	Cr A Poelina	Cr M Lewis	Cr P Matsumoto
2013	21 November									LOA
	19 December									
2014	27 February							LOA		
	27 March – No quorum	A		LOA		LOA		LOA	NA	NA
	31 March			LOA						
	24 April								A	
	22 May		LOA	LOA				LOA		LOA
	26 June									LOA
	24 July							LOA	A	
	28 August						LOA			
	25 September					A			A	
	23 October		Resigned 16/10/14					LOA	A	
	27 November									
	18 December			A					A	
2015	26 February					LOA				
	26 March									
	30 April									
	28 May									
	25 June									
	30 July									
	27 August									
	24 September									
	15 October									

- LOA (Leave of Absence)
- NA (Non Attendance)
- A (Apologies)

2.25. Disqualification for failure to attend meetings

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
 - (a) a meeting that has concluded; or
 - (b) the part of a meeting before the granting of leave.
- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is

Chairperson: Date:

disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.

- (5A) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council —
- (a) if no meeting of the council at which a quorum is present is actually held on that day; or
 - (b) if the non-attendance occurs —
 - (i) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
 - (iiia) while the member is suspended under section 5.117(1)(a)(iv); or
 - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
- (6) A member who before the commencement of the Local Government Amendment Act 2009 section 5¹ was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting.

[Section 2.25 amended by No. 49 of 2004 s. 19(1); No. 17 of 2009 s. 5.]

SHIRE OF BROOME
ORDINARY MEETING OF COUNCIL
THURSDAY 26 MARCH 2015
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NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on Thursday, 26 March 2015 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5.00pm.

Regards

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

K R DONOHOE
Chief Executive Officer

19/03/2015

Chairperson: Date:

**MINUTES OF THE ORDINARY MEETING OF COUNCIL OF THE SHIRE OF BROOME,
HELD IN THE COUNCIL CHAMBERS, CORNER WELD AND HAAS STREETS, BROOME,
ON THURSDAY 26 MARCH 2015, COMMENCING AT 5.00PM.**

1. OFFICIAL OPENING

The Chairman welcomed Councillors, Officers and members of the public and declared the meeting open at 5.00pm. The Chairman noted the attendance of Cr Kerry White, Shire President of the Shire of Ashburton and welcomed her to the meeting.

2. ATTENDANCE AND APOLOGIES

Attendance:	Cr G Campbell	Shire President
	Cr H Tracey	Deputy Shire President (from 5.05pm)
	Cr A Poelina	
	Cr P Matsumoto	
	Cr M Lewis	
	Cr M Manado	
	Cr D Male	
	Cr C Mitchell	

Leave of Absence:

COUNCIL RESOLUTION:

Moved: Cr PM Matsumoto

Seconded: Cr DM Male

That Leave of Absence be granted for Cr G Campbell for the period 26 April – 6 May 2015 inclusive.

CARRIED UNANIMOUSLY 7/0

Apologies: Nil

Officers:	Mr K Donohoe	Chief Executive Officer
	Mr P Martin	Deputy Chief Executive Officer
	Mr S Mastrolembo	Director Corporate Services
	Mr A Schonfeldt	Director Development Services
	Mr M Dale	Director Engineering Services
	Mr S Penn	Media and Promotions Officer
	Ms E Harding	Senior Administration & Governance Officer

Public Gallery:	Ian Perdrisat	
	Shayne Thompson	Frack Free Kimberley
	Kerry White	Shire of Ashburton
	Brendon Barwick	Police
	Lesley Morris	
	Theresa Bengtson	Shire of Broome
	Rob Menzies	Broome Airport
	Suzie Haslehurst	Shire of Broome
	A. Veder	Shire of Broome

Chairperson: Date:

3. DECLARATIONS OF FINANCIAL INTEREST / IMPARTIALITY

FINANCIAL INTEREST			
Councillor	Item No	Item	Nature of Interest
Cr D Male	9.1.1	Community Sponsorship Program	Financial – <i>Two applicants are clients of my business.</i>
Cr G Campbell	9.4.6	Tender 15/02 Mulching of Green Waste	Financial – <i>Director of Company that is involved in mulching sales.</i>

IMPARTIALITY			
Councillor	Item No	Item	Nature of Interest
Cr C Mitchell	9.1.1	Community Sponsorship Program	Impartiality – <i>An association with 3 of the applicants being Chelonia (I am a member of a similar group) Native Animal Rescue Broome (being co-ordinator of group, I receive no financial remuneration) Broome Men's Shed (secretary – no remuneration).</i>
Cr D Male	9.2.1	Proposed Signage Lot 61 Frederick Street	Impartiality – <i>An association with an opposition business who is a client of my business.</i>
Cr M Manado	9.2.2	Proposed Local Planning Policy – Structure Plan and Subdivision Standards	Impartiality – <i>An association with Yawuru PBC as an ordinary member.</i>
Cr P Matsumoto	9.2.2	Proposed Local Planning Policy – Structure Plan and Subdivision Standards	Impartiality – <i>An association with Lot 222, 53 Robinson Street Broome.</i>
Cr A Poelina	9.2.2	Proposed Local Planning Policy – Structure Plan and Subdivision Standards	Impartiality- <i>An association with 12 Pembroke Road Broome.</i>
Cr A Poelina	11.1	Non-Conforming Use	Impartiality – <i>An association with an existing non conforming use right (residential) and reside at 12 Pembroke Road.</i>

Cr H Tracey entered the Chambers at 5.05pm.

4. PUBLIC QUESTION TIME

The following questions were received prior to the meeting from Lesley Morris:

Question One:

On 5 Feb 2015 I attended a Shire info session on the proposed sites for a new RRRP (rubbish dump). The report viewed at that meeting listed a number of stakeholders who had provided comments for preparation of the report. A request was made at that info session for copies of the stakeholder comments. Your officers advised they would see whether it

Chairperson: Date:

was possible and contact stakeholders to see whether they were agreeable to their comments being released to the public. Your officers sent me an email advising that this was possible provided the stakeholders agreed to the release and stakeholders would be contacted and we would be advised in due course. I followed up this request twice and each time was advised we would be notified once responses were received from the stakeholders. Submissions were due on 6 March 2015. No such stakeholder information was provided. Why not?

Answer 1 provided by Director Engineering Services:

A request to release stakeholder submissions on the Regional Resource Recovery Park Areas of Interest Report was received at the Public Information session on 5 February.

Stakeholders who had provided a submission were subsequently contacted and asked if their submission could be made public.

Unfortunately, the process of getting confirmation from Stakeholders to release their submissions took an extended period of time, with the last stakeholder only giving their permission last Monday (23 March 2015).

Question Two:

As one of the main concerns was potential effect on water, in the absence of the above information not being forthcoming from the Shire, I contacted the Department of Water and Food. They were happy to provide me with a copy of the response they sent to the Shire and emailed it to me that same day. Their comments were very useful in answering some of our questions and providing more detail. They did comment that the Shire had contacted them as to whether they were agreeable to releasing their comments, and they were. How many more stakeholders advised you that they were agreeable to their comments being released and although the submission deadline has passed, will you provide us with copies of those comments from stakeholders who did agree?

Answer 2 provided by Director Engineering Services:

In total, 11 stakeholders provided submissions on the RRRP Areas of Interest Report.

A report on the Stakeholder Submissions has been prepared and it will be put up on the Shire Website early next week.

Chairperson: Electronic copies will also be sent.

Question Three:

In light of the above, is it possible that in the future, when seeking stakeholder comment, that you could also ask when seeking comments whether the stakeholder is happy for their comments to be released if requested?

Answer 3 provided by Chairperson:

This is a matter of process and the Chief Executive Officer can direct for this to happen. Can assure you that we will.

The following questions were asked at the meeting by Shayne Thompson, Coordinator Frack Free Kimberley:

Question One:

Will the Shire of Broome provide an opportunity for all stakeholders to provide comment and input on the draft policy on mining, petroleum and geothermal energy resource extraction as discussed in Item 7.1 as outlined in the Community Engagement Policy?

Answer One provided by Chairperson:

The level of engagement will be determined by Council. The draft policy will be presented to Council to endorse, then a period of public comment will occur before it comes back to Council for adoption, amendments or refusal.

Question Two:

What is the timeline for the drafting of the proposed policy?

Answer Two provided by Chairperson:

Given the recent redundancies, possibly 3 months, but this will be up to the Director and Chief Executive Officer.

Director Development Services:

We will endeavour to have this drafted by June 2015.

The following question was asked at the meeting by Cr Kerry White (Shire of Ashburton):

What is the Shire of Broome doing regarding the poor quality of communications in Broome that are provided by Telstra eg. Internet and mobile services?

Answer provided by Chief Executive Officer:

A conversation has been initiated with NBN with a view to achieving a faster and more reliable service. NBN is available to houses in new estates where it is a condition of planning.

5. CONFIRMATION OF MINUTES

<p><u>COUNCIL RESOLUTION:</u></p>
--

<p>Moved: Cr C Mitchell</p>

<p>Seconded: Cr ML Lewis</p>

<p><i>That the Minutes of the Ordinary Meeting of Council held on 26 February 2015 be confirmed as a true and accurate record of that meeting, subject to an amendment on page 191, to insert the words "That Council" at the commencement of the second Council Resolution relating to Agenda Item 10.1 Minutes of Audit Committee meeting held 10 February 2015 – Mid Year Budget Review/2nd Quarter Finance and Costing Review and 2014 Compliance Audit.</i></p>
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<p>CARRIED UNANIMOUSLY 8/0</p>

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

Our thoughts are with former Councillor Ross DeWit and his partner Marissa as he faces a medical challenge in the near future.

Chairperson: Date:

7. PETITIONS**7.1 PETITION - REQUEST THAT COUNCIL OPPOSE FRACKING**

The Shire of Broome received a petition at the Ordinary Meeting of Council on 26 February 2015 stating:

We, the undersigned electors, ratepayers and residents of the Shire of Broome, hereby request that the Shire Council oppose fracking until and/or unless it can be shown NOT to be a risk to human health, water quality and the environment for the following reasons: The EPA ruled in January 2014 that a fracking proposal by Buru Energy was unlikely to have significant effect on the environment and did not need to be subjected to an impact assessment process. We believe that the lack of scrutiny by Western Australia's only independent environmental watchdog (EPA) is appalling, as modern day fracking is completely different to previous technologies, with much higher risks for the ground water contamination and adverse affects on human health.

*Fracking shouldn't happen until we know more about it and we can **PROVE IT IS SCIENTIFICALLY SAFE** and there is a proper regulatory regime in place.*

Dozens of Local Government Authorities across Australia have either called for a moratorium on fracking or expressed serious concerns and developed policies on the industry. Countries like France, Scotland and Wales as well as other jurisdictions like New York State and closer to home, Victoria have put in place moratoriums on shale gas fracking which is similar to the fracking being proposed for the Kimberley.

This petition is in the correct format as stated in the Shire's Standing Orders. A review of the signed petitioners indicates that of the 123 signatures, 48 are electors on the 2013 electoral roll and 75 signatories have provided residential addresses that are within the Shire of Broome but who are not on the 2013 electors roll.

BACKGROUND

Previous Considerations

OMC 26 February 2015

Item 9.4.8

At the Ordinary Meeting of Council on 26 February 2015 Council in considering the following electors motion resolved as per below:

Elector Motion 9**ELECTOR MOTION:**

Motion: Jacinta Monck

Seconded: Louise Middleton

That the Broome Shire declares the Shire of Broome frack free, in solidarity with the Yawuru Traditional Owner's standpoint on No Fracking in Yawuru Country as stated in their 2014 Annual General Report.

MOTION CARRIED

FOR: 7
AGAINST: 6

Chairperson: Date:

COUNCIL RESOLUTION:**(REPORT RECOMMENDATION 9)****Moved: Cr DM Male****Seconded: Cr H Tracey**

That Council not support the Elector Motion noting that process of approvals for Hydraulic Fracturing rests with the State.

CARRIED 4/3**COMMENT**

Essentially the petitioners are requesting Council to oppose hydraulic fracturing (fracking) until and/or unless it can be shown NOT to be a risk to human health, water quality and the environment as they:

- do not accept the Environmental Protection Authority's determination that the Buru proposal does not require assessment;
- require proof that fracking is scientifically safe and for a proper regulatory regime to be in place.

These points are further discussed below.

The Environmental Protection Act 1986 (EP Act) establishes the Environmental Protection Authority (EPA) who is ultimately responsible to protect the environment; and to prevent, control and abate pollution and environmental harm within Western Australia. The EPA having a range of functions under the EP Act, as is stated in the petition the EPA is set up independent from government under section 8 of the EP Act.

The petition makes reference to a Buru proposal that was not assessed by the EPA in January 2014. This appears to relate to Buru's TGS14 proposal. This proposal was referred to the EPA by Buru. The EPA made the decision not to formally assess the proposal under Part IV of the EP Act and instead provided the following public advice dated 14 Jan 2014:

http://www.epa.wa.gov.au/News/Publicadvice/Documents/s38%20Laurel_13-404315.pdf

The EPA has considered the proposal in accordance with the requirements of the Environmental Protection Act 1986 and the Environmental Impact Assessment Administrative Procedures 2012. In making its decision on whether to assess the proposal, the EPA considered the values of the environment, the extent of likely impacts, policies, guidelines, procedures and standards against which a proposal can be assessed, and presence of other statutory decision making processes which regulate the mitigation of the potential effects on the environment (see Section 7 Significance Test, Administrative Procedures 2012).

As a result the EPA considers that this small scale, "proof of concept", exploration drilling proposal is unlikely to have a significant effect on the environment. The EPA considers that the potential impacts associated with the proposal can be further evaluated, regulated and mitigated by the Department of Mines and Petroleum (DMP) and the Department of Water (DoW) to meet the EPA's objectives for the environmental factors identified for the proposal.

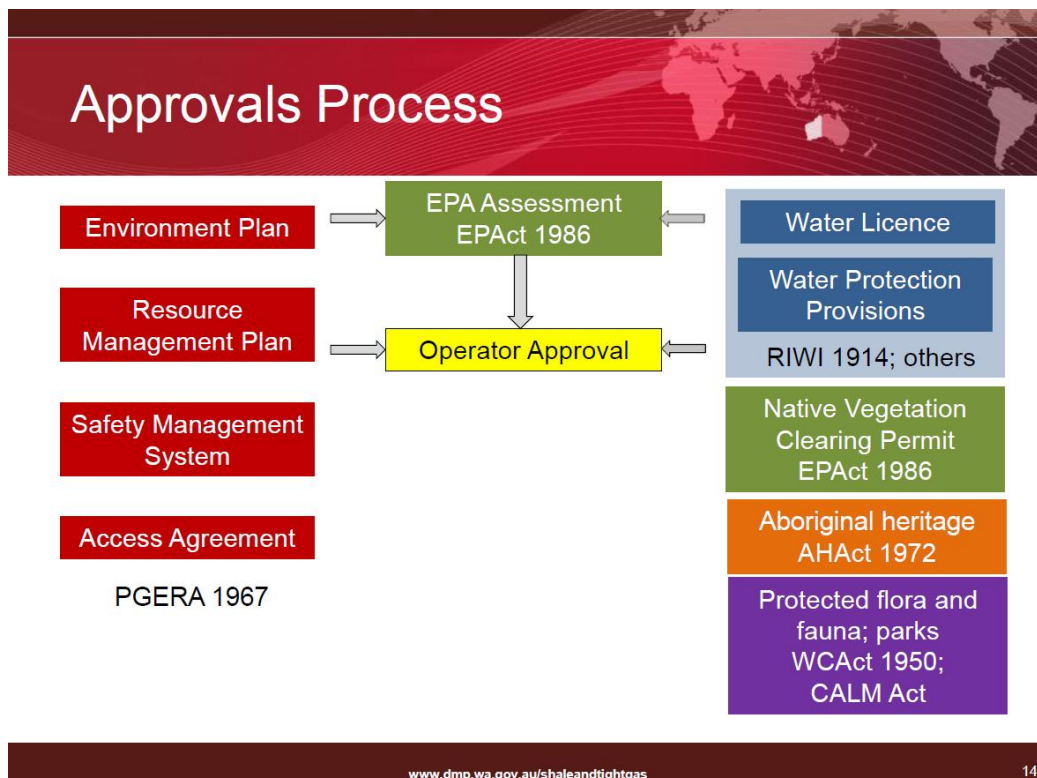
(See Attachment 1 for full advice)

Therefore, whilst the EPA may decide to assess or not to assess a proposal when such a proposal is referred to the EPA (as provided for under section 38 of the EP Act), the Department of Mines and Petroleum (DMP) is ultimately responsible for the issuance or refusal of applications under the Petroleum and Geothermal Energy Resources Act 1967

Chairperson: Date:

(PGER Act). This means that the DMP is not only responsible for the processing of applications in relation to the PGER Act but also for the subsequent regulation of activities associated with the relevant approvals, in the same way as a local government is responsible for assessing and approving planning applications and ensuring compliance with the relevant planning legislation.

The approvals process for an operator to obtain the relevant approvals is outlined in the figure below. It should be noted that DMP is only responsible for the assessment of relevant plans required under different regulations supporting the PGER Act and that other agencies such as the Department of Water (DoW) is still responsible for consideration of applications under that agency's relevant legislation.

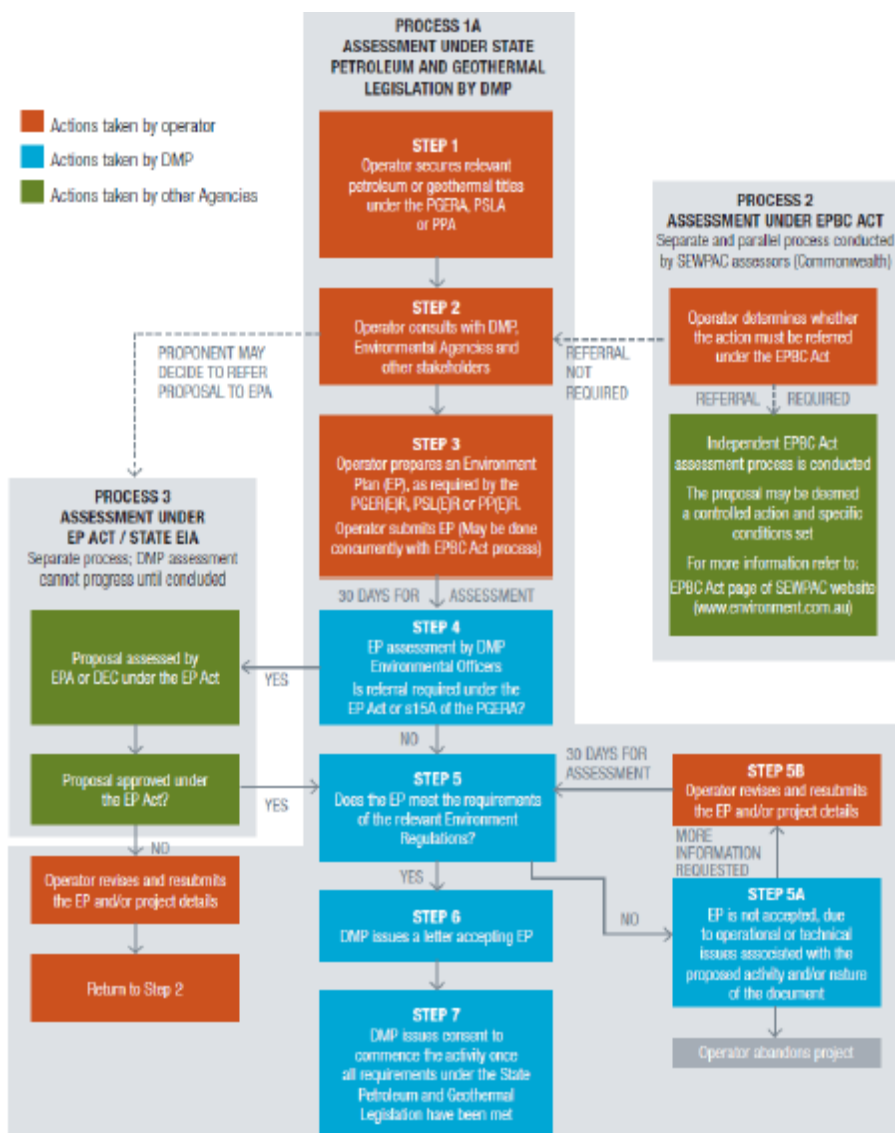


As can be seen from the above the Environmental Plan becomes a vital document to ensure protection of the environment and to prevent, control and abate possible risks that may cause environmental harm or impact on human health. Division 3 of the PGER Environmental Regulations sets out the content of an Environmental Plan and also requires an Implementation Strategy to be included in the plan. DMP is responsible to ensure that all activities associated with an approved application is conducted in accordance with the Environmental Plan and the Implementation strategy and that ongoing monitoring is undertaken. This provides the effective regulatory regime and framework within which all activities will be monitored. It should be noted that DMP may require audits to be undertaken and for other decision making agencies to be involved in regulating these activities.

It is important to note that the PGER Act does not require DMP to refer the proposal to the local government before a permit, reservation, licence or lease is issued or any necessary operations or works are undertaken. Therefore the local government is not involved in the decision making process for these types of applications. However under section 17(1)(b) of the PGER Environmental Regulations an Environmental Plan must include *a report on all consultations between the operator and relevant authorities and other relevant interested persons and organisations in the course of developing the environment plan;*

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DMP's Guidelines for the Preparation and Submission of an Environment Plan <http://www.dmp.wa.gov.au/documents/ENV-PEB-177.pdf> provides the following flow-diagram with regards to the development and approval of an Environmental Plan as required under the Petroleum and Geothermal Energy Resources (Environmental) Regulations 2012 (PGER Environmental Regulations) section 6:



DMP's Guidelines further sets out that preliminary consultation should be undertaken with all relevant stakeholders well in advance of commencing the preparation of an Environmental Plan and that consultation is important to adequately identify the regional and local values and sensitivities. The guidelines also expand on Regulation 15(11) of the PGER Environmental Regulations outlining that the Environmental Plan's should provide for ongoing consultation arrangements.

Therefore whilst local government does not have a statutory role to play in the decision making process, local government is likely to be consulted as a relevant stakeholder throughout. In order to guide Council and the Shire with regards to these processes it is recommended that Council request the Chief Executive officer to prepare a policy in line with its previous resolution regarding this matter.

CONSULTATION/STAKEHOLDERS

Chairperson: Date:

Shire officers have consulted with the Department of Mines and Petroleum regarding the approvals process associated with hydraulic fracturing and environmental approvals.

FINANCIAL IMPLICATIONS

Should Council support the recommendation, the cost of advertising the policy will be borne within the current operational budget. It should be noted that this will potentially have an impact on officers' workloads and may therefore compromise service delivery in other areas.

STATUTORY ENVIRONMENT

Environmental Protection Act 1986

The Environmental Protection Act 1986 (EP Act), provides as follows:

An Act to provide for an Environmental Protection Authority, for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with the foregoing.

Under the EP Act the objective of the Environmental Protection Authority (EPA) is:

- (a) to protect the environment; and*
- (b) to prevent, control and abate pollution and environmental harm.*

8. Independence of Authority and Chairman

Subject to this Act, neither —

- (a) the Authority; nor
- (b) the Chairman,

shall be subject to the direction of the Minister.

The functions of the Authority are:

16. Functions of Authority —

- (a) to conduct environmental impact assessments; and*
- (aa) to facilitate the implementation of bilateral agreements; and*
- (b) to consider and initiate the means of protecting the environment and the means of preventing, controlling and abating pollution and environmental harm; and*
- (c) to encourage and carry out studies, investigations and research into the problems of environmental protection and the prevention, control and abatement of pollution and environmental harm; and*
- (d) to obtain the advice of persons having special knowledge, experience or responsibility in regard to environmental protection and the prevention, control and abatement of pollution and environmental harm; and*
- (da) to advise the Minister on the making or amendment of regulations when requested by the Minister to do so or on its own initiative; and*
- (e) to advise the Minister on environmental matters generally and on any matter which he may refer to it for advice, including the environmental protection aspects of any proposal or scheme, and on the evaluation of information relating thereto; and*
- (f) to prepare, and seek approval for, environmental protection policies; and*

- (g) to promote environmental awareness within the community and to encourage understanding by the community of the environment; and
- (h) to receive representations on environmental matters from members of the public; and
- (i) to provide advice on environmental matters to members of the public; and
- (j) to publish reports on environmental matters generally; and
- (k) to publish for the benefit of planners, builders, engineers or other persons guidelines to assist them in undertaking their activities in such a manner as to minimise the effect on the environment of those activities or the results thereof; and
- (l) to keep under review the progress made in the attainment of the objects and purpose of this Act; and
- (m) to coordinate all such activities, whether governmental or otherwise, as are necessary to protect, restore or improve the environment in the State; and
- (n) to establish and develop criteria for the assessment of the extent of environmental change, pollution and environmental harm; and
- (o) to specify standards and criteria, and the methods of sampling and testing to be used for any purpose; and
- (p) to promote, encourage, coordinate or carry out planning and projects in environmental management; and
- (q) generally, to perform such other functions as are prescribed.

38. Referral of proposals to Authority

- (1) Subject to subsections (2) and (5j), any person may refer a significant proposal to the Authority.
- (2) In the case of a proposal under an assessed scheme, only the proponent can refer the proposal to the Authority under subsection (1).
- (3) Subject to subsection (5j), the proponent of a strategic proposal may refer the proposal to the Authority.
- (4) If it appears to the Minister that there is public concern about the likely effect of a proposal, if implemented, on the environment, the Minister may refer the proposal to the Authority.
- (5) Subject to subsection (5j), as soon as a decision-making authority has notice of a proposal that appears to it to be —
 - (a) a significant proposal; or
 - (b) a proposal of a prescribed class,
 the decision-making authority is to refer the proposal to the Authority.
- (5a) Subsection (5) does not apply if the proposal has been referred to the Authority under subsection (1) or (4).
- (5b) In the case of a proposal under an assessed scheme, the application of subsection (5)(a) is subject to section 48l.
- (5c) If the Authority considers that a proposal that is —
 - (a) a significant proposal; or
 - (b) a proposal of a prescribed class,
 has not been referred to it under subsection (1), (4) or (5), the Authority is to require the proponent or a decision-making authority to refer the proposal to the Authority.
- (5d) A requirement under subsection (5c) is to be in writing and is to specify the period within which it has to be complied with.
- (5e) In the case of a proposal under an assessed scheme, the Authority can only require the referral of the proposal under subsection (5c) if it did not, when it assessed the assessed scheme under Division 3, have sufficient scientific or

- technical information to enable it to assess the environmental issues raised by the proposal.
- (5f) A requirement under subsection (5c) has effect despite section 48I(2).
- (5g) In subsections (5)(b) and (5c)(b), a reference to a proposal of a prescribed class includes a reference to a proposal of a prescribed class under an assessed scheme.
- (5h) A proponent or decision-making authority that has to refer a proposal to the Authority under a requirement under subsection (5c) is to do so within the period specified in the requirement.
- (5i) A referral under this section is to be in writing.
- (5j) Subject to section 46B(2), a proposal cannot be referred to the Authority under this section more than once unless assessment of it has been terminated under section 40A.
- (6) Except when the responsibility for a proposal is imposed on a public authority under another written law, the Minister shall, after consulting the Authority, nominate by notice in writing served on —
- (a) the person concerned; and
 - (b) the Authority; and
 - (c) any relevant decision-making authority,
- a person as being responsible for each proposal which is referred or required to be referred, or which ought to be referred, under this section and which the Authority considers should be assessed by it under this Part.
- (6a) If the person nominated under subsection (6) ceases to have responsibility for a proposal, that person is to give the Authority written notice advising the name of the person to whom or which responsibility for the proposal will pass or has passed.
- (7) The Minister may, if he considers that a nomination made under subsection (6) should be revoked and after consulting the Authority, by notice in writing served on —
- (a) the person to whom or which that nomination relates; and
 - (b) the Authority; and
 - (c) any relevant decision-making authority,
- revoke that nomination and nominate another person under that subsection in respect of that proposal.
- (7a) Subsections (6a) and (7) apply even if a report on the proposal has been published under section 44(3) but do not apply if the assessment of the proposal has been terminated under section 40A.
- (8) For the purposes of subsections (6) and (7), a person who is an individual may be nominated as being responsible for a proposal by reference to his name or by reference to his being the person for the time being holding or acting in a particular office or position.
- (9) For the purposes of subsections (6a) and (7) and section 3(2b), a person that has been notified under section 39A(3)(a) that the Authority is going to assess a proposal is to be regarded as having been nominated under subsection (6) as being responsible for the proposal whether or not such a nomination has been made.
- [Section 38 amended by No. 23 of 1996 s. 18; No. 57 of 1997 s. 54(1); No. 54 of 2003 s. 6.]

Petroleum and Geothermal Energy Resources (Environmental) Regulations 2012

6. Approved environment plan required for activity
- The operator of an activity commits an offence if —
- (a) the operator carries out the activity; and
 - (b) there is no environment plan for the activity.
- Penalty: a fine of \$10 000.

Chairperson: Date:

7. Activity must comply with approved environment plan

- (1) The operator of an activity commits an offence if the operator carries out the activity in a way that is contrary to —

- (a) the environment plan for the activity; or
- (b) any limitation or condition applying to the activity under regulation 11(4)(b).

Penalty: a fine of \$10 000.

- (2) Subregulation (1) does not apply to the operator if the operator has the written consent of the Minister to carry out the activity in that way.
- (3) The Minister must not give a consent under subregulation (2) unless there are reasonable grounds for believing that the way in which the activity is to be carried out will not result in —
- (a) the occurrence of any significant new environmental impact or environmental risk; or
 - (b) the occurrence of a significant increase in any existing environmental impact or environmental risk.

Division 3 — Contents of environment plan

13. Contents of environment plan

An environment plan for an activity must include the matters set out in regulations 14, 15, 16 and 17.

14. Environmental assessment

- (1) The environment plan must include a comprehensive description of the activity including the following —

- (a) the location or locations of the activity;
- (b) details of the construction and layout of any facility;
- (c) a description of the operational details of the activity and proposed timetables;
- (d) any additional information relevant to consideration of the environmental impacts and environmental risks of the activity.

- (2) The environment plan must —

- (a) describe the existing environment that may be affected by the activity; and
- (b) include details of the particular relevant values and sensitivities (if any) of that environment.

- (3) The environment plan must include —

- (a) details of all environmental impacts and environmental risks of the activity; and
- (b) an evaluation of those impacts and risks; and
- (c) a description of the environmental risk assessment process used to evaluate those impacts and risks, including the terms used in that process to categorise the levels of seriousness of those impacts and risks.

- (4) For the avoidance of doubt, the evaluation mentioned in subregulation (3)(b) must evaluate all the environmental impacts and environmental risks arising directly or indirectly from —

- (a) all aspects of the activity; and
- (b) potential emergency conditions, whether resulting from accident or any other cause.

- (5) The environment plan must include —

- (a) environmental performance objectives that define the goals of the operator in relation to the —
 - (i) processes, policies and practices to be followed; and

- (ii) equipment to be used; and
 - (iii) actions to be taken,
 - for the purposes of minimising the environmental impacts and environmental risks of the activity; and
- (b) environmental performance standards —
 - (i) that state the performance required of persons, equipment and procedures for the purposes of managing the environmental impacts and environmental risks of the activity; and
 - (ii) against which the performance of the operator in meeting the environmental performance objectives in the environment plan can be measured;
- and
- (c) measurement criteria for the purposes of determining whether —
 - (i) the environmental performance objectives and environmental performance standards in the environment plan have been met; and
 - (ii) the implementation strategy in the environment plan has been complied with.
- (6) The environment plan must describe the requirements that —
 - (a) apply to the activity under legislation (including conditions imposed under legislation), international conventions or agreements, or applicable codes of practice; and
 - (b) are relevant to the environmental management of the activity.

15. Implementation strategy for environment plan

- (1) The environment plan must include an implementation strategy for the activity in accordance with this regulation.
- (2) The implementation strategy must include measures to ensure that the environmental performance objectives and environmental performance standards in the environment plan are met.
- (3) The implementation strategy must identify the specific systems, practices and procedures to be used to ensure that —
 - (a) the environmental impacts and environmental risks of the activity are continuously reduced to as low as is reasonably practicable; and
 - (b) the environmental performance objectives and environmental performance standards in the environment plan are met.
- (4) The implementation strategy must establish a clear chain of command, setting out the roles and responsibilities of personnel in relation to the implementation, management and review of the environment plan.
- (5) The implementation strategy must include measures to ensure that each employee or contractor working on, or in connection with, the activity is aware of his or her responsibilities in relation to the environment plan and has the appropriate competencies and training.
- (6) The implementation strategy must provide for the monitoring of, audit of, management of non-compliance with, and review of, the operator's environmental performance and the implementation strategy.
- (7) The implementation strategy must provide for —
 - (a) specified emissions and discharges (whether occurring during normal operations or otherwise) to any land, air, marine, seabed, sub-seabed, groundwater, sub-surface or inland waters environment to be monitored and recorded in a way that —
 - (i) is accurate; and
 - (ii) can be audited against the environmental performance standards and measurement criteria in the environment plan;

- and
 - (b) the monitoring mentioned in paragraph (a) to be done either continuously or at specified intervals; and
 - (c) tests to assess the performance of the monitoring equipment used for the purposes of paragraph (a) to be conducted at specified intervals.
 - (8) If the activity is a petroleum activity that may involve the injection or re-injection of produced formation water into wells, the implementation strategy must specify the maximum permissible concentration of petroleum in that produced formation water.
 - (9) The implementation strategy must include details of any chemicals or other substances that may be —
 - (a) in, or added to, any treatment fluids to be used for the purposes of drilling or hydraulic fracturing undertaken in the course of the activity; or
 - (b) otherwise introduced into a well, reservoir or subsurface formation in the course of the activity.
 - (10) The implementation strategy must include an oil spill contingency plan that —
 - (a) sets out details of the following —
 - (i) preparations to be made for the possibility of an oil spill;
 - (ii) emergency response arrangements to be implemented if an oil spill occurs;
 - (iii) recovery arrangements to be implemented if an oil spill occurs;
 - (iv) current oil spill trajectory modelling that applies to the activity;
 and
 - (b) requires the operator to conduct tests of the emergency response arrangements set out in the oil spill contingency plan at specified intervals; and
 - (c) describes the tests mentioned in paragraph (b).
 - (11) The implementation strategy must provide for appropriate consultation with relevant authorities and other relevant interested persons or organisations.
17. Other information in environment plan
- (1) The environment plan must include the following —
 - (a) a statement of the operator's corporate environmental policy;
 - (b) a report on all consultations between the operator and relevant authorities and other relevant interested persons and organisations in the course of developing the environment plan;
 - (c) a list of all incidents that are classified as reportable incidents in relation to the activity.
 - (2) The environment plan must classify an incident as a reportable incident if —
 - (a) it could arise from the activity; and
 - (b) it has the potential to cause an environmental impact that is classified, under the environmental risk assessment process described in the environment plan, as moderate or more serious than moderate.

POLICY IMPLICATIONS

It is recommended that Council requests the Chief Executive officer to develop a policy in that provides a guideline for Council and the Shire's consultation with relevant parties in relation to mining, petroleum and geothermal energy resources activities. The policy should aim to ensure that local considerations are taken into account when preparing the Environmental Plan and Implementation Strategy so as to ensure the related activities are undertaken in a responsible manner having regard for local and regional values.

In this regard it is recommended that the policy provide support to the extraction of natural resources including mining and petroleum and geothermal energy resources where:

- a.) The applicant has consulted with the relevant people directly affected with regards to land use rights and or compensation.
- b.) The applicant / DMP has undertaken community consultation through community forums outlining what the potential impact on the specific area will be and any of the relevant considerations further outlined in this policy.
- c.) the applicant should outline any potential benefits to the local economy;
- d.) there are no detrimental impacts on the public health and drinking water areas (in this regard Council will accept the position of the Environmental Protection Authority, Department of Health, and/or the Department of Mines and Petroleum);
- e.) Environmental matters have been taken into account and best practice mitigation strategies adopted (in this regard Council will accept the position of the Environmental Protection Authority, Department of Water, and/or the Department of Mines and Petroleum);
- f.) Ensure that the impacts on Council Infrastructure are adequately compensated for in the immediate and future life of that asset and that the full costs are recovered for any additional infrastructure required.

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr DM Male

Seconded: Cr C Mitchell

That Council notes the petition and requests the Chief Executive Officer to prepare a policy on mining, petroleum and geothermal energy resource extraction in line with Council's previous resolution on the matter.

CARRIED UNANIMOUSLY 8/0

Attachments

Nil

8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

The Chief Executive Officer advises that there are matters for discussion on the agenda for which the meeting may be closed, in accordance with section 5.23(2) of the *Local Government Act 1995*.

9.1.2 HEADS OF TERMS- BROOME INTERNATIONAL AIRPORT DRAINAGE AGREEMENT

Item 9.1.2 and any attachments are confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting".

9.

**REPORTS
OF
OFFICERS**

Chairperson: Date:

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.

The Chairman advised of a revised Report Recommendation that had been circulated prior to the meeting:

With regard to Item 9.1.1 Cr D Male declared a Financial Interest as “two of the applicants are clients of my business” and departed the Chambers at 5:20pm.

With regard to Item 9.1.1 Cr C Mitchell disclosed that “ I have an association with 3 of the applicants being Chelonia (I am a member of a similar group) Native Animal Rescue Broome (being co-ordinator of group, I receive no financial remuneration) Broome Men’s Shed (secretary – no remuneration). 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.”

9.1.1 COMMUNITY SPONSORSHIP PROGRAM ANNUAL FUNDING ROUND

LOCATION/ADDRESS:	Nil
APPLICANT:	Various as outlined in confidential attachment
FILE:	FIS06
AUTHOR:	Youth and Community Development Officer
CONTRIBUTOR/S:	Manager Community Development
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	3 March 2015

SUMMARY: This report presents to Council the Community Sponsorship Assessment Working Group’s recommendations for funding for the 2014/15 Community Sponsorship Program annual funding round.

It is proposed that Council allocates funds from the Shire’s Community Sponsorship Program account and the Energy Developments Ltd (EDL) West Kimberley Community Donation Reserve Account to the 2014/15 Community Sponsorship Program as recommended by the Community Sponsorship Assessment Working Group in accordance with the confidential attachment which will be distributed under separate cover.

BACKGROUND

Previous Considerations

OMC 14 February 2008	Item 9.2.3
OMC 5 June 2008	Item 9.2.1
OMC 26 August 2008	Item 9.2.2
OMC 23 October 2008	Item 9.2.2
OMC 2 September 2009	Item 9.2.4
OMC 28 October 2010	Item 9.2.12
OMC 27 October 2011	Item 9.3.6
OMC 15 March 2012	Item 9.1.1
OMC 6 September 2012	Item 9.1.5
OMC 21 March 2013	Item 9.1.2
OMC 15 August 2013	Item 9.1.3
OMC 19 September 2013	Item 9.1.1
OMC 27 March 2014	Item 9.1.1

Chairperson: Date:

The Community Sponsorship Assessment Working Group (CSAWG) is a formal working group established by Council to undertake assessment of community sponsorship applications and makes recommendations for funding to Council. The members of this working group are Cr Chris Mitchell, Cr Mark Manado, Cr Desiree Male, Cr Harold Tracey and Cr Philomena Lewis.

The Shire's Community Sponsorship Program (CSP) is available annually for community not-for-profit organisations to apply for funding that supports community projects and events.

The Community Sponsorship Program consists of five funding categories as outlined in the table below:

	Sponsorship Category	Timeframe	Annual allocation	Funded by	GL code
1	Shire of Broome annual community sponsorship	Annual	\$40,000	Shire of Broome	22172
2	Energy Development Limited West Kimberley community donations	Annual	\$80,000	Energy Developments Limited	22173
3	Shire of Broome ad hoc community sponsorship	Ad hoc	\$5,000	Shire of Broome	22172
4	Shire of Broome venue hire sponsorship	Ad hoc	\$5,000	Shire of Broome	22172
5	Broome North community building grants	Ad hoc	\$5,000	Landcorp	22172

This report seeks Council's consideration of the allocation of funds distributed through the annual funding round, as listed in rows 1 and 2 of the above table. Ad hoc funds are distributed throughout the year with delegated authority to the Chief Executive Officer to approve applications after consultation with the CSAWG.

The annual community sponsorship program is available once per year, with up to \$10,000 available per application to a maximum of 50% of total project costs.

The CSAWG considers recommending projects where the applicant has satisfactorily addressed the community sponsorship guidelines and the applicant has received no more than \$10,000 over the previous three (3) years of funding through the Shire's CSP.

On 13 December 2011, the Shire of Broome signed a Memorandum of Understanding (MOU) with Energy Developments Limited (EDL) approved at the Ordinary Meeting of Council held on 29 September 2011, (Item 9.3.2). The MOU outlines an agreement whereby funding of \$400,000 is allocated to the Shire of Broome. These funds are held in reserve to be distributed over a period of 15 years. Up to \$80,000 is available per year for community driven projects that fit within the EDL guiding principles as determined by the Shire.

A reserve account was established as part of the 2013/14 budget process for any surplus funds from the Shire's budgeted community sponsorship allocation. The current balance

Chairperson: Date:

of this reserve following the 2014/15 funding round is \$11,687 to be distributed at the discretion of Council upon recommendation from the working group.

COMMENT

Submissions for the 2014/15 annual funding round were received between 20 October 2014 and 30 January 2015. Officers held an information session in November 2014 which was attended by over 30 potential applicants. A total number of 24 applications were received requesting a sum of \$149,322 in funding from an available round of \$120,000.

The Community Sponsorship Assessment Working Group met on 24 March 2015. Applications for the 2014/15 Community Sponsorship Annual Program and EDL West Kimberley Community Donations were assessed by the working group in line with the guidelines. The Community Sponsorship Program Applications Assessment document (Confidential Attachment) will be distributed under separate cover following the meeting.

In 2012, Council also resolved to enter into three year Memorandum's of Understanding (MOU's) with the following community organisations for annual sponsorship:

- | | |
|--|----------|
| - Broome Aboriginal Media Association – Kimberley Girl | \$4,000 |
| - Broome Aboriginal Media Association – NAIDOC Week | \$10,000 |
| - Kullarri Patrol – annual operations | \$20,000 |
| - St Mary's College – Taiji Cultural Exchange | \$5,000 |

These MOU's are due to expire in 2015 and were presented to the CSAWG for consideration along with three additional requests for longer term MOU's from:

- Broome Relay for Life
- Kyle Andrews Foundation
- Broome Over 50's Senior Citizens Club

Given that several of the above projects meet the objectives of EDL's guiding principles, Officers propose to seek feedback from EDL regarding the possibility of three year agreements. Officers will present a report to Council in April incorporating feedback from the CSAWG and EDL for Council's consideration.

This report seeks Council's endorsement of the recommendations of the CSAWG in the Confidential Attachment which will be distributed under separate cover.

CONSULTATION

Applications and guidelines were available via the Shire of Broome website, in hard copy from the Shire's Administration Office and by contacting the Youth and Community Development Officer.

The CSP was advertised on the Shire of Broome website, in the Shire News, through radio advertisements, and a direct marketing email campaign to the Shire's community database.

A funding workshop was held in November 2014 with over 30 community representatives in attendance.

Input, feedback and recommendations were sought from Shire officers with a particular expertise relating to individual applications. This information was presented to the CSAWG as part of the assessment summary pack.

STATUTORY ENVIRONMENT

Nil

Chairperson: Date:

POLICY IMPLICATIONS

Policy 5.1.5 Community Sponsorship Program

FINANCIAL IMPLICATIONS

As outlined in the Confidential Attachment.

STRATEGIC IMPLICATIONS

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

Effective communication

High level social capital that increases community capacity

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

Effective community engagement

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

For Council's consideration.

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr M Manado

That Cr D Male be allowed to return to the Chambers and participate in the voting on this item.

CARRIED UNANIMOUSLY 7/0

Cr D Male returned to the Chambers at 5.22pm.

COUNCIL RESOLUTION:

(REVISED REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr ML Lewis

That Council;

- 1. Approves the distribution of \$69,759 (as detailed below) for the 2014/15 Annual Community Sponsorship Assessment Working Group (as contained in the confidential attachment) with;**
 - (a) the amount of \$21,730 to be allocated from the Community Sponsorship Program Account;**
 - (b) the amount of \$48,029 be requested for distribution from the EDL Sponsorship Program Operating Expense account as required under the**

Memorandum of Understanding for projects recommended.

2. ***Requests the Chief Executive Officer to provide a report to council regarding the renewal of existing and proposed new multi year memorandums of understanding.***
3. ***Requests the Chief Executive Officer to include as part of this report a recommendation on the allocation of remaining funds to the community sponsorship reserve.***

CARRIED UNANIMOUSLY 8/0**Attachments**

1. Confidential Attachment

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(e)(iii) as it contains “information about the business, professional, commercial or financial affairs of a person”.

This item and any attachments are confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”.

9.1.2 HEADS OF TERMS- BROOME INTERNATIONAL AIRPORT DRAINAGE AGREEMENT

LOCATION/ADDRESS:	Lot 1648, Lot 9000, Reserves 18149, Reserve 38702, Reserve 50900 and Coghlan St Road Reserve
APPLICANT:	Nil
FILE:	FRE-1/Lt1653, FRE-1/GEN-DRAIN, RES 18149, RES 38702
AUTHOR:	Director of Engineering Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	9 March 2015

SUMMARY: Negotiations have been progressed with Pearl Coast Properties regarding the formalisation of the Heads of Terms Agreement which will resolve all outstanding drainage and land tenure issues at Broome International Airport. The Heads of Terms for the Broome International Airport Drainage Agreement is presented to Council for endorsement.

COUNCIL RESOLUTION: (REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr H Tracey

That Council:

- (a) Endorses the attached Heads of Terms for the Broome International Airport Drainage Agreement.**
- (b) Authorises the Shire President and Chief Executive Officer to engross the Heads of Terms for the Broome International Airport Agreement.**

CARRIED UNANIMOUSLY 8/0

Attachments

- Original Drainage Licence (*Confidential to Councillors and Directors Only*)
This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”.
- KBR Drainage Design (*Confidential to Councillors and Directors Only*)
This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”.
- Drainage Licence & Encroachment Plans (*Confidential to Councillors and Directors Only*)

Chairperson: Date:

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”.

4. Heads of Terms- Broome International Airport Agreement - Confidential (Confidential to Councillors and Directors Only)

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”.

5. Heads of Terms- Broome International Airport Agreement Drawings- Confidential (Confidential to Councillors and Directors Only)

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”.

6. Broome International Airport Drainage Study (Confidential to Councillors and Directors Only)

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”.

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.

Chairperson: Date:

With regard to Item 9.2.1 Cr D Male disclosed that “I have an association with an opposition business who is a client of my 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.”

9.2.1 PROPOSED SIGNAGE LOT 61 FREDERICK STREET

LOCATION/ADDRESS:	LOT 61 (NO.36) FREDERICK STREET, BROOME
APPLICANT:	AUSTRALIAN FITNESS MANAGEMENT PTY LTD
FILE:	FRE-1/36
AUTHOR:	Planning Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Development Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	16 March 2015

SUMMARY: An application to install 28sqm of ‘wall’ signage in association with a ‘Recreation – Private’ (Gym) land-use was submitted by Australian Fitness Management Pty Ltd 6 January 2015. The signage is intended to serve both an advertising and privacy screening purpose for the activity which is to be operated on a 24hr basis within an existing tenancy on-site.

The application is referred to Council as the applicant is seeking a variation to the Shire's Signs Local Planning Policy 8.17 - Signs (LPP 8.17).

This report recommends that the signage as proposed be approved subject to conditions.

BACKGROUND

Previous Considerations

OMC 15 March 2007 Item 9.3.2

Site and Surrounds

The subject site (2000.098sqm) is located within the 'Town Centre' zone and is positioned on the northern side of Frederick Street. Development on the lot consists of a 500sqm commercial building comprising four separate tenancies, hardstand car parking bays and landscaping. The site as a whole enjoys vehicle access via a cross-over onto Frederick Street.

The site has had various approvals issued over time, include applications for signage, and is approved to be used for a mix of office and retail land uses.

Description of the Proposal

The application proposes the installation of 28sqm of 'wall' type signage as defined under the Shire's LPP 8.17. Specifically, of the total 28sqm of signage proposed:

- 12sqm will be installed upon the 'fascia' below the roof-line fronting Frederick Street; and
- 16.5sqm of signage (to serve both an advertising and privacy screening purpose) is to be installed upon the front windows and entry doors of the Frederick Street elevation.
- The signage, when placed on the front wall elevation, will be setback approximately 30 meters from Frederick Street.

The signage has been described by the applicant as a type of print, which when installed on the windows will present a glazing effect to allow for external light to enter the premises during the day, whilst also providing screening of activity within the gym when operating at night.

In total three signs are proposed, the front entry sign, the fascia sign and front window sign and in total will accommodate approximately 24% of the wall area of the tenancy.

Full elevations of the sign can be viewed in **Attachment No 1**.

Local Planning Scheme No.6

The proposed 'Recreation – Private' land-use is defined under Schedule 1 of the Scheme as 'premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge'. As contained in the zoning table, a 'Recreation – Private' land-use is a 'P' or 'permitted' use within the 'Town Centre' zone, and accordingly, planning approval for the proposed land use is not required.

Local Planning Policy 8.17 - Signs

LPP 8.17 defines a 'wall' sign as a sign attached to or painted on a wall. Under LPP 8.17 a wall sign may occupy a maximum area of 20% of the wall to which it is attached or 4sqm, whichever is the lesser.

A maximum of four signs may be considered for any one property, to be installed within the property boundary.

The application is seeking the following variations to LPP 8.17:

- Installation of a wall signs of 28sqm instead of 4sqm.

COMMENT

The current application proposes to install signage and screening with a surface area of 28sqm. With regards to the wall sign, the proposal in its current form will cover a total of fifteen window and door panels. It could however be argued that only the panels that includes the Plus fitness 24/7 logo are considered signs for the purpose of the policy and that the other panels are only covered to ensure privacy screening is provided for gym users on the inside.

If this argument is accepted it means that the wall signs will be compliant with the policy and that only the fascia sign will exceed the maximum size provided for under LPP 8.17. As set out under Clause 2.3.2 of the Scheme, consideration may be given to an application that seeks to vary the requirements of a Local Planning Policy, on the basis that it can be demonstrated that such a variation will not be contrary to the overarching objectives of the policy.

With reference to the objectives of LPP 8.17 set out in *Policy Implications* below, the signage as proposed:

- will be sited, designed and of a general appearance that is not expected to detract from visual amenity and character. Due to the 30 metre setback of the subject wall and fascia from Frederick Street, and the presence of adjoining development to the east (an existing building is positioned approximately 16m forward of the subject wall); the signage will be both set back and effectively screened so as to limit impacts upon streetscape amenity.
- signage on the site in relation to the proposed land-use will be limited to the wall signage as detailed in the application, and therefore is not deemed to result in the proliferation of signs.
- the scale, colour, and quality of the signage is not considered likely to present visual amenity impacts, particularly given the setback of the signage from the street and the screening to be afforded via existing, adjoining development to the east.

Further LPP 8.17 has a number of performance criteria which the application could be assessed against as set out below:

Performance Criteria

Size - *Is in keeping/scale with the development or site on which it is proposed:*

- Though more than 4sqm of signage is proposed in total, it is believed the window and front entry signage (comprising 16sqm including privacy screening) will be effectively screened from the street by shading and its position beneath the awning of the building.
- The window and front entry signage may also be justified with reference to the privacy screening role it will serve.

Chairperson: Date:

- The fascia sign, comprising 12sqm, will effectively be the primary sign visible from the street and this sign, though larger, will be in keeping with existing signs on-site with respect placement on the fascia and the dimensions of the design (1.0m height).

Colour and shape - is complementary to the development and surrounding landscape.

- The shape of the proposed fascia sign is considered consistent with, and complementary to, the existing fascia signs on the commercial building on-site. The proposed window and front entry signage will be integrated into the building design whilst also providing privacy for patrons.
- There are no concerns with respect the proposed colouring of the sign insofar as it is not expected the colours will impact adversely upon amenity. The proposed colours may be considered to offer vibrancy to the existing built-form and prevailing streetscape without being so bold as to be detrimental.

Number - There is not an excess of signage that detrimentally impacts on visual amenity.

- The policy allows for up to four signs per premises in total. This would mean that the wall signs together with the fascia sign might be considered to exceed the maximum number provided for under the policy, however considering the nature of the signs and the size it is recommended that the additional signs be approved.

Location - The location is sympathetic to the existing landscape /streetscape &

Design - The scale and form of the sign complements the building /development and does not obstruct key architectural features.

- The signage will be effectively integrated into the building design with 16sqm of signage to be installed upon the wall and windows beneath the awning of the building, which should ensure shading and screening of the signage from the street.
- The proposed design and placement of the fascia sign will be sympathetic to the placement and shape of existing signs on the fascia of the building.
- The signage as proposed will not obstruct any architectural features of the building, and will utilise the shading afforded by the awning design to effectively screen the signage from the street.

The sign is affixed in a way that causes no damage to the building and can be removed without leaving evidence of having been affixed.

- The proposed window and front entry door signage will be affixed in a way that will not cause damage to the building and can be removed without evidence of having been affixed. The proposed fascia sign will be affixed in a similar style to existing fascia signs on-site and should not cause damage to the building.

Overall it is considered that the performance criteria is satisfied for the following reasons:

- the signage will be of a scale that is proportionate to the street elevation of the commercial building on-site and is not considered likely to present adverse amenity impacts;
- the design and colour of the signage is complementary to the development and surrounding landscape;
- the location of the signage is sympathetic to the existing streetscape and compliments the development without obstructing any architectural features; and
- the building is not listed on the register of heritage places or on the Shire's Municipal Inventory.

It is noted that recent Council approval of signage for Mitre 10 at No.4 Short Street, (26 February Ordinary Meeting of Council), involved consideration for mitigation of impacts upon streetscape as it was demonstrated that the proposed signage would be setback appropriately from the street. Similarly, the current application has demonstrated that the potential impact on streetscape amenity will be mitigated via the setback of the sign some 30m from the street, with additional screening to be afforded via building design.

The application has been shown to be supportable with consideration for relevant matters under the Scheme and LPP 8.17 as set out above.

Accordingly, the application is recommended for approval.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

POLICY IMPLICATIONS

LOCAL PLANNING POLICY 8.17

1. *Coordinate and control signage within the Shire of Broome;*
2. *Ensure that the siting, design and general appearance of advertising does not detract from the visual amenity and character of the Shire;*
3. *To avoid a proliferation of signs on individual sites and buildings;*
4. *To ensure the architectural style of the building is considered in the design and placement of an advertising sign;*
5. *Ensure that the scale and colour of the sign is appropriate to the size of the building;*
6. *To improve the quality of advertising signs and their overall visual impact;*
7. *Define which signs are exempt from the requirements to obtain planning approval.*

Chairperson: Date:

INTERPRETATIONS

The following definitions relate directly to the application of this Policy

"Wall" - is the vertical external face of a constructed building comprising solid building material and includes any openings (windows/doors) but does not include a fence. A building may consist of several walls each wall being defined by a clear edge at which the angle of alignment of the adjoining wall changes.

POLICY STATEMENT

Sign Definitions:

"Wall Sign" - is a sign attached to or painted on wall. The following provisions apply:

- Maximum area of 20% of the wall to which it is attached to or 4 sqm, whichever is the lesser.*

FINANCIAL IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

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

Participation in recreational activity

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

A preserved, unique and significant historical and cultural heritage of Broome

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr M Manado

That Council approves application for Planning Approval for Wall Signage at Lot 61 (No.36) Frederick Street, Broome, subject to the following conditions:

- 1) Development must be carried out in accordance with the plans stamped received and dated 6 January 2015 submitted with the application as approved by Council.**

CARRIED UNANIMOUSLY 8/0

Attachments

1. Plans - Application for Signage Lot 61 Frederick Street

Chairperson: Date:

With regard to Item 9.2.2 Cr M Manado disclosed that “I have an association with Yawuru PBC as an ordinary member. As a consequence there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

With regard to Item 9.2.2 Cr P Matsumoto disclosed that “I have an association with Lot 222, 52 Robison Street Broome. As a consequence there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

With regard to Item 9.2.2 Cr A Poelina disclosed that “I have an association with 12 Pembroke Road Broome. 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 LOCAL PLANNING POLICY - STRUCTURE PLAN AND SUBDIVISION STANDARDS

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	PLA08
AUTHOR:	Senior Planning Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Development Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	10 March 2015

SUMMARY: This report recommends that Council adopts a draft Local Planning Policy – Structure Plan and Subdivision Standards, for the purpose of public advertising. The draft Local Planning Policy will establish a framework for the preparation and assessment of structure plans and applications for subdivisions within the Shire of Broome. The Policy outlines variations to state planning documents specific to local Broome conditions.

This report further recommends that an extended stakeholder engagement period be undertaken, in accordance with the proposed Community Engagement Plan.

BACKGROUND

Previous Considerations

Nil

Background

Structure Plans (previously termed Development Plans under Town Planning Scheme No 4) provide a framework for the coordinated provision and arrangement of future land use, subdivision and development in proposed new urban areas, or in existing urban areas where carefully coordinated redevelopment is necessary. Structure Plans are required to be prepared to guide the subdivision and development of land zoned 'Development' and the specific requirements for the preparation, assessment and operation of Structure Plans are contained in Clause 5.24 – 5.30 of Local Planning Scheme No 6 (LPS6).

In 2007 the Western Australian Planning Commission (WAPC) adopted Liveable Neighbourhoods (LN) which is the principal operational policy for the design and assessment of structure plans and subdivisions for new urban areas, on greenfield and large urban infill sites. LN replaces issues-based policies with an integrated planning and assessment policy for the preparation of structure plans and subdivision layouts across Western Australia.

LN provides objectives and requirements that must be addressed on eight planning elements, consisting of the following:

- Element 1 – Community Design;
- Element 2 – Movement Network;
- Element 3 – Lot Layout;
- Element 4 – Public Parkland;
- Element 5 – Urban Water Management;
- Element 6 – Utilities;
- Element 7 – Activity Centres and Employment; and
- Element 8 – Schools.

Further in August 2012 the WAPC released Structure Plan Preparation Guidelines (the WAPC Guidelines) with the objectives of standardising the scope, format and content of structure plans, defining the statutory and non-statutory elements of structure plans, detailing information requirements and encouraging pre-lodgement consultation. The WAPC (who are also a determining body in the Structure Plan process) require that all Structure Plans are prepared in accordance with the Guidelines across Western Australia.

While these documents have improved the Structure Planning process in Western Australia, the assessment of previous Structure Plans submitted to the Shire have highlighted the need to develop a Policy which establishes matters that must be addressed differently to reflect Broome's unique environment, culture and character. The proposed draft Local Planning Policy was therefore prepared to clearly set out specific matters which need to be addressed in the Structure Planning process in Broome, particularly for the following planning elements:

- The critical role stormwater has on urban design;
- Public Open Space distribution and allocation;
- Roads (orientation, reservation and pavement widths);
- Designing for climate (breeze movements and orientation of lots); and
- Incorporating cultural elements into urban design.

The LPP aims to achieve the following strategies and actions identified within the Corporate Business Plan 2013/2017 (applicable at that time):

Encourage building design that is climatically responsive, energy efficient and appropriate for the Broome lifestyle.

Promote water sensitive urban design.

Partner with regional and state agencies to prepare regional variations to the Residential Design Codes [Liveable Neighbourhoods] that recognise Broome's arid tropical climate and development costs.

COMMENT

Structure Plans play a significant role in shaping future communities, it is therefore critical that the Shire has suitable guidance to ensure appropriate development outcomes are achieved. The principal objective of the proposed Local Planning Policy – Structure Plan and Subdivision Standards (the draft LPP) is to outline variations to state planning documents specific to local Broome conditions. As LN is the key operational policy setting out planning elements to be addressed in Structure Plans, the draft LPP has been structured consistent with the design elements contained in LN.

The draft LPP also sets out specific information that must be submitted in Structure Plans above that required in the WAPC Guidelines. This has been included to ensure that appropriate information is submitted to enable assessment of Structure Plans. The adoption of the draft LPP would also provide assistance to consultants engaged to prepare Structure Plans who may not be familiar with Broome's unique characteristics. This is achieved through the inclusion of text boxes within the draft LPP which details background information and context to provide an understanding on the planning approach adopted in the Policy.

The draft Policy has been informed through stakeholder workshops held in 2013, where the key stakeholder contributed views on various planning elements. At this time Urbis were engaged to prepare draft guidelines, which have since been refined by Shire staff into this draft LPP. The section below outlines the key components of the Policy:

- **Section 1 – Application, General Provisions and Format of the Policy**

The section establishes where the draft LPP will apply, sets out that Structure Plans are to be prepared consistent with the WAPC Guidelines and LN (except where varied by the Policy) and details the format of the Policy.

This section outlines the additional information sought to be included in Structure Plans above that required in the WAPC Guidelines. The LPP has been drafted to require these additional planning matters to be shown to ensure they can be appropriately assessed at the Structure Plan stage and also to provide adequate direction to subsequent subdivision applications. In summary these include:

- Position, orientation of all roads due to the stormwater function they perform and to allow assessment of the urban form and whether adequate breeze movements would be delivered;
- Indicative lot orientation to assess ability for future house construction to achieve optimal solar orientation outcomes.
- Size and distribution of all forms of Public Open Space (POS) to ensure appropriate integration with residential areas.

The inclusion of these elements into a Structure Plan will not increase the amount of work to be undertaken at this stage of the planning process. This is because these elements would already have to be known for a proponent to be in a position to prepare the technical appendices (i.e. the location and design of the roads are required to calculate stormwater details in a Local Water Management Strategy, the number of lots are required to calculate traffic volumes to prepare the Traffic and Transport Management Strategy, etc). Further the identification of these elements would assist to provide clearer direction to the subsequent subdivision applications, streamlining this stage of the planning process.

The headings below provide a description of the additional information sought:

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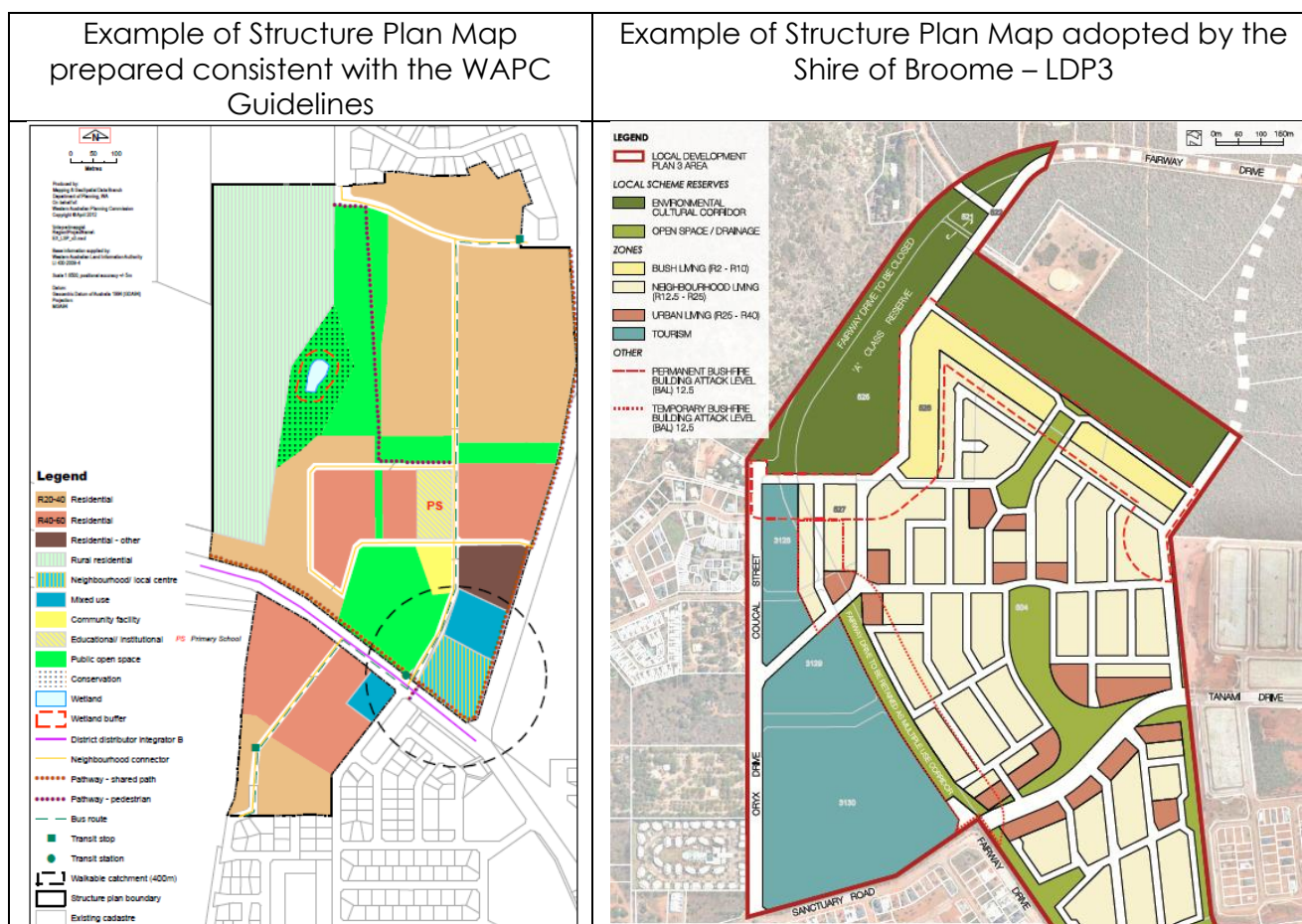
Structure Plan Map

Draft clause 1.4 of the Policy requires that the Structure Plan map includes additional planning matters. The Structure Plan map forms part of the statutory section of the Structure Plan and is one of the critical operational components of a Structure Plan. These additional planning matters are shown below together with the reasoning for why it should be shown:

- (i) The location and orientation of all streets, including local access streets;

The WAPC Guidelines only require the primary distributor, integrator arterials and key neighbourhood connectors be shown on the Structure Plan map. While this may be appropriate in some metropolitan settings, the location and orientation of local access street must be established and assessed at the Structure Plan stage to ensure climate responsive design is delivered.

The table below shows the level of detail that would be included on a Structure Plan Map prepared consistent with the WAPC Guidelines in comparison to the level of detail included on LDP3. This highlights the lower level of detail of the Structure Plan map if the local access streets are not included.



- (ii) The location of all POS areas;

The WAPC Guidelines only require regional and district level POS or POS areas that perform critical secondary functions such as drainage, conservation or ecological linkages be shown on the Structure Plan map. This is considered an inadequate level of detail for a Structure Plan and would result in all local and neighbourhood parks not being shown as

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such on the principal statutory plan. It is therefore recommended that the Policy requires that the location of all POS areas is shown on the Structure Plan map.

Part Two

Part two is the non-statutory (explanatory) component of the Structure Plan that contains an explanation of the Structure Plan, including the methodology, relevance and compliance with the state and local planning frameworks. It also contains all supporting plans and maps. It is proposed that the Policy requires the following additional information to be included under Part Two:

- (i) An indicative subdivision layout showing the road network, proposed lot orientation, public open space, land use/density and other relevant information consistent with Part 1 Structure Plan Map and associated statutory provisions.

Given the relevance that lot orientation can have on delivering climate responsive development, it is requested that an indicative subdivision layout be incorporated into the Structure Plan. Inclusion of such a plan will give a greater understanding on whether the specific planning elements within Section 2 of the draft Local Planning Policy can be achieved in the delivery of the Structure Plan.

- (ii) A summary of any of the supplementary technical appendices including their associated recommendations/findings and how those recommendations/findings have been reflected in Part 1 of the Structure Plan, or will otherwise be addressed.

Structure Plans are often supported by a series of technical appendices (including Local Water Management Strategies, environmental assessment and management strategies and so on). To assist with the interpretation of the findings, and also to ensure that the recommendations and findings are incorporated into the Structure Plan, it is recommended this form a requirement of Part 2.

• **Section 2 – Liveable Neighbourhoods - Variations and Additions**

This section of the Policy will set out variations to Liveable Neighbourhoods or will establish additional planning matters to be addressed to ensure that subdivision and development is planned and designed to meet local conditions. Also, as set out above, this section incorporates text boxes with explanatory text to provide background and context to the Policy provisions and to give a greater understanding of local Broome characteristics.

This section is structured consistent with the elements and headings under LN and will either 'amend' or provide 'additional provisions' to the specific requirements in this document. The Policy will seek to provide direction on the following elements:

- Movement network, particularly street widths and road pavement widths;
- Lot layout;
- Public parkland, particularly the size and distribution of POS, the amount of land to be ceded as POS and development standards for POS areas;
- Urban water Management.

The justification for each of these aspects is set out below:

Movement network

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Street design and layout in Broome is important as it has an influence on character that is delivered in urban areas. Broome's existing urban areas are characterised by wider road reserve and road pavement widths. Not only do these features impact upon the character of urban areas they also facilitate stormwater management, the movement of breezes and allow for the establishment of landscaping and informal parking.

Element 2 of LN provides the direction on the design of movement networks. LN establishes a series of tables and cross-sections for different road types which provide indicative street reserve and road pavement widths. The draft LPP seeks to amend portions of Table 4 to provide minimum widths (as opposed to indicative) and will also provide updated cross-sections to clarify these changes.

The key difference between the draft Policy provisions and LN are:

- Local access streets are to have a minimum of 18m road reserve width (as opposed to 14.2) and minimum road pavement of 6m (as opposed to 5.5 – 6m).
- Design standards have been included for local access streets adjacent to POS areas. A road type for this is not provided in LN and the policy allows for a reduced reservation width (due to it being next to POS) and reduced road pavement (5.5m) with a requirement for embayed parking (2.5m).
- Major Access Street (standard) are to have a minimum of 20m wide road reserve (LN allows for 18m) with minimum 7.4m wide road pavement (LN allows 7.2m).

These changes will be consistent with the road reservation widths and road pavements adopted by Council for Broome North.

As set out above, the slight increase in road reservation widths would ensure that the open character experienced in existing urban areas in Broome is maintained and also would assist in delivering climate responsive design through facilitating breeze movements. The increased road pavement width of 7.4m (a 0.2m increase to that in LN) is recommended to accommodate future bus movements through urban areas and also to facilitate the use of the road pavement for the parking of vehicles. A minimum of 6m pavement width is recommended for local access street (LN allows for as low as 5.5m with the agreement of the local government) because a 5.5m wide pavement is too narrow, would impact upon character and the ability of roads to accommodate stormwater.

Lot layout

LN provides detailed specifications and guidance for lots south of latitude 26, however it only provides the following direction for lots north of latitude 26:

for subdivisions north of latitude 26, lots should be shaped and orientated to enable the dwellings built on them to take advantage of micro-climate benefits, particularly cooling breezes, shading and canopy protection.

The draft LPP seeks to provide additional direction to inform the layout and orientation of lots. Inclusion of the provisions is proposed to ensure that the overall orientation and lot size facilitates movement of breezes throughout urban areas and also achieves shading principles to deliver climate responsive development.

Public Parkland

Element 4 of LN provides controls on POS and has a number of requirements which must be addressed which in summary include the following:

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- Amount of public open space (being 10% of gross subdivisible area and the proportion of which can be restrictive or unrestrictive open space);
- The different hierarchy of public parkland which includes:
 - Regional Open Space;
 - Foreshore Reserves;
 - Local Parks;
 - Neighbourhood Parks; and
 - District Parks.
- Requirements for frontage and surveillance of public parkland;
- Integrating stormwater and public parkland;
- Development of POS.

In essence, LN provides direction on the amount of land to be ceded as POS and the distribution of types of POS throughout an urban area. LN establishes that it is the developer's responsibility to develop the open space areas, however does not provide direction on what levels of service/facilities are to be included in the POS.

LN also has a provision which provides a regional variation to POS and sets out that, subject to the support of the local government, the WAPC may accept a POS contribution of minimum of 5% providing:

- The POS is developed to a minimum standard;
- Adequate areas are provided elsewhere for drainage and flooding, particularly overland flow; and
- The POS area ceded does not include any restricted use open space.

The draft Local Planning Policy will seek to apply the regional variation mentioned above and also vary the following requirements in LN:

- Vary the size of different hierarchy of public parkland types and remove the requirement that the different types of POS are to have overlapping catchments; and
- Include provisions which establish what facilities/services are to be included in the different types of POS areas;

These changes would deliver larger more usable portions of POS, will ensure adequate distribution of parkland and would balance ongoing maintenance implications. The application of the regional variation within LN would result in adequate land being ceded and would also ensure that when POS areas are ceded they are off-line from the drainage network.

The rational and intention of each of the changes is set out below.

Size and Distribution of POS

The impact of applying the type and distribution of POS promoted in LN has resulted in a large number of small pocket parks that have limited practical use for passive or informal forms of recreation. Although the model generally improves accessibility to residences, it can be at the expense of larger more flexible spaces. As has been experienced in Broome North LDP1 this model of distribution of POS areas has resulted in an increase in maintenance costs to the Shire of Broome.

The draft LPP seeks to vary the provision of LN as shown the table below:

	Liveable Neighbourhoods	Shire of Broome LPP
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	Size	Distribution	Size	Distribution
Local	Up to 3,000 m ²	150 - 300m	5,000m ² – 1ha	300m
Neighbourhood	3,000 – 5,000 m ²	400m walking distance and serving 600 – 800 dwellings	1ha – 3.0ha	Serving 600 – 800 dwellings
District	2.5ha – 7ha	600m to 1km serving 3 neighbourhoods	3.0ha +	In accordance with DDP, LP Strategy or Recreation Strategy

It is proposed to increase the size of the different types of parks so the POS areas created are capable of accommodating informal active recreational pursuits. This would also reduce maintenance costs to the Shire of Broome through reduced mobilisation of plant and equipment and would also deliver efficiencies as larger spaces would require less man-hours to maintain than smaller dispersed spaces. Also, through the adoption of the regional variation to the amount of POS to be contributed, each of the abovementioned parks would be off-line from the drainage network. This would deliver spaces capable of being used at all times, spaces that would be relatively flat and would overcome issues where lawn areas are impacted by ponding of water and silt dropout.

LN also promotes that the distribution or 'catchments' for each of the types of POS overlap. The Policy proposes a variation to this and seeks that where Neighbourhood Open Space is provided Local Open Space is not required to be provided within a 400m walkable distance. Also the catchment size proposed for Local Parks is proposed to be 300m as opposed to LN which establishes a range of 150m – 300m.

It must be noted that the above changes will not increase the amount of land required to be ceded for POS, the provisions would adjust how POS distributed throughout an urban area.

Overall the different approach to LN is considered to deliver an appropriate distribution of POS, create spaces which are usable and reduce maintenance implications to the Shire of Broome. The proposed changes to the distribution of POS network would result in distribution of parks in line with the recently adopted LDP3.

Amount of land to be ceded as POS

As set out above, LN requires that 10% of the gross subdivisible area be ceded as POS. Of the 10% POS contribution, up to one-fifth of the portion of land can be restrictive use open space. Restrictive use open space under LN includes land which is used for urban water management measures where the area is subject to inundation more frequently than a one year average recurrence interval and areas required to accommodate up to a five year ARI event.

Requirement R34 allows for a regional variation to the amount of land to be ceded and states the following:

Subject to the support of the local government the WAPC may accept a public open space contribution to a minimum of five per cent of the gross subdivisible area providing:

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- the public open space is designed, developed and located for the widest possible use of the community, including meeting, recreation, leisure, entertainment;
- the public open space is developed to a minimum standard including full earthworks, basic reticulation, grassing of key areas, pathways that form part of the overall pedestrian and/or cycle network and maintenance for two summers, in accordance with a landscaping plan approved by the local government;
- adequate areas are provided elsewhere for drainage and flooding, particularly overland flow;
- public open space is readily available in the community that can be used at all hours of the day or night; and
- does not include any restricted use public open space.

The Policy proposes that the Shire of Broome adopts this regional variation so that developers are required to contribute 5% of the gross subdivisible area, as opposed to 10% (note that this is only applicable where district open space does not form a part of the Structure Plan area). When this regional variation is applied, in-lieu of the additional land area that ordinarily would have had to be ceded it is proposed that a 2% cash-in-lieu contribution is paid to the Shire. These funds can then be utilised for the improvement or development of lands for parks and recreation to ensure that residential amenity can be maintained and district level facilities are provided for.

While a reduction in the amount of land to be contributed as POS may appear as though the community would be underserved with open space, this is not considered the case when applied, particularly when larger more adaptable public open spaces are being created. The table below provide an example of how the Policy would have been applied to LDP1.

Liveable Neighbourhoods		Shire of Broome LPP	
Site Area	125.3ha	Site Area	125.3ha
Deductions		Deductions	
- Primary School	4.50ha	- Primary School	4.50ha
- Local Centre	1.43ha	- Local Centre	1.43ha
- Light and Service Industry	16.83ha	- Light and Service Industry	16.83ha
- ECC	25.34ha	- ECC	25.34ha
- Drainage Reserve	10.58ha	- Drainage Reserve	11.23ha
	(58.68ha)		(59.33ha)
Gross Subdivisible Area	66.62ha	Gross Subdivisible Area	65.97ha
Public Open Space @ 10%	6.66ha	Public Open Space @ 5%	3.3ha
May comprise:		N/A	
- minimum 80% unrestricted open space	5.33ha		
- maximum 20% restricted use open space	1.33ha		

Unrestricted Open Space: - Local park 1 - Local park 2 - Local park 3 - Local Park – civic - Neighbourhood park 1 - Neighbourhood park 2 - Neighbourhood park 3 - Neighbourhood park 4 - Multiple use corridor 1 - Multiple use corridor 2	0.06ha 0.21ha 0.32ha 0.16ha 0.97ha 0.50ha 0.51ha 0.45ha 1.94ha 1.04ha (6.169ha)	Unrestricted Open Space: - Local park 1 - Local park 2 - Local park 3 - Local park 4 - Neighbourhood park 1	0.65ha 0.51ha 0.60ha 0.54ha 1.00ha (3.3ha)
Restricted Open Space: - Multiple use corridor (drainage)	0.65ha	N/A	
Public Open Space Provision	6.81ha	Public Open Space Provision	3.3ha
Total amount of land ceded as POS and drainage	17.39		14.53

The below figure shows the distribution of parks in LDP1, through implementing the proposed Policy provisions the parks shown as Local Park 1, 3 and CP would be removed. While these parks may deliver an improved level of amenity to the immediate adjoining landowners, these parks are small, are high maintenance and are not effective in size to allow for informal active recreation. The four parks shown in the Figure below as Neighbourhood Parks (these would become Local Parks with the exception of NP1) would remain, albeit they would be slightly larger in size. MUC1 and MUC2 would not be required to be ceded and the park shown as LP2 would remain and be made larger in size.



Figure: Park distribution in LDP1 – Broome North.

Further, the Policy provisions set out that any areas to be used for drainage are to be developed consistent with the 'Multiple Use Corridor' typology, which would see these areas providing linear connections to the wider POS areas thus acting as green links and linear passive recreation lines between parks.

Development standards for POS areas:

While LN sets the size of POS types it is silent on how each form of open space is to be developed. It is proposed that this should be addressed in the Policy and it is currently drafted to require the following:

- Clearly set out that the Shire will require that POS areas are developed by the subdivider as a condition of subdivision approval (the only exception being district open space which is funded through developer contribution schemes).

Under DC Policy 2.3 Public Open Space, subdividers are required to cede 10% POS and it is the Shire's responsibility to develop and install the infrastructure within the POS land. This conventional approach has changed when the WAPC adopted LN which requires that it is the developer's responsibility for earthworks and landscaping of POS areas. While the WAPC has clearly outlined that through the preparation of LN it was proposed to supersede existing DC policies, this has not occurred yet. The Policy has therefore been drafted to clearly set out that it is the Shire's expectation that POS is developed by the subdivider/developer.

- Require that landscaping plans are submitted at the same time as subdivisional working drawings.
- Table 2 establishes required elements to be incorporated into the different type of parks and optional elements that can be proposed (subject to them being accepted from an asset management perspective).

These measures are proposed to provide guidance on how the Shire wants POS to be landscaped and developed in addition to the infrastructure to be included within the different forms of parkland.

Urban Water Management

The draft LPP seeks to incorporate provisions in addition to the requirements in LN. The Policy emphasises the importance of urban water management on planning for urban areas in Broome and proposes that the Local Water Management Strategy (LWMS) be prepared as the first part of the Structure Plan process and that it is submitted to the Shire and Department of Water as a part of the pre-lodgement consultation.

These provisions are proposed as urban water management is a primary consideration in planning because of the extreme wet season conditions. The draft LPP also emphasises that the urban water management network is generally the form giving element to new urban areas from which the rest of the layout and design elements should be applied.

• Section 3 – Developer Contributions

The draft Policy provision sets out that a section must be included in the Structure Plan outlining the current status of developer contribution plans, either operational or in preparation that would impact upon the Structure Plan area. This section is proposed to be included as it currently does not form a part of LN.

• Section 4 – Shire of Broome Addendum to IPWEA Guidelines to Subdivisional Development

This section of the Policy will set out variations to the Institute of Public Works Engineering Australia (IPWEA) and provides guidance on the following:

- establish minimum requirements for the design of civil works required to satisfy conditions of subdivision approvals.
- requirements for supervision of subdivision works, document specifications and actions required to be satisfied by the proponent prior to lodgement of subdivision clearance.

This section ordinarily would not be used in the assessment of Structure Plans and is principally administered by Engineering Services section of the Shire through the assessment of subdivisional working drawings and the supervision/clearance process.

It is proposed that the Addendum form part of this Policy so it is given the weight of an LPP and also so the Policy acts as a 'one-stop' for developers on all standards applicable to the subdivision of land process.

• Section 5 - Guidelines for the Design of Stormwater Drainage Systems

This section establishes guidelines for the design of stormwater drainage systems to address local conditions experienced in Broome. This is to be referenced in the preparation of LWMS in Broome (which are attached to Structure Plans) and also in the assessment of subdivisional working drawings.

• **Section 6 - Guidelines and Specifications for Reticulation Systems and Associated Works in Public Open Space Areas**

This section will establish guidelines and specifications for reticulation systems and associated works in public open space areas.

Similar to the above comments under Section 4, these Guidelines do not form part of the Structure Plan assessment process however are included so developers are aware of standards applicable to the subdivision of land process.

Other Policy Implications

In the development of this draft Local Planning Policy, a number of the existing Shire of Broome Policies were reviewed and the provisions were either updated or incorporated into the draft LPP, as a result it is recommended that if Council resolves to adopt the draft LPP then following the public consultation period that Council resolve to revoke some of the existing policies. The policy recommended to be revoked and the reasons are outlined below.

- *Local Planning Policy 8.1 – Provision & Development of Open Space Reserves Managed by the Shire of Broome*

This policy generally repeats the provisions of Liveable Neighbourhoods and has been reviewed in detail as a part of the preparation of this draft LPP and incorporated into Element 4 – Public Parkland.

- *Environment Policy 4.4.8 – Stormwater Management*

This Policy generally reflects the existing philosophies for stormwater management that is already contained in LN and through the WAPC Better Water Urban Management Guidelines (which are applied in the preparation of LWMS). Element 4 of the draft LPP proposes provisions in relation to Urban Water Management and further Section 5 – Guidelines for the Design of Stormwater Drainage Systems, provides direction specific to Broome's local conditions.

- *Environment Policy 4.4.6 – Water Conservation and Waste Water Reuse*

Water conservation and waste water reuse are already elements required to be addressed in LWMS through the Better Urban Water Management Guidelines. The draft LPP requires that LWMS are to be prepared consistent with this.

Summary

In summary, the draft LPP has been prepared to provide adequate guidance to proponents on the preparation of Structure Plans and subdivision applications to reflect local Broome conditions. The Policy has been informed through earlier workshops held with the industry and the experience of Officer's from the various departments at the Shire during the Structure Plan assessment process. It is therefore recommended that Council

adopt the draft Policy for the purposes of seeking public comment and endorses the Community Engagement Framework proposed.

CONSULTATION

A series of workshops were facilitated by Urbis with relevant industry bodies in May 2013. These findings and 'what makes Broome different' were incorporated into the draft Policy.

A copy of the draft Policy has been referred to the Department of Planning and preliminary discussions have been held. The Department advises that they will make a formal submission on the Policy during the consultation period.

Consultation Proposed

Under Clause 2.4.1 of LPS6, the minimum required consultation for a Local Planning Policy is the publication of a notice once a week for two consecutive weeks in a newspaper circulating within the Scheme Area. The minimum consultation period is 21 days.

Similarly the Shire of Broome LPP 8.23 Public Consultation – Planning Matters requires the same minimum level of public consultation however sets out that workshops with key stakeholders where deemed appropriate.

Also given the detail proposed in the draft Policy and the input provided in the previous workshops, it is recommended that a workshop is held with relevant industry representatives. This is set out in **Attachment No 2 - Community Engagement Framework**.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Local Planning Scheme No. 6

2.4 Procedures for making and amending a Local Planning Policy

2.4.1 If the local government resolves to prepare a Local Planning Policy, the local government:

- (a) is to publish a notice of the proposed Policy once a week for two consecutive weeks in a newspaper circulating in the Scheme area giving details of –
 - i. where the draft Policy may be inspected;
 - ii. the subject and nature of the draft Policy; and
 - iii. 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) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

2.4.2 After the expiry of the period within which submissions may be made, the local government is to:

- (a) review the proposed Policy in the light of any submissions made; and
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

2.4.3 If the local government resolves to adopt the Policy, the local government is to:

Chairperson: Date:

- (a) *publish notice of the Policy once in a newspaper circulating within the Scheme area; and*
- (b) *if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.*

2.4.4 *A Policy has effect upon publication of a notice under clause 2.4.3(a).*

2.4.5 *A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.*

2.4.6 *Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.*

POLICY IMPLICATIONS

Local Planning Policy 8.23 – Public Consultation – Planning Matters

Liveable Neighbourhoods

Liveable Neighbourhoods has been adopted by the WAPC to guide structure planning and subdivision of green field and large infill sites throughout Western Australia. The WAPC has set out that over time and with subsequent reviews of LN, the WAPC will supersede development control policies that also deal with structure planning and subdivision of green field sites (such as DC Policy 2.3 Public Open Space).

LN sets out that there are circumstances where particular requirements may be varied to accommodate the climate and/or settlement conditions of areas of the remote Western Australia. The comments section above establishes the rational of adopting variations.

FINANCIAL IMPLICATIONS

The subdivision of land process can have ongoing implications for the Shire as ultimately the reserves, roads and public open spaces become the Shire's asset and responsibility for maintenance.

It is considered that the provisions of the Policy in relation to POS will provide adequate distribution of open space and will reduce ongoing maintenance costs. Further, the Policy will deliver efficiencies in the land development process as less land will be required to meet the POS requirements.

STRATEGIC IMPLICATIONS

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

Accessible and safe community spaces

Participation in recreational activity

A healthy and safe environment

Chairperson: Date:

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

Realistic and sustainable land use strategies for the Shire within state and national frameworks and in consultation with the community

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

A unique natural environment for the benefit and enjoyment of current and future generations

A preserved, unique and significant historical and cultural heritage of Broome

Retention and expansion of Broome's iconic tourism assets and reputation

Best practice asset management to optimise Shires' infrastructure whilst minimising life cycle costs.

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**

Moved: Cr H Tracey

Seconded: Cr C Mitchell

That Council:

- 1. Adopts in accordance with the Shire of Broome Local Planning Scheme No 6 Clause 2.4.1 the draft Local Planning Policy – Structure Plan and Subdivision Controls as included in Attachment 1, for public comment for a period of 42 days.**
- 2. Endorses the Community Engagement Plan in Attachment 2 and authorises the Director Development Services to make minor amendments to the plan as may be required to implement the plan during the advertising period taking into account the availability of other stakeholders.**

CARRIED UNANIMOUSLY 8/0

Attachments

1. Attachment No 1 - Draft LPP - Structure Plan and Subdivision Standards
2. Attachment No 2 - Community Engagement Framework

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.

Chairperson: Date:

There are no reports in this section.

OUR ORGANISATION



PRIORITY STATEMENT

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

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

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

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

9.4.1 FEBRUARY 2015 FINANCIAL ACTIVITY REPORT

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FRE02
AUTHOR:	Senior Finance Officer
CONTRIBUTOR/S:	Manager Financial Services
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	11 March 2015

SUMMARY: Council is required by legislation to consider and adopt the Monthly Financial Activity Statement Report for the period ended 28 February 2015, as required by Regulation 34(1) of the Local Government (Financial Management) Regulations 1996.

Council is further provided with a General Fund Summary of Financial Activity (Schedules 2 to 14) which provides comprehensive information on Council's Operations by Function and Activity.

BACKGROUNDPrevious Considerations

Council is provided with the Monthly Financial Activity Report which has been developed in line with statutory reporting standards and provides Council with a holistic overview of the operations of the Shire of Broome.

Supplementary information has been provided in the form of a General Fund Summary of Financial Activity, which discloses Council's Revenue and Expenditure in summary form, by Programme (Function and Activity).

COMMENT

The following are key indicators supporting the year to-date budget position with respect to the Annual Forecast Budget:

Budget Year elapsed	67%
Total Rates Raised Revenue	100% (of which 91% has been paid)
Total Other Operating Revenue	62%
Total Operating Expenditure	57%
Total Capital Revenue	15%
Total Capital Expenditure	21%
Total Sale of Assets Revenue	25%

There were a number of budget amendments processed in both November and February as part of the Quarterly Finance and Costing Review (FACR). The statutory mid-year review was held as part of the 2nd Quarter FACR. The amendments from the 1st and 2nd Quarter FACR are recorded in the minutes of the Audit Committee meeting held 13 November 2014 and 10 February 2015 respectively. Additionally, amendments have been made since budget adoption, which further impact upon the forecast end-of-year position. The

Chairperson: Date:

net impact of all budget amendments reported to Council year-to-date is a predicted budget deficit of \$115,656.

More detailed explanations of variances are contained in the notes to the monthly statement of financial activity. The commentary identifies significant variations between the expected year-to-date budget position and the position at the reporting date.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

1A) In this regulation —

“committed assets” means revenue unspent but set aside under the annual budget for a specific purpose.

1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
- b) budget estimates to the end of the month to which the statement relates;*
- c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
- d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- e) the net current assets at the end of the month to which the statement relates*

2) Each statement of financial activity is to be accompanied by documents containing —

- a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
- b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
- c) such other supporting information as is considered relevant by the local government.*

3) The information in a statement of financial activity may be shown —

- a) according to nature and type classification;*
- b) by program; or*
- c) by business unit.*

4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —

- a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- b) recorded in the minutes of the meeting at which it is presented.*

- 5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- 1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - b) is authorised in advance by resolution*; or
 - c) is authorised in advance by the mayor or president in an emergency.
- (1a In subsection (1) —
“additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.
- 2) Where expenditure has been incurred by a local government —
- c) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - d) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

* Absolute majority required.

POLICY IMPLICATIONS

2.1.1 Materiality in Financial Reporting

FINANCIAL IMPLICATIONS

The adoption of the Monthly Financial Report is retrospective, and the utilisation of this information to direct the Chief Executive Officer would be prospective and subject to resolution.

Accordingly, the financial implications associated with adoption are Nil.

STRATEGIC IMPLICATIONS

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

Affordable and equitable services and infrastructure

Affordable land for residential, industrial, commercial and community use

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:

An organisational culture that strives for service excellence

Sustainable and integrated strategic and operational plans

Chairperson: Date:

Responsible resource allocation

Effective community engagement

Retention and attraction of staff

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION: (REPORT RECOMMENDATION)

Moved: Cr DM Male

Seconded: Cr C Mitchell

That Council:

- 1. Adopts the Monthly Financial Activity Report for the period ended 28 February 2015 and;**
- 2. Receives the General Fund Summary of Financial Activity (Schedules 2-14) for the period ended 28 February 2015.**

CARRIED UNANIMOUSLY 8/0

Attachments

1. February Financial Activity Statements

9.4.2 PAYMENTS - FEBRUARY 2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FRE02
AUTHOR:	Finance Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	5 March 2015

SUMMARY: This report recommends that Council adopts the list of payments made under delegated authority, as per the attachment to this report, February 2015.

BACKGROUNDPrevious Considerations

Nil

COMMENT

The Chief Executive Officer (CEO) has delegated authority to make payments from the Municipal and Trust funds in accordance with budget allocations.

The Shire provides payments to suppliers by Electronic Funds Transfer (EFT), cheque, credit card or direct debit.

Attached is a list of all payments processed under delegated authority during February, 2015.

CONSULTATION

Nil

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

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

Chairperson: Date:

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

An organisational culture that strives for service excellence

Sustainable and integrated strategic and operational plans

Responsible resource allocation

Effective community engagement

Retention and attraction of staff

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION: **(REPORT RECOMMENDATION)**

Moved: Cr H Tracey

Seconded: Cr M Manado

That Council records the accounts as paid under delegated authority for February 2015, totalling \$2,058,170.11, as attached, covering:

- ***EFT Vouchers 29696-29894 totalling \$1,790,359.31;***
- ***Municipal Cheque Vouchers 57254-57266 totalling \$65,323.16;***
- ***Trust Cheque Voucher 3392 totalling \$8,843.91 and***
- ***Municipal Direct Debits 18222.1-18293.1 totalling \$193,643.73***

CARRIED UNANIMOUSLY 8/0

Attachments

1. February 2015 Payment Listing

The Chairperson noted there was a typographical error on page 220 of the Agenda under 'Financial Implications' - 2014 – 15 budget should read 2015 -16 budget. This has been corrected for the purpose of the Minutes.

9.4.3 LOCAL GOVERNMENT ELECTIONS 2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	GOE04
AUTHOR:	Manager Governance
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	5 March 2015

SUMMARY: This report has been prepared to advise Council of estimated costs associated with the Western Australian Electoral Commission conducting the 2015 Local Government Ordinary Election either as a Postal or In Person election.

It recommends that the Western Australian Electoral Commission (WAEC) conduct the 2015 Ordinary Election on behalf of the Shire of Broome as an In Person election.

BACKGROUND

Previous Considerations

OMC 14 May 2009	Item 9.1.1
OMC 17 February 2011	Item 9.1.3
OMC 16 May 2013	Item 9.4.3

The next local government ordinary election is scheduled to be held on Saturday 17 October 2015 with six of the nine offices of members to be contested. Offices of Council up for election at this time consist of:

Broome Ward	4 Councillors (4 year terms)
	1 Councillor (2 year term)
Dampier Ward	1 Councillor (4 year term)

The Chief Executive Officer of a local authority is responsible for the conduct of local government elections unless arrangements are made in accordance with section 4.20 of the *Local Government Act 1995* to appoint another person. This appointment must occur at least 80 days prior to election day.

Section 4.61(1) of the *Local Government Act 1995* provides for an election to be conducted as a:

postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be

cast in person before election day, or posted or delivered, in accordance with regulations.

The WAEC conducted the 2009, 2011 and 2013 Shire of Broome Ordinary Elections as in person elections. Prior to this the elections were conducted in house by Shire Officers as in person elections. Voter turnout in the last four Shire of Broome in person elections is as follows:

Ward	2013	2011	2009	2007
Broome	34.44%	44.03%	33.44%	24.96%
Dampier	27.38%	25.53%	22.17%	23.39%

Council resolved at the Ordinary Meeting of Council held 17 February 2011 to obtain community input to ascertain whether there was sufficient support to conduct the 2013 election as a postal election. Officers undertook this community consultation in early 2013 which included a manned display at the Broome Boulevard Shopping Centre on Saturday 6 April 2013 between 9am and 1pm at which the community were requested to vote on their preference for a postal election or a voting in person election. 66 community members voted, with 40 voters supporting an in person election and 26 voters supporting a postal election. The Shire Newsletter and press releases promoted the display and the proposal in general, and urged community members to email feedback or questions to the Shire.

Input was also sought from the communities of Bidyadanga (La Grange), Beagle Bay, Lombadina, Djarindjin, and Ardyaloon (One Arm Point). It is noted that the communities of Bidyadanga (La Grange), Djarindjin and Lombadina supported an in person election and Ardyaloon (One Arm Point) advised of an inconclusive response. The Department of Indigenous Affairs were contacted regarding Beagle Bay as they did not have a Community Council at that time.

Based on the results of the community consultation Council adopted the officers recommendation at the Ordinary Meeting of Council held 16 May 2013 for an in person election.

In the October 2013 election, of the 139 local governments in Western Australia the WAEC was contracted to manage 78 local government elections. These consisted of 76 postal elections and 2 in person elections. The in person elections were conducted for the Shires of Broome and Halls Creek.

COMMENT

On 18 February 2015 the Electoral Commissioner wrote to the Shire of Broome outlining estimated costs for the WAEC to conduct either a postal or in person voting on behalf of the Shire of Broome for the 2015 Ordinary Election on 17 October 2015.

The estimated cost for the WAEC to conduct a postal election is \$47,000 including GST. This is based on the following assumptions:

- 8,750 electors
- Response rate of approximately 40%
- 6 vacancies
- Count being conducted at the offices of the Shire of Broome

- Standard Australia Post delivery service to apply (an additional estimated amount of \$612.50 will occur if Council wishes to utilise the Australia Post Priority Service for the lodgement of election packages)
- Return airfares for the Returning Officer for the nomination period and election day

The estimated cost for the WAEC to conduct an in person election is \$40,000 including GST. This is based on the following assumptions:

- 8,750 electors
- 6 vacancies
- Count being conducted at the premises of the Shire of Broome

The in person estimate includes the following:

- Return airfares for the Returning Officer for the nomination period and election day
- 16 days accommodation allowance for the Returning Officer covering the nomination period, the early voting period for remote communities and election day
- All Statutory advertising
- A proportion of the total cost of WAEC staff time and corporate overheads

Both estimates exclude non-statutory advertising (ie additional advertisements in community newspapers and promotional advertising), any legal expenses other than those that are determined to be borne by the WAEC in a Court of Disputed Returns, one local government staff member to work in the polling place on election day and any additional postage rate increases by Australia Post.

The Commission is required by the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis. Final costs may vary depending on a range of factors including the cost of materials or number of replies received. The basis for charges is all materials at cost and a margin on staff time only. Should a significant change become evident prior to or during the election the Shire will be advised as early as possible.

Should the Council decide to proceed with either option outlined above, the current procedure required by the *Local Government Act 1995* is that written agreement from the Electoral Commissioner has to be obtained before the vote is taken. To facilitate the process, the letter from the Electoral Commissioner dated 18 February 2015 can be taken as the Commissioner's agreement to be responsible for the conduct of the ordinary election in 2015 for the Shire of Broome in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required.

The current system for voting in the Shire of Broome Local Government elections is in person, whereby voters attend the Shire of Broome Offices on election day to cast their vote. In person elections also provide electors with the option of casting an early vote at the Shire of Broome Administration office prior to election day. Early voting is also conducted at Bidyadanga (La Grange), Beagle Bay, Lombadina, Djarindjin and Ardyaloon (One Arm Point) on advertised days. In addition, an in person election still enables electors to choose to submit their vote via post if this is their preferred voting method.

A postal election would involve ALL electors on the Shire of Broome electoral roll receiving a voting pack from the Western Australian Electoral Commission (WAEC) via post. Electors

Chairperson: Date:

would then be required to either post or deliver their vote to an electoral officer on or before election day.

The WAEC have advised that as far as they have been able to determine from the State roll of the 6,515 electors in the Broome Ward 5,992 have postal addresses, and of the 1,355 in the Dampier Ward 1,316 have postal addresses. Therefore there are 523 in the Broome Ward and 39 in the Dampier Ward on the State roll without postal addresses. They have also advised that it is common for entire communities to share one postal address.

Regardless of which option Council chooses Shire officers are still required to undertake a number of administration duties including but not limited to processing electoral roll applications and maintaining relevant registers.

Whilst a number of local governments undertake postal elections, based on community feedback in 2013 it is recommended that the 2015 Shire of Broome Local Government election be conducted as an in person election.

Section 4.61(2) makes provision for a local government to decide to conduct the election as a postal election. Both the declaration under section 4.20 and the determination under section 4.61(2) are required to be by an Absolute Majority.

CONSULTATION

Western Australian Electoral Commission.

STATUTORY ENVIRONMENT

Local Government Act 1995

4.20. CEO to be returning officer unless other arrangements made

- (1) *Subject to this section the CEO is the returning officer of a local government for each election.*
- (2) *A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for —*
 - (a) *an election; or*
 - (b) *all elections held while the appointment of the person subsists.*
- * Absolute majority required.*
- (3) *An appointment under subsection (2) —*
 - (a) *is to specify the term of the person's appointment; and*
 - (b) *has no effect if it is made after the 80th day before an election day.*
- (4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

** Absolute majority required.*

(5) A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.

(6) A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.

[Section 4.20 amended by No. 64 of 1998 s. 19(1); No. 49 of 2004 s. 16(4) and 32(1)-(4).]

4.61. Choice of methods of conducting election

(1) The election can be conducted as a —

postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

(2) The local government may decide* to conduct the election as a postal election.

* Absolute majority required.

(3) A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.

(4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.

(5) A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.

(6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.

(7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.

[Section 4.61 amended by No. 64 of 1998 s. 25; No. 49 of 2004 s. 16(4) and 32(5).]

POLICY IMPLICATIONS

Policy 1.3.2 Local Government Elections - Promotions

FINANCIAL IMPLICATIONS

If Council endorses the Report Recommendation, an amount of \$40,000 (incl GST) will be allocated in the 2015/16 budget (GL 24040) for the WAEC to conduct the Shire of Broome 2015 ordinary election as an in person election. It should be noted that this figure is based on the estimate provided by the WAEC.

STRATEGIC IMPLICATIONS

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

Effective communication

Affordable services and initiatives to satisfy community need

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

An organisational culture that strives for service excellence

Effective community engagement

Improved systems, processes and compliance

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr M Manado

That Council:

- 1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commission to be responsible for the conduct of the 2015 ordinary election together with any other elections or polls which may also be required.**
- 2. Determines the Shire of Broome 2015 Ordinary Election be conducted as a voting in person election as defined in section 4.61(1) of the Local Government Act 1995.**
- 3. Requests the Chief Executive Officer to make appropriate allocations for election expenses in the 2015/16 budget.**

CARRIED BY ABSOLUTE MAJORITY 8/0

Attachments

Nil

9.4.4 MINUTES OF THE JOINT MEETING OF THE KIMBERLEY ZONE OF WALGA AND REGIONAL COLLABORATIVE GROUP HELD 9 DECEMBER 2014

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	OGSO3 & RCG01
AUTHOR:	Director Corporate Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	6 March 2015

SUMMARY:

This report requests Council to receive and endorse the Minutes from the Joint meeting of the Kimberley Zone of WALGA and Regional Collaborative Group held on 9 December 2014.

BACKGROUND

A copy of the minutes from the meeting held 9 December 2014 between members of the Kimberley Zone of WALGA and Kimberley Regional Collaborative Group (RCG) are attached for Council consideration.

As a result of a past decision of the group, both the Kimberley Zone and RCG meetings are joined.

It should be remembered that the Kimberley Zone of WALGA is a group established to represent regional issues to the State Council of the Western Australian Local Government Association (WALGA).

The RCG is a deed of agreement between four (4) local governments with the Minister for Local Government to progress regional reform.

COMMENT

The minutes and respective background information are attached to this report and the following comments are made in relation to the resolutions passed by the Group. Additional recommendations have been made where necessary for Council's consideration.

7.1 KIMBERLEY ZONE OF WALGA & RCG MEETING RESOLUTION STATUS REPORT

A status report was provided from the Project Officer outlining progress or otherwise on Resolutions passed by the Zone/RCG since February 2013. The status report was received and noted for finalisation under the authorisation of the Secretariat.

RESOLUTION:

(REPORT RECOMMENDATION)

That the Kimberley Zone of WALGA & Regional Collaborative Group:

- 1. Receives the attached Resolution Status Report;***

Chairperson: Date:

2. Authorises the Secretariat to proceed with co-ordinating the finalisation of outstanding action items arising from meeting resolutions.

Moved: Cr John Moulden

Seconded: Cr Malcolm Edwards

Carried Unanimously 4/0

7.2 KIMBERLEY ZONE OF WALGA 2013/2014 FINANCIAL ACTIVITY REPORT

A Financial Activity Report was presented for adoption. Summary follows:

Indicators and Variances

The following are the key indicators of the year to date budget position;

Budget Year Lapsed	41%
Total Operating Income	8%
Total Operating Expenditure	7%

Committed Kimberley Regional Collaborative Group project expenditure as percentage of forecast budget;

2012-13 DLGC – Records Management	55%
2013-14 DLGC – Business Improvement Review	16%
2010-11 CLGF – Key Worker Housing	100%
2011-12 CLGF – Key Worker Housing	27%
2014 DLGC – Kimberley Youth Strategy	11%

RESOLUTION:

(REPORT RECOMMENDATION)

That the Kimberley Zone of WALGA and Regional Collaborative Group adopts the Financial Activity Report for the period ended 26 November 2014.

Moved: Cr John Moulden

Seconded: Cr Malcolm Edwards

Carried Unanimously 4/0

7.3 2015 SCHEDULE OF MEETINGS FOR KIMBERLEY ZONE OF WALGA & RCG

A proposed schedule of dates for meetings to be held in 2015 was presented for consideration. Dates were proposed to avoid clashes with member ordinary meetings of Council and consideration was given to the release of the WALGA State Council Agenda. There are four face to face meetings proposed in 2015 as compared to six that were held in 2014. The meeting to be held in Derby occurred on 27 February 2015. A meeting is proposed to be held in Darwin to coincide with the holding of the annual joint Kimberley and Pilbara Forum, in addition to the annual collaboration with the Northern Territory Local Governments. The August meeting is scheduled in Perth to coincide with Local Government Week as has occurred in recent years. A meeting has been proposed to be held at Christmas Island in December 2015 however was endorsed subject to member Council approval. Please note **Attachment 2** to this report which is follow-up correspondence from the Kimberley Project Manager on this matter.

It is estimated that this would cost approximately \$2,200 per person based on flight and accommodation expenses. The total cost for Shire of Broome attendance would be

Chairperson: Date:

approximately \$8,800 based on the attendance of two Councillors and two members of staff. It is noted that if the December meeting was held within the Kimberley it would cost significantly less. Having regard for financial constraints, the attendance at Christmas Island is not supported and it is recommended this meeting be scheduled to be held within the Kimberley.

RESOLUTION:

That the Kimberley Zone of WALGA & Regional Collaborative Group:

1. *Receives the attached 2015 Schedule of Meetings;*

FEB 27 FRI	Zone & RCG Meeting	Derby
MAY 2-5 SAT-TUE	Kimberley/Pilbara/NT Joint Annual Forum	Darwin
AUG 3-4 MON-TUE	Zone & RCG Meeting	Perth
DEC 3-5 THUR-SAT	Zone & RCG Meeting	Christmas Island (Subject to member Council approval)

2. *Endorses the attached 2015 Schedule of Meetings*

Moved: Cr John Moulden

Seconded: Cr Malcolm Edwards

Carried Unanimously 4/0

7.4 RATES EXEMPTIONS

At the August 2014 CEO's meeting the issue of non-rateable and exempt properties having a significant impact in the Kimberley, and links with the issue generally of increased use of services without the contribution of the offsetting rate revenue was discussed, the Executive Group decided to look at making a submission to the Department of Local Government and Communities Grant Commission for consideration for the following year's grant determination, making recommendations on calculations and rationale within the balanced budget that we consider are both fair and equitable and truly recognise the additional costs incurred by local governments due to their physical and demographic circumstances, better reflect the true expenditure needs and better represent the true revenue raising capacity.

The secretariat is in the process of developing a submission which will outline the evaluation of the Financial Assistance Grants Calculations and Methodology for Disabilities, Expenditure and Revenue. An update on progress of this issue was presented for noting by the Group.

RESOLUTION

(REPORT RECOMMENDATION)

That the Kimberley Zone of WALGA and Regional Collaborative Group notes the progress made on the submission to the Department of Local Government and Communities Grant Commission.

Moved: Cr Graeme Campbell

Seconded: Cr Malcolm Edwards

Carried Unanimously 4/0

7.5 TAKEAWAY ALCOHOL MANAGEMENT SYSTEM UPDATE

This report provided an update as to the status of the establishment of a 12 month trial of a Takeaway Alcohol Management System (TAMS) for the Shire of Wyndham East Kimberley.

RESOLUTION:**(REPORT RECOMMENDATION)**

That the Kimberley Zone of WALGA and Regional Collaborative Group note this Takeaway Alcohol Management System update report.

Moved: Cr Graeme Campbell

Seconded: Cr John Moulden

Carried Unanimously 4/0

7.6 TANAMI ROAD UPDATE

This report provided an update as to the status of the Shire of Halls Creek's progress on the sealing of the Tanami Road.

RESOLUTION:**(REPORT RECOMMENDATION)**

That the Kimberley Zone of WALGA and Regional Collaborative Group notes the progress being made on the proposal to upgrade the Tanami Road.

Moved: Cr John Moulden

Seconded: Cr Malcolm Edwards

Carried Unanimously 4/0

8.1 STATE COUNCIL MEETING AGENDA AND PRESIDENT'S REPORT

As the Kimberley Zone of WALGA and Regional Collaborative Group meeting has been held out of alignment with WALGA's State Council meeting, the State Council Agenda and Presidents Report has already been received for member consideration prior to this meeting of the Zone/RCG.

RESOLUTION:**(REPORT RECOMMENDATION)**

That the Kimberley Zone of WALGA notes the State Council Meeting Agenda and Presidents Report.

Moved: Cr John Moulden

Seconded: Cr Graeme Campbell

Carried Unanimously 4/0

8.2 EAST KIMBERLEY ABORIGINAL CHARTER

Wunan is an Aboriginal development organisation in the East Kimberley, with a purpose and strategy to drive long-term socio-economic change for Aboriginal people by providing real opportunities, investing in people's abilities, and by encouraging and rewarding aspiration and self-responsibility. A key objective for Wunan is to shift the balance of dependence of Aboriginal people on welfare from 80% to 20% over 20 years.

Chairperson: Date:

This objective is based on a clear guiding philosophy that Aboriginal success grows from investing in people's ability, real opportunity, and reward for effort. Wunan facilitate long term and sustainable change by focusing on five strategic priorities:

- Education
- Employment
- Accommodation & housing
- Living Change
- Foundations

Wunan developed the initiative now known as Living Change, which is a community-led, place-based initiative for cultural, economic and social renewal in the East Kimberley. The idea was to develop a responsibility framework that could be adopted and adapted by any community in the region that wanted to take difficult but positive steps to tackle the cycle of dysfunction that is driven by the absence of responsibility, and so enable Aboriginal success.

In conjunction with the Living Change Report, Wunan has developed an East Kimberley Aboriginal Charter which outlines a commitment by Aboriginal people to make positive change to their lives and seeks the support of Government, business and the broader community to support the Living Change initiatives.

At this stage, Wunan has been funded by the Australian and State Government to report on the feasibility of implementing Living Change in one East Kimberley community: Halls Creek.

The Wunan Foundation is seeking support from Local Government for the East Kimberley Aboriginal Charter.

RESOLUTION:

(REPORT RECOMMENDATION)

That the Kimberley Zone of WALGA;

- 1. Supports the Wunan Foundation's East Kimberley Aboriginal Charter, and***
- 2. Refers the Charter to the Western Australian Local Government Association for support.***

Moved: Cr Graeme Campbell

Seconded: Cr John Moulden

Carried Unanimously 4/0

8.3 PUBLIC LIBRARY STOCK FUNDING – REDUCTION BY STATE LIBRARY OF WA

This report recommended that that the Zone considers the unanticipated reduction in Library stock funding for three of the four Shires of the Kimberley as provided through the State Library of Western Australia as per an agreed-to funding model.

It requests that a formal letter be sent to the Minister for Culture and the Arts to reinstate the agreed-to funding of \$165,000 for the 2014/15 financial year, applying a cash-flow impacting the 2014/15 financial year into the 2015/16 financial year.

RESOLUTION:

(REPORT RECOMMENDATION)

That the Kimberley Zone of WALGA write to the Minister for Planning; Culture and the Arts

Chairperson: Date:

requesting that stock funding which was operationally agreed to for each of Shire be reinstated for the 2014/15 financial year and instead, apply the reduction to the subsequent financial year.

Moved: Cr Graeme Campbell

Seconded: Cr John Moulden

Carried Unanimously 4/0

8.4 SOCIAL LICENCE TO OPERATE AND INVEST IN THE KIMBERLEY

At its meeting 4 August 2014 the Kimberley Regional Collaborative Group resolved that:

"That the Kimberley Zone of WALGA authorises the Secretariat to conceptualise a Kimberley Regional Working Group to investigate and progress the issues of companies/developers social licence to operate/invest in the Kimberley Region and to develop a terms of reference to be considered by the Zone at a future time."

Following this meeting, the Social Licence Working Group core membership is to comprise the following;

- Cr Anne Poelina – Shire of Broome
- Cr Chris Loessl – Shire Halls Creek
- Cr – Shire of Wyndham East Kimberley
- William Witham - Chamber of Minerals and Energy
- Brian Lloyd - Department of Mines and Petroleum
- Paul Schollum - Western Australian Local Government Association
- TBC - Department of State Development
- TBC - Australian Petroleum Production & Exploration Association

A report recommendation was provided seeking endorsement of a draft terms of reference for the Working Group. As the motion was lost, the matter was laid on the table and it was proposed for the issue to be referred through to member Chief Executive Officers.

8.5 RED TAPE REDUCTION

At its meeting 4 August 2014 the Kimberley Regional Collaborative Group resolved that:

"That the Kimberley Zone of WALGA forms a Red Tape Reduction Committee consisting of Kimberley Chief Executive Officers and nominated Kimberley Shire Councillors; Cr K Wright, Cr E Archer, Cr C Mitchell and Cr M Edwards and invites a representative of the Chamber of Minerals and Energy, Australian Petroleum Products & Exploration Association, Chamber of Commerce, Kimberley Pastoral Board, Department of Mines and Petroleum and the Department of Planning to be a part of this group."

Following this meeting, the Red Tape Reduction Committee core membership is to comprise the following;

- Cr Chris Mitchell – Shire of Broome
- Cr Elsie Archer – Shire of Derby West Kimberley
- Cr Malcolm Edwards – Shire Halls Creek
- Cr Keith Wright – Shire of Wyndham East Kimberley
- Shannon Burdeu - Chamber of Minerals and Energy
- Brian Lloyd - Department of Mines and Petroleum

Chairperson: Date:

- Russell Shaw – Kimberley Pastoral Board
- TBC – Department of Planning
- TBC - Australian Petroleum Production & Exploration Association
- TBC – Chamber of Commerce

A report recommendation was provided seeking endorsement of a draft terms of reference for the Working Group.

RESOLUTION:**(REPORT RECOMMENDATION)**

That the Kimberley Zone of WALGA:

- 1. Authorises the Secretariat to request the Red Tape Reduction Committee to research and present options back to the Kimberley Zone on opportunities Local Government's can be involved with in reducing red tape,***
- 2. Endorses the Terms of Reference for the Red Tape Reduction Committee, as attached.***

Moved: Cr Graeme Campbell

Seconded: Cr John Moulden

Carried Unanimously 4/0

9.1 NEW ITEM: COUNTRY LOCAL GOVERNMENT FUND EXPENDITURE – KEY WORKER HOUSING PROJECT UPDATE

With regards to the 2011/12 funding, a new Financial Assistance Agreement and letter of variation has been submitted to the Department of Regional Development outlining the reallocation of the \$956,842 in grant funding, leveraged funding contributions from each of the three participating Shires and project deliverables. A response from DRD had not been received at the time and the Shire of Wyndham East Kimberley still remains in possession of the \$956,842 until such time as DRD approve its reallocation.

Given the withdrawal of the Shire of Wyndham East Kimberley, a new Financial Assistance Agreement and letter of variation from the 2012-13 Business Case for the Key Worker Housing project has been completed and submitted to the Department of Regional Development. A response from DRD had not been received at this point.

RESOLUTION:**(REPORT RECOMMENDATION)**

That the Kimberley Regional Collaborative Group notes the progress of the Country Local Government Fund 2010-11, 2011-12 and 2012-13 Grant Funding for the Key Worker Housing Project.

Moved: Cr John Moulden

Seconded: Cr Graeme Campbell

Carried Unanimously 4/0

9.2 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2012/13 GRANT FUND EXPENDITURE – RECORDS MANAGEMENT PROJECT UPDATE

A grant for \$107,000 was approved by the Department of Local Government and Communities for the purchase and implementation of an Office 365 Cloud based collaboration and Records Management System for the Kimberley Zone. This report provided an update on progress of the project. It is noted that the Shire of Broome employed a Records Officer to undertake scanning of hard copy files as part of this project. This has been fully funded by the grant.

RESOLUTION:**(REPORT RECOMMENDATION)**

That the Kimberley Regional Collaborative Group notes the progress of the Department of Local Government and Communities 2012-13 Grant Funding for the Records Management Project.

Moved: Cr Graeme Campbell

Seconded: Cr John Moulden

Carried Unanimously 4/0

9.3 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2013/14 GRANT FUND EXPENDITURE – BUSINESS IMPROVEMENT REVIEW UPDATE

A grant for \$107,000 was approved by the Department of Local Government and Communities for a Business Improvement Review of the IT Vision Synergy Soft system utilised by the four Kimberley Shires. The report presented advised that the Business Improvement Review project is progressing as anticipated and indicated that workshops at each shire had been conducted and functional assessments completed.

RESOLUTION:**(REPORT RECOMMENDATION)**

That the Kimberley Regional Collaborative Group notes the progress of the Department of Local Government and Communities 2013-14 Grant Funding for the Business Improvement Review of the IT Vision Synergy Soft System.

Moved: Cr Graeme Campbell

Seconded: Cr John Moulden

Carried Unanimously 4/0

9.4 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2014 GRANT FUND EXPENDITURE – KIMBERLEY YOUTH STRATEGY – STAGE 1 CONSULTATION

The Department of Local Government and Communities has awarded \$40,000 from the Youth Friendly Communities Grants Program to the Regional Collaborative Group to develop a Kimberley Youth Strategy Stage 1 - Consultation.

The agreed anticipated activities include the Zone working in partnership with young people and/or community groups to support youth participation in helping make their community youth friendly. The consultation may also be used to support the review of other relevant strategies, policies and plans, and to inform the improvement of relevant services. This report provided an update on progress of the project.

RESOLUTION:**(REPORT RECOMMENDATION)**

That the Kimberley Regional Collaborative Group notes the progress of the Department of Local Government and Communities 2014 Grant Funding for the development of the Kimberley Youth Strategy.

Moved: Cr John Moulden

Seconded: Cr Malcolm Edwards

Carried Unanimously 4/0

9.5 REGIONAL WASTE TECHNICAL ADVISORY GROUP (TAG) – MINUTES OF MEETING

The Kimberley Zone Regional Council Group at its meeting 23 February 2013 resolved that "The secretariat be authorised to establish a Kimberley Regional Waste Technical Advisory Group (TAG) to investigate and progress Waste issues for the Kimberley Region."

The Kimberley Regional Waste TAG was established with the first meeting held on 5 April 2013. In accordance with the adopted Terms of Reference, the TAG meets every 2 months.

RESOLUTION:**(REPORT RECOMMENDATION)**

That the Kimberley Regional Collaborative Group receives the minutes from the Regional Waste TAG meetings held 13 October 2014 and 01 December 2014.

Moved: Cr John Moulden

Seconded: Cr Malcolm Edwards

Carried Unanimously 4/0

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The estimated costs to hold a Kimberley Zone of WALGA/RCG meeting in Christmas Island would be approximately \$2,200 per person for accommodation and travel. On the basis of two Councillors attending, in addition to two members of staff, this would cost approximately \$8,800 in total. If supported this would require consideration within the 2015/16 budget process as the meeting is to be held in December 2015.

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

Affordable and equitable services and infrastructure

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:

Sustainable and integrated strategic and operational plans

Responsible resource allocation

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**

Moved: Cr H Tracey

Seconded: Cr C Mitchell

That Council:

- 1. Receives and endorses the resolutions of the Kimberley Zone of WALGA/Regional Collaborative Group as attached in the minutes from the Joint Meeting held 9 December 2014 enbloc, excluding the resolution regarding the proposed 2015 Schedule of Meetings;**
- 2. Endorses the attached 2015 Schedule of Meetings subject to the proposed December 2015 meeting being held within the Kimberley Region.**

CARRIED UNANIMOUSLY 8/0

Attachments

1. MINUTES OF THE JOINT MEETING OF THE KIMBERLEY ZONE OF WALGA AND REGIONAL COLLABORATIVE GROUP HELD 9 DECEMBER 2014
2. CORRESPONDENCE FROM KIMBERLEY ZONE PROJECT OFFICER DATED 12 DECEMBER 2014

9.4.5 MINUTES OF THE JOINT MEETING OF THE KIMBERLEY ZONE OF WALGA AND REGIONAL COLLABORATIVE GROUP HELD 27 FEBRUARY 2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	OGSO3 & RCG01
AUTHOR:	Director Corporate Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	11 March 2015

SUMMARY: This report requests Council to receive and endorse the Minutes from the Joint meeting of the Kimberley Zone of WALGA and Regional Collaborative Group held on 27 February 2015.

BACKGROUND

A copy of the minutes from the meeting held 27 February 2015 between members of the Kimberley Zone of WALGA and Kimberley Regional Collaborative Group (RCG) are attached for Council consideration.

As a result of a past decision of the group, both the Kimberley Zone and RCG meetings are joined.

It should be remembered that the Kimberley Zone of WALGA is a group established to represent regional issues to the State Council of the Western Australian Local Government Association (WALGA).

The RCG is a deed of agreement between four (4) local governments with the Minister for Local Government to progress regional reform.

COMMENT

The minutes and respective background information are attached to this report and the following comments are made in relation to the resolutions passed by the Group. Additional recommendations have been made where necessary for Council's consideration.

7.1 KIMBERLEY ZONE OF WALGA & RCG MEETING RESOLUTION STATUS REPORT

A status report was provided from the Project Officer outlining progress or otherwise on Resolutions passed by the Zone/RCG since February 2013. The status report was received and noted for finalisation under the authorisation of the Secretariat.

RESOLUTION:

(REPORT RECOMMENDATION)

That the Kimberley Zone of WALGA & Regional Collaborative Group:

- 1. Receives the attached Resolution Status Report;***

- 2. Authorises the Secretariat to proceed with co-ordinating the finalisation of outstanding action items arising from meeting resolutions.**

Moved: Cr Moulden

Seconded: Cr Edwards

Carried Unanimously 4/0

7.2 KIMBERLEY ZONE OF WALGA 2013/2014 FINANCIAL ACTIVITY REPORT

A Financial Activity Report was presented for adoption. Summary follows:

Indicators and Variances

The following are the key indicators of the year to date budget position;

Budget Year Lapsed	64%
Total Operating Income	(\$373,049)
Total Operating Expenditure	\$289,545
Total Surplus/Deficit	(\$83,503)

Committed Kimberley Regional Collaborative Group project expenditure as percentage of forecast budget;

2012-13 DLGC – Records Management	33%
2013-14 DLGC – Business Improvement Review	74%
2010-11 CLGF – Key Worker Housing	100%
2011-12 CLGF – Key Worker Housing	27%
2014 DLGC – Kimberley Youth Strategy	75%

RESOLUTION:

(REPORT RECOMMENDATION)

That the Kimberley Zone of WALGA and Regional Collaborative Group adopts the Financial Activity Report for the period ended 6 February 2015.

Moved: Cr Moulden

Seconded: Cr Archer

Carried Unanimously 4/0

7.3 KIMBERLEY ZONE OF WALGA & RCG 2013/14 ANNUAL FINANCIAL AUDIT

This report outlines the Kimberley Zone of WALGA and Regional Collaborative Group 2013-14 Annual Financial Audit results. RSM Bird Cameron was engaged to conduct an independent audit of the 2013/2014 Financials for the Kimberley Zone and Regional Collaborative Group and the Department of Regional Development R4R 2010-11 Country Local Government Fund- Key Worker Housing grant acquittal.

The surplus position as of 30 June 2014 was \$252,721. These funds were transferred into a reserve for the Kimberley Zone at the end of the financial year. As a summary, \$121,879 of this is surplus funds based on the Secretariat budget and the balance of funds is primarily due to carryover project works.

RESOLUTION:**(REPORT RECOMMENDATION)**

That the Kimberley Zone of WALGA and Regional Collaborative Group notes the report and receives copies of the audits completed by RSM Bird Cameron.

Moved: Cr Moulden

Seconded: Cr Edwards

Carried Unanimously 4/0

7.4 FINANCIAL ASSISTANCE GRANTS SUBMISSION

This report recommends that the Kimberley Zone of WALGA and Regional Collaborative Group make a submission to the Department of Local Government and Communities Grant Commission in relation to Financial Assistance Grants.

At the August 2014 CEO's meeting the issue of non-rateable and exempt properties having a significant impact in the Kimberley, and links with the issue generally of increased use of services without the contribution of the offsetting rate revenue was discussed, the Executive Group decided to look at making a submission to the Department of Local Government and Communities Grant Commission for consideration for the following year's grant determination, making recommendations on calculations and rationale within the balanced budget that we consider are both fair and equitable and truly recognise the additional costs incurred by local governments due to their physical and demographic circumstances, better reflect the true expenditure needs and better represent the true revenue raising capacity.

The submission outlined the evaluation of the Financial Assistance Grants Calculations and Methodology for Disabilities, Expenditure and Revenue.

RESOLUTION:

That the Kimberley Zone of WALGA and Regional Collaborative Group;

- 1. Endorse the Secretariat to submit the submission to the Department of Local Government and Communities Grant Commission;***
- 2. Authorise the Secretariat to make minor amendments to the document prior to submission.***

Moved: Cr Archer

Seconded: Cr Moulden

Carried Unanimously 4/0

7.5 LOCAL GOVERNMENT RATES EXEMPTIONS

This reports sought support from the Kimberley Zone of WALGA to lobby State Government to undertake a review of the exemptions that may be granted in regards to the payment of Local Government rates across all applicable Western Australian legislation.

8.1 STATE COUNCIL MEETING AGENDA AND PRESIDENT'S REPORT

The State Council Agenda and Presidents Report had been received on the 12 February 2015 and was attached for member consideration

RESOLUTION:

(REPORT RECOMMENDATION)

That the Kimberley Zone of WALGA notes the State Council Meeting Agenda and Presidents Report.

Moved: Cr Moulden

Seconded: Cr Archer

Carried Unanimously 4/0

8.2 SOCIAL LICENCE TO OPERATE AND INVEST IN THE KIMBERLEY

At its meeting 4 August 2014 the Kimberley Regional Collaborative Group resolved that:

"That the Kimberley Zone of WALGA authorises the Secretariat to conceptualise a Kimberley Regional Working Group to investigate and progress the issues of companies/developers social licence to operate/invest in the Kimberley Region and to develop a terms of reference to be considered by the Zone at a future time."

Following this meeting, the Social Licence Working Group core membership was to comprise the following;

- Cr Anne Poelina – Shire of Broome
- Cr Chris Loessl – Shire Halls Creek
- Cr – Shire of Wyndham East Kimberley
- William Witham - Chamber of Minerals and Energy
- Brian Lloyd - Department of Mines and Petroleum
- Paul Schollum - Western Australian Local Government Association
- TBC - Department of State Development
- TBC - Australian Petroleum Production & Exploration Association

A report recommendation was provided seeking endorsement of a draft terms of reference for the Working Group, however the item was deferred to provide each member Council an opportunity to consider the matter.

An extract of the draft Terms of Reference follows which outlines the proposed vision/purpose of the Working Group:

The Social Licence to Operate and Invest in the Kimberley Working Group's purpose is to provide advice and guidance to the Kimberley Zone of WALGA on high level Social Licence matters including but not limited to:

1. Advice and guidance to the Kimberley Zone of WALGA and other partners on developing guidelines for proponents preparing social impact management plans, assessment framework and policy.
2. Advice and guidance to the Kimberley Zone of WALGA and other partners on developing a regional community engagement framework and policy.
3. Advice and guidance to the Kimberley Zone of WALGA and other partners on developing a template for Memorandum's of Understanding and Partnerships.
4. Advice and guidance to the Kimberley Zone of WALGA and other partners on developing options to facilitate development and economic sustainability in the immediate and short term.
5. Advice and guidance to the Kimberley Zone of WALGA and other partners on developing options to facilitate Regulation and Approvals.
6. Advice and guidance to the Kimberley Zone of WALGA and other partners on developing a regional developer contribution scheme to contribute building and maintaining social amenity.
7. Advice and guidance to the Kimberley Zone of WALGA and other partners on identifying an alignment of social infrastructure needs across the region for these to be formalised in a regional contribution policy.
8. The formulation of strategic partnerships aimed at ensuring sustained and managed economic growth.
9. Advice and guidance to the Kimberley Zone of WALGA and other partners on formalising a communication process.
10. Advice and guidance to the Kimberley Zone of WALGA and other partners on developing a social economic monitoring report template.
11. Advice and guidance to the Kimberley Zone of WALGA and other partners on developing a regional engagement hub website.

The purpose of this working group is to develop high level Kimberley policy, from which the outcomes will be different for each member Council. It is from these strategic guiding principles and policy that individual Councils can include specific project priorities.

A full copy of the Draft Terms of Reference forms **Attachment 2** to this report.

Following the Zone meeting, advice has been received from the Shire of Derby West Kimberley that they will not be participating in this proposed Working Group. Initiatives of the Group require a minimum of three of the four member Councils to participate.

In this instance, given that one member Council has now indicated it will not be participating in the Working Group it means that a truly regional approach to this issue will not be achieved. In reviewing the intended vision and purpose of the Working Group it is clear that it will be difficult to address all of the matters proposed with only three Kimberley Shires participating. On this occasion it is therefore recommended that the Shire of Broome also withdraw from participating in this Working Group.

Resolution:

That this item be deferred to be considered by each member Council.

Moved: Cr Moulden

Seconded: Cr Edwards

Carried Unanimously 4/0

9.1 COUNTRY LOCAL GOVERNMENT FUND EXPENDITURE – KEY WORKER HOUSING PROJECT UPDATE

With regards to the 2011/12 funding, a new Financial Assistance Agreement and letter of variation has been submitted to the Department of Regional Development outlining the reallocation of the \$956,842 in grant funding, leveraged funding contributions from each of the three participating Shires and project deliverables. A response from DRD had not been received at the time and the Shire of Wyndham East Kimberley still remains in possession of the \$956,842 until such time as DRD approve its reallocation.

Given the withdrawal of the Shire of Wyndham East Kimberley, a new Financial Assistance Agreement and letter of variation from the 2012-13 Business Case for the Key Worker Housing project has been completed and submitted to the Department of Regional Development. A response from DRD had not been received at this point.

RESOLUTION:**(REPORT RECOMMENDATION)**

That the Kimberley Regional Collaborative Group notes the progress of the Country Local Government Fund 2010-11, 2011-12 and 2012-13 Grant Funding for the Key Worker Housing Project.

Moved: Cr Archer

Seconded: Cr Moulden

Carried Unanimously 4/0

9.2 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2012/13 GRANT FUND EXPENDITURE – RECORDS MANAGEMENT PROJECT UPDATE

A grant for \$107,000 was approved by the Department of Local Government and Communities for the purchase and implementation of an Office 365 Cloud based collaboration and Records Management System for the Kimberley Zone. This report provided an update on progress of the project. It is noted that the Shire of Broome employed a Records Officer to undertake scanning of hard copy files as part of this project. This has been fully funded by the grant.

RESOLUTION:**(REPORT RECOMMENDATION)**

That the Kimberley Regional Collaborative Group notes the progress of the Department of Local Government and Communities 2012-13 Grant Funding for the Records Management Project.

Moved: Cr Moulden

Seconded: Cr Edwards

Carried Unanimously 4/0

9.3 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2013/14 GRANT FUND EXPENDITURE – BUSINESS IMPROVEMENT REVIEW UPDATE

A grant for \$107,000 was approved by the Department of Local Government and Communities for a Business Improvement Review of the IT Vision Synergy Soft system utilised by the four Kimberley Shires. The report presented advised that the Business Improvement Review project is progressing as anticipated and indicated that workshops at each shire had been conducted and functional assessments completed.

Chairperson: Date:

The IT Vision project recommendations for the second project stage were discussed and it was decided that IT Vision present their Corporate Performance Management BI Board and CAMMS present their Interplan module on Human Resources, Risk and Personnel at the next CEO's meeting.

RESOLUTION:**(REPORT RECOMMENDATION)**

That the Kimberley Regional Collaborative Group notes the progress of the Department of Local Government and Communities 2013-14 Grant Funding for the Business Improvement Review of the IT Vision Synergy Soft System.

Moved: Cr Moulden

Seconded: Cr Edwards

Carried Unanimously 4/0

9.4 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2014 GRANT FUND EXPENDITURE – KIMBERLEY YOUTH STRATEGY – STAGE 1 CONSULTATION

The Department of Local Government and Communities has awarded \$40,000 from the Youth Friendly Communities Grants Program to the Regional Collaborative Group to develop a Kimberley Youth Strategy Stage 1-Consultation.

The agreed anticipated activities include the Zone working in partnership with young people and/or community groups to support youth participation in helping make their community youth friendly. The consultation may also be used to support the review of other relevant strategies, policies and plans, and to inform the improvement of relevant services.

The next stage of the project is to finalise the Local Government Consultation Report, Service Provision Report and Youth Services Mapping documents. Following this, a Stage 2 Project Scope and Business plan will be provided to DLGC to then commence the second phase of the project.

This report provided an update on progress of the project.

RESOLUTION:**(REPORT RECOMMENDATION)**

That the Kimberley Regional Collaborative Group notes the progress of the Department of Local Government and Communities 2014 Grant Funding for the development of the Kimberley Youth Strategy.

Moved: Cr Moulden

Seconded: Cr Edwards

Carried Unanimously 4/0

9.5 REGIONAL WASTE TECHNICAL ADVISORY GROUP (TAG) – MINUTES OF MEETING

The Kimberley Zone Regional Council Group at its meeting 23 February 2013 resolved that "The secretariat be authorised to establish a Kimberley Regional Waste Technical Advisory Group (TAG) to investigate and progress Waste issues for the Kimberley Region."

Chairperson: Date:

The Kimberley Regional Waste TAG was established with the first meeting held on 5 April 2013. In accordance with the adopted Terms of Reference, the TAG meets every 2 months.

RESOLUTION:

(REPORT RECOMMENDATION)

That the Kimberley Regional Collaborative Group receives the minutes from the Regional Waste TAG meeting held 02 February 2014.

Moved: Cr Moulden

Seconded: Cr Edwards

Carried Unanimously 4/0

9.6 REGIONAL FUNDING PROGRAM FOR THE WASTE AUTHORITY OF WESTERN AUSTRALIA

Four Regional Investment Plans have been considered as a part of Phase Two of the Waste Authorities Regional Funding Program. This agenda item summarises the outcomes of those submissions and requests the Kimberley Regional Collaborative Group resolve to endorse the Secretariat to enter into two funding Contracts.

RESOLUTION:

(REPORT RECOMMENDATION)

That the Kimberley Regional Collaborative Group endorses the Secretariat to enter into the Funding Agreements Contracts for Drop off Recycling Shire of Derby West Kimberley; and Drop-off Recycling Shire of Broome.

Moved: Cr Moulden

Seconded: Cr Edwards

Carried Unanimously 4/0

CONSULTATION

NIL

STATUTORY ENVIRONMENT

NIL

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

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

Affordable and equitable services and infrastructure

Chairperson: Date:

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:

Sustainable and integrated strategic and operational plans

Responsible resource allocation

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION: (REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr PM Matsumoto

That Council:

- 1. Receives and endorses the resolutions of the Kimberley Zone of WALGA/Regional Collaborative Group as attached in the minutes from the Joint Meeting held 27 February 2015 enbloc; and**
- 2. Requests the Chief Executive Officer to advise the Kimberley Zone of WALGA/Regional Collaborative Group that given the Shire of Derby/West Kimberley has withdrawn from participating in the proposed Social Licence to Operate Working Group, the matter cannot be addressed with a whole of Region approach and the Shire of Broome therefore will not be participating in this Working Group.**

CARRIED UNANIMOUSLY 8/0

Attachments

- 1. MINUTES OF THE JOINT MEETING OF THE KIMBERLEY ZONE OF WALGA AND REGIONAL COLLABORATIVE GROUP HELD 27 FEBRUARY DECEMBER 2015**
- 2. TERMS OF REFERENCE: SOCIAL LICENCE TO OPERATE AND INVEST IN THE KIMBERLEY WORKING GROUP**

With regard to Item 9.4.6 Cr G Campbell declared a Financial Interest as “director of company that is involved in mulching sales” and departed the Chambers at 5:37 PM.

Cr H Tracey assumed the Chair.

9.4.6 TENDER 15/02 MULCHING OF GREEN WASTE

LOCATION/ADDRESS:	BUCKLEYS ROAD, BILINGURR
APPLICANT:	N/A
FILE:	15/02
AUTHOR:	Waste Coordinator
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	NIL
DATE OF REPORT:	12 March 2015

SUMMARY: This report considers Tenders received for the Mulching of Green Waste at the Buckleys Road Waste Management Facility for the Shire of Broome, and seeks adoption of the recommendation contained in the confidential tender evaluation report.

BACKGROUND

Previous Considerations

OMC 16 February 2012	Item 9.4.7
OMC 21 March 2007	Item 9.4.4

The Shire of Broome accepts separated raw green waste at the Buckleys Road Waste Management Facility. The raw green waste is stored in windrows ready to be mulched. The mulched green waste is provided to customers free of charge for reuse.

The Shire of Broome contracts out the mulching of raw green waste at the Waste Management Facility to a specialist mulching contractor. The Shire currently has a mulching contract with Broome Tree and Palm Service. The current Contract requires the Contractor to mulch all raw green waste at the Buckleys Road Waste Management Facility once it reaches 500 cubic meters in volume. This is a requirement of the Department of Environment Regulation (DER) licence conditions for the facility and results in mulching occurring on average every fortnight.

COMMENT

The Tender was advertised in the Saturday West Australian on 14 February 2015 and the Broome Advertiser on 18 February 2015. The closing date for Tender submissions was 1:00pm, Friday 06 March 2015.

The proposed Contract is a schedule of rates contract for the mulching of raw green waste and is for a 15 month period from 1 April 2015 to 30 June 2016. The Contract duration of 15 months was selected to allow officers time to investigate future value adding options to the processing of raw green waste for the 2016/2017 financial year and beyond.

All payment under the Contract is calculated on the measured volume of the mulched green waste rounded up to the nearest whole cubic metre. Measurement is made by a surveyor within seven days of the completion of mulching.

Under the current contract all raw green waste is collected and mulched on the Buckleys Road Waste Management Facility and all mulched green waste is stored in the same location.

A Reuse and Recycling Facility has been established at Lot 400 Buckleys Road. Raw green waste will be collected at the Waste Management Facility and transferred to the Reuse and Recycling Facility for stockpiling and mulching. The Reuse and Recycling Facility has a greater storage capacity and does not have restrictions written into the licence for storage volumes. As a result, under the new mulching contract the Shire has reduced the frequency of the Contractor visits required to four per year (i.e. one every three months).

Three Tenders for the Mulching of Green Waste were received. These were evaluated and a preferred Tender recommendation provided in the confidential Tender Assessment Report.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 1.8 Statewide public notice

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

Section 3.57 Tenders for providing goods or services

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

Local Government (Functions and General) Regulations 1996

Section 5 R14 Requirements for publicly inviting tenders

- (1) When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.*
- (2) If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.*
- (2a) If a local government —*
 - (a) is required to invite a tender; or*
 - (b) not being required to invite a tender, decides to invite a tender, the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.*
- (3) The notice, whether under subregulation (1) or (2), is required to include —*
 - (a) a brief description of the goods or services required;*

Chairperson: Date:

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

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

Section 5 R15 Minimum time to be allowed for submitting tenders

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

POLICY IMPLICATIONS

The tender has been managed in accordance with Policy 2.3.7 Purchasing as the value of the tender is above \$100,000

FINANCIAL IMPLICATIONS

The adopted budget for mulching in 2014/2015 is \$369,384. The current level of expenditure and committed orders are within the budgeted expenditure.

The financial implications for the remainder of the current financial year and the 2015/2016 financial year are detailed in the confidential tender assessment report.

STRATEGIC IMPLICATIONS

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

Affordable services and initiatives to satisfy community need

A healthy and safe environment

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

Chairperson: Date:

A unique natural environment for the benefit and enjoyment of current and future generations

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

Affordable and equitable services and infrastructure

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

Responsible resource allocation

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION: (REPORT RECOMMENDATION)

Moved: Cr DM Male

Seconded: Cr C Mitchell

That Council;

- 1. Endorses the recommendations as contained in the confidential tender assessment report for Contract 15/02 Mulching of Green Waste for the period 1 April 2015 to 30 June 2016;**
- 2. Notes details of the successful tenderer will be available for public information in the Tender Register in accordance with regulation 17 of the Local Government (Functions and General) Regulations 1996; and**
- 3. Authorises the Shire President and Chief Executive Officer to engross the Contract Document.**

CARRIED UNANIMOUSLY 7/0

Cr G Campbell returned to the Chambers at 5:38pm.

Cr H Tracey read aloud the resolution for the benefit of Cr G Campbell.

Attachments

- 1. Tender Evaluation Report Tender 15/02 Mulching of Green Waste (Confidential to Councillors and Directors Only)**

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting".

10.

**REPORTS
OF
COMMITTEES**

Chairperson: Date:

10.1 ACCESS AND INCLUSION ADVISORY COMMITTEE MEETING MINUTES 17 FEBRUARY 2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	COS09
AUTHOR:	Youth and Community Development Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	27 February 2014

SUMMARY: This report presents the Minutes of the Access and Inclusion Advisory Committee Meeting held 17 February 2015 for Council's consideration.

BACKGROUND

The Access and Inclusion Advisory Committee (AIAC) meets quarterly to advise Council on matters of access and inclusion and to oversee the development, implementation and review of the Shire's Disability Access and Inclusion Plan.

Previous Considerations

As outlined in the attached minutes.

COMMENT

The AIAC discussed one item: *5.1 Update – Access and Inclusion Audit Implementation* at the meeting held 17 February 2015. The report provided an update on the progress of actioning the recommendations from the access and inclusion audit.

The Committee recommends that Council considers an allocation of \$81,250 in the 2015/16 budget for the implementation of several actions associated with improvements to ACROD parking and footpaths in Chinatown and Cable Beach and a further \$29,000 for improvements to accessibility at Shire facilities.

Committee membership

This report also requests that Council considers the matter of a resignation received from Ms Elaine Clarke who served on the AIAC as a service provider representative, representing Kimberley Individual and Family Support Association (KIFSA). Ms Clarke has taken maternity leave from KIFSA and advised she will not be available to sit on the committee during the period of leave. An expression of interest has been received from a local service provider to fill the vacant service provider representative position and is attached for Council's consideration.

CONSULTATION

Nil

Chairperson: Date:

STATUTORY ENVIRONMENT

Local Government Act 1995

WA Disability Services Act 1993 (as amended 2004)

Equal Opportunity Amendment Act Western Australia (1988)

Disability Discrimination Act (1992)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As outlined in the minutes attached.

STRATEGIC IMPLICATIONS

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

Accessible and safe community spaces

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

Best practice asset management 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:

Affordable and equitable services and infrastructure

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

Responsible resource allocation

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**

**Moved: Cr H Tracey
That Council;**

Seconded: Cr A Poelina

- 1. Receives the Minutes of the Access and Inclusion Advisory Committee (AIAC) meeting held on 17 February 2015 and endorses the resolutions of the Committee (as contained in the Minutes attached) enbloc.**
- 2. Appoints a service provider representative to the Access and Inclusion Advisory Committee as per the expression of interest contained in the confidential attachment**

to this report.

CARRIED UNANIMOUSLY 8/0

Attachments

1. EOI Shelley Baker KIFSA (*Confidential to Councillors and Directors Only*)
This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(b) as it contains “the personal affairs of any person”.
2. Minutes of the Access and Inclusion Advisory Committee Meeting held 17 February 2015

10.2 MINUTES OF THE BROOME CEMETERY ADVISORY COMMITTEE 11 FEBRUARY 2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	CTE39; RES1647
AUTHOR:	Senior Administration and Governance Officer
CONTRIBUTOR/S:	Manager Governance
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	5 March 2015

SUMMARY: This report advises Council of the matters discussed at the Broome Cemetery Advisory Committee meeting held 11 February 2015, and seeks Council consideration of the Committee's recommendations.

BACKGROUND

The Broome Cemetery Advisory Committee (BCAC) meets bi-monthly to discuss matters relating to the management and administration of the Shire of Broome Cemeteries.

A meeting was held on Wednesday 11 February 2015 and Minutes from this meeting are attached.

COMMENT

The Committee discussed a number of issues and dealt with operational and strategic matters including, but not limited to:

- Election of Chairperson and Deputy Chairperson
- Cemetery Masterplan
- Cemetery Maintenance
- Safe Burial Practices
- Committee Meeting Dates 2015
- Change in Meeting Processes and Committee Member Training.

Following the resignation of Cr G Campbell as Chairperson in December 2014, nominations were called at the commencement of the BCAC meeting to fill this position. Fr Matt Digges was elected as Chairperson, and Cr G Campbell as Deputy Chairperson. Both positions were elected unopposed.

Discussions were held regarding the current draft Masterplan for the cemetery which has been developed in consultation with the Committee since the December 2013 BCAC meeting. The Director Engineering Services advised the Committee that a project brief for the construction of a toilet block at the cemetery had been prepared for consideration during the 2015/2016 budget process. The committee agreed the concept of building a toilet block should be considered as a first priority for future developments at the Cemetery, and made the following recommendation to Council:

Chairperson: Date:

COMMITTEE RECOMMENDATION:

Moved: Ms F Zavazal

Seconded: Mr R Crook

That the Broome Cemetery Advisory Committee endorses the concept of building a toilet block as the first priority preparatory to adoption of the Broome Cemetery Masterplan, and that consideration be given to funding of the toilet block in the 2015/2016 budget.

CARRIED UNANIMOUSLY 5/0

Correspondence was received from the Broome Historical Society on the 4 February 2015 advising that Mrs Naida Darcy would no longer be representing the Broome Historical Society (BHS) on the BCAC. The BHS nominated Ms Justine Young as their replacement representative. The Committee received the correspondence and made the following recommendation to Council:

COMMITTEE RECOMMENDATION:

Moved: Cr G Campbell

Seconded: Fr M Digges

That the Broome Cemetery Advisory Committee accepts the nomination from the Broome Historical Society for Justin Young to represent he Broome Historical Society on the Broome Cemetery Advisory Committee.

CARRIED UNANIMOUSLY 5/0

Any change in Committee Membership requires adoption by Council and accordingly this report recommends that Council appoint Justine Young as the Broome Historical Society representative on the Broome Cemetery Advisory Committee.

In addition, when considering the 2015 BCAC Meeting dates, the Committee requested that meetings be held on a Wednesday, rather than on Tuesdays. It is noted that the Committees Terms of Reference will require updating to reflect this change.

CONSULTATION

Broome Cemetery Advisory Committee

STATUTORY ENVIRONMENT

Local Government Act 1995

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

(a) council members only; or

Chairperson: Date:

- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11. Committee membership, tenure of

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
 - (b) the person resigns from membership of the committee; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,

whichever happens first.

- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the term of the person's appointment as a committee member expires; or
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.

5.12. Presiding members and deputies, election of

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
- (a) to "office" were references to "office of presiding member"; and
 - (b) to "council" were references to "committee"; and
 - (c) to "councillors" were references to "committee members".
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
- (a) to "office" were references to "office of deputy presiding member"; and
 - (b) to "council" were references to "committee"; and
 - (c) to "councillors" were references to "committee members"; and
 - (d) to "mayor or president" were references to "presiding member".

5.13. Deputy presiding members, functions of

If, in relation to the presiding member of a committee —

- (a) the office of presiding member is vacant; or
- (b) the presiding member is not available or is unable or unwilling to perform the functions of presiding member,

then the deputy presiding member, if any, may perform the functions of presiding member.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The construction of an ablution (toilet) block at the Broome Cemetery is proposed to be considered as part of the 2015/2016 budget process.

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 unique natural environment for the benefit and enjoyment of current and future generations

A preserved, unique and significant historical and cultural heritage of Broome

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

Improved systems, processes and compliance

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION: **(REPORT RECOMMENDATION)**

Moved: Cr C Mitchell

Seconded: Cr ML Lewis

That Council receives the Broome Cemetery Advisory Committee Minutes of 11 February 2015 and:

- 1. Notes the appointment of Fr Matt Digges as Chairperson and Cr G Campbell as Deputy Chairperson of the Broome Cemetery Advisory Committee.***
- 2. Appoints Justine Young as the Broome Historical Society Representative on the Broome Cemetery Advisory Committee.***
- 3. Notes the Broome Cemetery Advisory Committee Meetings will be held on a Wednesday.***
- 4. Request the Chief Executive Officer to update the Terms of Reference of the Broome Cemetery Advisory Committee to incorporate these changes.***
- 5. Adopts the Committee's recommendation and :***
 - (a) endorses the concept of building a toilet block as the first priority preparatory to the adoption of the Broome Cemetery Masterplan, and***
 - (b) that consideration be given to funding of the toilet block in the 2015/2016 budget.***

CARRIED BY ABSOLUTE MAJORITY 8/0

Attachments

1. Unconfirmed Minutes of the Broome Cemetery Advisory Committee Meeting held 11 February 2015

Chairperson: Date:

With regard to Item 11.1 Cr A Poelina disclosed that “I have an existing non-conforming use right (residential) and reside at 12 Pembroke Road. 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.”

11. NOTICES OF MOTION

11.1 NON CONFORMING USE

The following Notice of Motion was submitted by Cr G Campbell with Officer comment by Director Development Services.

COUNCILLOR COMMENT / BACKGROUND

Given that the recent gazettal of Local Planning Scheme 6 (LPS6) has occurred, it is appropriate that a register of non conforming use properties be created to protect non conforming rights that exist and existed both under Town Planning Scheme 2 and Town Planning Scheme 4, and also under the various Interim Development Orders that preceded LPS6.

Background

There is an apparent lack of records relating to various non conforming uses granted by the Shire over many years. The recent gazettal of a planning scheme for the whole of the Shire of Broome does not appear to recognise such non conforming rights and it is felt that this could lead to gaps and misunderstanding into the future.

Proposal

That a register be created and updated regularly as and when information as to such non conforming (approved of course) comes to hand.

It is suggested that where such non conforming uses are known that these events are incorporated into the register immediately. Such information to contain as much information as is known.

It is also suggested that an advertising campaign be carried out seeking advices from affected persons who may seek to have the non conforming use/uses recorded. Obviously validation of such claim would need to be carried out.

Financial

The cost of the above would need to be considered in the budget process, but is considered not to be of significance.

COUNCILLOR RECOMMENDATION:

That the Chief Executive Officer be requested to cause such a register to be created subject to budgetary considerations and that the format of such register reflect the non conforming land uses evident, and that these be a guide when any assessment of land use is carried out under the provisions of LPS6.

OFFICER COMMENT

Statutory Provisions

Clause 4.22 of LPS6 establishes what is a non-conforming use and states the following:

4.22.1 Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme; or*
- (b) the carrying out of any development thereon for which, immediately prior to that time, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or*
- (c) subject to clause 5.18.3 the continued display of advertisements which were lawfully erected, placed or displayed prior to the approval of this Scheme.*

In short, a non-conforming use means a use of land which, though lawful immediately before the coming into operation of a planning scheme, is a 'prohibited' or 'X' use under the zoning table under the new Scheme. In the Shire of Broome's case, the following types of non-conforming uses could result:

- A land use that was issued with planning approval under the operative Scheme at the time (TPS1, TPS2, TPS3 or TPS4) which is now an 'X' use under LPS6;
- A land use that was issued with planning approval under IDO4 which is now an 'X' use under LPS6;
- A land use which was being undertaken prior to the gazettal of any Scheme and is now an 'X' use under LPS6.

A non-conforming uses may continue unless the use is discontinued for a period of six months or more (Clause 4.25).

Once the non-conforming use rights are no longer applicable the use must comply with the zoning, and any change of use or development will be subject to the normal planning requirements. Any alteration or extension of a non-conforming use or building, used in conjunction with a non-conforming use, or a change from a non-conforming use to another non-conforming use, requires planning approval (Clause 4.23). If the change is from one non-conforming use to another, then the proposed use has to be closer to the intended purpose of the zone (Clause 4.24). Rebuilding a building associated with a non-conforming use that has been destroyed, also requires planning approval (Clause 4.27).

Clause 4.28 of the Scheme gives the ability for the Shire to maintain a register of non-conforming uses and states the following:

4.28 Register of Non-Conforming Uses

4.28.1 The Council to keep a Register of non-conforming uses at the offices of the Council which shall be made available for public inspection during office hours.

4.28.2 A person who wishes the Council to record that a non-conforming use exists may submit to the Council in writing full details of the nature, location and extent of the non-conforming use claimed.

4.28.3 Where the Council is satisfied that a non-conforming use exists, it shall record details of the non-conforming use on the Register.

4.28.4 Non-conforming use does not cease to exist if it is not registered on the Register.

Chairperson: Date:

However, it needs to be appreciated that the existence of such a register or the inclusion or exclusion of particular uses does not alter the status of the particular use. Where a use has been discontinued for a period of six months or more, its non-conforming use right will cease to exist, irrespective of whether the site or use remains on a non-conforming use register.

Comments

The principle benefit of maintaining a register is so the property owner has some form of recognition that the land use is lawful. The adoption of a register would also assist to inform planning officers when undertaking assessment of planning applications.

Following a search of Shire records, no information could be located showing that the Shire has formally adopted a non-conforming register under any previous Scheme or Interim Development Order. However, a draft register prepared under TPS2 has been located and Shire Officers will undertake further research of these identified properties to reaffirm whether the non-conforming use exists and therefore respective properties can be listed on a new register.

Prior to any property being listed on a non-conforming use register, it is recommended that a clear process is established addressing the following:

- Delegation for officers to be able to incorporate a property onto the register;
- The procedure for property owners to request that their property be included on the register;
- The minimum level of detail that must be provided by a person wishing to nominate a property for the register; and
- Matters that will be assessed in determining whether a property has non-conforming use rights.

For the purposes of maintaining a consistent and transparent approach, it is recommended that a Local Planning Policy (LPP) be adopted to establish the above. Attached is a draft LPP and it is recommended that Council adopt the draft Policy for the purpose of seeking public comment.

It is proposed that once the Policy is adopted under the provisions of LPS6, officers will review the previous draft list to determine which properties can be incorporated onto the register. Also, following formal adoption of the LPP, the Shire can then commence an advertising campaign seeking expressions of interests for property owners to submit a request to be listed on the register.

It should be noted, that only those properties that were previously operating lawfully under either a previous Scheme or Interim Development Order or land uses that were operating prior to the gazettal of such documents, and are now an 'X' use under LPS6 will be listed on the register. As set out in the draft Policy, a landowner wishing to use this process to legitimise a non-compliant use will not be entertained and this would be pursued as a planning compliance matter in accordance with Council's Policy 8.13 – Planning Compliance.

Further, as set out in the draft Policy, the onus on providing information that the existing use on the property is lawful rests with the landowner. The process of reviewing historic information on property files or through Council Minutes is lengthy and officers would not be in a position to undertake this. It should be noted, landowners can still request for the Shire to provide copies of historic planning approvals and building licences at a fee.

Chairperson: Date:

If Council resolves to adopt the draft LPP for public comment, following the close of the submission period, the draft Policy and submissions received will be presented for final adoption. At this time, the draft delegation will be presented and Council could then request public notices being prepared seeking landowners to request their properties be listed on the register.

OFFICER RECOMMENDATION:

That Council pursuant to Clause 2.4.1 of Local Planning Scheme No 6, adopts the Local Planning Policy – Non-Conforming Use Register, as set out in Attachment No 1, for public comment for a period of 21 days.

Cr G Campbell withdrew his motion and moved the Officers Recommendation.

COUNCIL RESOLUTION:
(OFFICERS RECOMMENDATION):

Moved: Cr G Campbell

Seconded: Cr DM Male

That Council pursuant to Clause 2.4.1 of Local Planning Scheme No 6, adopts the Local Planning Policy – Non-Conforming Use Register, as set out in Attachment No 1, for public comment for a period of 21 days.

CARRIED UNANIMOUSLY 8/0

Attachments

1. Attachment No 1 - Draft LPP - Non-Confirming Use Register

12. BUSINESS OF AN URGENT NATURE

Nil

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

14. MATTERS BEHIND CLOSED DOORS
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Nil

15. MEETING CLOSURE

There being no further business the Chairman declared the meeting closed at 5.46pm.