



## **MISSION AND VALUES OF COUNCIL**

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

# **AGENDA**

**FOR THE**

**ORDINARY MEETING OF COUNCIL**

**30 JULY 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	LOA						A		
	2 June				LOA	A				
	25 June					A				
	30 July					LOA				
	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

*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*
    - (iii a) 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 5<sup>1</sup> 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 30 JULY 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, 30 July 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 R Donohoe', with a horizontal line underneath.

K R DONOHOE  
**Chief Executive Officer**

23/07/2015

**1. OFFICIAL OPENING**

**2. ATTENDANCE AND APOLOGIES**

Attendance:

Leave of Absence: Cr M Manado (as grated at the OMC 25 June 2015)

Apologies:

Officers:

Public Gallery:

**3. DECLARATIONS OF FINANCIAL INTEREST / IMPARTIALITY**

FINANCIAL INTEREST			
Councillor	Item No	Item	Nature of Interest

IMPARTIALITY			
Councillor	Item No	Item	Nature of Interest

**4. PUBLIC QUESTION TIME**

The following questions were asked at the OMC held 25 June 2015 and were taken on notice:

**The following question was asked at the meeting by Mary Berry:**

*I am a long term resident of the caravan park. Do we have any rights regarding tenancies in future after this 2.5 years or are we all going to be asked to leave by the new lessee? Are we going to have a home or aren't we?*

**Answer provided by Deputy Chief Executive Officer:**

*The rights of residents in the park who reside for longer than 3 months are covered by the Residential Parks Long Stay Tenants Act 2006. Any tender process and future lease of the park will need to ensure compliance with this legislation. Officers have liaised with the Department of Commerce who administer the legislation. The Department has indicated they are happy to undertake an information session during the 8 week consultation period for long term residents to explain their rights under the legislation. Officers will include this action in the draft Community Engagement Plan.*

\*\*\*\*\*

**The following question was asked at the meeting by Dave Poletti:**

*Will Council give consideration to private enterprise in the tender of the Roebuck Bay Caravan Park?*



**Answer provided by Deputy Chief Executive Officer;** This will be a factor Council will consider as part of the tender documentation.

\*\*\*\*\*

**The following question was asked at the meeting by David Cummins:**

*I have a background in swimming pools having been a board member of Royal Life Saving. Has there been consideration of the cost factor of including a swimming pool and the safety issues?*

**Answer provided by Deputy Chief Executive Officer:**

*Yes there has been consideration to the cost factor of including a swimming pool. Council has yet to determine a position on a swimming pool being included as part of any redevelopment and new lease at this time. It is expected this will be determined in the coming months.*

**5. CONFIRMATION OF MINUTES**

RECOMMENDATION:  
That the Minutes of the Ordinary Meeting of Council held on 25 June 2015 be confirmed as a true and accurate record of that meeting.

RECOMMENDATION:  
That the Minutes of the Special Meeting of Council held on 23 July 2015 be confirmed as a true and accurate record of that meeting.

**6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION**

**7. PETITIONS**

**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*.

**Recommendation**  
That the following Agenda items be considered under 14. Matters Behind Closed Doors, in accordance with section 5.23(2) of the *Local Government Act 1995*, as specified:  
**9.2.1 BROOME NORTH VOLUNTARY DEVELOPER CONTRIBUTIONS**  
*Item 9.2.1 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**

# 9.1

## OUR PEOPLE



### ***PRIORITY STATEMENT***

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

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

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

**9.1.1 EVENT APPROVALS - 2015 SHINJU MATSURI FESTIVAL**

<b>LOCATION/ADDRESS:</b>	VARIOUS
<b>APPLICANT:</b>	Shinju Matsuri Inc
<b>FILE:</b>	ORL33
<b>AUTHOR:</b>	Events Coordinator
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Deputy Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	9 July 2015

**SUMMARY:** This report seeks Council approval of various events to be included in the 2015 Shinju Matsuri Festival in accordance with the Shire's Events Policy 5.1.11.

**BACKGROUND**

Previous Considerations

OMC 12	July 2012	Item 9.2.4
OMC 20	June 2013	Item 10.1
OMC 27	February 2014	Item 9.1.3
OMC 27	March 2014	Item 10.1
OMC 24	April 2014	Item 10.3
OMC 28	August 2014	Item 9.1.1

The Shire of Broome has entered into a three year sponsorship agreement with Shinju Matsuri Inc in accordance with Council's resolution of 24 April 2014. The Agreement outlines the cash and in-kind sponsorship to be provided on an annual basis to support this community event. In February 2014, Council adopted Events Policy 5.1.11 which provides for three categories of events with criteria guiding whether they can be approved under delegation or should be brought to Council for approval.

**COMMENT**

This report seeks Council approval of those festival events which are required to be brought to Council in line with Policy 5.1.11- this is due to the events listed having attendance above 2000, or being located on Cable Beach reserve . These are outlined in the table below.

<b>Event</b>	<b>Date</b>	<b>Estimated number of Spectators</b>	<b>Comments</b>
Opening Ceremony	Friday 28 August	2000+	Partial Road Closures affecting Chinatown
Float Parade & Mardi Gras	Saturday 30 August	2000+	Partial Road Closures affecting Chinatown
A View to Asia (Art Installation on Cable Beach reserve)	Thursday 27 August – Tuesday 15 September	Unknown	Cable Beach Reserve R3477 extending from the BSLSC to area north of Zanders

Sunset Long Table Dinner	Saturday 5 September	150-200	Cable Beach in front of Surf Club. Large marquee being erected on beach
Lantern Matsuri	Friday 4 September	2000+	Cable Beach in front of Surf club
Carnival of the Sea & Closing Ceremony	Sunday 6 September	2000+	Road closures effecting Cable Beach West, Public vehicle ramp closures 6am-12pm, Car-park closures Cable Beach

### **Shinju Matsuri Opening Ceremony**

Date: Friday 28 August

Time: 16:00 – 21:00

Location: Chinatown

The Opening Ceremony includes the awakening of Sammy the Dragon, a Welcome to Country, a welcome by the Shire President, the Shinju Matsuri President and other dignitaries. There will also be some entertainment on stage. Chinatown will be transformed with a Hawkers style market, and buskers to complement the official run of events.

### **Make Smoking History Float Parade & Make Smoking History Mardi Gras**

Date: Sunday 30 August

Time: 15:00 – 20:00

Location: Commence Weld Street to Male Oval

The well-known Float Parade will commence at Weld Street and move through the streets to conclude at Male Oval. Local community groups, business and individuals are invited to parade their floats. The Floats are judged and the winner is announced at the Mardi Gras concert, held on male Oval with an MC, Youth Music Showcase and some community dance groups, Float parade presentations, speeches and the departure of Sammy the Dragon.

### **A View to Asia**

Date: Saturday 29 August - Sunday 13 September 2015

Location: Cable Beach Reserve

A View to Asia is an exhibition of sculpture and installations held on the Cable Beach foreshore reserve, between the Broome Surf Club and the Cable Beach Amphitheatre. Cable Beach, which takes its name from a physical communications link to Asia, will become the stage for artists' 3 dimensional interpretation of Broome's multiculturalism and our links to Asia.

This event has been exempted from planning approval under delegated authority as it is considered a temporary installation that does not affect the long term access to the area. Officers are recommending that this event be approved subject to the conditions outlined below in the Officer Recommendation. This event has also been undertaken in the previous year's festival.

### **Sunset Long Table Dinner**

Date: Saturday 5 September  
Time: 16:00 – 22:00  
Location: Cable Beach

The Sunset Long Table Dinner will be a beautiful set up along Cable Beach, with a long table catering for approximately 100-150 guests. The Dinner will feature 4 courses that are reflective of the 4 main cultures in Broome: Aboriginal, Malaysian, Chinese and Japanese. Each course will be accompanied by a cultural performance. The area will be lit with overhanging bamboo poles and lanterns.

### **Lantern Matsuri**

Date: Friday 4 September  
Time: 15:00 – 20:00  
Location: Cable Beach

The Floating Lantern Festival is a new event that will add to the beautiful aesthetic of Cable Beach. 1000 lanterns will be released in a moving and culturally relevant ceremony where patrons can pay tribute and remember their culture and/or ancestors.

In the week leading up to the event there will be 'Lantern Workshops' where the public can purchase their Lantern, assemble it and write messages of remembrance.

At the event, patrons will be able to release their lanterns into the water, amid a small ceremony where they will be able to light it and set it afloat. There will be some entertainment in the form of music and local performers.

Lanterns will be collected at the end of the event and recycled for the proposed 2016 Shinju Matsuri Festival

### **Carnivale of the Sea & Make Smoking History Festival Finale**

Date: Sunday 6 September  
Time: 14:30 – 20:00  
Venue: Cable Beach / Surf Club / Cable Beach Amphitheatre

A family activity afternoon on the beach. In conjunction with the Surf Life Saving Club, fun activities on the beach including sand castle building competitions, tug o' war, flag races, face painting and other games.

The Festival Finale is the official closing of the festival, Come together with friends and neighbours for a free concert featuring the finest local musicians and guest entertainers in a fitting finale to Shinju Matsuri 2015. Every festival's favourite moment, when the sky lights up with sparkles and colours to rival the stars at the end of the finale concert.

### **Other Events**

Other Shinju events are planned to be held at the Broome Civic Centre which are treated like other events held at the Centre where the presenter (Shinju Matsuri) hires the centre for the event in line with the Shire's policies and procedures for the Civic Centre. Therefore, Council approval is not required for these events. Further events are planned to be held on privately-owned premises (eg Roebuck Hotel) and therefore, while subject to usual health and building regulations and permits, do not require Council approval.

## **Officers Recommendations**

Officers have been working closely with the Festival coordinators and the Shinju Board to ensure that all permits, traffic management plans, risk management plans and approvals have been prepared and submitted in accordance with Shire requirements. This report seeks Council's approval of the Shinju events which fall outside current delegations of authority in line with Shire Policy 5.1.11.

Most of the proposed events are considered low risk and have been held in previous years and officers are recommending their approval subject to all regulatory requirements being met.

A View to Asia is considered a moderate risk event and therefore officers propose that Council delegates authority to the Chief Executive Officer to approve this event subject to the following conditions to ensure the success and safety of the event;

1. The exhibition area that is used in the first year to be determined in liaison with Shire officers;
2. Shinju Matsuri accepts all responsibility for and indemnifies the Shire against any liability arising from the event including obtaining sign off from a structural engineer where appropriate;
3. Risk signage is installed at the site by Shinju Matsuri;
4. Shinju Matsuri accepts all responsibility for the security, maintenance and/or replacement of the artworks;
5. Shinju Matsuri accepts responsibility and reimburses the Shire for any remediation of the grassed area and its utilities where the artworks are installed;
6. The Shire reserves the right, at its sole discretion, to remove and/or refuse any of the artworks for any reason whatsoever.

The 'Sunset Long Table Dinner' & 'Lantern Matsuri' are both new events to the Shinju Festival calendar. Based on the current information provided, both of these events are considered to be low to moderate risk subject to final assessment through the events planning and health departments. Therefore officers propose that Council delegates authority to the Chief Executive Officer to approve these events subject to meeting all regulatory requirements and any additional conditions deemed as required potentially including risk mitigation and site remediation measures.

## **CONSULTATION**

Shinju Matsuri Inc

Officers have advised Shinju Matsuri that affected traders and operators need to be advised and consulted regarding the program of events.

## **FINANCIAL IMPLICATIONS**

The Shire's Sponsorship Agreement with Shinju Matsuri includes in-kind support to a maximum of \$50,000 per annum. This includes hire of the Civic Centre, traffic management, bunting, waste management and other logistical support. Any works required to be carried out in excess of this amount are to be charged to Shinju Matsuri as private works in accordance with the Shire's Fees and Charges.

As the final application for many of these events are yet to be submitted the exact fees to be applicable are not yet known, but will be charged in accordance to the adopted Council fees and charges.



**RISK**

The majority of these events have been undertaken in previous years, or for newer events such as the Long Table Dinner there have been similar uses of the Cable Beach Reserve without incident. Relevant conditions will be applied to these events to ensure regulatory requirements are met and Shinju Matsuri is required to produce audited risk management plans under their sponsorship agreement. The overall residual risk after these mitigating factors is considered low.

**STRATEGIC IMPLICATIONS**

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

Effective communication.

Participation in recreational activity.

A healthy and safe environment.

High level social capital to increases community capacity.

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

A preserved, unique and significant historical and cultural heritage of Broome. Retention and expansion of Broome's iconic tourism assets and reputation.

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

Effective community engagement. Improved systems, processes and compliance.

**POLICY IMPLICATIONS**

Policy 5.1.11 Events

**VOTING REQUIREMENTS**

*Absolute Majority*

**REPORT RECOMMENDATION:**

That Council:

1. Notes the program of events proposed to be held on Shire property as part of the 2015 Shinju Matsuri Festival;
2. Delegates the authority to the Chief Executive Officer to approve the following Shinju Matsuri Festival events subject to the applicant meeting all regulatory requirements;
  - a) Opening Ceremony
  - b) Float Parade & Mardi Gras
  - c) Carnival of the Sea
  - d) Lantern Matsuri
  - e) Sunset Long Table Dinner
  - f) Closing Ceremony

- 3) Delegates the authority to the Chief Executive Officer to approve 'A View to Asia' subject to the applicant meeting all regulatory requirements including;
1. The exhibition area that is used to be determined in liaison with Shire officers;
  2. Shinju Matsuri accepts all responsibility for and indemnifies the Shire against any liability arising from the event including obtaining sign off from a structural engineer where appropriate;
  3. Risk signage is installed at the site by Shinju Matsuri;
  4. Shinju Matsuri accepts all responsibility for the security, maintenance and/or replacement of the artworks;
  5. Shinju Matsuri accepts responsibility and reimburses the Shire for any remediation of the grassed area and its utilities where the artworks are installed;
  6. The Shire reserves the right, at its sole discretion, to remove and/or refuse any of the artworks for any reason whatsoever

**(ABSOLUTE MAJORITY REQUIRED)**

### **Attachments**

Nil

# 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.

***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”.***

### **9.2.1 BROOME NORTH VOLUNTARY DEVELOPER CONTRIBUTIONS**

<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	Shire of Broome
<b>FILE:</b>	PLA67
<b>AUTHOR:</b>	Director of Development Services
<b>CONTRIBUTOR/S:</b>	Statutory Planning Coordinator
<b>RESPONSIBLE OFFICER:</b>	Director of Development Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	9 July 2015

**SUMMARY:** Local Development Plan No 1 (LDP1) was adopted at the Special Meeting of Council on the 22 February 2010 and guided the development of the first stage of the Broome North subdivision area, which is commonly referred to as the Waranyjarri Estate.

Two subdivision applications were issued with approval (WAPC reference 140940 and 142150) which has resulted in the creation of 463 residential lots. All works have been undertaken and the Shire of Broome has issued subdivision clearance for all residential lots forming part of these subdivision applications apart from the local centre area.

The subdivision application 140940 was conditioned to require LandCorp to make arrangements with the Shire to identify requirements for external infrastructure and make a contribution. The majority of the contribution remains outstanding as an agreement has not yet been entered into on the expenditure of the funds.

The purpose of this report is for Council to consider a draft 'voluntary agreement' that has been prepared and to give authority to the Shire President and Chief Executive Officer to engross the agreement.

#### **Attachments**

1. Attachment No 1 - CCA Community Infrastructure Items
2. Attachment No 2 - LandCorp external infrastructure commitment letter
3. Attachment No 3 - LandCorp letter of commitment to external infrastructure subdivision approval 142150
4. Attachment No 4 - Draft Voluntary Contribution Agreement
5. Attachment No 5 - Letter from LandCorp 2015

## 9.2.2 APPLICATION FOR PLANNING APPROVAL - OFFICE DEVELOPMENT - LOT 11 (NO 27) NAPIER TERRACE

<b>LOCATION/ADDRESS:</b>	Lot 11 (No.27) Napier Terrace
<b>APPLICANT:</b>	Engawa Architects
<b>FILE:</b>	NAP-1/27
<b>AUTHOR:</b>	Planning Officer
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director of Development Services
<b>DISCLOSURE OF INTEREST:</b>	Nil.
<b>DATE OF REPORT:</b>	30 June 2015

**SUMMARY:** An application for Planning Approval has been received for the construction of a two-storey 'Office' building comprising approximately 641sqm Gross Leasable Area (G.L.A). Of this G.L.A, approximately, 133sqm will serve a storage purpose ancillary to the predominant 'Office' land-use. Schedule 16 of Local Planning Scheme No.6 (LPS 6) requires the provision of a minimum 21 car parking bays on-site to service the development as proposed.

While submitted plans detail the provision of 21 parking bays; the application seeks approval to construct 10 parking bays within the adjoining road reserve and is therefore presented to Council for consideration.

This report recommends that the application be approved subject to conditions.

### BACKGROUND

#### Previous Considerations

OMC 5 October 1999                      Item 4.6

Council at this meeting determined the Planning Application for the existing 'Tyrepower' development on site and granted approval for the construction of car parking bays and installation of landscaping within the Napier Terrace and Weld Street road reserves.

#### Site and Surrounds

The 1,013sqm subject site is located on the corner of Weld Street and Napier Terrace and is zoned 'Town Centre' under LPS6. Existing land-use on-site consists of a shed and hardstand car parking area associated with the operation of 'Tyrepower'. Adjoining land is zoned 'Town Centre' with existing development within proximity ranging from a cinema land-use to the south, 'Take-Away' food outlet to the east, and 'Office' land-use to the north and west.

#### The Proposal

The current application proposes to demolish the existing building on-site and to construct a two-storey 'Office' building. Submitted plans detail the construction of 21 car-parking bays, hardstand vehicle access and manoeuvring areas and the installation of landscaping. Ten car-parking bays are proposed to be constructed within the adjacent Napier Terrace and Weld Street road reserves.

## COMMENT

### Land Use

The subject site is zoned 'Town Centre' under the provisions of Local Planning Scheme No 6 (LPS6). The proposed use is classified as an 'Office' use which is a permitted use. It should be noted that the submitted plans detail a 133sqm 'Storeroom' component which will be ancillary to the operation of the proposed 'Office', and is therefore not considered as a separate land-use.

The subject site is designated as 'Town Centre' in the Shire's Local Planning Strategy (LPS), and falls within Precinct 1 (Chinatown). The objectives of the Town Centre designation under 3.2.20 of the LPS supports the proposed 'Office' use, whilst the LPS establishes a vision for Precinct 1 as the commercial centre for Broome, within which 'Office' land-use development is also encouraged.

The proposed development is also consistent with the objectives for the 'Town Centre' zone as set out under Clause 5.4 of LPS 6. With the exception of on-site car parking provision, (discussed further below), the development does not present variations to the site and development requirements applicable to the 'Town Centre' zone.

### Built Form - Chinatown Design Guidelines & LPS 6 Provisions

Although the subject site is not within the area bound by the Chinatown Development Strategy (CDS), both Clause 4.32.1 of LPS 6 and part 3.2.20 of the Strategy establishes that development within the 'Town Centre' zone is to be undertaken in accordance with the CDS and the Chinatown Design Guidelines (CDG). Therefore while the CDS does not apply to the specific site, the CDG still provides guidance with regards to the built form to ensure new development complement the character objectives of the Town Centre Zone.

Parts 3.1, 4.2, and 4.3 of the CDG establishes that development is to result in the activation of street frontages. This is to be achieved via pedestrian friendly design that facilitates shading and preservation of sightlines to the public realm. The current application will contribute to the activation of the Napier Terrace street frontage through siting of built form and installation of landscaping in a way that will enhance interaction of pedestrians with the development. Submitted plans of elevation detail gabled and pitched roof design, open-air walkways and incorporation of major openings to ensure a built form that addresses both Napier Terrace and Weld Street. The proposed development will therefore meet the intention of the design guidelines and result in a built façade that will engage architecturally with the street.

### Parking Provision – Schedule 16 & Local Planning Policy 8.16

Schedule 16 of LPS 6 requires development within the 'Town Centre - Chinatown' zone to provide parking at a ratio of 1 bay per 25sqm of gross-leasable area (GLA) floor-space. This Schedule reflects the land use zone under the previous Town Planning Scheme No 4 (TPS4) and was not updated to clarify the parking requirements for the new 'Town Centre' zone to the west of Old Broome Road/Hamersley Street, which this site falls within. The interpretation of the Schedule is proposed to be clarified through amendments to the LPP's (which forms a separate item in this agenda).

Consistent with the proposed changes recommended to the LPP's it is recommended that the car parking rate for development on this site be calculated based on the proposed land use, rather than the 1 per 25sqm car parking rate that is applied across all land uses

(with the exception of Residential) in the Chinatown area. This is recommended because, while both areas share the same zoning, they are very different in how they have been developed and function. The Chinatown area, as referenced in the 2005 discussion paper, essentially functions as a large shopping centre with a mix of speciality stores and day-to-day convenience stores, whereby customers would generally visit more than one shop when attending the area. The Town Centre zone to the west of Hamersley Street/Old Broome Road does not function in this same way and each premises generally operates in isolation of the other with minimal opportunities for shared parking spaces within the road reserves.

At such, the rate of car parking to be provided is deemed to be as per the 'Office' land use which requires 1 parking bay per 30sqm of gross floor area.

Submitted plans have detailed approximately 508sqm GLA of 'Office' space for which 18 bays are required. 133sqm of GLA serving a storage purpose ancillary to the 'Office' use is also proposed, and an assessment of parking for this area has been made with reference to the relevant standard under Schedule 16, requiring the provision of one bay per 50sqm. Based on this, an additional three parking bays are required, meaning that a minimum 21 bays are required to service the proposed development as a whole. While submitted plans detail the provision of 11 bays on-site, the application proposes to construct ten parking bays within the adjoining road reserve. The Shire's Local Planning Policy 8.16 (LPP 8.16) provides guidance in the consideration of proposals to install off-site parking within road reserves. Part 2.0 of LPP 8.16 requires that a minimum 50% of the required parking bays be provided on-site, with which the current proposal complies. LPP 8.16 provides that in order for 'off-site' parking to be considered, the application must address the following:

- a) *The location of the off-site park is conveniently located to the subject development.*
- b) *A safe and well lit pedestrian access can be provided between the sites*
- c) *The customers and patrons of the proposed development can be reasonably expected to use the 'off-site' parking area*
- d) *Any other relevant matters.*

Additionally, LPP 8.16 requires that off-site parking areas are to be landscaped, with approval of off-site parking areas within road reserves to also be subject to a deed of agreement between the proponent and the Shire to ensure on-going maintenance of landscaping and parking areas. With consideration for the above matters identified under the policy, it is considered that the construction of off-site parking bays as currently proposed:

- a) Will be conveniently located adjacent to the subject development;
- b) Will be landscaped to include safe pedestrian connection through vehicle manoeuvring areas, and lighting of pedestrian and parking areas; and
- c) Will be utilised by patrons and employees of the proposed development.

Further to the above, it should be noted that the existing development on-site currently features approximately 383sqm of hard-stand car parking area within the Napier Terrace and Weld Street road reserves. The current application proposes to construct approximately 236sqm of hardstand parking area within the Napier Terrace and Weld Street road reserve. The application has detailed the retention of existing boob trees and the installation of considerable landscaping and pedestrian connections along both street frontages and is expected to contribute significantly towards enhancing the amenity of the existing streetscape.

Further to the provisions of *Local Planning Policy 8.20 – Provision of Public Art*, (and specifically clause 6.1), a contribution to public art to the value of \$26,400 (being 1% of the estimated \$2,640,000 construction cost of the development), is to be made to the Shire prior to the occupation of the development in accordance with the provisions of LPP 8.20. The public art contribution may take the form of a monetary contribution or the installation of a public art work on the development site or within a Crown Reserve adjoining or near to the development site. If the installation of art work is proposed, it must be approved by the Shire in accordance with the requirements in the 'Guidelines for Developers – Provision of Public Art'

#### Summary

The application to construct ten parking bays and landscaping within the Napier Terrace and Weld Street road reserve in association with a proposed 'Office' development complies with the land-use objectives of the Strategy, CDS and Scheme. Additionally, the proposed development is consistent with the design guidelines of the CDG, and built form character objectives for the 'Town Centre' zone.

With reference for matters to be considered under Clause 10.2 of LPS 6, it is considered the proposal will contribute positively to the streetscape of the location, is not expected to impact adversely upon adjoining development, and as set out above, complements the development objectives for the zone as contained in relevant Shire documents. Accordingly, the application is recommended for approval subject to conditions to ensure ongoing maintenance responsibilities for car parking and landscaping areas within the road reserve.

#### **CONSULTATION**

Not required.

#### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Local Planning Scheme No.6 – Refer to planning assessment under **Attachment 3**.

#### **POLICY IMPLICATIONS**

LPP 8.16 – Parking – Car, Motorcycle, Bicycle

LPP 8.20 – Provision of Public Art

LPP 8.21 – Design Guidelines – Chinatown

#### **FINANCIAL IMPLICATIONS**

The condition of planning approval with respect to public art would result in a cash contribution of \$26,400 to the Shire or the installation of art work of an equivalent amount to be installed by the developer.

Conditions of approval are recommended setting out that the car parking and subsequent amendments to landscaping within the road reserves will be the landowner's responsibility to maintain.



**RISK**

Nil

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

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

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

**VOTING REQUIREMENTS**

*Simple Majority*

**REPORT RECOMMENDATION:**

*That Council:*

1. *Approves the application for planning approval 2015/69 for an 'Office' at Lot 11 (No.27) Napier Terrace, Broome submitted by Engawa Architects subject to the following conditions:*
  - i) *Development must be carried out in compliance with the plans and documentation listed below and endorsed with the Council's stamp, except where amended by other conditions of this approval.*  
*Plans & Specifications*  
*P1, P2 (Site Plans), P3, P4, (Floor Plans), P5, P6 (Elevations) & P7 (Landscaping Plan) as received by the Shire on 9 June 2015.*
  - ii) *Prior to any construction or works commencing on site, the applicant must prepare and submit the following plan(s) for the approval of the Shire of Broome:*
    - a. *A detailed engineering plan for all car parking and works (including footpaths, structures and crossovers) within the adjacent road reserve;*
    - b. *A storm water drainage plan designed and documented by a practising Civil Engineer;*
  - iii) *Prior to the occupation of the development, the applicant is to complete the following works and therein maintain to the satisfaction of the Shire of Broome:*
    - a. *Construct the car parking bays on site and within the adjacent road verge in accordance with the approved engineering plan and storm water drainage plan.*
    - b. *Construct the footpath and crossover in accordance with the approved engineering plan.*
    - c. *Install the landscaping in accordance with the approved landscaping plan.*
    - d. *Install the screened refuse bin storage area as shown on the approved site plan.*

- iv) *Prior to the occupation of the development a deed of agreement is to be prepared and executed at the owners cost between the owner and the Shire, in which:*
- a) *The owner is responsible for the maintenance of the car parking and landscaping within the road verge; and*
  - b) *The owner indemnifies the Shire over any claim arising from the improvements in the road verge and agrees to take out and maintain public liability insurance for a minimum amount of \$10 million for any one claim.*

*The deed of agreement is to permit the Shire to lodge a caveat against the Certificate of Title to the land to secure the performance of the obligations of the deed.*

- v) *A contribution to public art to the value of \$26,400, is to be made to the Shire prior to the occupation of the development in accordance with the provisions of LPP 8.20. The public art contribution may take the form of a monetary contribution or the installation of a public art work on the development site or within a Crown Reserve adjoining or near to the development site. If the installation of art work is proposed, it must be approved by the Shire in accordance with the requirements in the 'Guidelines for Developers – Provision of Public Art.*

#### Advice Notes

- i. *This approval does not permit the use of the land and or any building or undertaking of development unless all conditions have been and continue to be complied with. You are advised of the need to comply with the requirements of the following other legislation:*

- *The Western Australian Building Act 2011 requires a Building Permit being obtained from the Shire before any work commences on site; and*
- *Health Act 1911 and Department requirements in respect to the development and use of the premises.*

*Please note the above is not an exhaustive list of legislation and you may be required to comply with other relevant legislation.*

- ii. *If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.*
- iii. *With regard to Condition (ii) above, the engineering plan for parking and works (footpaths, structures, parking and crossovers) must be prepared in accordance with the Guidelines for the Construction of Carparking within the Shire of Broome Road Reserves.*
- iii. *The granting of this Planning Approval is not a clearance that there are no Aboriginal Heritage Sites on the land nor is it an approval under Section 18 of the Aboriginal Heritage Act, in the event that there is an Aboriginal Heritage Site on the land. The land owner will need to make enquiry and application to*

*the Department of Aboriginal Affairs in this regard.*

*iv. The development must be connected to the Water Corporations sewer and water.*

*v. With regard to condition vi) the engineering plan must show a minimum 300mm clearance from the edge of footpaths to any solid obstruction.*

2. *Authorises the Shire President and CEO to engross the necessary legal documents required to be prepared to satisfy the abovementioned conditions.*

### **Attachments**

1. Plans - Lot 11 Napier Terrace
2. Landscaping Plan - Lot 11 Napier Terrace
3. Planning Assessment Summary - Lot 11 Napier Terrace

### 9.2.3 LOCAL PLANNING POLICY REVIEW - POST GAZETAL OF LOCAL PLANNING SCHEME NO 6

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Shire of Broome
<b>FILE:</b>	PLA08
<b>AUTHOR:</b>	Statutory Planning Coordinator
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director of Development Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 June 2015

**SUMMARY:** Local Planning Scheme No 6 (LPS6) was gazetted on 30 January 2015 and in response to the gazettal of the Scheme a full review of the Shire's existing Planning Policies and Local Planning Policies (LPP's) has been undertaken.

The review identified a number of amendments to the LPP's to ensure that the Policies reference the correct Scheme, updated zones and land use definitions. In the review of the Policies it was also identified that a new Local Planning Policy – Minor Development should be prepared to establish minor development and to exempt them from the need to obtain planning approval.

Council resolved to adopt the proposed amendments and the draft LPP - Minor Development for the purposes of seeking public comment at the February 2015 Council Meeting. The public comment period has now closed with one submission received.

The submission and amendments to the LPP's are now presented to Council for final adoption.

#### BACKGROUND

##### Previous Considerations

OMC 26 February 2015

Item 9.2.2

The Shire of Broome has eight Planning Policies and 25 Local Planning Policies (the Policies). These Policies have been adopted under Town Planning Scheme No 4 to provide guidance on the exercise of discretion on planning matters or to establish standards to guide appropriate development within the Shire of Broome.

While Clause 2.6 of LPS6 has saving provisions for Local Planning Policies (LPP) which means that all existing Policies remain operative, the Policies require review to ensure that they are all relevant to the new Scheme. Further, LPS6 now provides zoning and development provisions for the whole Shire as opposed to TPS4 which only covered a portion of the Shire (generally consisting of the Broome townsite, east to Skuthorpe and north to Willie Creek). This has given rise to the need to review the Policy application areas and in some cases include additional provisions to guide appropriate development given the additional land area and zones now included in LPS6.

#### COMMENT

Local Planning Policies perform an important function in the local planning framework to guide planning decisions and to provide consistency and direction to the Council officers and the community on what Council considers acceptable development.

To ensure that appropriate guidance is provided all Planning Policies were reviewed due to the gazettal of LPS6. The Council agenda item prepared in February 2015 for the initiation of the proposed amendments provides details on the general amendments which were common to most LPP's and also a more detailed description of proposed changes to LPP's that were considered to be more substantial than administrative correction. This report will not repeat these comments.

The proposed amendments to the LPP's have been advertised for public comment, with one submission being received. The details of the submission and the officer's response is set out under the Consultation section of this report.

Further, since the public consultation period, officer's in dealing with enquiries and assessment of development applications have identified some additional modifications which are shown **highlighted** in the Policies set out in **Attachment No 1**. Further a summary of the additional changes are shown in **Attachment No 2**.

Additional amendments proposed to LPP's that are common to all Policies included:

- Amendments to reflect changes in position titles due to the organisational restructure undertaken in February 2015.
- A number of the Policies referred to the 'Culture and Natural Resource Use' zone as 'Cultural and Natural Resource Use' zone. These references were updated to reflect correct zoning title.

Some of the more substantial changes are set out below:

#### LPP 8.5 – Shipping and/or Storage Containers

Under the provisions of the current Policy up to 10 containers can be entertained in the Rural Small Holdings Zone and the Light and Service Industry zone. It was proposed as a part of the Policy review to reduce the number of containers to 5 instead of 10.

Upon review it is considered that the number of containers that can be installed in these two zones remains at 10, for the following reasons:

- The Rural Small Holdings zone is the Skuthorpe area on Broome Road. Given the size of the lots, the land uses undertaken and as the lots are completely screened from Broome Road, the use of up to 10 containers on these sites is not considered to have an impact upon the amenity of the area.
- Similarly with the Light and Service Industry zone, the general provisions of the Policy still establish that the containers are to be screened and as such it is considered that the use of up to 10 containers would not be inconsistent with the amenity of this zone.

#### LPP 8.9 – Cash in Lieu Car Parking – Chinatown

It is proposed that the Application area of the Policy is clarified through the inclusion of a figure which clearly shows which properties fall within the Chinatown area (note this figure is consistent with the defined area in the Chinatown Development Strategy). This change would result in a slightly different application area, as the Policy currently only applies to those lots which front Napier Terrace and does not extend to the properties fronting

Fredrick Street. Given the Policy was developed based on a discussion paper prepared in 2005 which incorporated lots within this area, it is recommended that the application area be updated to be consistent.

Further, it is recommended that a background section be included in the report setting out that the Policy provisions were informed through the 2005 Discussion Paper and remove the references to the discussion paper within the clauses of the Policy. This is recommended as the 2005 Discussion Paper does not form a part of the Policy, however was an informing document which lead to the Policy provisions being adopted.

It is also proposed that the Policy clarifies through the inclusion of an additional provision that the car parking rate for the previously zoned 'Town Centre – Chinatown' zone, only be applied to the defined Chinatown area and does not extend to the new 'Town Centre' zone to the west of Hamersley Street/Old Broome Road. This is proposed to clarify the interpretation of Schedule 16 of LPS6, as this Schedule was not updated to reflect the new land use zones that have now been applied through the gazettal of LPS6. It is proposed that the Policy clarifies the car parking rate within Chinatown would be calculated at the rate of one bay per 25sqm of Gross Floor Area regardless of the land use (with the exception of residential development), whereas the rest of the Town Centre zone car parking would be calculated based on the proposed land use.

While it is noted that both areas now share the same zoning, they are very different in how they have been developed and function and therefore it is not recommended that the same car parking rate be applied. The Chinatown area, as referenced in the 2005 discussion paper, essentially functions as a large shopping centre with a mix of speciality stores and day-to-day convenience stores, where customers would generally visit more than one shop when attending the area. The Town Centre zone to the west of Hamersley Street/Old Broome Road does not function in this same way and each premises generally operates in isolation of the other with minimal opportunities for shared parking spaces within the road reserves. It is therefore considered that car parking within this area should be calculated as per the proposed land use as set out in Schedule 16 of LPS 6 as opposed to applying a flat rate.

#### LPP 8.10 – Parking, Landscaping, Storage, Crossover and Drainage Standards for Planning Applications

The Policy under both the general parking section and the verge parking section establishes that all bays are to be sealed, kerbed, line marked and sign posted. The sealing, kerbing and line marking is sufficient to clearly establish a car parking bay and to sign post it as such is considered unnecessary and impractical. It is therefore recommended that the requirement that bays be sign posted is removed.

#### 8.14 – Refunding and Waiving/Reducing of Planning Fee's

It is proposed that this Policy is amended to give the ability for 50% of the planning application fee to be refunded where an application is withdrawn following a request for further information being received by the applicant. This is proposed as the current Policy provisions limit the ability for the fee to be refunded if the request to withdraw the application is not received within 21 days of submission of the application. In some circumstances, the applicant may have not had adequate opportunity to give consideration on whether they wish to proceed with the application as the further information may have only just been issued by the Shire. The amendments proposed are considered more equitable.

### 8.15 – Planning Approvals – Amendments/Extensions to Term of Approval and Requests for Further Information

Amendments to this Policy were proposed to reflect the new provisions in LPS6 whereby an amendment to a planning approval can only be considered when the development has not commenced. These amendments were included in the background section of the report and also Clause 1.2.

It is proposed that these references are deleted as the *Planning and Development (Local Planning Scheme) Regulations* are due to be gazetted shortly and will become operational in mid-October 2015. These Regulations will introduce deemed provisions which would result in the operational parts LPS6 being revoked and replaced with provisions that will apply to all Schemes across the State. The Regulations will allow for amendments to planning approval to be submitted once development has commenced. Therefore once the Regulations are operational the Policy will become ultra vires. It is therefore recommended that this provision is removed.

### 8.16 – Provision of Parking

Clause 2.3 of this Policy outlines that the proponent can engage the Shire to design and construct the car parking, it is proposed that this be deleted. Additional text is recommended to be included setting out that it is the applicant's responsibility to arrange for the design, supervision and construction in accordance with the Shire's Guidelines.

The way the current provision is drafted, it allows the proponent to either design and construct the parking, or to engage the Shire to design and construct. The current wording of the Policy implies that the option to engage the Shire is a given when it may not be the case. While the Shire may be engaged to undertake private works, operationally this may not be possible. It is therefore recommended that this is removed and the Policy establishes that the applicant is to make arrangements in this regard.

Similar to the comments under LPP 8.9 above, an additional provision has been recommended for inclusion clarifying how the car parking rate for the 'Town Centre' zone is to be calculated. Further for clarification, an additional clause is proposed for inclusion under the 'cash-in-lieu' section setting out that cash-in-lieu in Chinatown is to be calculated in accordance with LPP 8.9.

### 8.17 – Signs

The Shire of Broome currently has two Policies providing direction on signage, being the LPP 8.17 – Signs and the Planning Policy 4.1.13 – Chinatown Signage and Advertising and a number of amendments were proposed to the LPP to incorporate the provision of the Planning Policy 4.1.13. Upon review it has been identified that further amendments should be undertaken as described below:

- Clause 1.1 sets out that signs must be within or on the boundaries of the lot on which the business is operating. Given that the Chinatown signage provisions are now incorporated into this LPP, there are some situations where signs strictly will not be on the property if it is attached to an awning or veranda which extends over the footpath. It is therefore recommended that clarification be included that such signs are considered acceptable.
- Clause 1.10 was included to provide clear direction on signage standards within Chinatown. It is proposed to include at the start of the clause with 'Notwithstanding any other provision of this policy...'. This is proposed to ensure that

it is clear that this section is a primary consideration for applications for signs within Chinatown.

- The current Chinatown Signage Policy allows for three signs per tenancy and on a corner lot it is three per frontage. It is recommended that a similar provision is included to be consistent with the current Policy provision.
- Under the 'signs not permitted' include a sign which is not erected on the lot which a business is operating. While this is included as a 'general provision' it is recommended that this is included as a 'not permitted' type of sign such that officers do not have discretion to approve such types of signs. This will be further expanded on in the comments below.
- Inclusion of additional clause 1.17 which establishes the criteria for which applications are to be referred to Council for determination. This is proposed to be included to streamline the assessment process of signage applications and give officers the ability to approve more applications under delegated authority. This will be further explained below.

The current Policy provides for a set of performance criteria, however it is unclear as to how the performance criteria are to be applied and whether officers have discretion to apply performance criteria under delegation from Council. The signage provisions contained within the Policy generally reflect the 'exempt signs' prescribed under LPS6 and therefore the Policy, other than establishing 'not permitted' signs and the additional provisions for the Chinatown area, does not establish any additional direction to that provided as exempt signs under the Scheme.

It is considered that the performance criteria established in the Policy gives adequate guidance to assess signage applications that may propose a variation to the size of the sign. It is therefore recommended that an additional provision be included that gives the ability for Officer's to determine applications under delegation where it meets the performance criteria and the aggregate size of the signs do not exceed 20% of the area of the building elevation. Officer's will still not have the ability to determine application for sign which are defined as 'not permitted' under Clause 1.12.

It is considered that this approach will ensure that the objectives of the Policy will still be satisfied and would deliver a streamlined assessment process.

### 8.18 – Operative Policy

The role of DCU over time has been expanded to incorporate more than just planning approvals, but also extends to other approvals, licences and/or permits issued by other operational areas at the Shire under relevant local laws and Regulations. While this in the main incorporates areas falling within the Development Services Directorate, it also includes items such as event applications in the Community and Economic Development Directorate and works related applications in the Infrastructure Directorate.

This has been undertaken to ensure that prior to determination of such applications, they are raised for discussion to allow a streamline process for assessment and also to incorporate the views that may be impacted across directorates. To reflect this additional text description is included under the background section, an additional objective is proposed, relevant staff have been referenced and an additional clause 6.5 is proposed to reflect this process.



It is also proposed to include an additional clause clarifying that where applications are to be advertised, the form and type of advertising is to be undertaken consistent with LPP 8.23.

#### 8.19 – Telecommunications Infrastructure

The State has release a draft of the updated SPP which proposes to override any setback prescribed in adopted LPP's and establish that the infrastructure is to be setback the height of the facility. It is therefore recommended that the Policy is updated so unreasonable expectations within the community are not created and the primacy of the SPP is recognised.

#### 8.20 – Provision of Public Art

At the Ordinary Meeting of Council in February 2015, Council resolved to adopt the Public Art Masterplan and also to review the policies relating to Public Art and present these to the Committee for recommendation to Council. The Committee are considering the proposed amendments at the meeting on the 16 July 2015.

As a result of the review, it is proposed that the Policy is amended in the following manner:

- Include additional information in the background section, setting out that the installation of art helps to achieve the objectives of LPS6.
- Amend Policy statement 1.1 setting out that a contribution is to be made to an amount equal to one percent of the development costs which is to be satisfied as either a monetary contribution or installation of public art work on site (current Policy emphasises that it should be a monetary contribution).
- Amend 1.2 to state that the contribution must be 'made' as opposed to an invoice being issued.
- Amend 1.3 to establish criteria that must be satisfied if public art is proposed to be installed onsite or immediately adjacent to the site. The provision that such art has to be clearly visible to the general public has been maintained and a provision requiring that the art is development in accordance with a Public Art Report, consistent with the Shire's Guidelines has been recommended.
- Inclusion of a provision setting out that art built in accordance with the Policy is considered minor development and will not need planning approval from the Shire.

Overall it is considered that the above amendments would result in improved outcomes as it will streamline the processes in the event an applicant wishes to construct the public art, as it is deemed 'minor development' and therefore exempt the need to obtain planning approval. The changes proposed also sets out that the applicant can either construct the public art or make a monetary contribution. While this is provided for under the current Policy the emphasis was placed on making a monetary contribution.

Further the Policy refers to the recently prepared Guidelines for Public Art, which have been prepared by the Community Development business unit to provide clear direction on how the Community Development section will assess/review proposal for public art in the event it is proposed to be constructed by the developer or the Shire will construct Public Art from the funds collected from this Policy.

#### 8.23 – Public Consultation – Planning Matters

This Policy prescribes the level of consultation required for particular planning applications. The key section of the Policy which establishes the consultation required is Schedule 1 – Consultation Matrix. As the consultation matrix is based generally on whether a

development is a 'P', 'D' or 'A' land use, the land use permissibility's in the zoning table were reviewed in detail to ensure that an appropriate level of consultation is established. In this review it was identified that some land uses should require level B consultation (owners of properties being potentially affected consulted in writing with minimum 14 day consultation period) instead of level C (ad in newspaper, sign on site, written letters to all properties within 100m and a 21 day comment period). This would streamline the planning assessment process (as a shorter comment period is applicable) and would reduce costs (Level C consultation requires an additional fee of \$205 plus costs).

It is proposed that the following land uses require level B consultation, instead of level C consultation:

- 'Agricultural – Intensive' in the General Agriculture and Culture and Natural Resource Use zone.
- 'Bed and Breakfast' in the Residential and Rural Residential zones;
- 'Family Day Care' in the Residential, Rural Residential and Mixed Use zones; and
- 'Home Business in the Residential zone'.

As the above land uses are likely to only impact on land owners within proximity to the site, rather than the wider community at large, Level B consultation is considered more appropriate.

#### Draft Minor Development Policy

Clause 8.2 of LPS6 sets out which form of development is exempt from the need to obtain planning approval and sub-clause 8.2 (g) gives the ability for the Shire to adopt a Local Planning Policy to establish minor development which does not require the issue of planning approval.

**Attachment No 3** is the draft Policy which has been developed to set out which forms of development are considered minor and therefore are proposed to be exempt from the need to obtain planning approval. It is considered through the adoption of this LPP development which is minor and does not present any need to undertaken a planning assessment or be considered against Clause 10.2 – matters to be considered under LPS6, be exempt. This will streamline approval processes and remove unnecessary 'red-tape'.

The draft LPP was also advertised for public comment and no submissions were received in this regard.

#### Summary

Based on the above comments, it is recommended that Council adopts the proposed amendments to the Local Planning Policies and the new draft LPP – Minor Development, as set out in Attachment No 1 and 3. Further, as foreshadowed in the item presented to the February 2015 Ordinary Meeting of Council it is proposed that the following Policies are revoked:

- Planning Policy 4.1.13 – Chinatown Signage and Advertising

The provisions of this Policy have been incorporated into the reviewed LPP 8.17 – Signs and therefore can be revoked.

- Planning Policy 4.1.16 – Shade Sails

The provisions of this Policy have been incorporated into draft Local Planning Policy – Minor Development and therefore is recommended to be revoked.

**CONSULTATION**

Clause 2.4.1 of LPS 6 and LPP 8.23 – *Public Consultation Planning Matters*, require that LPP's (including proposed amendments) be advertised for 21 days and placed in a local newspaper circulating within the scheme area for two consecutive weeks. However given that this process was a complete Policy review to ensure that the community had enough time to review the draft changes and make a submission, the consultation period was comment period was recommended to be 42 days.

The amendments to the LPP's and the draft Minor Development Policy was advertised in the Broome Advertiser on 12 March 2015 and 19 March 2015, seeking public comment for a period of 42 days. The proposed amendments to the LPP and the draft Minor Development Policy was also made available for public comment via the Shire's website for a period of 42 days.

At the close of the submission period one submission period was received. This submission raised the following comments in relation to the proposed changes to LPP 8.27 – Bed and Breakfast Accommodation:

Submitters Comment	Officers Response
<p>It is noted that one of the proposed amendments is to limit the number of bedrooms that may be used for a B&amp;B to a total of 2 and the number of guests that may be accommodated to a maximum of four. This is a substantial change from the pervious standard which was a total of 3 bedrooms and a maximum of 6 guests.</p>	<p>It is noted that currently the Policy has a provision which sets out that a 'maximum of 6 guests are permitted' and that it is proposed this provision is amended to alter the accommodation numbers and also to specify the number of bedrooms.</p> <p>The number of persons to be accommodated is proposed to be amended from '6' to '4 adults or one family'. It is also recommended that the provision sets out that up to 2 guest rooms would be considered.</p> <p>This amendment would bring the policy into line with other land use definitions under the Scheme. If an application was submitted for more than 4 adults or one family, it would generally be classed as a 'Residential Building' as opposed to Bed and Breakfast. A note has been included so it is clear to any future applicant that if wanting to accommodate additional persons they would need to refer to LPP8.24, which provides the Shire's Policy position on development of Residential Buildings.</p> <p>Note, this provision will also be consistent with the new definition of Bed and Breakfast that will be prescribed in the draft <i>Planning and Development (Local Planning Schemes) Regulations 2014</i>.</p>
<p>My business was approved by the Shire in 09 to operate with a maximum of 6 guests and a total of 3 bedrooms and was purchased fro this specific purpose. If we are forced to reduce our</p>	<p>Any changes proposed to a LPP are not retrospectively imposed. Therefore it will have no impact upon existing approved B&amp;B operators.</p>

turnover by one third during the short well defined peak tourism period in Broome I do not think it would be viable.	
There are substantial costs involved in operating a small accommodation facility which is substantial when spread over a modest 3 rooms but much harder to afford if the number of rooms are reduced.	As above, the changes are proposed to the LPP are to ensure that it is consistent with the land use definitions provided in the Scheme and the draft Regulations. It will not be retrospectively imposed on existing approvals.
A further major issues is that the layout of the facility which was selected and purchased at a premium price because it suited the 3 bed criteria, the property would not suit the proposed change and simply would not work well at all.	As per above comments.
I respectfully request that Councillors make special provisions for business that have been previously approved under existing criteria to continue to operate in accordance with that approval as having existing usage rights.	Noted and supported as per above comments.
I seriously believe that the future of tourism in Broome depends on having a wide variety of accommodation facilities across a broad spectrum of market. Staying at a B&B is not the first choice for many guests but it is a specialised area. When visitors stay at a B&B a number of other businesses benefit as by their nature they only serve breakfast so guests use safes and restaurants for other materials in addition to other tourist attractions.	Noted.

As be can viewed above, it is not proposed to make any changes to the draft 8.27 – Bed and Breakfast Accommodation. Further the concerns that have been raised by the proponent will not be realised at the provisions of the LPP cannot be retrospectively imposed on existing approvals.

**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:

- (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.

## **2.5 Revocation of a Local Planning Policy**

A Local Planning Policy may be revoked by:

- (a) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

## **2.6 Local Planning Policy savings provision**

Local planning policies prepared and adopted by the local government under the provisions of the revoked scheme referred to in clause 1.1.2 shall be taken to be a Local Planning Policy made in accordance with the requirements of Part 2 of this Scheme.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

The cost of advertising will be borne by existing budget allocations.

### **RISK**

The risk involved in this process would be to do nothing and not adopt amendments to LPP's to respond to the gazettal of Local Planning Scheme No 6. This would result in the LPP's being out of date and in some cases irrelevant.

## **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:**

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

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

Affordable land for residential, industrial, commercial and community use

### **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

Improved systems, processes and compliance

## **VOTING REQUIREMENTS**

*Simple Majority*

### REPORT RECOMMENDATION:

*That Council:*

1. Pursuant to Clause 2.4.2 of Local Planning Scheme No 6, adopts the following Local Planning Policies as amended and as set out in Attachment No 2:
  - LPP 8.2 – Planning Conditions – Bonds and/or Bank Guarantees;
  - LPP 8.3 – Outdoor Dining
  - LPP 8.4 – Staff Accommodation in General Agriculture, Rural Residential and Rural Small Holdings zones
  - LPP 8.5 – Shipping and/or Storage Containers
  - LPP 8.6 – Heritage List – Development of Listed Places

- *LPP 8.7 – Sprinkler and Hydrant Water Tanks*
  - *LPP 8.8 – Transient Workers Accommodation*
  - *LPP 8.9 – Cash in Lieu Parking – Chinatown*
  - *LPP 8.10 – Parking, Landscaping, Storage, Crossover and Drainage Standards for Planning Applications*
  - *LPP 8.11 – Satellite Dishes, Masts and Antennas*
  - *LPP 8.12 – Fences*
  - *LPP 8.13 – Planning Compliance*
  - *LPP 8.14 – Refunding and Waiving/Reducing Planning Fees*
  - *LPP 8.15 – Planning Approvals – Amendments/extensions to term of approval and requests for further information*
  - *LPP8.16 – Provision of Parking*
  - *LPP 8.17 – Signs*
  - *LPP8.18 – Operative Policy*
  - *LPP 8.19 – Telecommunications Infrastructure*
  - *LPP 8.20 – Provision of Public Art*
  - *LPP 8.21 – Design Guidelines – Town Centre*
  - *LPP 8.22 – Chinatown Development Strategy*
  - *LPP 8.23 – Public Consultation – Planning Matters*
  - *LPP 8.24 – Forms of Residential Accommodation Other Than a Single Dwelling*
  - *LPP 8.25 – Old Broome Development Strategy*
  - *LPP 8.26 – Caretakers Dwellings and Attached Offices in the Light and Service Industry Zone*
  - *LPP 8.27 – Bed and Breakfast Accommodation*
  - *LPP 8.28 – Tourist Accommodation Developments (Excluding Caravan Parks) Within the Tourist Zone.*
  - *LPP 8.29 – Conflict of Interest – Planning Applications*
2. *Pursuant to Clause 2.4.2 of Local Planning Scheme No 6 adopts the Local Planning Policy – Minor Development without modification as set out in Attachment No 3.*
3. *Pursuant to Clause 2.5 of Local Planning Scheme No 6, revokes the following Policies:*
- *Planning Policy 4.1.13 – Chinatown Signage and Advertising*
  - *Planning Policy 4.1.16 – Shade Sails*

### **Attachments**

1. Attachment No 1 - Amended Local Planning Policies
2. Attachment No 2 - Summary of Changes
3. Attachment No 3 - draft Minor Development Policy

## 9.2.4 APPLICATION FOR PLANNING APPROVAL - EXTENSIONS TO OFFICES - LOT 70 (NO. 11) NAPIER TERRACE, BROOME

<b>LOCATION/ADDRESS:</b>	Lot 70 (No 11) Napier Terrace, Broome
<b>APPLICANT:</b>	Saleeba Adams Architects on behalf of Bidadanga Aboriginal Community
<b>FILE:</b>	NAP-1/11
<b>AUTHOR:</b>	Statutory Planning Coordinator
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director of Development Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	8 July 2015

**SUMMARY:** An application for planning approval has been received for extensions to the existing office at Lot 70 (No 11) Napier Terrace, Broome.

This application is being referred to Council as parking is proposed in the adjoining road reserve. A cash-in-lieu payment is also recommended for the car parking that cannot be provided within the adjacent road reserve.

This report recommends that the application is conditionally approved.

### BACKGROUND

#### Previous Considerations

OMC 29 November 2012                      Item 9.2.2

#### Site and Surrounds

Lot 70 (No 11) is 816sqm in area and is a corner lot with frontage to Napier Terrace and Carnarvon Street. The site is developed with offices which are occupied by First National Real Estate and Bankwest and covers almost 100% of the entire lot. The subject site falls within the State Registered Heritage Place, Chinatown Conservation Area.

#### History

A development application was considered and conditionally approved at the Ordinary Meeting of Council on the 29 November 2012. At this meeting Council resolved the following:

*That Council approves the application for Planning Approval 2012/86 for extensions to the Offices development on Lot 70 (No. 11) Napier Terrace, subject to the following:*

- 1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:*

#### *Plans and Specifications*

*P1 (Floor Plan) received by the Shire on 12 July 2012*



2. *The proponent is to fully construct the two (2) off-site bays and associated works in the Napier Street Reserve to Shire standards as part of the developments' construction in accordance with Drawing C12-006D.*
3. *The cash-in-lieu payment for the two (2) car bays not provided on site is to be paid prior to the occupation of the development, to the satisfaction of the Shire. The payment per bay being \$5250.00 making a total payment due of \$10,500.00*

The above development application expired on the 29 November 2014 and the applicant has now lodged a new development application. The development application has not changed in any way to that previously approved.

### The Proposal

The application seeks approval to enclose the existing verandah on the southern portion of the building and approximately half of the verandah on the western portion of the building. This would result in the creation of an additional 91sqm of office floor space.

The works proposed to infill under the existing verandah structure will not impact upon the existing building form and the infill walling will be finished in white horizontal custom orb sheeting with timber windows to match the existing building.

No additional parking will be proposed on site as the building occupies the whole site area.

The proposed site plan is set out in **Attachment No 1**.

### **COMMENT**

A development application for this site was previously approved by Council at the November 2012 Council Meeting and this current application does not propose any modifications to this previous approval. Since this time, Local Planning Scheme No 6 has been gazetted and the Chinatown Development Strategy has been reviewed. The below comments will provide an assessment of the application against the updated planning framework.

### Land Use

The subject site is zoned 'Town Centre' under the provisions of Local Planning Scheme No 6 (LPS6) in which an 'Office' use is permitted. Further the proposed development is consistent with the purpose in the Town Centre zone in that it will reinforce the areas function as the principal commercial centre for Broome. Further the development would be consistent with the Local Planning Strategy which designates the areas as the Town Centre zone and further reinforces that the areas intention is to be the main commercial centre for Broome.

Under the Chinatown Development Strategy (CDS) the subject site is identified as being within the 'retail' precinct. While offices are not identified as being a priority land use on the ground floor, it is identified as being a secondary land use, which particularly identifies banks and real estates as being acceptable.

Overall it is considered that land use proposed is consistent with the LPS6 provisions and the local planning framework being the LPS and the CDS. It is therefore considered from a land use perspective that the development meets with the aims of the Scheme and is consistent with orderly and proper planning.

## Development

The development proposes the creation of an additional 91sqm of retail floor area. In accordance with Schedule 16 of LPS6, car parking is to be provided at the rate of 1 bay per 25sqm of gross floor area. Therefore the development requires the provision of 4 car parking bays. These bays cannot be provided on site as the building occupies the full site area.

With the exception of car parking, the development satisfies all the site and development requirements prescribed under LPS6, the CDS and the Chinatown Urban Design Guidelines, as set out in the assessment table in **Attachment No 2**.

It is proposed that the existing car parking layout within the verge area is redesigned so that an area that currently accommodates two parallel car parking bays is reconfigured to make provision for four right-angled car parking bays, as shown in **Attachment No 3**. This design would result in an additional two car parking bays to support the proposed extension and is considered to be an improved car parking layout.

The reconfiguration of the car parking would result in amendments to the existing landscaping provided within the Napier Terrace verge, as such a condition of approval is recommended requiring the applicant to prepare a landscaping plan and therein maintain the landscaping. Further, a condition is recommended setting out that the applicant is to enter into a deed of agreement, acknowledging that it is the applicant's responsibility to maintain the car parking and landscaping within the adjacent road verge.

The applicant has set out that consistent with the previous decision of Council, it would make a cash-in-lieu contribution for the two additional bays that cannot be provided onsite or within the adjacent road reserve. Local Planning Policy 8.9 – Cash-in-Lieu of Car Parking – Town Centre Chinatown Zone, provides direction on the provision of cash-in-lieu parking within the Chinatown area. Clause 4 of the LPP states that properties identified as developed in the discussion paper dated 18 August 2005 are entitled to provide cash-in-lieu of the provision of on-site car parking for any subsequent development of the property provided at least 50% of the required parking is provided on site. While the applicant is not providing 50% of the required parking on site, as mentioned above, through the redesign of the verge parking in front of the premises, an additional two bays (being 50% of the required parking) is provided for immediately adjacent to the premises. As such it is considered that the intent of the Policy is being maintained and that the development can be supported with a condition requiring a cash-in-lieu contribution for two bays.

Based on the above comments, it is recommended that the development application is approved subject to conditions with regard to parking, landscaping and ongoing maintenance of these improvements.

## **CONSULTATION**

As the site falls within the State Registered Chinatown Conservation Area in accordance with the provisions of the Heritage Act of Western Australia the application was referred to the State Heritage Office for comment. The State Heritage Office did not raise any objections to the proposed works.

The proposal was not advertised to adjoining properties as the applicant accepted the precious requirement to contribute cash in lieu in accordance with Councils Policy.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Local Planning Scheme No 6 – Refer to planning assessment under **Attachment 3**.

**POLICY IMPLICATIONS**

LPP 8.9 – Cash In Lieu of Car Parking – Town Centre Chinatown Zone.

LPP 8.16 – Parking – Car, Motorcycle, Bicycle

LPP 8.21 – Design Guidelines – Chinatown

LPP 8.22 – Chinatown Development Strategy

**FINANCIAL IMPLICATIONS**

The condition of planning approval with respect to cash-in-lieu for two car parking bays would result in a cash contribution of \$12,040 (note this may increase if this fee is changed through the adoption of the Schedule of Fee's and Charges).

Conditions of approval are recommended setting out that the car parking and subsequent amendments to landscaping will be the landowner's responsibility to maintain. This would reduce future costs to the Shire.

**RISK**

Nil

**STRATEGIC IMPLICATIONS**

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

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

**VOTING REQUIREMENTS**

*Simple Majority*

REPORT RECOMMENDATION:

**That Council:**

1. Approves the application for planning approval 2015/72 for the Office Extension at Lot 70 (No 11) Napier Terrace, Broome submitted by Saleeba Adams Architects subject to the following conditions:

- i. Development must be carried out in compliance with the plans and documentation listed below and endorsed with the Council's stamp, except where amended by other conditions of this approval.

*Plans & Specifications*

P1 (Site Plan) as received by the Shire on 11 June 2015.

- ii. Prior to any construction or works commencing on site, the applicant must prepare and submit the following plan(s) for the approval of the Shire of Broome:

- a. A detailed engineering plan for the redesign of the verge parking within the adjacent road reserve to incorporate an additional two (2) car parking bays.
- b. A detailed landscaping plan for the landscaping of the verge adjacent to the site.

- iii. Prior to the occupation of the development, the applicant is to complete the following works and therein maintain to the satisfaction of the Shire of Broome:

- a. Construct the car parking bays within the adjacent road verge in accordance with the approved engineering plan.
- b. Install the landscaping in accordance with the approved landscaping plan.

- iv. Prior to the occupation of the development, the applicant must provide cash-in-lieu for an additional two (2) car parking bays calculated in accordance with the Shire of Broome Schedule of Fee's and Charges.

- v. Prior to the occupation of the development a deed of agreement is to be prepared and executed at the owners cost between the owner and the Shire, in which:

- a) The owner is responsible for the maintenance of the car parking and landscaping within the road verge; and
- b) The owner indemnifies the Shire over any claim arising from the improvements in the road verge and agrees to take out and maintain public liability insurance for a minimum amount of \$10 million for any one claim.

The deed of agreement is to permit the Shire to lodge a caveat against the Certificate of Title to the land to secure the performance of the obligations of the Deed.

Advice Notes

- i. This approval does not permit the use of the land and or any building or undertaking of development unless all conditions have been and continue to be complied with. You are advised of the need to comply with the requirements of the following other legislation:

- *The Western Australian Building Act 2011 requires a Building Permit being obtained from the Shire before any work commences on site; and*
- *Health Act 1911 and Department requirements in respect to the development and use of the premises.*

*Please note the above is not an exhaustive list of legislation and you may be required to comply with other relevant legislation.*

- ii. *If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.*
- iii. *The granting of this Planning Approval is not a clearance that there are no Aboriginal Heritage Sites on the land nor is it an approval under Section 18 of the Aboriginal Heritage Act, in the event that there is an Aboriginal Heritage Site on the land. The land owner will need to make enquiry and application to the Department of Aboriginal Affairs in this regard.*
- iv. *With regard to condition ii) the engineering plan for the verge parking must be prepared in accordance with Guidelines for the Construction of Carparking within the Shire of Broome Road Reserve.*
- vi. *With regard to condition ii) the detailed landscaping plan must be drawn to an appropriate scale and show the following:*
  - a) *The location and type of existing trees including girth sizes (to be measured around the width circumference); and how they interact with the proposed development.*
  - b) *The location and type of new trees and shrubs including an estimate of ultimate girth sizes that are proposed to be installed as part of the landscaping.*
  - c) *Lawns areas to be maintained.*
  - d) *Any natural landscape areas to be retained.*
  - e) *Those areas to be reticulated or irrigated.*
  - f) *Please note, an area 1m minimum, should be kept clear of all impervious materials around existing and proposed tree trunks.*
- v. *The development must be connected to the Water Corporations sewer and water.*

- 2. *Authorises the Shire President and CEO to engross the necessary legal documents required to be prepared to satisfy the abovementioned conditions.*

## **Attachments**

- 1. Attachment No 1 - Site Plan
- 2. Attachment No 2 - Planning Assessment Summary

3. Attachment No 3 - Verge Parking Redesign

## 9.2.5 PRELIMINARY HERITAGE ASSESSMENT FOR POTENTIAL REGIONAL RESOURCE RECOVERY PARK SITES ON ROEBUCK PLAINS PASTORAL STATION

<b>LOCATION/ADDRESS:</b>	Roebuck Plains Pastoral Station
<b>APPLICANT:</b>	YAWURU
<b>FILE:</b>	RRP01
<b>AUTHOR:</b>	Director of Engineering Services
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director of Engineering Services
<b>DISCLOSURE OF INTEREST:</b>	NIL
<b>DATE OF REPORT:</b>	9 July 2015

**SUMMARY:** The Regional Resource Recovery Park (RRRP) Sites of Interest Report has identified potential RRRP Sites on the Roebuck Plains Pastoral Station. Native Title on Roebuck Plains Pastoral Station has been determined to be held exclusively by the Yawuru Community.

To further progress the selection of potential sites for the RRRP on the Roebuck Plains Pastoral Station, a preliminary heritage assessment needs to be undertaken. A preliminary heritage assessment would involve site visits to potential RRRP sites by Yawuru Directors, a Yawuru Community meeting and an Outcomes Report, which would identify acceptable sites for the RRRP.

This report recommends that Council authorise the Chief Executive Officer to negotiate the scope and cost of a preliminary heritage assessment prior to engaging Yawuru to undertake the work.

### BACKGROUND

#### Previous Considerations

OMC 10 July 2010	Item 9.3.14
OMC 7 July 2011	Item 9.3.2
OMC 15 March 2012	Item 9.2.9
OMC 29 November 2012	Item 9.3.2
OMC 21 February 2013	Item 9.3.1
OMC 17 October 2013	Item 9.3.1
OMC 25 September 2014	Item 9.3.1

At its meeting on 25 September 2014, Council considered an agenda item regarding the Community Engagement Plan for the Regional Resource Recovery Park Site Selection Study (Item 9.3.1) and resolved:

*That Council:*

1. *Endorses the Community Engagement Plan and Consultation Documents as attached to this report.*
2. *Requests the Chief Executive Officer to implement the Community Engagement Plan.*
3. *Requests the Chief Executive Officer to report back to Council to seek endorsement of the preferred site(s) prior to undertaking detailed site investigation.*

The existing Buckleys Rd Waste Management Facility is rapidly approaching capacity and it is proposed to construct a new, best practice Regional Resource Recovery Park (RRRP).

Extensive Stakeholder and Community engagement on the RRRP Site Selection process has been undertaken. The Shire has consulted with native title holders, represented by Yawuru Native Title Holders Aboriginal Corporation RNTBC (Yawuru RNTBC) and Nyamba Buru Yawuru Ltd (NBY), who are collectively known as Yawuru.

### Details of Consultation

#### RRRP – Areas of Interest Report

Stakeholder submission period was from October to December 2014

Public submission period was from January to March 2015

#### RRRP – Sites of Interest Report

Stakeholder and Public submission period was from April to June 2015

At a Councillor workshop held on 7 July 2015 (attended by Councillors Campbell, Mitchell, Lewis and Male), the need to progress the detailed site investigations for the RRRP was again highlighted as critical. Councillors were advised of the need to engage with Yawuru and undertake a preliminary heritage assessment for the RRRP Sites of Interest on Roebuck Plains Pastoral Station.

### **COMMENT**

The site selection phase of the RRRP Project is nearing completion and the detailed site investigation phase will be commencing soon. The sites of interest for the RRRP are identified on the attached locality plan.

#### **Attachment 1: RRRP Sites of Interest – Locality Plan**

Of the potential sites identified for the RRRP, Site D1 is the current “highest scoring” site, but this site does require further investigation to establish if there is any potential impacts on the aquifer used for the Broome and Coconut Well water supply. Sites F3, H1 and G1 all have similar ratings in the Site Selection Study and are located on the Roebuck Plains Pastoral Station.

#### **Attachment 2: RRRP Site Selection Study – Site Ratings**

All of the 11 sites of interest are within the area of land to which the Yawuru Community has cultural and historic connections, and are within the outer boundaries of the Yawuru Determination (WCD 2006/1).

Site D1 is in an area where native title was determined to no longer exist, by reason of the Water Reserve (Reserve 25716) which covers the land. The other high scoring sites (F3, H1 and G1) are all on Roebuck Plains Pastoral Station, where Native Title has been determined to be held by the Yawuru Community on an exclusive possession basis. In order to satisfy the requirements of the *Native Title Act 1993*, any use or development of that land should be done only after consultation with the Yawuru Community.

For the RRRP to be constructed on the Roebuck Plains Pastoral Station, part of the pastoral lease would need to be surrendered and a new tenure (freehold, lease or reserve) would need to be created. This would mean that an Indigenous Land Use Agreement (ILUA) would need to be entered into between the Shire and Yawuru for the land.



Following consultation with Yawuru regarding a process to confirm suitable sites for the RRRP on Roebuck Plains Pastoral Station, it is proposed to undertake a Preliminary Heritage Assessment.

#### Preliminary Heritage Assessment for the RRRP Sites of Interest

Yawuru have proposed the following process to address native title issues and obtain Yawuru Community agreement on the preferred sites on Roebuck Plains Pastoral Station:-

1. A visit to the general area of the main sites of interest by Yawuru RNTBC Directors and Yawuru Law Bosses;
2. An initial community meeting where the Yawuru Community is presented with the site selection process (in brief) followed by discussions about:
  - a. The findings of the site visit;
  - b. The views of the Yawuru Land & Sea group, particularly with respect to the proposed Indigenous Protected Area over parts of Roebuck Plains Station;
  - c. The views of NBY (and ILC) as to the potential commercial impacts on the Roebuck Plains pastoral lease.

The Yawuru Community will be asked whether any of the sites of interest would be unacceptable on native title grounds and will be asked to nominate at least two sites which would be acceptable for a RRRP. A report on the outcomes of the community meeting would be presented to the Shire. Yawuru have provided indicative budgets to undertake the work as detailed in the financial section of this report.

### **Attachment 3 – Yawuru Indicative Budgets**

#### Detailed Site Investigations on the two preferred RRRP Sites

Based on the outcome of the community and stakeholder engagement, a report will be presented to Council recommending the two preferred sites for detailed site investigation.

The first phase of the detailed site investigation will involve engaging Yawuru to undertake a heritage survey on the two sites. Indicative costs for the heritage surveys are included in the financial section of this report. Other site investigations would include a contour survey, flora & fauna survey, geotechnical and hydrogeology.

Based on the outcome of the detailed site investigations, a report would be presented to Council recommending a preferred site for the construction of the RRRP.

In the event that Site D1 was selected as the preferred RRRP site, the engagement process with Yawuru would be concluded. However, if the preferred RRRP site was on the Roebuck Plains Pastoral Station, an Indigenous Land Use Agreement (ILUA) would need to be negotiated with Yawuru.

#### Negotiation of an ILUA

Preliminary advice from Yawuru has indicated that the process to negotiate an ILUA for a RRRP site on Roebuck Pastoral Stations would be as follows:-

1. Negotiations between the Shire and Yawuru over the terms on which the Yawuru Community might agree to surrender or suppress native title over the final RRRP site;

2. Drafting of an Indigenous Land Use Agreement;
3. A further meeting of the Yawuru Community to present the outcomes of the negotiation and, to obtain consent for the ILUA.

Yawuru holds the Roebuck Plains Pastoral Lease. The Pastoral Lease is sub-leased to the Indigenous Lands Corporation (ILC) on commercial terms. The surrender of any portion of the Pastoral Lease for the purposes of an RRRP will necessarily impact the sub lease. As such, ILC will need to be involved in the ILUA negotiation.

The Department of Lands would also need to be involved to approve the surrender of any portion of the pastoral lease and the creation of the tenure needed for the RRRP.

The length of time required to undertake the commercial negotiations and native title negotiations will depend on a number of factors which are difficult to predict. The costs associated with these negotiations are also difficult to predict.

#### Timelines

Yawuru have indicated an 8 week timeline for the preliminary heritage assessment process:-

Within 4 weeks of engagement, Yawuru will arrange for Directors of Yawuru RNTBC and key members of the Yawuru Community to undertake a visit to the proposed RRRP Sites on the Roebuck Plains Pastoral Station.

Within 2 weeks of the site visits, a Yawuru Community Meeting will be held.

Within 2 weeks of the Yawuru Community Meeting being held, Yawuru will provide the Shire with a statement of the outcomes of the Yawuru Community Meeting (Outcomes Report).

The timeline for the RRRP project requires the new facility to be operational within three years. To meet this critical timeline, Officers recommend that Yawuru are engaged to undertake a preliminary heritage assessment. Yawuru confirmation of acceptable sites for the RRRP on the Roebuck Plains Pastoral Station will confirm potential sites for detailed site investigations.

Heritage surveys on the two preferred RRRP Sites will occur within the Detailed Site Investigations phase of the RRRP project timeline.

#### Yawuru Request for Costs to Date

Yawuru does not receive any external funding to cover its costs expended on engagement in the RRRP site selection process and have advised that engaging in the project is a impost on Yawuru's resources. Accordingly, Yawuru have requested reimbursement for its costs to date (staff time) for engaging with the Shire on this issue.

### **CONSULTATION**

Yawuru

### **STATUTORY ENVIRONMENT**

Nil

## POLICY IMPLICATIONS

Local Government Act 1995  
Land Administration Act 1997

## FINANCIAL IMPLICATIONS

The table below outlines costs involved to undertake a preliminary heritage assessment:

### Service: Preliminary Heritage Assessment for potential RRRR Sites on the Roebuck Plains Pastoral Station

Activities	Costs (GST exc)	Remarks
Yawuru engagement costs to date	\$11,247.50	To engage in the RRRP Site Selection Process
Yawuru visit to sites	\$17,165.14	Yawuru Directors and Staff
Community Consultation Meeting	\$11,467.27	Yawuru Community meeting and outcomes report
<b>TOTAL</b>	<b>\$39,879.91</b>	

The table below outlines funding sources for the preliminary heritage assessment.

### Funding Source:

Funding Type	Expense	Funding Details	Account Number
Shire Budget	\$39,879.91	New Refuse Site Exp – Op Exp	108001
<b>TOTAL</b>	<b>\$39,879.91</b>		

The cost of the preliminary heritage assessment is within the budget. The available budget for the RRRP Site Investigation in the Draft 2015/16 Annual Budget is \$600,000.

The table below outlines the cost to undertake heritage assessments on 2 potential RRRP Sites.

### Service: Heritage Surveys on two potential RRRP Sites

Activity	Costs (GST exc)	Remarks
Heritage Survey	\$20,790.28	2 heritage surveys undertaken
<b>TOTAL</b>	<b>\$20,790.28</b>	

The cost of the Yawuru Heritage Surveys on two potential RRRP sites is included within the proposed RRRP Site Investigation budget for 2015/16.

**RISK**

The risk of not undertaking a preliminary heritage assessment on the potential RRRP Sites which are located on the Roebuck Plains Pastoral Station and the subsequent increase in the length of time to confirm suitable sites for the RRRP will be assessed.

Insufficient engagement with Yawuru regarding acceptable sites for the RRRP on the Roebuck Plains Pastoral Station could lead to significant delays to major deliverables. The impact of this is considered **Moderate**.

The likelihood that significant delays will occur to major deliverables if there is insufficient engagement with Yawuru. The likelihood is assessed as **Almost certain**.

From the Risk Ranking table below, this will result in an **Extreme** risk, resulting in intervention being required.

The intervention recommended is to continue to engage with Yawuru and to progress a preliminary heritage assessment of the potential RRRP Sites on the Roebuck Plains Pastoral Station. This will be reduced the risk of delays to low.

<b>Almost Certain</b>	<b>H</b>	<b>H</b>	<b>E</b>	<b>E</b>	<b>E</b>
<b>Likely</b>	<b>M</b>	<b>H</b>	<b>H</b>	<b>E</b>	<b>E</b>
<b>Possible</b>	<b>L</b>	<b>M</b>	<b>H</b>	<b>E</b>	<b>E</b>
<b>Unlikely</b>	<b>L</b>	<b>L</b>	<b>M</b>	<b>H</b>	<b>E</b>
<b>Rare</b>	<b>L</b>	<b>L</b>	<b>M</b>	<b>H</b>	<b>H</b>
<i>Likelihood and Impact</i>	<b>Insignificant</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Catastrophic</b>

<b>Legend</b>	<b>Remedial Outcome</b>
<i>E</i>	<i>Extreme Risk - Immediate intervention required</i>
<i>H</i>	<i>High Risk - Director or CEO must be informed and aware</i>
<i>M</i>	<i>Medium Risk - Management responsibility to monitor</i>
<i>L</i>	<i>Low Risk - Operationally address</i>

<b>Frequency</b>	<b>Likelihood of Incident Occurring</b>	
<i>Almost Certain</i>	<i>Expected to occur in most circumstances</i>	<i>More than once per year</i>
<i>Likely</i>	<i>Will probably occur in most circumstances</i>	<i>At least once per year</i>
<i>Possible</i>	<i>Should occur at some time</i>	<i>At least once in three years</i>
<i>Unlikely</i>	<i>Could occur at some time</i>	<i>At least once in ten years</i>
<i>Rare</i>	<i>May occur, only in exceptional circumstances</i>	<i>Less than once in fifteen years</i>

<b>LEVEL</b>	<b>DESCRIPTION</b>	<b>FINANCIAL IMPACT</b>	<b>HEALTH</b>	<b>REPUTATION</b>	<b>OPERATION</b>
<b>1</b>	<i>Insignificant</i>	<i>Less than \$1,000</i>	<i>No injuries</i>	<i>Unsubstantiated, low impact, low profile or no news item</i>	<i>Little impact</i>
<b>2</b>	<i>Low</i>	<i>\$1,000 to \$10,000</i>	<i>First aid treatment</i>	<i>Substantiated, low impact, low media profile</i>	<i>Inconvenient delays</i>
<b>3</b>	<i>Medium</i>	<i>\$10,000 to \$50,000</i>	<i>Medical treatment</i>	<i>Substantiated, public embarrassment, moderate impact, moderate media profile</i>	<i>Significant delays to major deliverables</i>
<b>4</b>	<i>High</i>	<i>\$50,000 to \$150,000</i>	<i>Death or extensive injuries</i>	<i>Substantiated, public embarrassment, high impact media profile, third party actions</i>	<i>Non achievement of major deliverables.</i>

5	Extreme	More than \$150,000	Multiple deaths or severe permanent disablements	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple media interactivity, third party action.	Non achievement of key objectives.
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## 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

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:**

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

### **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

Effective community engagement

## VOTING REQUIREMENTS

*Simple Majority*

### REPORT RECOMMENDATION:

*That Council:*

1. *Notes:*

- a. *The Regional Resource Recovery Park Sites of Interest Report has identified potential Sites on the Roebuck Plains Pastoral Station.*
- b. *That Native Title on the Roebuck Plains Pastoral Station has been determined to be held exclusively by the Yawuru Community.*

2. *Authorise the Chief Executive Officer to:*

- a. *Negotiate with Yawuru on the scope and cost to undertake a preliminary heritage assessment for potential Regional Resource Recovery Park Sites on the Roebuck Plains Pastoral Station.*

- b. Engage Yawuru to undertake a preliminary heritage assessment to identify acceptable sites for the Regional Resource Recovery Park on the Roebuck Plains Pastoral Station, following successful negotiations on scope and cost.*
- 3. Acknowledge the importance of progressing the Regional Resource Recovery Park Site selection process and identifying potential sites for detailed site investigations.*

### **Attachments**

1. Attachment 1 - Plan of RRRP Sites of Interest
2. Attachment 2- RRRP Ranking of Sites of Interest
3. Attachment 3- Indicative Preliminary Heritage Assessment Costs (*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)((e)(iii)) as it contains "a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government".***

**9.2.6 BROOME GOLF COURSE – PRELIMINARY SITE INVESTIGATION**

<b>LOCATION/ADDRESS:</b>	Broome Golf Course, Port Drive, Broome
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	WRT001
<b>AUTHOR:</b>	Director of Engineering Services
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director of Engineering Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	13 July 2015

**SUMMARY:** Broome Golf Course has been classified by Department of Environment Regulation as “possibly contaminated – investigation required”. This classification requires the Shire to undertake site investigation work to determine the extent of any potential groundwater contamination.

The Broome South Waste Water Treatment Plant has been classified by Department of Environment Regulations as “contaminated – remediation required”. This classification requires Water Corporation to undertake site investigation work to determine appropriate remedial actions.

Water Corporation has offered to extend the scope of the groundwater investigation for the Broome South Waste Water Treatment Plant to include the Golf Course.

This report recommends that a preliminary site investigation be undertaken on the Golf Course and requests Council to authorise the Chief Executive Officer to negotiate a draft Groundwater Investigation Agreement with Water Corporation.

**BACKGROUND**Previous Considerations

Nil

Broome Golf Course is on Reserve 29300. This reserve is vested with the Shire of Broome with a management order for the purpose of public recreation – golf course and it includes the power to lease for up to 21 years.

On 22 September 1997, the Shire of Broome entered into an Effluent Supply Deed with the Water Corporation for the supply of recycled water for use on the Broome Golf Course. Since this date, recycled water has been used for the irrigation of the Golf Course.

**COMMENT**

In a letter dated 10 April 2015, the Department of Environment Regulation (DER) advised the Shire that the Broome Golf Course had been classified as “possibly contaminated – investigation required” and the Broome South Waste Water Treatment Plant (WWTP) had been classified as “contaminated – remediation required”.

**Attachment A: Letter from Department of Environment Regulation**

The definition of contamination is that a substance is present in or on the land, water or site above background levels and it presents a risk to human health, the environment or any environmental value.

Both the Golf Course site and the WWTP are classified as source sites. This means that contamination is deemed to be affecting land or the environment beyond their respective property boundaries. Being named a source site increases the risk ranking of a site and the priority that needs to apply to the site. Both sites have been identified as high priority by DER. This means that DER will want to know that the Shire and Water Corporation are undertaking the actions in the classifications within a reasonable timeframe.

It should be noted that there are a number of land parcels hydraulically down gradient of both sites and these have also been classified as “possibly contaminated – investigation required”. These are classified as affected sites. Affected sites need to be investigated with any remediated action being undertaken by the owners of the source sites.

### Contaminated Sites Act 2003

It is worth noting that there are substantial fines under the Contaminated Sites Act 2003 as follows:-

- For not reporting a known or suspected site – the fines are up to \$250,000 and \$50,000 a day (For a Body Corporate).
- For taking no action on sites after DER give an investigation or clean up notice - the fines for not complying with that notice are up to \$500,000 and \$50,000 a day. (For a Body Corporate).

### Golf Course Classification

In summary, DER has reviewed enough evidence to believe the Golf Course site is possibly causing groundwater contamination. To determine the extent of contamination, groundwater investigations and an assessment of local Hydrogeological conditions are required. The first step in this investigation is to undertake a Preliminary Site Investigation, which is a desktop assessment of the site.

### **Attachment B: URS Proposal for a Preliminary Site Investigation**

It should be noted that there may be a requirement to investigate heavy metals, endocrine disrupting compounds and nutrient impacts on the Golf Course soil. The requirement to undertake this level of investigation can not be determined until the preliminary site work is completed and more is understood about the Golf Course site.

The Golf Course Management (Broome Golf Course Inc) has developed and is implementing a Nutrient Irrigation Management Plan for the site. This Plan ensures that irrigation does not contribute any further nutrients to the aquifer beneath the site. This is a required action of the DER.

The DER also requires that all site investigation works needs to be overseen by a WA accredited Contaminated Sites Auditor.

### Moving Forward

Water Corporation is required to undertake groundwater investigations and to assess the environmental impacts of the WWTP on Roebuck Bay.



During preliminary discussions, Water Corporation has offered to expand the scope of their ground water investigations for the WWTP to cover the Golf Course. However, this offer does not mean that Water Corporation will accept any responsibility for remediation of any contamination caused by the Golf Course's irrigation activities. Water Corporation has also advised that the decision to undertake any remediation will only be determined once investigations have been completed.

The details of the draft Groundwater Investigation Agreement need to be progressed between the Shire and Water Corporation.

#### Stages of the Proposed Contaminated Site Investigations.

STAGE	FUNDED BY	STATUS
WWTP Preliminary Site Investigation – Desktop review of the site and operations	Water Corp	Water Corporation Preliminary Site Investigation drafted and currently with Auditor for review.
Golf Course Preliminary Site Investigation – Desktop review of the site and operations	Shire of Broome	Not started.
Development of Sampling and Analysis Plan for WWTP	Water Corporation	Currently scoping.
Implementation of Detailed Site Investigation * Groundwater well installation and monitoring * Soil sampling across golf course	Water Corporation  Shire of Broome	Currently scoping. (Opportunity to include Golf Course)  The requirement to undertake soil sampling will be determined in consultation with Auditor
Endocrine Disruptor work - work underway as part of research project * Additional Endocrine Disruptor work, if required.	Water Corporation  To be negotiated (Shire/ Water Corp)	In progress, one round completed.  The requirement to undertake additional Endocrine Distributor work will be determined in consultation with Auditor
Contaminated Sites Auditor – to oversee project	Water Corporation	Jason Clay from Aecom has been engaged

Officers recommend that the Shire undertake a Preliminary Site Investigation for the Broome Golf Course and authorise the CEO to negotiate a draft Groundwater Investigation Agreement with Water Corporation.

#### **CONSULTATION**

Water Corporation  
Department of Environment Regulation

### STATUTORY ENVIRONMENT

Contaminated Sites Act 2003.  
Local Government Act 1995

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

The table below outlines the costs involved in the project:

**Service:** Preliminary Site Investigation for Broome Golf Course

Service	Start Up Cost (GST exc.)	Remarks
Environmental Consultant	\$12,320	Quotation from URS
<b>TOTAL</b>	<b>\$12,230</b>	

The table below outlines the funding source for the project costs.

**Funding Source:** Preliminary Site Investigation for Broome Golf Course

Funding Type	Project Expense	Funding Details	Account Number
Budget	\$12,230	Broome Golf Club Maintenance and Operating Expenses – Op Exp	146031
<b>TOTAL</b>	<b>\$12,230</b>		

It should be noted that there is only \$8,600 available in the Broome Golf Club Maintenance and Operating Expenses – Op Exp Account (146031) in the Draft 2015/16 Annual Budget. It is proposed to seek to offset the expenditure for the Preliminary Site Investigation at the 1st Quarter Finance and Costing Review.

### RISK

The risk of not progressing ground water investigation and assessment of local Hydrogeological conditions (i.e. Stage 1 – Preliminary Site Investigation) as notified by the Department of Environment Regulation will be assessed.

Under the Contaminated Sites Act 2003, the fine for not complying with a DER Investigation Notice are up to \$500,000. The impact of this fine to the Shire is Catastrophic.

The likelihood that DER would impose a fine on the Shire if it did not comply with the Investigation Notice is Possible.

The resulting risk (as shown in the table below) to the Shire of not undertaking a Preliminary Contaminated Site Investigations is Extreme. This level of risk requires immediate intervention.

Officers recommend that a Preliminary Contaminated Site Investigation be undertaken as it will reduce the risk of a fine on the Shire to Low.

<b>Almost Certain</b>	<b>H</b>	<b>H</b>	<b>E</b>	<b>E</b>	<b>E</b>
<b>Likely</b>	<b>M</b>	<b>H</b>	<b>H</b>	<b>E</b>	<b>E</b>
<b>Possible</b>	<b>L</b>	<b>M</b>	<b>H</b>	<b>E</b>	<b>E</b>
<b>Unlikely</b>	<b>L</b>	<b>L</b>	<b>M</b>	<b>H</b>	<b>E</b>
<b>Rare</b>	<b>L</b>	<b>L</b>	<b>M</b>	<b>H</b>	<b>H</b>
<i>Likelihood and Impact</i>	<b>Insignificant</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Catastrophic</b>

<b>Legend</b>	<b>Remedial Outcome</b>
<i>E</i>	<i>Extreme Risk - Immediate intervention required</i>
<i>H</i>	<i>High Risk - Director or CEO must be informed and aware</i>
<i>M</i>	<i>Medium Risk - Management responsibility to monitor</i>
<i>L</i>	<i>Low Risk - Operationally address</i>

<b>Frequency</b>	<b>Likelihood of Incident Occurring</b>	
<i>Almost Certain</i>	<i>Expected to occur in most circumstances</i>	<i>More than once per year</i>
<i>Likely</i>	<i>Will probably occur in most circumstances</i>	<i>At least once per year</i>
<i>Possible</i>	<i>Should occur at some time</i>	<i>At least once in three years</i>
<i>Unlikely</i>	<i>Could occur at some time</i>	<i>At least once in ten years</i>
<i>Rare</i>	<i>May occur, only in exceptional circumstances</i>	<i>Less than once in fifteen years</i>

<b>LEVEL</b>	<b>DESCRIPTION</b>	<b>FINANCIAL IMPACT</b>	<b>HEALTH</b>	<b>REPUTATION</b>	<b>OPERATION</b>
<b>1</b>	<i>Insignificant</i>	<i>Less than \$1,000</i>	<i>No injuries</i>	<i>Unsubstantiated, low impact, low profile or no news item</i>	<i>Little impact</i>
<b>2</b>	<i>Low</i>	<i>\$1,000 to \$10,000</i>	<i>First aid treatment</i>	<i>Substantiated, low impact, low media profile</i>	<i>Inconvenient delays</i>
<b>3</b>	<i>Medium</i>	<i>\$10,000 to \$50,000</i>	<i>Medical treatment</i>	<i>Substantiated, public embarrassment, moderate impact, moderate media profile</i>	<i>Significant delays to major deliverables</i>
<b>4</b>	<i>High</i>	<i>\$50,000 to \$150,000</i>	<i>Death or extensive injuries</i>	<i>Substantiated, public embarrassment, high impact media profile, third party actions</i>	<i>Non achievement of major deliverables.</i>
<b>5</b>	<i>Extreme</i>	<i>More than \$150,000</i>	<i>Multiple deaths or severe permanent disablements</i>	<i>Substantiated, public embarrassment, very high multiple impacts, high widespread multiple media interactivity, third party action.</i>	<i>Non achievement of key objectives.</i>

**STRATEGIC IMPLICATIONS**

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

Participation in recreational activity

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:**

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

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**

*Absolute Majority*

REPORT RECOMMENDATION:

*That Council:*

1. *Notes the following:-*
  - (a) *The Broome Golf Course Site has been classified as "possibly contaminated – investigation required" by the Department of Environment Regulation.*
  - (b) *A Nutrient Irrigation Management Plan has been developed for the Broome Golf Course and is currently being implemented by Broome Golf Club Management.*
  - (c) *Groundwater investigations and an assessment of local hydrogeological conditions of the Broome Golf Course Site are required by Department of Environment Regulation.*
  - (d) *Water Corporation have offered to extend the scope of their groundwater investigations and assessment of local hydrogeological conditions for the Broome South Waste Water Treatment Plant to include the Broome Golf Course.*
2. *Recognise the requirement to engage a consultant to undertake a Preliminary Site Investigation for the Broome Golf Course at a cost of \$12,230 and authorise this expenditure from the Broome Golf Course Maintenance and Operating Expenses – Op Exp account (146031) within the Draft 2015/16 Annual Budget, and seek to offset this expenditure at the 1<sup>st</sup> Quarter Financial and Costing Review.*
3. *Authorise the Chief Executive Officer to negotiate a draft agreement with Water Corporation to extend the scope of the groundwater investigations and the assessment of local hydrogeological conditions for the Broome South Waste Water Treatment Plant to include the Broome Golf Course, and to bring the draft agreement back to Council for consideration.*

**(ABSOLUTE MAJORITY REQUIRED)**

**Attachments**

1. Attachment 1- Letter from Department of Environment Regulation

2. Attachment 2- URS Proposal for a Preliminary Site Investigation

# 9.3

## OUR PROSPERITY



### ***PRIORITY STATEMENT***

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

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

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

There are no reports in this section.

## 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 PAYMENTS - JUNE 2015**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	FRE02
<b>AUTHOR:</b>	Finance Officer
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	15 July 2015

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

**BACKGROUND**Previous 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 either Electronic Funds Transfer (EFT), cheque, credit card or direct debit.

Attached is a list of all payments processed under delegated authority during June, 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 —*
- (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*

### REPORT RECOMMENDATION:

*That Council records the accounts as paid under delegated authority for June 2015, totalling \$3,982,524.50, as attached, covering:*

- *EFT Vouchers 31023-31421 totalling \$3,780,022.92;*
- *Municipal Cheque Vouchers 57306-57327 totalling \$55,081.78;*
- *Trust Cheque Voucher 3399-3399 totalling \$3,880.81 and*
- *Municipal Direct Debits 18620.1-18729.17 totalling \$143,538.99*

## **Attachments**

1. PAYMENTS - JUNE 2015

**9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY REPORT - JUNE 2015**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	FRE02
<b>AUTHOR:</b>	Senior Finance Officer
<b>CONTRIBUTOR/S:</b>	Manager Financial Services
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	8 July 2015

**SUMMARY:** Council is required by legislation to consider and adopt the Monthly Statement of Financial Activity Report for the period ended 30 June 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.

**BACKGROUND***Previous 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.

The report is to include a comparison of actual results with budget estimates and a summary of the net assets at the end of the month to which the statement relates. Material variances between the actual revenue and expenditure and the comparable year to date budget estimates should be investigated and included in a report, along with the reasons for the variances. There needs to be an explanation of the composition of the net current assets at the end of the month to which the statement relates less committed and restricted assets. Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the Australian Accounting Standards, to be used in statements of financial activity for reporting material variances. The monthly Statement of Financial Activity is to be presented to Council at an Ordinary meeting of the Council within 2 months after the end of the month to which the statement relates.

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	100%
Total Rates Raised Revenue	100% (of which 98% has been paid)

Total Other Operating Revenue	107%
Total Operating Expenditure	92%
Total Capital Revenue	93%
Total Capital Expenditure	60%
Total Sale of Assets Revenue	79%

There were a number of budget amendments processed in November, February and May 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, 2nd and 3rd Quarter FACR are recorded in the minutes of the Audit Committee meeting held 13 November 2014, 10 February 2015 and 12 May 2015 respectively. Additionally, amendments have been made since budget adoption, which further impact upon the forecast end-of-year position.

The net impact of all budget amendments reported to Council by 30 June 2015 is a predicted budget surplus of \$10,630.

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.

### **RISK**

The Financial Activity report is presented monthly and provides a retrospective picture of the activities at the Shire. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects. The report is retrospective in nature and Council should be aware that there is a risk that, in adopting this report there may be projects or initiatives that are over budget or not delivered on time. This could lead to negative publicity for Council, significant media coverage for the organisation, and additional financial impact for both the Shire and the ratepayers.

This has been deemed an extreme risk due to the possibility it could occur with a potentially major impact. The treatment for this risk is the implementation of internal control measures such as regular Council and management reporting and the Quarterly Finance and Costing Review to monitor financial performance against budget estimates. Materiality reporting thresholds have been established at half the adopted Council levels, which equate to \$5,000 for operating budget line items and \$10,000 for capital items, to alert management prior to their being irreversible impacts.

It should also be noted that there is a possibility of a misrepresentation of the financials through either human error or potential fraudulent activity. The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the Local Government Financial Management Regulation 1996 regulation 5, seek to mitigate the possibility of this occurring. These controls are set in place to provide daily, weekly and monthly checks to ensure that the integrity of the data provided is reasonably assured.

## **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:**

Sustainable and integrated strategic and operational plans

Responsible resource allocation

Effective community engagement

Improved systems, processes and compliance

## **VOTING REQUIREMENTS**

*Simple Majority*

### REPORT RECOMMENDATION:

*That Council:*

1. *Adopts the Monthly Financial Activity Report for the period ended 30 June 2015 and;*
2. *Receives the General Fund Summary of Financial Activity (Schedules 2-14) for the period ended 30 June 2015.*

**Attachments**

1. June 2015 - Monthly Financial Activity Report

**10.**

**REPORTS  
OF  
COMMITTEES**



**10.1 BUSH FIRE ADVISORY COMMITTEE MEETING MINUTES 17 JUNE 2015**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	AFC05
<b>AUTHOR:</b>	Executive Support Officer
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director of Development Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	13 July 2015

**SUMMARY:** The Bush Fire Advisory Committee (BFAC) met on the 17 June 2015, where the Department of Fire and Emergency Services Report was endorsed, the burns around Coconut Wells were noted, and a proposed Rangers Forum was discussed. This report requests that Council receive the minutes and adopt the recommendations of the meeting.

**BACKGROUND**Previous Considerations

OMC 26 February 2015	Item 10.3
OMC 30 April 2015	Item 10.1
OMC 25 June 2015	Item 10.3

The Bush Fire Advisory Committee (BFAC) meets a minimum of twice per year to provide advice to the Shire of Broome on:

1. All matters relating to the prevention, controlling and extinguishing of bushfires.
2. The planning and layout of firebreaks in the district.
3. Prosecutions for breaches of the Bush Fires Act 1956.
4. The formation of Bush Fire Brigades.
5. Co-ordination and co-operations between agencies within the district.

**COMMENT**

The meeting held 17 June 2015 agenda included:

1. Correspondence In/Out
2. Department of Fire & Emergency Services Report

**REPORT RECOMMENDATION:**

**The Bush Fire Advisory Committee receives and endorses the Department of Fire & Emergency Services Report.**

**Moved: Paul World**

**Seconded: Nathan Connor**

**Carried unanimously**

3. Fire Inspection update by Shire of Broome Rangers
4. Discussion on Department of Parks & Wildlife Coconut Wells Burn
- 5.

**REPORT RECOMMENDATION:**

***That the Bush Fire Advisory Committee:***

1. ***Notes Department of Parks & Wildlife is intending to undertake burns around Coconut Wells in the week commencing 22 June 2015.***
2. ***Notes Department of Parks & Wildlife will, as part of the process, undertake consultation with the Community.***

**Moved: Steve Longo**

**Seconded: Ed Carroll**

***Carried unanimously***

6. Late Item discussion on a Shire of Broome Rangers Forum

**REPORT RECOMMENDATION:**

***The Bush Fire Advisory Committee requests the Shire of Broome to organise a Rangers Forum, inviting all Ranger groups within the Shire to consider, amongst other things, Fire Management and Preparedness.***

**Moved: Scott Beckwith**

**Seconded: Nathan Connor**

***Carried unanimously***

**OFFICER COMMENT:**

Ranger groups throughout the shire of Broome have a joined role to play in managing bushfires and caring for country. During recent meetings held by staff for the State of Environment Report, and the Local Planning Strategy & Local Planning Scheme 6, ranger groups requested support and information regarding legislative powers, procedures and practices associated with a range of ranger issues. Officers have identified the need for having all ranger groups attend a forum where these matters can be discussed, and where appropriate efforts can be coordinated to ensure a safe and healthy community and environment. The forum will be free of cost, and it is recommended that it be held in the Function Room at the Shire office.

**CONSULTATION**

As per membership of the BFAC

**STATUTORY ENVIRONMENT**

***Bush Fires Act 1954***

*Section 67 – Advisory committees*

1. *A Local Government may at any time appoint such persons as it thinks fit as a Bush Fire Advisory Committee for the purpose of advising the Local Government*

regarding all matters relating to the prevention, controlling and extinguishing of bush fires, the planning of the layout of firebreaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind, as, or a different kind from, those specified in this subsection.

2. A committee appointed under this section shall include a member of the Council of the Local Government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be Chairman thereof.
3. In respect to a committee so appointed, the Local Government shall fix the quorum for the transaction of business at meetings of the committee and may:-
  - a. make rules for the guidance of the committee;
  - b. accept the resignation in writing of, or remove, any member of the committee, appoint a person to fill that vacancy.
  - c. where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.
4. A committee appointed under this section:-
  - a. may from time to time meet and adjourn as the committee thinks fit;
  - b. shall not transact business at a meeting unless the quorum fixed by the Local Government is present;
  - c. is answerable to the Local Government and shall, as and when required by the Local Government, report fully on its activities.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Catering for about 40 delegates for a one day Ranger Forum is estimated at \$1,600. This will be absorbed in the Shire's operational budget.

## **STRATEGIC IMPLICATIONS**

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

Effective communication

Accessible and safe community spaces

A healthy and safe environment

**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

Effective community engagement

Improved systems, processes and compliance

**VOTING REQUIREMENTS**

*Absolute Majority*

REPORT RECOMMENDATION:

*That Council receives and endorses the minutes of the Bush Fire Advisory Committee of 17 June 2015.*

**(ABSOLUTE MAJORITY REQUIRED)**

**Attachments**

1. Bush Fire Advisory Committee Meeting Minutes 17 June 2015

**11. NOTICES OF MOTION**

**12. BUSINESS OF AN URGENT NATURE**

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

**14. MATTERS BEHIND CLOSED DOORS**

**15. MEETING CLOSURE**