



## **MISSION AND VALUES OF COUNCIL**

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

# **CONFIRMED MINUTES**

**OF THE**

**ORDINARY MEETING OF COUNCIL**

**26 NOVEMBER 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	
					LOA					
2015	26 February		Resigned 16/10/14			LOA				
	26 March									
	30 April									
	28 May				LOA	A				
	25 June					A				
	30 July					LOA				
	27 August					LOA				
	24 September (adjourned)			A	A	A	LOA	LOA	A	LOA request
	15 October									
	2015 Local Government Ordinary Election held 17 October									
Councillor		Cr R Johnston	Cr H Tracey	Cr M Croft	Cr W Fryer	Cr E Foy	Cr D Male	Cr P Matsumoto	Cr C Mithcell	Cr B Rudeforth
2015	26 November		A			LOA		LOA		

- 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
    - (iiia) while the member is suspended under section 5.117(1)(a)(iv); or
    - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
- (6) A member who before the commencement of the Local Government Amendment Act 2009 section 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 26 NOVEMBER 2015**  
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## NOTICE OF MEETING

Dear Council Member,

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

Regards

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

K R DONOHOE  
**Chief Executive Officer**

20/11/2015

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

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

**1. OFFICIAL OPENING**

The Chairman welcomed Councillors, Officers and members of the public and declared the meeting open at 5.00pm.

**2. ATTENDANCE AND APOLOGIES**

Attendance:           Cr R Johnston           Shire President  
                            Cr M Croft  
                            Cr W Fryer  
                            Cr C Mitchell  
                            Cr D Male  
                            Cr B Rudeforth

Leave of Absence:   Cr P Matsumoto (as granted at OMC 15 October 2015)

**COUNCIL RESOLUTION:**

**Moved: Cr D Male**

**Seconded: Cr C Mitchell**

***That Leave of Absence be granted to Cr E Foy for the 26 November 2015 meeting.***

**CARRIED UNANIMOUSLY 6/0**

Apologies:           Cr H Tracey

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

Public Gallery:	Theresa Bengtson	Shire of Broome
	Ty Matson	Shire of Broome
	Brendon Barwick	WAPOL
	Lachlan Dodds	Shire of Broome
	Breta Brunet	Shire of Broome
	Chaitanya Oak	Shire of Broome
	Kirsten Wood	Shire of Broome
	Ros Hegarty	Ratepayer
	Ben Turner	Shire of Broome

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

**FINANCIAL INTEREST**

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



Councillor	Item No	Item	Nature of Interest
Nil	Nil	Nil	Nil

IMPARTIALITY			
Councillor	Item No	Item	Nature of Interest
Cr R Johnston	9.2.6	The Chinatown Christmas Decorations and Street Party	Impartiality – association with Chinatown Property.
Cr D Male	9.2.6	The Chinatown Christmas Decorations and Street Party	Impartiality – association with being a beneficiary of a trust owning property and I run a business in that precinct.

#### 4. PUBLIC QUESTION TIME

Nil

#### 5. CONFIRMATION OF MINUTES

##### **COUNCIL RESOLUTION:**

**Moved: Cr D Male**

**Seconded: Cr C Mitchell**

***That the Minutes of the Ordinary Meeting of Council held on 15 October 2015 be confirmed as a true and accurate record of that meeting.***

**CARRIED UNANIMOUSLY 6/0**

##### **COUNCIL RESOLUTION:**

**Moved: Cr D Male**

**Seconded: Cr C Mitchell**

***That the Minutes of the Special Meeting of Council of Council held on 19 October 2015 be confirmed as a true and accurate record of that meeting.***

**CARRIED UNANIMOUSLY 6/0**

#### 6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

Nil

#### 7. PETITIONS

Nil

#### 8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

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

##### **Recommendation**

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

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:

**9.4.7 BUDGET AMENDMENT - BROOME TOWNSITE COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN (CHRMAP)**

*Item 9.4.7 and any attachments are confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(ii)) as it contains "a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government", and 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", and 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.

There are no reports in this section.

# 9.2

## OUR PLACE



### ***PRIORITY STATEMENT***

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

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

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

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

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

## 9.2.1 COMMENTS ON DRAFT 2015 LIVEABLE NEIGHBOURHOODS AND PROPOSED LOCAL PLANNING POLICY - STRUCTURE PLAN AND SUBDIVISION STANDARDS

<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>	Development and Subdivision Engineer
<b>RESPONSIBLE OFFICER:</b>	Director of Development Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	3 November 2015

**SUMMARY:** At the Ordinary Council Meeting on 26 March 2015 Council resolved to adopt the draft Local Planning Policy – Structure Plan and Subdivision Standards for the purpose of seeking public comment.

The draft Local Planning Policy was prepared to establish a framework for the preparation and assessment of structure plans and applications for subdivisions within the Shire of Broome. This draft Local Planning Policy was prepared in consultation with the local development industry and relevant stakeholders. The Policy outlines variations to State planning documents specific to local Broome conditions to ensure adequate direction is provided to proponents preparing structure plans for Broome. The public comment period for the draft Policy has closed and three submissions were received.

In the submission received from the Department of Planning, it advised of its intention to release a revised Liveable Neighbourhoods Guideline and also raised concern with the draft Policy and its implications with respect to the recently gazetted *Planning and Development (Local Planning Schemes) Regulations 2015*, specifically the 'Deemed Provisions'. The Deemed Provisions became available for review on 25 August 2015 and have become operative on 19 October 2015. The 2015 Liveable Neighbourhoods was released for public comment in late September 2015.

Officers have now updated the draft Policy in line with the updated 2015 Liveable Neighbourhoods and 'Deemed Provisions'. The report recommends that the Shire of Broome make a submission to the Western Australian Planning Commission on the Liveable Neighbourhoods review.

### BACKGROUND

#### Previous Considerations

OMC 26 March 2015

Item 9.2.2

#### Background

Structure Plans (previously termed Development Plans under Town Planning Scheme No 4) provide a framework for the coordinated provision and arrangement of future land use, subdivision and development in proposed new urban areas, or in existing urban areas where carefully coordinated redevelopment is necessary. Structure Plans are required to be prepared to guide the subdivision and development of land zoned 'Development' and do this by establishing road layouts and hierarchy, distribution of public open space, allocation of land uses and residential densities and so on.

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

Following the adoption of a structure plan, a subdivision application is submitted. The subdivision application is more detailed and shows specific lots, road and reserves and sets out their dimensions and sizes. Once a subdivision application is approved by the Western Australian Planning Commission (WAPC) the proponent must then undertake the civil works to implement the conditions of subdivision approval, this includes construction of roads, drainage, landscaping, grading of lots, etc. The Institute of Public Works Engineers Australia (IPWEA) Guidelines for Subdivision Development has been adopted by the WAPC as the minimum engineering standards on which to assess civil drawings and to guide the subdivision clearance process.

Previously, the provisions of LPS6 established the specific requirements for the preparation, assessment and operation of Structure Plans. As of 19 October 2015, the provisions of LPS6 with regard to the structure plan preparation and approval process no longer have effect due to the gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which have introduced 'Deemed Provisions' that automatically replace certain sections of LPS6.

The key changes to structure plan process that resulted because of the operation of the Deemed Provisions are set out below:

- Local governments will no longer perform a role as a decision making authority. The Shire will receive, assess and advertise the structure plan and then prepare a report on the merits of the structure plan to the WAPC. The WAPC then determines the structure plan.
- Timelines have now been included for further information requests, consideration of submissions, submission of the local government report to the WAPC and the advertising period which is set as being a minimum of 14 days and a maximum of 28 days.
- The approval of structure plans will have effect for a period of 10 years and the WAPC has the ability to revoke the approval of a structure plan in certain circumstances.
- A structure plan no longer has the force and effect of the Scheme (under LPS6 the structure plan would apply zoning and development standards over the land). Now decision makers are to have 'due regard' to a structure plan and a basic amendment will be required to LPS6 to normalise the zoning proposed in a structure plan.

Overall, while the Deemed Provisions resulted in the above changes to the approval process of a structure plan, the purpose and role of a structure plan in terms of guiding subdivision essentially remains the same.

The State has two Policies that guide preparation of structure plans being Liveable Neighbourhoods (LN) and the 2015 Structure Plan Framework, the role of each of these documents is summarised below:

- Liveable Neighbourhoods is the primary policy which structure plans and subdivision for new urban areas in greenfield and large infill sites are assessed against. LN is structured into key 'Elements' and establishes objectives and requirements which are to be satisfied.
- Structure Plan Framework 2015 (the Framework) has replaced the 2012 Structure Plan Preparation Guidelines. The Framework sets the format of structure plans including minimum content requirements and defines the statutory and non-statutory elements of structure plans.



The draft Local Planning Policy (LPP) was prepared to establish variations or additions to the above Policies to ensure structure plans prepared for Broome were responsive to local conditions. The draft LPP was prepared based on the 2009 version of LN and the 2012 Structure Plan Preparation Guidelines, which since advertising have been reviewed by the State.

Given that the draft advertised LPP was prepared based on documents which have now been updated, a review was undertaken to determine whether the revised LN and Framework is adequate and whether the Local Planning Policy is required or should be updated. The Western Australian Planning Commission (WAPC) is also seeking comments on the revised LN and this report will also consider a submission on this document.

## COMMENT

Structure planning is an important planning function in guiding the subdivision of new urban areas. It is important that structure plans are prepared to respond to the site and its context. The requirements established in LN are adopted for the whole State and at times may not be appropriate to facilitate appropriate subdivision or urban development within the Broome context. The report included in the Council minutes for March 2015 provides a detailed description of the draft LPP provisions and sets out why such provisions were recommended.

The comments below will provide an overview of the key changes to LN and set out whether or not provisions within the draft advertised LPP are deemed appropriate and whether the Shire of Broome should make a submission to the WAPC on the updated 2015 LN.

### Liveable Neighbourhoods 2015

Liveable Neighbourhoods 2015 incorporates the following major changes when compared to the 2009 version:

- The document has been restructured from eight elements to six, Element 5: Urban Water Management and Element 6: Utilities has been removed and the requirements have been integrated into the remaining elements. A holistic review of the objectives and requirements has been undertaken to improve integration and application of the document.
- Content has been removed that is provided elsewhere or conflicts with more recent WAPC policies, including *State Planning Policy 4.2: Activity Centres for Perth and Peel* (WAPC, 2010), *Better Urban Water Management* (WAPC, 2008) and *State Planning Policy 3.1 Residential Design Codes* (WAPC, 2013) as well as the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Liveable Neighbourhoods objectives have been rewritten and separated into objectives to be applied at higher level strategic planning and design principles to be applied generally through structure plans and subdivision.
- Requirements have been updated to reflect current best practice, contemporary terminology and duplication has been removed.
- Inclusion of guidance on implementation, revised graphics and photos to demonstrate best practice.
- Relevant policy content from existing WAPC policies has been included.

A copy of the 2015 Liveable Neighbourhoods is provided in **Attachment No 1**.

Below is a summary of changes that have occurred to the particular Elements within LN.

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

Element 1: Community Design:

Liveable Neighbourhoods 2015 now provides requirements for site and context analysis and these are the first objectives and requirements to be addressed within the document. This is considered to be positive change and by including these as the first requirements in LN it places emphasis on this important process when undertaking structure planning. The Appendix 'site and context analysis design' has been updated and provides greater direction on matters that should be addressed in a context and site analysis. As such the section within the draft advertised LPP relating to local identity which established matters that needed to be addressed in a context and site analysis plan is recommended to be removed as LN now provides adequate guidance in this regard.

This element has also been updated to incorporate new sizes for parks. The park size changes are shown in the table below:

Park Type	Size 2009 Neighbourhoods	Liveable Size in 2015 Neighbourhoods
Small	-	Up to 4,000sqm
Local	3,000sqm	0.4 - 1ha
Neighbourhood	3,000sqm – 5,000sqm	1ha – 5ha
District	2.5ha – 7ha	5ha and above

The above changes have addressed the Shire of Broome's previous concern that Liveable Neighbourhoods was resulting in the delivery of parks which were not sized appropriately to be effective for their intended use. Further, LN has been updated with regard to park distribution to the effect that residences are to be located within 300m of a park. The previous LN required that catchments between local and neighbourhood overlapped and resulted in a large number of small parks within close proximity to each other which further resulted in increased maintenance implications and an ineffective distribution of open space. It is recommended that the Shire make a submission to the WAPC supporting these changes.

The changes to the park sizes coupled with changes proposed in Element 5: Public Open Space has addressed a number of the matters the Shire had incorporated into the draft advertised LPP. This is further discussed under the Public Open Space section below.

Element 1 now also incorporated a revision with regard to the Urban Water Management requirements, which, in the 2009 version was an Element by itself. This incorporation is seen as a positive change as it reinforces the need for water planning at the earliest stage of the planning process and resolves the issue of duplication of content with the widely applied Better Urban Water Management. As such this is also supported and recommended to be included in the Shire's submission to the WAPC.

The Structure Plan Framework however gives the ability for some aspects of the structure planning process to be postponed and submitted at the subdivision stage. It is therefore recommended that the LPP clarify that in the Shire's case, to be able to adequately determine whether the proposed urban form in a structure plan is appropriate given the extreme weather events in Broome, a LWMS must be prepared and submitted with a proposed structure plan. As such it is recommended that the previous provisions with regard to Urban Water Management remain in the LPP and is included under the Element 1 section of the Policy to reflect the updated format of LN.

Element 2: Movement Network

The following key changes have been made to element 2:

- The content and format of LN has been amended to place greater emphasis on the design of streets for pedestrians, cyclist and public transport. This includes amended cross sections with a land use interface, housing typology, setbacks and different cycling configurations.
- Street verge widths have increased to a minimum five metres to adequately accommodate street trees, utilities and street furniture assisting walkability, reduce adverse urban heat island effects and assists local stormwater collection and retention.
- Street reserve widths have been updated to comply with the relevant Austroads standards including increasing the outside vehicle lane width from 3.2m to 3.3m, parking lane width from 2.1m to 2.3m and 2.5m to 2.6m to comply with Austroads Standards, as well as to reduce conflict with cyclists and motor vehicles (in particular parked cars) improving the safety and amenity of cyclist considered critical particularly where conflict between cyclists and motor vehicles is becoming more frequent.

In the main, the above changes are considered positive and are supported. These changes have also addressed a number of the concerns that were previously proposed to be addressed through the draft advertised LPP and therefore a number of provisions contained in the LPP in this regard can be deleted. However, it is still recommended that the LPP include the following to cater for circumstances in Broome:

- LN requires that footpaths on lower level streets can be 1.5m in width and should be offset 0.3m from property boundaries. In the Shire of Broome, footpaths installed in previous subdivisions have been a minimum of 2m in width and it is recommended that this is maintained to encourage adequate pedestrian movement and improve accessibility. As such it is recommended that a provision remain in the LPP that sets out that a minimum of 2m footpath will be applicable in the Shire of Broome.

With, respect to the location of the footpath on the street verge, LN recommends that it is offset 0.3m from the property boundary. In the Shire of Broome different alignments have been used for footpaths in the past, depending on the locality. As verge widths will be standardised in LN and the draft LPP, a standard footpath alignment is proposed to be implemented. In the advertised version of the draft Policy it was proposed that footpaths should be offset 0.5m from the property boundary. During the consultation period it was identified by Shire Officer's that this alignment was not preferred as it conflicts with service locations.

As a result, two options have been considered for the standard footpath alignment on the minimum verge of 6m, as detailed in the attached cross sections. This is set out in **Attachment No 2**.

#### Option 1 – Footpath Offset from Kerb

The advantages for offsetting the footpath from the kerb include;

- Safety – as the potential for a pedestrian to fall onto the road is minimised.
- Level surface – as the conflict with the camber of the crossover wings is eliminated, creating a consistent level for the path.

Some concerns with Option 1 have been raised, as the footpath alignment set back from the kerb creates a narrow strip of the verge between the back of kerb and edge of the footpath that property owners have historically been less likely to

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

maintain. However, the minimum verge width of 6m specified in the draft LPP allows for a minimum width of 1.6m between the edge of the path and the back of kerb, which is wide enough to allow property owners to landscape this section. The Verge Maintenance Policy and Local Law are proposed to be updated to address verge maintenance issues and promote low maintenance surfaces in these areas.

Option 1 also requires careful consideration be given to the selection of appropriate street tree species that will not have large root systems that will impact on kerbs or road pavements. This can be addressed through the review of landscaping plans for future developments and subdivisions.

#### Option 2 – Footpath Against Kerb

The advantages for the footpath being located at the back of kerb include;

- This could assist to reduce the impact on road pavement – as the footpath acts as an additional buffer between irrigated surfaces and the road pavement.
- Sight lines around corners are more easily controlled – as the footpath at the back of kerb prevents trees/shrubs from obstructing sight lines.

Concerns with footpaths at the back of kerb have previously been raised by the Assess and Inclusion Advisory Committee. The risk of pedestrians slipping off the kerb onto the road is also a potential risk for implementing Option 2.

Option 2 also introduces a change in grade at every crossover location, as the crossover must grade from the verge level to the edge of the roadway within the trafficable path and this does not meet the principles within the AustRoads Standards. The constant change in grade along the footpath can create a nuisance for pedestrians, particularly for pedestrians in wheelchairs or with prams in negotiating the change in grade.

As the concerns with Option 1 can be addressed as detailed above, Officer's recommend that Option 1 be adopted in the Broome Structure Plan and Subdivision Guidelines as this option provides greater benefits in terms of improving safety for pedestrians and providing more accessible footpaths. It is also recommended that this form part of the Shire's submission on LN.

This was also the recommendation of the Access and Inclusion Advisory Committee on the 18 August 2015, where the following recommendation was passed:

*That the Access and Inclusion Advisory Committee:*

1. *Notes that the specifications for footpaths for future developments and subdivisions are dependant on a number of factors and technical considerations.*
2. *Recommends to Council that Option 1 – Footpaths Offset from Kerb is adopted as part of the Broome Structure Plan and Subdivision Guidelines.*

As such, it is recommended that the proposed footpath alignments within the draft LPP are amended. This is set out under provision 2.7 of the updated draft Policy in **Attachment No 5**.

- The updated LN has reviewed the street verge and road reservation widths for the majority of the street types. These are represented in table 3 and 4 of LN and also in

Figure 12 – 17. It is considered that the Shire should maintain that the following variations to LN are applicable through the adoption of the LPP:

- Access Street C should have a road reserve width of 18m [instead of 17.2m] and minimum street pavement width of 7.4m [instead of 7.2m];
- Access Street D should have a road reserve width of 18m [instead of 15.5m] and minimum street pavement width of 6m [instead of 5.5m – 6m];
- Any street requiring on street parking is to be a minimum width of 2.5m [LN sets out that on lower order streets on street parking can be reduced to 2.3m].

The above variations are recommended for the Shire of Broome due to the predominance of larger 4WD vehicles (which therein require larger parking and street pavement), the use of street pavements to accommodate the overland flow of stormwater, the importance of street reserves to assist in the movement of breezes and influence character of new urban areas. These features are a characteristic experienced in Broome and therefore not recommended to from part of the Shire's submission to the WAPC on LN.

#### Element 4 – Lot Design

The 2009 version of LN had a greater level of detail within the explanatory text with regard to lot shape and orientation to deliver climate responsive design and included figures which showed the different climatic zones in WA. The removal of this text is not supported and it is recommended that the Shire include this in the submission to the WAPC.

While requirement 5.4 distinguishes that lots located north of latitude 26 should be shaped and orientated differently to that in the south-west, it is considered that these requirements should be expanded on to provide a greater level of direction. A large volume of work has been undertaken in Broome and in other areas in the north-west to guide climate responsive lot orientation and it is recommended that the Shire submits to the WAPC that these key principles should be incorporated as requirements into LN. In the interim period it is recommended that these provisions are maintained in the LPP to give adequate guidance to proponents intending to undertake structure planning in the Shire of Broome.

The element also contains requirements for utility service provision. Requirement 7.2 establishes standard utility connections for lots including power, water and sewer. With regard to broadband connections, the requirement sets out that installation is 'encouraged'. It is recommended that the Shire submits that LN is updated so that broadband is a required utility to be provided to each lot, this would ensure that future occupants have access to this service.

It is also recommended that a requirement be included in this section setting out that public spaces including POS should be designed and provided with utility connections to enable for the development of smart technologies. This as a minimum should include a broadband connection to be provided to each public space/open space area. Further, connections to urban infrastructure such as street lighting should be considered to enable local governments (and other service providers) to access technologies that improve service delivery which could include sensor controlled lighting and CCTV, implementation of smart watering programs, establishing WIFI, provide for developing drone technologies and so on.

#### Element 5: Public Open Space

The amendments proposed to POS are some of the more significance changes proposed to LN. As set out above, Element 1: Community Design has changed the size and distribution of parks, which is considered a positive change. Further, Element 5 proposes the following amendments:

- New requirements have been developed to guide provision of POS based on the function it provides the community rather than its size.
- The revised POS Schedule now has a 'declaration of function' section that describes the intended purpose of the site.
- The three primary functions of POS 'sport', 'recreation' and 'nature', have been adopted from the *Classification Framework for Public Open Space* (Department of Sport and Recreation, 2012); and these three categories improve upon the traditional terminology of 'passive' and 'active' for describing functionality of POS.
- Sites which provide opportunities for multiple functions are encouraged.
- The terminology used to describe the size of POS has been aligned to the DSR Classification Framework, for consistency across agencies [(small parks (up to 4,000m<sup>2</sup>), local parks (0.4ha–1ha), neighbourhood parks (1ha – 5ha) and district parks (5ha and above)].
- The requirements related to the distribution of POS have been simplified by removing the requirement for a minimum number of sites of a particular size and instead requiring that all residents be within 300m of a POS site (of any size) and within the catchment of sites providing nature, sport and recreation opportunities.

The changes to the park sizes, primary function description and distribution requirements are supported. This was one of the key elements intended to be addressed in the LPP and the previous concerns in the main have been incorporated into the reviewed LN through adjustments to the size of parks in addition to how they are distributed. As such it is recommended that a number of the provisions in the advertised version of the draft LPP that were aimed at addressing these points are deleted.

It is also considered that the introduction of the public open space function and size requirements is an improvement as it provides clearer guidance and will ensure that open spaces created are designed for a function of sport, nature or recreation or a combination of these functions. While this will improve overall planning, LN does not provide specific direction on what type of facilities and services are to be included in different types of POS areas. It is therefore recommended that this direction remain within the LPP. It is not considered that this level of detail should be incorporated into LN as it may vary between local government areas and different climatic regions and therefore it is not recommended that the Shire make a submission to the WAPC in this regard.

With respect to the amount of land to be ceded as POS, the provision which provides for a regional variation to be adopted that allows a minimum of a 5% POS contribution instead of 10% has been maintained within the revised 2015 LN. The advertised draft LPP proposed this regional variation be adopted by the Shire of Broome and it is recommended that this be maintained in the updated LPP. When this regional variation is applied, in-lieu of the additional land area that ordinarily would have had to be ceded it is proposed that a 2% cash-in-lieu contribution is paid to the Shire, to be utilised for the improvement or development of lands for parks and recreation to ensure that residential amenity can be maintained and district level facilities are provided for.

While a reduction in the amount of land to be contributed as POS may appear as though the community would be underserved with open space, this is not considered the case when applied on the ground, particularly when larger more adaptable public open spaces are being created. A practical application of how these provisions would apply retrospectively to LDP1 was set out in the previous March 2015 agenda item. Also, with

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regard to land area required for urban water management, the Policy and LN would ensure spaces ceded as POS usable for recreation/sport purposes as opposed to performing a stormwater purpose.

LN has also been updated so that urban water management measures can be incorporated into POS and can receive full POS credits where designed appropriately [previously only land above a 1 in 1 year average recurrence interval could be credited towards POS and only allowed a maximum of 2% of the total POS contribution to be used for urban water management purposes]. LN now sets out that land area and infrastructure required for urban water management can be included in POS calculation, where it is:

- Integrated into the overall park design to ensure it does not compromise the POS function; and
- Not include traditional drainage infrastructure, such as trapezoidal drains and steep-sided sumps/basins.

While it is noted appropriately designed stormwater systems in the southern regions can serve a dual function of urban water management and still be capable of being used for public open space, in Broome where stormwater is concentrated to large rainfall events and soils are less permeable the design of the stormwater systems to convey the stormwater result in large vegetated swales (or trapezoidal drains). The implementation of these swale systems and the landscaping does not allow for these areas to be used for a nature, sport or recreational function. It is considered that the current wording and requirements in LN are open to interpretation and could potentially have a negative impact in Broome where such large land areas are required to cater for urban water management. Furthermore, it is recommended that the Shire submits to the WAPC north of latitude 26, no credits for public open space should be given to sites used for water management.

As such it is recommended that clear design principles are included setting out which forms of POS that are used for urban water management measures can be credited as POS and that the Shire makes a submission to the Department in this regard.

However, as set out above, to ensure the effective delivery of open space in Broome, it is recommended that the Shire adopt the regional variation and therefore all and required for urban water management would be excluded from POS credits.

### Summary

In summary, it is considered that the review LN has resulted in positive improvements including the removal of duplication that previously existed in the 2009 version and other policies. Further, the requirements have been reworded to provide greater clarity which should assist in the assessment of structure plans. It is recommended that the Shire of Broome make a submission to the WAPC consistent with the comments above and as summarised in **Attachment No 3**.

While it is considered that the review has improved the document, it is recommended that the Shire still proceed with the adoption of an LPP to adequately guide the preparation and assessment of structure plans in the Shire of Broome. This is recommended for the following reasons:

- To give adequate direction on the level of information required to be submitted to enable officer's to assess the merits of a structure plan;
- To set out requirements that should be varied to addresses local characteristics experienced in Broome;

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- To provide additional direction to proponents on matters that are not provided in LN;
- To provide greater certainty to applicants preparing structure plan which in turn would assist to reduce costs and risks; and
- To give effect to the technical document being the addendum to the IPWEA Guidelines, the Stormwater Guidelines and the Reticulation of POS.

However given improvements to LN it is recommended that a number of provisions that were contained within the advertised version of the draft LPP are deleted and the LPP is reordered to reflect the updated content of LN. **Attachment No 4** contains the advertised draft LPP and **Attachment No 5** contains the updated LPP which reflects the changes described above. Please note, Attachment No 5 also contains some technical changes with regard to Section 3 – Broome Subdivision Standards and Section 4 – Guidelines for the Design of Stormwater Drainage Systems in response to a submission received from Prichard Francis. These technical changes are shown in tracked changes in **Attachment No 5** and are summarised in the Schedule of Submissions contained in **Attachment No 6**.

The effect of the adoption of this Policy will be to create one document to guide the structure planning and subsequent subdivision of land processes within the Shire of Broome. This should aid to streamline the assessment processes for structure planning and subdivision applications that would follow. The adoption of the Policy would also ensure that proponents undertaking structure planning in the Shire of Broome are aware of matters that must be planned for to address local conditions.

## CONSULTATION

Under the Shire's Local Planning Policy 8.23 – Public Consultation – Planning Matters, 'Local Planning Policies Development/Review' are listed as Level D consultation, which requires the development of a Community Engagement Plan consistent with the Shire's Community Development Policy 5.1.10 – Community Engagement. A Community Engagement Plan was prepared for the Strategy and was adopted by Council at its March 2015 Ordinary Meeting.

The Community Engagement Plan proposed a formal consultation period of 42 days. The consultation period concluded on 29 May 2015 at 4.00 pm with all activities completed, including:

- An ad notice was included in the Broome Advertiser for two consecutive weeks;
- A notice was placed on the Shire of Broome website;
- A letter was sent to the Department of Planning;
- Direct mail out to all previous participants in the initial engagement workshops with an invitation to attend an information session.

At the conclusion of the consultation period three submissions were received as set out in the schedule of submissions in **Attachment No 6**.

## STATUTORY ENVIRONMENT

*Planning and Development Act 2005*

### Structure Plans

*Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions* – contained in **Attachment No 7**.

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Local Planning Policy*Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2  
Deemed Provisions*4. Procedure for making local planning policy

- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*
  - (a) *publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*
    - (i) *the subject and nature of the proposed policy; and*
    - (ii) *the objectives of the proposed policy; and*
    - (iii) *where the proposed policy may be inspected; and*
    - (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
  - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
  - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
- (2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
- (3) *After the expiry of the period within which submissions may be made, the local government must —*
  - (a) *review the proposed policy in the light of any submissions made; and*
  - (b) *resolve to —*
    - (i) *proceed with the policy without modification; or*
    - (ii) *proceed with the policy with modification; or*
    - (iii) *not to proceed with the policy.*
- (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*
- (5) *A policy has effect on publication of a notice under subclause (4).*
- (6) *The local government —*
  - (a) *must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*
  - (b) *may publish a copy of each of those local planning policies on the website of the local government.*

**POLICY IMPLICATIONS***Local Planning Policy 8.23 – Public Consultation – Planning Matters**Liveable Neighbourhoods*

Liveable Neighbourhoods has been adopted by the WAPC to guide structure planning and subdivision of green field and large infill sites throughout Western Australia. The WAPC has set out that over time and with subsequent reviews of LN, the WAPC will supersede

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development control policies that also deal with structure planning and subdivision of green field sites (such as DC Policy 2.3 Public Open Space).

LN sets out that there are circumstances where particular requirements may be varied to accommodate the climate and/or settlement conditions of areas of the remote Western Australia.

#### *IPWEA Subdivisional Engineering Guidelines*

The IPWEA Guidelines have been prepared by the Institute of Public Works Engineers Australia as a minimum set of standards to guide the preparation of subdivisional drawings and designs and also to guide the subdivision clearance process. These Guidelines have been adopted by the WAPC to be used as the default minimum standard.

### **FINANCIAL IMPLICATIONS**

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

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

### **RISK**

Nil

### **STRATEGIC IMPLICATIONS**

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

Accessible and safe community spaces

Participation in recreational activity

A healthy and safe environment

**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

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

## **VOTING REQUIREMENTS**

*Simple Majority*

### **COUNCIL RESOLUTION:** **(REPORT RECOMMENDATION)**

**Moved: Cr C Mitchell**

**Seconded: Cr M Croft**

**That Council:**

1. ***Endorses the submission on the 2015 review of Liveable Neighbourhoods as set out in Attachment No 3 and requests the Chief Executive Officer to forward the submission to the Western Australian Planning Commission.***
2. ***Pursuant to Clause 4(b)(ii) of the Deemed Provisions, adopts the Local Planning Policy – Structure Plan and Subdivision Standards with modifications, as set out in Attachment No 5; and***
3. ***Request the Chief Executive Office to publish notice of the Policy once in a newspaper circulating within the Scheme area.***

**CARRIED UNANIMOUSLY 6/0**

## **Attachments**

1. Attachment No 1 - 2015 Liveable Neighbourhoods
2. Attachment No 2 - Options for Footpath Locations
3. Attachment No 3 - Draft Submission to WAPC
4. Attachment No 4 - Advertised Version of Draft LPP
5. Attachment No 5 - Updated Version of LPP
6. Attachment No 6 - Schedule of Submissions
7. Attachment No 7 - Deemed Provisions (Structure Plans)

## 9.2.2 FINAL ADOPTION - AMENDMENT NO 1 TO LOCAL PLANNING SCHEME NO 6 - BROOME NORTH LOCAL CENTRE

<b>LOCATION/ADDRESS:</b>	Lot 9007 Magabala Road, Djugun
<b>APPLICANT:</b>	Roberts Day on behalf of LandCorp
<b>FILE:</b>	LPS6/1
<b>AUTHOR:</b>	Planning Officer
<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>	24 September 2015

**SUMMARY:** An application for the initiation of a Scheme Amendment for the rezoning of portion of Lot 9007 Magabala Road, Djugun (the Broome North Local Centre) from 'Local Centre' and 'Parks and Recreation' to 'Residential', 'Local Roads' and 'Parks and Recreation', was advertised for the required statutory period. No submissions were received.

*It is recommended that Council adopts the Scheme Amendment without modification.*

### BACKGROUND

#### Previous Considerations

SCM 22 February 2010	Item 9.3.2
OMC 26 February 2015	Item 9.2.3
OMC 25 June 2015	Item 9.2.5

#### Site and Surrounds

The Scheme Amendment was submitted to address two areas forming part of the Broome North local centre site, being Lot 9007 Magabala Road, Djugun. The location of the Broome North local centre is shown in **Attachment No 1**.

The land forming part of the scheme amendment request is currently zoned 'Parks and Recreation' and 'Local Centre' under Local Planning scheme No 6 (LPS6). The site comprises the balance of the Local Development Plan No 1 (LDP1) area and is cleared and vacant. The surrounding land is predominantly residential with development well progressed.

#### History

At the Special Meeting of Council on the 22 February 2010, Council adopted LDP1 (the Structure Plan) to guide the first stage of the Broome North development, commonly known as the Warannyjarri Estate. Under LDP1 the local centre site is identified as a combination of 'Local Centre', 'Medium Density Residential' and 'Parks and Recreation Reserve'. LDP1 provides the following direction on development within the local centre:

*The centre is intended to support a total of approximately 3,000sqm of retail floorspace, with half of this capacity taken by an anchor tenant in the form of a small 1,500sqm supermarket (half the size of a typical suburban supermarket). The*

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*Local Centre zone also provides an important focal point for a range of other commercial, community, cultural, recreational and residential land uses.*

At the Ordinary Meeting of Council on the 26 February 2015, Council considered and adopted a Local Development Plan (previously termed Detailed Area Plan or DAP under TPS4) for the local centre site. The LDP is a more detailed statutory planning instrument prepared for discrete land areas that establishes detailed development control provisions for future development. As a part of the preparation of the LDP, LandCorp developed a Place Making Strategy to inform the detailed staging and marketing strategy of the local centre. The planning and design recommendations in the Place Making Strategy informed the provisions within the adopted LDP.

As part of the detailed work undertaken in the preparation of the Place Making Strategy and the Local Development Plan, it was identified that amendments were required to the zoning/reservations of the site applied under LDP1. In 2014, the applicant made a request to amend to LDP1, however, the Shire was not in a position to support an amendment to LDP1 because LPS6 was at that time a seriously entertained document, which applied zoning to the land as per designations under LDP1. Therefore any proposal to amend LDP1 would have no effect as it would have been inconsistent with the soon to be gazetted Scheme.

As a result, upon the gazettal of LPS6, the applicant submitted a Scheme Amendment request. Council at the Ordinary Meeting on the 25 June 2015, resolved to initiate the Scheme Amendment for the purposes of seeking public comment. The public comment period has concluded and the Scheme Amendment is now presented to Council for final consideration.

### Proposal

The scheme amendment is represented visually in the rezoning maps contained in **Attachment No 2**. The amendment proposes the following modifications to the zoning and reservations on the eastern portion of the local centre site:

1. Extension of the 'Residential R40' zoning in the north-eastern portion of the site over land designated as 'Parks and Recreation Reserve'. This would allow for the creation of two future residential lots of 940sqm and 707sqm capable of accommodating up to 7 dwellings. It would reduce the 'Local Park-Civic Park' to a civic square of 396sqm;
2. Incorporation of a small area in the north-eastern corner of the 'Parks and Recreation reserve, containing constructed drainage infrastructure into the adjacent Sariago Terrace/Magabala Local Road reservations;
3. Rezoning the edge of the south-eastern part of the 'Local Centre' zone to 'Residential R40', removing the ability for these lots to be used for commercial purposes and giving the ability to create 3 residential lots capable of accommodating 9 dwellings.

A full copy of the applicant's scheme amendment report is included as **Attachment No 3**.

### **COMMENT**

At the Ordinary Meeting of Council on 25 June 2015, Council adopted proposed Scheme Amendment No. 1 for formal advertising. No submissions were received within the advertising period for the proposed amendment.

The rezoning was proposed following the outcomes from the Warannyjarri Local Centre Draft Place Making Strategy, which was prepared by LandCorp to provide a strategic,

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integrated approach to the staging, timing, market delivery and activation of the Local Centre. While the majority of the Draft Place Making Strategy's planning and design recommendations have been incorporated in the Broome North Local Centre Local Development Plan adopted at the Ordinary Meeting of Council on 26 February 2015, the proposed amendment facilitates a number of final changes that were contingent upon the rezoning of the land.

Progressing Amendment No. 1 will ensure development within the Broome North local centre is consistent with the Local Planning Framework including the Local Planning Strategy, the District Development Plan and Local Development Plan.

At the conclusion of the advertising period, no adverse comments were received. As such, it is recommended that Council resolves to adopt with Scheme Amendment without modification and forward it to the Western Australian Planning Commission with a request that the Hon Minister for Planning adopt the Amendment for final approval in accordance with the new *Planning and Development (Local Planning Schemes) Regulations 2015*.

## CONSULTATION

Prior to the commencement of the formal advertising period, the Scheme Amendment document was forwarded onto the Environmental Protection Authority, no appeals or advice were received.

The formal advertising period for the proposed Scheme Amendment commenced on 13 August 2015, and was carried out over a period of 42 days, concluding on 23 September 2015. Advertising was carried out in accordance with the requirements of the then *Town Planning Regulations 1967* (as amended) and Council's Local Planning Policy 8.23 – Public Consultation – Planning Matters and included a public notice in the local newspaper and on the Shire of Broome website and the erection of a sign on site detailing the proposed amendment. Letters were also sent out to landowners within the vicinity of the site subject to the amendment and the scheme amendment document was put on display in the Shire of Broome's Administration Office for public viewing.

The Shire of Broome has consulted with the Department of Planning regarding the possible ramifications of the gazettal of the new *Planning and Development (Local Planning Schemes) Regulations 2015*, given that the scheme amendment was initiated under the now repealed *Town Planning Regulations 1967*. The Department of Planning has advised that the gazettal of the new Regulations will not have an impact upon consideration of scheme amendments that were initiated under the repealed Regulations.

## STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

### **Division 3 — Process for standard amendments to local planning scheme**

#### **47. Advertisement of standard amendment**

- (1) Subject to sections 81 and 82 of the Act, if a local government resolves under regulation 35(1) to prepare a standard amendment to a local planning scheme or to adopt a standard amendment to a local planning scheme proposed by the owner of land in the scheme area, the local government must, as soon as is reasonably practicable, prepare a notice in a form approved by the Commission giving details of —

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- (a) the purpose of the amendment; and
  - (b) where the amendment may be inspected; and
  - (c) to whom and during what period submissions in respect of the amendment may be made.
- (2) On completion of the preparation of the notice, the local government must advertise the standard amendment to a local planning scheme as follows —
- (a) publish the notice in a newspaper circulating in the scheme area;
  - (b) display a copy of the notice in the offices of the local government for the period for making submissions set out in the notice;
  - (c) give a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment;
  - (d) publish a copy of the notice and the amendment on the website of the local government;
  - (e) advertise the scheme as directed by the Commission and in any other way the local government considers appropriate.
- (3) The local government must ensure that the standard amendment to the local planning scheme is made available for inspection by the public during office hours at the office of the local government.
- (4) The period for submissions set out in a notice must be not less than a period of 42 days commencing on the day on which the notice is published in a newspaper circulating in the scheme area.

#### **48. Land owner may be required to pay costs of publication**

The local government may require a person to pay the cost of the publication of a notice under regulation 47(2) if —

- (a) the notice relates to an amendment to a local planning scheme in respect of land owned by the person; and
- (b) the person proposed the amendment to the local planning scheme.

#### **49. Submissions on standard amendment**

- (1) A submission on a standard amendment to a local planning scheme must —
- (a) be made in writing to the relevant local government in a form approved by the Commission; and
  - (b) state the name and address of the person making the submission; and
  - (c) include a statement about the capacity in which the person makes the submission.
- (2) A local government must acknowledge in writing the receipt of each submission received by it.

#### **50. Consideration of submissions on standard amendments**

- (1) In this regulation —
- consideration period**, in relation to a standard amendment to a local planning scheme, means the period ending on the latest of the following days —
- (a) the day that is 60 days after the end of the submission period for the amendment;
  - (b) the day that is 21 days after the receipt of a statement in respect of the amendment delivered under section 48F(2)(a) of the EP Act;

- (c) *the day that is 21 days after the receipt of a statement in respect of the amendment delivered under section 48G(3) of the EP Act if that statement is in response to a request by the local government made under section 48G(1) of the EP Act before the later of the days set out in paragraphs (a) and (b);*
  - (d) *a day approved by the Commission;*
- submission period**, in relation to a standard amendment to a local planning scheme, means the period for making submissions specified in the notice in respect of the amendment referred to in regulation 47(1).
- (2) The local government —
    - (a) *must consider all submissions in relation to a standard amendment to a local planning scheme lodged with the local government within the submission period; and*
    - (b) *may, at the discretion of the local government, consider submissions in relation to the amendment lodged after the end of the submission period but before the end of the consideration period.*
  - (3) *Before the end of the consideration period for a standard amendment to a local planning scheme, or a later date approved by the Commission, the local government must pass a resolution —*
    - (a) *to support the amendment without modification; or*
    - (b) *to support the amendment with proposed modifications to address issues raised in the submissions; or*
    - (c) *not to support the amendment.*
  - (4) *If no submissions have been received within the submission period, the resolution referred to in subregulation (3) must be passed as soon as is reasonably practicable after the end of the submission period.*

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

All costs for undertaking the Scheme Amendment, including advertising costs and staff time are met by the applicant.

## RISK

The Scheme Amendment will not present any risk to the Shire of Broome.

## STRATEGIC IMPLICATIONS

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

Accessible and safe community spaces

A healthy and safe environment

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**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

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 land for residential, industrial, commercial and community use

**VOTING REQUIREMENTS**

*Simple Majority*

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

**Moved: Cr C Mitchell**

**Seconded: Cr B Rudeforth**

**That Council:**

1. **Pursuant to Section 75 of the Planning and Development Act 2005 amends the Shire of Broome Local Planning Scheme No 6 by adopting Amendment No 1 to the Shire of Broome Local Planning Scheme No 6 without modification to:**
  - (a) **Rezone portion of Lot 9007 Magabala Road, Djugun from 'Local Centre' and 'Parks and Recreation' to 'Residential', 'Local Roads' and 'Parks and Recreation'.**
  - (b) **Amend the Scheme Map accordingly.**
2. **Forward the amendment documents to the Western Australian Planning Commission with a request that the Hon Minister for Planning grant final approval to Amendment No 1 without modification.**
3. **Approves the affixation of the Common Seal of the Shire of Broome to the Scheme Amendment Report and authorises the Shire President and Chief Executive Officer to engross all documentation as required.**

**CARRIED UNANIMOUSLY 6/0**

**Attachments**

1. ATTACHMENT NO 1 - LOCATION PLAN
2. ATTACHMENT NO 2 - AMENDMENT MAP
3. ATTACHMENT NO 3 - SCHEME AMENDMENT DOCUMENT

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**9.2.3 DEVELOPMENT ASSESSMENT PANEL - NOMINATION OF MEMBERS AND ALTERNATIVE MEMBERS**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Shire of Broome
<b>FILE:</b>	PLA01
<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>	21 October 2015

**SUMMARY:** Development Assessment Panels (DAP) operate according to the provisions set out in the Planning and Development Act 2005 and associated Regulations. The Department of Planning have requested that all local governments provide nominations for local government DAP members following the recent local government elections.

This report recommends Council submits its nominations to the Minister for Planning.

**BACKGROUND**Previous Considerations

OCM 29 October 2009	Item 9.3.1
OCM 21 February 2013	Item 9.2.12
OCM 27 November 2014	Item 9.4.5
SMC 29 January 2015	Item 9.2.1

Development Assessment Panels (DAP) were introduced to the Western Australian planning system through the gazettal of the *Planning and Development (Development Assessment Panels) Regulations 2011*. DAPs are decision-making bodies and are a panel of five members, comprising of a mix of three specialist members appointed by the Minister of Planning and two local government members, who are also appointed by the Minister.

The Shire of Broome forms part of the Kimberley/Pilbara/Gascoyne Joint Development Assessment Panel (JDAP). The role of DAP is to consider and determine development applications that fall within the thresholds prescribed under the *Planning and Development (Development Assessment Panels) Regulations 2011* as set out below:

- Mandatory development application – any application for development approval that has an estimated cost of \$10 million or more.
- Optional development application – an application for development approval that has an estimated cost of \$2 million and less than \$10 million, in which either the local government or the applicant elects to the determined by the DAP.

An application for development approval that falls within the above thresholds is still submitted to the relevant local government, however the applicant must submit two development application fee's (one which is remitted to the Department of Planning) and two application forms. The development application is then assessed by the local government officer's in accordance with the Local Planning Scheme. Officer's must then

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prepare a Responsible Authority Report which is submitted with the DAP, whom then determine the development application.

The Director General of the Department of Planning has written to all local governments in response to the local government elections held on the 17 October 2015 and requested nominations for local government DAP members.

The current membership which was appointed at the Special Council Meeting on the 29 January 2015, consists of the following:

- Cr Mitchell – member
- Cr Matsumoto – member
- Cr Tracey – alternate member
- Cr Male – alternate member

The request for nomination of new members is presented to Council to consider nominees following the recent elections.

## COMMENT

The Planning and Development (Development Assessment Panels) Regulations 2011 requires that any application for development approval having a value of \$10 million or more be determined by the DAP. Proponents of development applications having a value of \$2 million or more, may elect to have a development application determined by the DAP. Certain developments are excluded from consideration by DAP regardless of the development value. Excluded development includes single houses and associated incidental development and grouped or multiple dwelling developments of less than 10 dwelling units.

Each local government is to nominate two local government members for representation on the DAP. Alternative members must also be nominated and will sit on the panel should the appointed local government member not be available on the day of a DAP meeting.

All nominated members who have not previously undergone training will be required to complete mandatory training before undertaking any DAP duties. The training is organised by the Department of Planning who have advised such training can be effected, should a DAP application be received, prior to the DAP meeting or if a Councillor travels to Perth the Department can schedule a training session.

This report recommends Council nominates two members and two alternative members to the DAP and advises the Minister accordingly.

## CONSULTATION

Nil

## STATUTORY ENVIRONMENT

### ***Planning and Development (Development Assessment Panel) Regulations 2011***

#### *Part 4 — Development assessment panels*

#### *25. JDAP members*

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- (1) The members of a JDAP, at any meeting of the JDAP to determine or otherwise deal with a development application or an application to amend or cancel a determination of the JDAP, are —
  - (a) the 2 local government members included on the local government register as representatives of the relevant local government in relation to the development application; and
  - (b) 3 persons appointed to the JDAP as specialist members.
- (2) In subregulation (1)(a) —

**relevant local government**, in relation to a development application, means the local government of the district in which the land to which the development application relates is situated.

- (3) The specialist members must be appointed in writing by the Minister.
- (4) Regulation 37 applies to the appointment of specialist members.

#### 26. JDAP local government member register

- (1) The Minister must cause to be established and maintained a register of local government members of JDAPs.
- (2) Subject to subregulation (4), the register must include the names of 2 members of the council of each local government of a district for which a JDAP is established.
- (3) Whenever it is necessary to include a member of a council of a local government on a local government register under subregulation (2), the Minister must —
  - (a) in writing, request the local government to nominate a member of the council of the local government for inclusion on the register; and
  - (b) unless subregulation (4) applies, include on the register the name of the person nominated.
- (4) If, within 40 days after the date on which the Minister makes a request under subregulation (3) or such longer period as the Minister may allow, the local government fails to nominate a person for inclusion on the local government register in accordance with the request, the Minister may include on the register as a representative of the local government a person who —
  - (a) is an eligible voter of the district of the local government; and
  - (b) the Minister considers has relevant knowledge or experience that will enable that person to represent the interests of the local community of that district.
- (5) For the purposes of subregulation (4)(a) a person is an eligible voter of a district if that person is eligible under the Local Government Act 1995 section 4.29 or 4.30 to be enrolled to vote at elections for the district.

#### POLICY IMPLICATIONS

Nil

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**FINANCIAL IMPLICATIONS**

Nil

**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

**VOTING REQUIREMENTS**

*Absolute Majority*

**REPORT RECOMMENDATION:**

*That Council:*

1. Nominates Cr\_\_\_\_\_ and Cr\_\_\_\_\_ as its Development Assessment Panel members for the term expiring 26 April 2017;
2. Nominates Cr\_\_\_\_\_ and Cr\_\_\_\_\_ as its Development Assessment Panel alternative members for the term expiring 26 April 2017.

**(ABSOLUTE MAJORITY REQUIRED)**

**COUNCIL RESOLUTION:**

**Moved: Cr C Mitchell**

**Seconded: Cr B Rudeforth**

***That Council:***

1. ***Nominates Cr C Mitchell and Cr H Tracey as its Development Assessment Panel members for the term expiring 26 April 2017;***
2. ***Nominates Cr D Male and Cr B Rudeforth as its Development Assessment Panel alternative members for the term expiring 26 April 2017.***

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0**

**Attachments**

Nil

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**9.2.4 YAWURU CONSERVATION ESTATE - DRAFT RECREATION MASTER PLAN**

<b>LOCATION/ADDRESS:</b>	In Town Conservation Estate and Out of Town Conservation estate
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	NAT 55; NAT55.1;NAT55.2,NAT55.4,NAT55.5
<b>AUTHOR:</b>	Coastal Park Governance Officer
<b>CONTRIBUTOR/S:</b>	Strategic Planning Coordinator
<b>RESPONSIBLE OFFICER:</b>	Director of Engineering Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	1 October 2015

**SUMMARY:**

A *Draft Recreation Master Plan* has been developed by the Department of Parks and Wildlife for the Yawuru Conservation Estates. This draft Plan provides broad direction for recreation activities and facilities within the Yawuru Conservation Estate, both in, and adjacent to Broome.

The draft plan generally aligns with the *Proposed Yawuru Nagulagun / Roebuck Bay Marine Park indicative joint management plan 2015*; and the *Yawuru Birragun Conservation Park draft management plan 2015*.

The *Draft Recreation Master Plan* is being presented to Council for endorsement of the proposed recreational nodes and activities.

**BACKGROUND**Previous Considerations

Annual Electors Meeting	OMC	26 FEBRUARY 2015	Item 9.4.8
Broome Dinosaur Coast			
In Town Management Plan	SMC	12 May 2015	Item 6.4.2
	OMC	21 February 2013	Item 9.2.13
	OMC	19 April 2012	Item 9.2.4
	OMC	15 March 2012	Item 9.2.5
	OMC	1 August 2011	Item 9.4.8
Drainage	OMC	30 April 2015	Item 9.2.4
	OMC	25 September 2014	Item 9.2.3
Out of Town Management Plan	SMC	10 September 2015	Item 6.2.1
	SMC	29 May 2013	Item 9.2.1
	OMC	4 October 2012	Item 9.2.1
Yawuru Conservation Estate	OMC	29 October 2009	Item 9.1.1
Marine Park and Broome Port Authority Waters	OMC	09 August 2012	Item 9.2.1
	OMC	18 July 2013	Item 9.2.1
	OMC	17 October 2013	Item 9.2.1

**BACKGROUND**

In total there will be four management plans developed to inform the development of the Yawuru Park Council Budgets and to inform the management principles for the following areas:

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<b>Conservation Estate Area</b>	<b>Voting and Tenure Responsibility</b>
Nagulagun ( <b>Marine Park Areas</b> ) (Also referred to in this report as the Marine Park - the subject of the Marine Park Management Plan)	Yawuru NBY and DPaW Reserved as an A Class Reserve.
Minyirr Buru ( <b>Townsite Areas</b> )	Yawuru NBY and the Shire of Broome Draft Management Plan not yet finalised.
Cable Beach Intertidal Zone (currently within the <b>Out of Town Areas</b> ). Located approximately 600 metres north of the rocks.	Yawuru NBY, Shire of Broome and DPaW. Draft Management Plan / tri-partite arrangements yet to be developed and is referenced as Area 25 Portion 1 & 2 ITZ Tri-partite Management Area (Yawuru PBC ILUA).
Birragun ( <b>Out-of-Town Areas</b> ) (Also referred to in this report as the Conservation Park - the subject of the Conservation Park Management Plan)	Yawuru NBY and DPaW Held by Yawuru in Fee simple and leased to State on 99 year lease.

As detailed at the Special Meeting of Council on 10 September 2015 (Item 6.2.1), the Department of Parks and Wildlife (DPaW) released the *Proposed Yawuru Nagulagun / Roebuck Bay Marine Park indicative joint management plan 2015* and the *Yawuru Birragun Conservation Park draft management plan 2015* for public comment.

The draft Recreation Master Plan provides direction for redeveloping recreation sites across all of the Yawuru Conservation Estate (YCE). All development works will consider the broader landscape and cultural values, visitor experience and perception of the place. This plan provides for the development of sites while remaining acutely aware of the existing character of the parks and the potential impacts of easier access and additional facilities. A careful balance is required to provide an appropriate experience for a diverse range of visitors in a predominantly natural setting.

The Shire of Broome is responsible for the Town site of Broome and is the joint Vesting Authority with Yawuru RNTBC for the ILUA reserves located within the town site. It has powers and responsibilities to provide for the good governance of the district in accordance with the provisions of the *Local Government Act 1995* and associated regulations and other legislation.

The Shire is also the responsible authority for the implementation and enforcement of the Broome Town Planning Scheme in accordance with the *Planning and Development Act 2005*, and for the management of public assets including Sporting and Recreation spaces.

Existing facilities throughout the YCE are limited and this lack of facilities combined with the increasing population and tourism pressures is now having detrimental impacts. Facilities including signage, vehicle barriers, shelters and paths are generally out dated and require maintenance. Visitors to the Conservation Estate mirror the annual Broome population cycle with a moderate but constant level of local use throughout the year and a sharp increase in visitation through the dry season (May – October). Visitation is dependent on access, with the In-Town Estate areas receiving the highest visitation, particularly Minyirr Park and Gantheaume Point.

Integration of the draft recreation master plan into Shire of Broome recreation planning and the release of two further draft conservation estate plans (Minyirr Buru and the Cable Beach Intertidal Zone) will be required to ensure that duplication of facilities and operational activities are avoided.

The *Draft Recreation Master Plan* is to be utilised as the operational and planning document and will be aligned with the terrestrial draft management plans (draft Minyirr Buru/In-Town Conservation Estate Management Plan, and the proposed Intertidal Zone Management Plan). The progress of the draft In Town Conservation Estate Management Plan has been protracted with the engagement of a new consultant by the Yawuru Park Council to progress the draft plan occurring in mid July 2015. An expected completion date of December 2015 is anticipated.

Recreational and environmental impacts are a significant consideration in planning and progressing the development of sustainable initiatives for the lasting growth of the community.

Previous Council resolutions inform this report, and impact on the draft Recreation Master Plan, include (but are not limited) to the following:

### **9.2.13 YAWURU CONSERVATION ESTATE – MANAGEMENT PLAN FOR IN-TOWN ESTATE (21 February 2013)**

*COUNCIL RESOLUTION: (REPORT RECOMMENDATION)*

*Moved: Cr J Bloom Seconded: Cr M Manado*

*That Council:*

- 1. Notes the CCS Strategic report Broome Coastal Reserves Master Plan February 2013;*
- 2. Requires the Chief Executive Officer to have the CCS Strategic report Broome Coastal Reserves Master Plan February 2013 incorporated into a detailed Shire of Broome submission on the draft Yawuru In Town Reserves Management Plan.*

### **9.4.8 ANNUAL ELECTORS MEETING HELD 11 DECEMBER 2014.**

#### **Extract (1 & 3 only).**

*COUNCIL ENBLOC RESOLUTION: (REPORT RECOMMENDATION 2):*

*THAT COUNCIL:*

- 1. Notes that the significance of the Broome Dinosaur Coast has been recognised and addressed in the local planning strategy and provisions are contained within the local planning scheme no 6 coastal reserve which aim to ensure that development within a coastal reserve does not have an adverse impact on the ecology, areas of aboriginal cultural or heritage significance or public use of the reserve.*
- 3. Requests the Yawuru Park Council to ensure dinosaur footprints are considered within the relevant management plans being prepared for the yawuru conservation park.*

Shire officers have provided the above recommendations to the Yawuru Park Council for consideration and inclusion during the drafting of the Draft Recreation Management Plan. The above two recommendations will be further considered in the drafting of the Minyirr Buru (In-Town) Conservation Estate Management Plan

### **9.2.1 YAWURU OUT-OF-TOWN CONSERVATION ESTATE MANAGEMENT PLAN**

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**Special Meeting of Council 29 May 2013****REPORT RECOMMENDATION:**

*That Council advises the Yawuru Park Council it supports the draft Yawuru Out-of-Town Conservation Estate Management Plan 2013 and requests further consideration be given to the following matters:*

- 1. the provision for at least two beach-side recreation nodes south of Coconut Wells;*
- 2. Shire of Broome involvement in the delineation and review of dog and horse areas in the intertidal reserve;*
- 3. addressing public access through the Shire reserves;*
- 4. investigation of including additional intertidal land in the conservation estate;*
- 5. provision of appropriate vehicular access to Cable Beach;*
- 6. consideration of low key boat launching access.*

This resolution of the SMC on 29 May 2013 has resulted in the intent for the northern intertidal zone which is a tri-vested management order (Shire of Broome, DPaW and Yawuru NBY) to be developed as a separate management plan. The intent is that this draft plan will be developed by the Yawuru Park Council and will address some of the recommendations as provided by Council. It is anticipated that a draft Plan will be available in 2016.

**COMMENT**

DPaW planning staff presented the draft Recreation Master Plan to Shire Officers at a workshop on 20 March 2015.

Shire Officers noted that the draft Recreation Master Plan will be a critical document to guide the future development of recreation facilities in the Yawuru Conservation Estate and are generally supportive of the recommendations made in the Plan. The Draft Recreation Master Plan and associated maps are attached.

The YCE recreation assets are vitally important to the Broome community. Their effective management is crucial to meeting community needs and aspirations. Shire Officers recommend that an Asset Management Plan be developed through a 'whole of life' approach, which includes preventative maintenance and asset renewal to assist in the management of the infrastructure with the YCE. Any new structures should be constructed of durable materials and have low maintenance requirements; and landscaping should comprise of native plants with low water requirements.

Officers note that under Local Planning Scheme No. 6 the majority of the nodes proposed are located within the 'Coastal' Reserve, which extends seaward to the Low Water Mark. The purpose of the 'Coastal' Reserve in Clause 3.4.1 is:

*To recognise and protect the environmental integrity, Aboriginal culture and landscape significance of the coastal foreshore and immediate hinterland.*

The activities and facilities proposed at the various nodes are consistent with the purpose, aims and objectives of the 'Coastal' reserve. The nodes that are not located within the 'Coastal' reserve include:

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- Demco Beach – 'Local Road' reserve
- Morgan's Camp – 'Town Centre' zone
- Waterbank Homestead – 'Culture and Natural Resource Use' zone

Even though the above nodes are not within the 'Coastal' reserve, the proposed activities are considered appropriate.

### Capital Works Schedule

This draft Recreation Master Plan has identified 10 recreation nodes and extensive walking trails within the Minyirr Buru (In-Town) Conservation Area and 16 recreation nodes within the Birrugun (Out of Town) Conservation Area. A long term Capital Works Program should be developed due to the large number of recreation nodes requiring funds for upgrading, and a project prioritisation assessment is required to prioritise the development of the various recreation nodes. A cost benefit analysis should also be undertaken on each recreation node to confirm the scope of development and appropriate allocation of the joint managed capital works funds.

Officers recommend that a 5 Year YCE Capital Works Program be developed using a project prioritisation assessment and a cost benefit analysis. This Program is to be budgeted accordingly.

The draft YCE Recreation Master Plan identifies improvements to the various recreation nodes located both within the In Town and Out of Town Conservation Areas. Due to very high visitor numbers, the two recreation nodes at Gantheaume Point are a high priority for YPC Capital Works Funding. The two recreation nodes are:-

- Gantheaume Point Beach Access
- Minyirr (Gantheaume Point)

### **Site Specific Comments**

Officers have reviewed the DPaW recommendations and provided the following Officer recommendations:

Location	DPaW Recommendation	Officer Recommendation
<b>IN TOWN</b>		
<b>Simpson Beach</b>	Minor Day Use Area <ul style="list-style-type: none"> <li>• Consider possible inclusion of adjacent reserve to provide sufficient space for recreation facilities</li> <li>• Liaise with Broome Port Authority on site design</li> <li>• Remove parking area from pindan cliff and relocate between Port Drive and beach</li> <li>• Provide small shelters and formalised beach access</li> <li>• Rehabilitate and stabilise old parking area and dunes system</li> </ul>	Officers support Minor Day Use Area.  Currently car park and access track being designed. Construction scheduled for 2015/16
<b>Demco Beach</b>	Medium Day Use Area <ul style="list-style-type: none"> <li>• Redefine parking area to increase capacity</li> <li>• Review incompatible uses of area and determine management approach</li> <li>• Redefine parking area to increase capacity</li> <li>• Provide additional small shelters</li> <li>• Interpret history of Demco meatworks and connection to broader Kimberley region</li> <li>• Consider revegetation program including 'gardgu trees'</li> <li>• Provide toilet facilities</li> </ul>	Officers support Medium Day Use Area  The proposed improvements to the parking area and surrounds are consistent with the Old Broome Development Strategy, and are supported. The area of Reserve 50978 which includes the parking area and access track is not located within the Yawuru Conservation Estate, but considers that the Shire can work together with Yawuru Park Council to improve the amenity of this area.
<b>Burrungun Morgans Camp</b>	<ul style="list-style-type: none"> <li>• Consider possible inclusion of adjacent UCL, reserve and/or road reserve to provide sufficient space for Yawuru recreation facilities</li> <li>• Commercial cultural activities managed by Yawuru</li> <li>• Consider designated parking area</li> <li>• Consider mangrove boardwalk into Dampier Creek to fishing platform lookout</li> </ul>	Officers support Medium Day Use Area, fishing platform and trailhead for Minyirr Walk.  The retention and interpretation of Morgan's Camp is consistent with the Chinatown Development Strategy. However, this area is likely to be subject to coastal inundation over the next 100 years due to rising sea levels

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Location	DPAW Recommendation	Officer Recommendation
	<ul style="list-style-type: none"> <li>Create interpretation hub using existing buildings (Hunters House)</li> <li>Locate trailhead for walk trail to Minyirr - Gantheaume Point</li> <li>Recover artefacts including building materials and relics and undertake mapping of building footprints and previous site layout</li> <li>Remove rubbish throughout</li> </ul>	and any permanent infrastructure installation will need to consider this.
<b>Reddell Beach</b>		
<b>North</b>	Medium Day Use Area <ul style="list-style-type: none"> <li>Remove broken or unsafe structures including old fencing</li> <li>Relocate parking area back from beach and increase capacity</li> <li>Provide small shelters and formalised beach access</li> <li>Provide toilet facilities</li> </ul>	Officers support Medium Day Use Area - If a further 'major day use area' is desired along this stretch of coast, Officers recommend that it be located at this site rather than at Reddell Beach (South). This area is less likely to be subject to erosion. This site is also included within Precinct 7 – Minyirr/ Gantheaume in the Local Planning Strategy, the objective of which is to <i>"establish Precinct 7 as tourism and recreational precinct including interpretation of the dinosaur footprints and ecotourism at the race course"</i> .
<b>Yilagon</b>	Minor Day Use Area <ul style="list-style-type: none"> <li>Relocate parking area back from pindan cliff</li> <li>Provide small shelters and formalised beach access</li> <li>Rehabilitate and stabilise old parking area and dunes system</li> </ul>	Officers support Minor Day Use Area.
<b>South</b>	Major Day Use Area <ul style="list-style-type: none"> <li>Provide small shelters and formalised beach access</li> <li>Provide toilet facilities</li> <li>Rehabilitate and stabilise old parking area and dunes system where not utilised in site design</li> </ul>	<p>The designation of this site as a 'major day use area' is not supported.</p> <p>This area has historically suffered substantial erosion which may jeopardise any permanent infrastructure that is installed. Additionally the site is in close proximity to industrial development.</p> <p>Officers recommended that this site is classified as a 'minor day use area.'</p>
<b>Minyirr Park</b>		
<b>Base Camp</b>	Major Day Use Area <ul style="list-style-type: none"> <li>Investigate potential lease arrangement with Yawuru including commercial cultural activities</li> <li>Provide designated parking area between Gantheaume Point Road and Base camp.</li> </ul>	<p>To clarify that the land is in a jointly managed area, it is recommended that 'Potential lease arrangement with Yawuru including commercial cultural activities' be amended to 'Potential lease arrangement with Yawuru Park Council including commercial cultural activities.'</p> <p>Officers support Major Day Use Area.</p>
<b>Youth Camp</b>	Medium Use Camping Area <ul style="list-style-type: none"> <li>Provide additional toilet facilities as required</li> <li>Provide flexible spaces and structures to facilitate variety of activities</li> <li>Formalise Nagula Trail to beach</li> <li>Define unsealed two way track to Base Camp and Youth Camp</li> <li>Consider cultural education opportunities for tour operators</li> <li>Address both vehicular and walk trail approaches from Gubinge Road into Park</li> <li>Capture existing interpretive artwork and restore or replicate</li> </ul>	<p>The proposed Medium use camping areas and improvements to this area are supported.</p> <p>It is recommended that 'Potential lease arrangement with Yawuru including commercial cultural activities' be amended to 'Potential lease arrangement with Yawuru Park Council including commercial cultural activities.'</p> <p>It is further recommended that the Yawuru Park Council enter into discussions with the Department of Education to investigate whether it may be feasible to relocate components of the Camp School to this site.</p>
<b>Lurujarri Trail</b>	<ul style="list-style-type: none"> <li>Maintain trails as typically natural surface 'Class 3' and construct stair structures and trail surface modification where required over steep dune crossings.</li> <li>Install trail markers along length of trail</li> <li>Construct bough shed shelters at each beach terminus of Nagula Trails</li> <li>Continue slashing trails following positive community feedback</li> <li>Address visitor risk</li> </ul>	<p>Officers support Primary Walk Trail/ Lurujarri/Minyirr Trail - Primary Walk Trail.</p> <p>This trail to Minyirr/Gantheaume is supported to provide additional recreational opportunities for Broome residents and visitors.</p>

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Location	DPAW Recommendation	Officer Recommendation
	<ul style="list-style-type: none"> <li>Provide safe trailheads for Nagula Trails at Gubinge Road entries into Park</li> </ul>	
<b>Nagula Trails</b>		<p>Officers support Primary Beach Access via Nagula Trails. Stairs have been constructed (July 2015).</p>
<b>Gantheaume Point</b>		
	<p>Major Day Use Area</p> <ul style="list-style-type: none"> <li>In cooperation with the Shire, determine extent of parking, interpretation and toilet facilities given current tenure boundaries</li> <li>Relocate parking area and increase capacity including overflow parking up Gantheaume Point Road</li> <li>Provide parking south west of Broome Turf Club for fishing along sandstone cliffs</li> <li>Consider location for Yawuru commercial operation</li> <li>Remove and replace existing interpretive structure and include additional interpretation</li> <li>Remove and replace toilet facilities and increase capacity</li> <li>Consider alternatives to accessing Gantheaume Point allowing some areas to revegetate and rehabilitate</li> <li>Provide universal access path to lookout at Gantheaume Point</li> <li>Provide defined safe access to lookout in proximity to cliff edge (Class 1 or 2 wheelchair accessible)</li> <li>Provide defined route to Anastasia's Pool and dinosaur footprints (Class 5)</li> <li>Rehabilitate and stabilise eroded areas and address drainage</li> <li>Address cliff risks through relocating access, fencing and signage and consider possible designated lookouts or viewing areas along Broome sandstone cliffs</li> <li>Undertake geotechnical assessment and DEC VRM inspection of the area</li> <li>Remove broken or unsafe structures including old fencing</li> <li>Interpret other interpretive elements including Anastasia's Pool, lighthouse, old fireplace in parking area</li> </ul>	<p>Officers support Major Day Use Area and recommend Major Improvements to Area.</p> <p>Officers recommend a review of Gantheaume Point road alignment (north of turf club) – to relocate the road into the existing road reserve.</p>
<b>Beach Access</b>	<p>Major Day Use Area</p> <ul style="list-style-type: none"> <li>Formalise parking area above beach</li> <li>Provide shade shelters and toilet facilities</li> <li>Formalise beach access</li> <li>Replace management and interpretation signage</li> <li>Provide dedicated formalised horse access if required</li> <li>Potential major parking area for boat trailers and additional vehicles if required</li> <li>Provide designated crossing points from proposed RAC Wilderness Retreat</li> </ul>	<p>Officers support Major Day Use Area and formalised beach access for vehicles.</p> <p>Officers recommend major improvements to the area including formalised beach access for vehicles, pedestrians and horses.</p> <p>Officers recommend a land area of 7500m2 (approximately) be set aside for the Fishing Club and car/trailer parking.</p>
<b>Walk Trails</b>	<p>Maintain trails as typically natural surface 'Class 3' and construct stair structures and trail surface modification where required over steep dune crossings.</p>	<p>Officers support walk trail from Jetties to Gantheaume Pt</p> <p>Future Dual Use Path Along Gantheaume Pt Rd – Officers Support as included in Shire Pathways Plan</p> <p>The walk trail between the jetties is consistent with the Chinatown Development Strategy and Old Broome Development Strategy, and the extension of this trail to Minyirr/Gantheaume is supported to provide additional recreational opportunities for Broome residents and visitors.</p>
<ul style="list-style-type: none"> <li>Kavite Rd (South)</li> </ul>	<ul style="list-style-type: none"> <li>Create larger parking area back from beach and increase capacity</li> <li>Provide small shelters and formalised beach access</li> <li>Provide toilet facilities</li> <li>Rehabilitate and stabilise old parking area and dunes system where not utilised</li> <li>in site design</li> <li>Consider possible inclusion of adjacent road reserve to</li> </ul>	<p>Realignment of Kavite Rd from Port Drive to north of Redell Beach South node is not supported.</p> <p>The realignment of the southern portion of Kavite Road, whilst in the draft Local Planning Strategy, was not included in the final Local Planning Strategy as the proposed intersection with Port Drive was not supported by Main Roads WA.</p>

Location	DPaW Recommendation	Officer Recommendation
	provide sufficient space for recreation facilities <ul style="list-style-type: none"> <li>• New access road from realigned Kavite Road</li> <li>• Track multiplication due to wet season flooding on Kavite Road</li> </ul>	Officers recommend the notation to 'remove or relocate' this section of road should be removed from the Master Plan.
<b>Kavite Rd (North)</b>	<ul style="list-style-type: none"> <li>• Track multiplication due to wet season flooding on Kavite Road.</li> <li>• Beach access is dangerous and requires a scramble down pindan cliffs.</li> </ul>	Officers support the closure of Kavite Road between Gantheaume Point Road and Reddell Beach North Node.  Also support realignment of Kavite road to east of turf club from Gantheaume Pt Rd to Reddell Beach North Node.

## OUT OF TOWN

### Wirrjinmirr (Willie Creek)

<b>Wirrjinmirr</b>	Medium Day Use Area <ul style="list-style-type: none"> <li>• Define parking area behind fore dune on flat ground</li> <li>• Remove and rehabilitate tracks at eastern end</li> <li>• Define one sustainable vehicle access to beach</li> <li>• Provide multiple pedestrian access tracks from parking area to beach</li> <li>• Consider shade shelters and toilet</li> <li>• Consider providing low key interpretation</li> </ul> Prevent vehicle access on limestone rock areas	Officers support Medium Day Use Area and vehicle access to beach.
<b>Flat Rock</b>	Minor Day Use Area <ul style="list-style-type: none"> <li>• Define parking area above north rock shelf</li> <li>• Close north rock shelf to vehicles and provide designated pedestrian access track</li> <li>• Maintain vehicle access to south rock shelf (interim measure)</li> <li>• Upgrade track, address drainage and stabilise banks south of Flat Rock</li> </ul>	Officers support <i>Minor Day Use Area</i> .
<b>Gidi Gidi/ Sand Bank</b>	Minor Day Use Area <ul style="list-style-type: none"> <li>• Define parking area back from fore dune</li> <li>• Provide suitable barriers to define vehicle access</li> <li>• Provide designated vehicle access track to beach</li> <li>• Prevent vehicle access on limestone rock areas</li> </ul>	Officers support <i>Minor Day Use Area</i> and vehicle access to beach.
<b>Warnangarri /Limestone</b>	Minor Day Use Area <ul style="list-style-type: none"> <li>• Define parking area back from limestone ledge</li> <li>• Consider providing low key interpretation</li> <li>• Provide designated access track</li> <li>• Prevent vehicle access on limestone rock areas</li> </ul>	Officers support <i>Minor Day Use Area</i> .
<b>Nimilarragan</b>	Minor Day Use Area <ul style="list-style-type: none"> <li>• Define parking area at southern end of dam wall</li> <li>• Undertake remedial works to dam wall to address erosion and trampling (horses)</li> <li>• Close dam wall to vehicles and define walk trail</li> <li>• Install gate access to track from Cape Leveque Road</li> <li>• Access through cultural eco tours only. Site closed to general public</li> </ul>	Officers support <i>Minor Day Use Area</i> .  Officers recommend keep site open to public.
<b>Waterbank Homestead</b>	Major Day Use Area <ul style="list-style-type: none"> <li>• Consider need for heritage assessment and survey</li> <li>• Restore and maintain structures including buildings, stockyards and other elements</li> <li>• Define parking areas and access throughout Homestead precinct</li> <li>• Provide adequate toilet facilities</li> <li>• Provide interpretation hub within precinct including static signage</li> <li>• Provide facilities for cultural tourism activities such as performance spaces and cooking facilities</li> </ul>	Officers support <i>Major Day Use Area</i> and over night camping.  Officers recommend to keep open to public (not a Yawuru only area).

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Location	DPAW Recommendation	Officer Recommendation
	<ul style="list-style-type: none"> <li>This site may be used for overnight camping associated with cultural eco tourism activities</li> <li>This site may be a Yawuru only area for cultural use</li> </ul>	

**General** The Shire's Local Planning Strategy identifies Willie Creek as a 'Major Tourism Node' which may ultimately have the potential to accommodate up to 500 people. The creation of recreation nodes in this area will complement this designation and is supported.

Officers recommend that access to the Willie Creek Recreation Nodes is maintained. This will require access through a Shire Gravel Reserve and access through a Yawuru Cultural Protection Prohibited Access Zone(s)

## Coconut Well

<b>Ngunun-gurrukun</b>	<p>Major Day Use Area</p> <ul style="list-style-type: none"> <li>Provide 2WD access from Lawrence Road (possibly sealed)</li> <li>Provide parking area on flat, stable country</li> <li>Provide multiple shade shelters</li> <li>Provide toilet facilities</li> <li>Install interpretation signage</li> <li>Provide pedestrian access tracks to beach and walk trail to Denham Road</li> </ul>	<p>Officers support <i>Major Day Use Area</i> and beach access for vehicles</p> <p>Officers support access to site to be upgraded to a sealed road standard (2WD)</p> <p>Officers support interim temporary beach access via Denham Rd until Major Day Use Area constructed. Denham Rd sealed by Shire in Oct 2015.</p> <p>Support walk trail to beach from Denham Rd and to Ngunungurrukun from Denham Rd.</p>
<b>Niyamarri</b>	<p>Medium Day Use Area</p> <ul style="list-style-type: none"> <li>Provide spur road from McGuigan Road</li> <li>Provide shade shelters and toilets</li> <li>Create defined parking area behind fore dune</li> <li>Provide beach access track and lookout</li> <li>Install interpretation signage.</li> </ul>	<p>Officers support this site as <i>Medium Day Use</i> and recommend beach vehicle access.</p> <p>The inclusion of a node at this site is supported. It is recommended that consideration be given to allowing vehicle access to the beach in this location, if clear signage is posted to deter driving on the boggy beach to the north. Signage should also clearly state that vehicle access is to be setback from the base of the dunes so not to impact on turtle nesting sites. The removal of tracks to the north of this site is supported.</p>
<b>Niyamarri (alternative sites)</b>		<p>Access to site looks reasonable as along southern side of rural block with existing track to beach. Also suitable for vehicles to use to access beach.</p> <p>Officers support this site as <i>Medium Day Use</i> and recommend vehicle access to beach.</p>

**General:** Council has resolved to have 2 recreation nodes south of Coconut Wells. Vehicle access to the beach on the southern side of Coconut Wells (either Niyamarri North or Niyamarri South) shall be provided. The draft Birrugun (Out of Town) Management Plan advises that investigation will be required to determine best location for recreation site.

## Crab Creek

<b>Man-galagun Road Entry</b>	<ul style="list-style-type: none"> <li>Create designated information bay parallel with Man-galagun Road</li> <li>Install shelter with orientation, management and interpretation signage</li> <li>Manage access west into Kunin and east to Gubanyunya</li> </ul>	Officers support this site as an <i>Information Bay</i> .
<b>Buga Wamba</b>	<p>Medium Day Use Area</p> <ul style="list-style-type: none"> <li>Spur road from new Man-galagun Road alignment</li> <li>Define parking area back from pindan cliff</li> <li>Provide defined access tracks from parking area to beach</li> <li>Provide shade shelters and toilet</li> </ul>	<p>Officers support this site as <i>Medium Day Use Area</i>.</p> <p>NOTE: This site is not included in Birrugun (Out of Town) Management Plan.</p>
<b>Kadji Rock</b>	<p>Medium Day Use Area</p> <ul style="list-style-type: none"> <li>Spur road from new Man-galagun Road alignment</li> <li>Define parking area back from pindan cliff</li> <li>Provide defined access tracks from parking area to beach</li> <li>Provide shade shelters and toilet</li> </ul>	Officers support this site as <i>Medium Day Use Area</i> .

Location	DPaW Recommendation	Officer Recommendation
<b>Black Rock</b>	Medium Day Use Area <ul style="list-style-type: none"> <li>• Define parking area back from pindan cliff</li> <li>• Provide defined access tracks from parking area to beach</li> <li>• Provide lookout area</li> <li>• Spur road from new Man-galagun Road alignment</li> <li>• Provide interpretation signage</li> </ul>	Officers support this site as <i>Medium Day Use Area</i> .
<b>Fall Point</b>	Major Day Use Area <ul style="list-style-type: none"> <li>• Spur road from new Crab Creek Road alignment</li> <li>• Define parking area back from pindan cliff</li> <li>• Provide defined access tracks from parking area to beach</li> <li>• Provide boat launching facility if practicable</li> <li>• Provide shade shelters, toilet and interpretive signage</li> <li>• Consider relocating Broome Bird Observatory lookout deck</li> </ul>	Officers support this site as <i>Major Day Use Area</i> and for boat launching/vehicle beach access.
<b>Sabu Rock/ Blackberry Tree</b>	Minor Day Use Area <ul style="list-style-type: none"> <li>• Define parking area back from pindan cliff</li> <li>• Provide defined access track from parking area to beach</li> </ul>	Officers support this site as <i>Minor Day Use Area</i> .
<b>Bandurr Bandurr</b>	Medium Day Use Area <ul style="list-style-type: none"> <li>• Define parking area and terminus to Man-galagun Road</li> <li>• Provide defined pedestrian access tracks to Little Crab Creek</li> <li>• Provide interpretation and trailhead to Northern Shore Walk Trail</li> <li>• Provide shade shelters and toilet</li> <li>• Close Little Crab Creek to boat launching</li> </ul>	Officers support this site as <i>Medium Day Use Area</i> .  NOTE: This site is not included in Birrugun (Out of Town) Management Plan.
<b>Man-galagun/ Mirda</b>	Medium Day Use Area <ul style="list-style-type: none"> <li>• Define parking area and terminus to Man-galagun Road</li> <li>• Provide defined pedestrian access tracks to Little Crab Creek</li> <li>• Provide interpretation and trailhead to Northern Shore Walk Trail</li> <li>• Provide shade shelters and toilet</li> <li>• Close Little Crab Creek to boat launching</li> </ul>	Officers support this site as <i>Medium Day Use Area</i> .
<b>General:</b> Shire Officers support the Man-galagun Road realignment away from the pindan cliffs and the northern shore walking trail.		

## CONSULTATION

Yawuru Registered Native Title Body Corporate  
Department of Parks and Wildlife WA

## STATUTORY ENVIRONMENT

Shire of Broome Local Planning Scheme No. 6

3.4 Coastal Reserve. 3.4.1 Purpose:

*To recognise and protect the environmental integrity, Aboriginal culture and landscape significance of the coastal foreshore and immediate hinterland. Notwithstanding anything in the Scheme or on the maps, the Coastal Reserve extends seaward to the Low Water Mark and includes the offshore islands.*

[Conservation and Land Management Act 1984 \(WA\) \(Conservation Commission\)](#)

Division 3 — Marine reserves:

13A. Marine nature reserves, purpose of and prohibited acts in

(1) The reservation of a marine nature reserve shall be for —

(a) the conservation and restoration of the natural environment; and

(b) the protection, care and study of indigenous flora and fauna; and

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(c) the preservation of any feature of archaeological, historic or scientific interest.

13B. Marine parks, purpose of and prohibited acts in

- (1) The reservation of a marine park shall be for the purpose of allowing only that level of recreational and commercial activity which is consistent with the proper conservation and restoration of the natural environment, the protection of indigenous flora and fauna and the preservation of any feature of archaeological, historic or scientific interest.
- (2) As soon as practicable after the reservation of a marine park the Minister shall classify the park under section 62, or divide the park into areas and classify each area under section 62, as —
  - (a) a general use area; or
  - (b) a sanctuary area; or
  - (c) a recreation area; or
  - (d) a special purpose area,
 in accordance with a proposal for the classification publicly notified in accordance with section 14, modified as the Minister thinks fit to give effect to submissions made under section 14.

Local Government Act 1995

Land Administration Act 1997 - Section 49

"49: Management plan for managed reserve

- (1) A management body may submit to the Minister for his or her approval a plan for the development, management and use of the Crown land in its managed reserve for the purpose of that managed reserve.
- (2) The Minister may request a management body or proposed management body to submit to the Minister in an approved form, within such period as is specified in that request, for his or her approval a plan for the development, management and use of the Crown land in the managed reserve of the management body for the purpose of that managed reserve.
- (3) A management body must, before submitting a plan to the Minister under subsection (1) or in response to a request under subsection (2) —
  - (a) consider any conservation, environmental or heritage issues relevant to the development, management or use of the Crown land in its managed reserve for the purpose of that managed reserve; and
  - (b) incorporate in the plan a statement that it has considered those issues in drawing up the plan.
- (4) If a management body submits a plan to the Minister under subsection (1) or in response to a request under subsection (2) and the Minister approves that plan and notifies the management body of that fact, the management body may develop, manage and use the Crown land concerned —
  - (a) in accordance with the plan; or
  - (b) if the Minister approves a variation of the plan, in accordance with the plan as varied."

Conservation and Land Management Act 1984 (WA) (Conservation Commission)

CALM Act (Executive Body)

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*Assistance Agreement (AA) - Section 33(1) (f) CALM Act 1984 (WA)**"33 . CEO, functions of*

- (1) *The functions of the CEO are, subject to the direction and control of the Minister — (f) to provide advice to, or undertake work for or jointly with, and to supply services or facilities to, any department, public or private body or other person, whether in the State or elsewhere if the Minister is of the opinion that the provision of that advice or the undertaking of that work is in the public interest; "*

*Marine Parks and Reserves Authority (Section 26A of the CALM Act - Marine Authority)*

*Dog Act 1976*

*Cat Act 2011*

*Control of Vehicles (Off-road Areas) Act 1978*

*Local Government Grants Act 1978*

*Dog Regulations 1976*

*Cat Regulations 2012*

*Control of Vehicles (Off-road Areas) Regulations 1979*

### **ASSOCIATED DOCUMENTS**

- Proposed Yawuru Nagulagun / Roebuck Bay Marine Park indicative joint management plan 2015;
- Yawuru Birragun Conservation Park draft management plan 2015;
- Yawuru Prescribed Body Corporate Indigenous Land Use Agreement – Broome (Yawuru PBC ILUA); and
- The Yawuru Area Agreement Indigenous Land Use Agreement – Broome (Yawuru AA ILUA)
  - Joint Management Agreement (JMA)
  - Assistance Agreement (AA)

### **POLICY IMPLICATIONS**

SoB Yawuru Park Council Policy 1.5.1[OMC 29 November 2012 Item 9.4.4].

- There is no delegation to the Yawuru Park Council representatives.

### **FINANCIAL IMPLICATIONS**

Funding for the preparation of the draft Recreation Master Plan and proposed capital works is sourced from the Yawuru Trust Account. There are no Shire budget allocations to progress the draft Recreation Master Plan and YCE capital works projects.

DPaW has proposed the following site specific capital works projects in the draft 2015/16 YCE Budget. It should be noted that the YPC has yet to adopt the draft 2015/16 YCE Budget.

#### **In Town – approximately \$ 450,561**

<b>Tenure</b>	<b>Description</b>	<b>Cost</b>
In Town	Site Improvement - Simpson Beach	200,000
In Town	Park Track / Trail Maintenance - Minyirr Trail 'Jack Matting' etc	12,125
In Town	Management Signage - standard management signage across parks	9,256
In Town	Capital Works - Minyirr Park Stairs (carry over from 14/15)	229,180

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**Out of Town - approximately \$ 971,376**

<b>Tenure</b>	<b>Description</b>	<b>Cost</b>
Out of Town	Vehicle Access - Man-galagun Track maintenance / repairs	13,500
Out of Town	Site Improvement - Gurlbanwila (Dog Rocks)	971,376
Out of Town	Management Signage - standard management signage across parks	9,254

If the draft 2015/16 YCE budget is approved by YPC, the capital works projects as noted above will require the development of project plans. Further to this, the financial impact in regard to ongoing operations, maintenance and renewal expenditure has yet to be quantified or responsibilities determined.

**RISK**

The draft Recreation Master Plan is a critical document to guide the future development of recreation facilities in the Yawuru Conservation Estate. If the draft Plan is not endorsed by Council, it is 'Almost Certain' that there will be a 'Moderate' consequence to the Shire's reputation, resulting in a 'High' risk to the Shire. This risk to the Shire can be reduced to 'Low', if the draft Recreation Master Plan with the recommended amendments is endorsed by Council.

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

Affordable services and initiatives to satisfy community need

Participation in recreational activity

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

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

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:**

Sustainable and integrated strategic and operational plans

Responsible resource allocation

**VOTING REQUIREMENTS**

*Simple Majority*

REPORT RECOMMENDATION:

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*That Council:*

1. Acknowledges the significant effort by the parties (Department of Parks and Wildlife, Yawuru and the Shire of Broome) to prepare the Yawuru Conservation Estate Draft Recreation Master Plan and endorses the document in principle subject to Points 2 and 3 below;
2. Requests the Chief Executive Officer to negotiate with Yawuru and the Department of Parks and Wildlife the following amendments to the Draft Recreation Master Plan:
  - a. Gantheaume Point Beach Access Site shall include formalised beach access for vehicles, pedestrians and horses;
  - b. Kavite Rd Realignment (south) is not supported and should be removed;
  - c. Two recreation nodes with at least one vehicle access point to the beach shall be provided at Niyamarri (south of Coconut Well);
  - d. Access to the Willie Creek Recreation Sites shall be allowed through the Yawuru Cultural Protection Prohibited Access Zone as shown in the Draft Yawuru Birragun Conservation Park draft management plan 2015;
  - e. Confirmation that the Buga Wamba and Bandurr Bandurr Sites are not included in the Yawuru Birragun Conservation Park draft management plan 2015 and should be removed;
  - f. The Nimilarragan Site is to be kept open to the public;
  - g. The Waterbank Homestead Site is to be kept open to the public;
  - h. The Redell Beach (south) site is a 'minor day use' area;
  - i. For Base Camp and Youth Camp, 'Potential lease arrangement with Yawuru including commercial cultural activities' should be replaced with 'Potential lease arrangements with Yawuru Park Council including commercial cultural activities';
  - j. Set aside an area of 7500 sq.m at Gantheaume Point Beach Access Site for the Fishing Club and Car/Trailer Parking;
  - k. Enter into discussions with Department of Education regarding the possible relocation of the Camp School to Youth Camp;
  - L. Undertake a review of the location of the section of Gantheaume Point Road to the northwest of the Turf Club, as the road is currently not located within the road reserve.
3. Requests the Yawuru Park Council to facilitate the orderly and well managed implementation of the Draft Recreation Master Plan through the development of:-
  - a. An Asset Management Plan for the Yawuru Conservation Estate through a 'whole of life' approach;
  - b. A 5 year Yawuru Conservation Estate Capital Works Program using a project prioritisation assessment and a cost benefit analysis, and that this Program be budgeted accordingly;
4. Authorises its delegates to inform the Yawuru Park Council of this resolution.

**COUNCIL RESOLUTION:****Moved: Cr D Male****Seconded: Cr W Fryer****That Council:**

1. **Acknowledges the significant effort by the parties (Department of Parks and Wildlife, Yawuru and the Shire of Broome) to prepare the Yawuru Conservation Estate Draft Recreation Master Plan and endorses the document in principle subject to Points 2 and 3 below;**
2. **Requests the Chief Executive Officer to negotiate with Yawuru and the Department of Parks and Wildlife the following amendments to the Draft Recreation Master Plan:**
  - a. **Gantheaume Point Beach Access Site shall include formalised beach access for vehicles, pedestrians and horses;**
  - b. **Kavite Rd Realignment (south) is not supported and should be removed;**
  - c. **Two recreation nodes with at least one vehicle access point to the beach shall be provided at Niyamarri (south of Coconut Well);**
  - d. **Access to the Willie Creek Recreation Sites shall be allowed through the Yawuru Cultural Protection Prohibited Access Zone as shown in the Draft Yawuru Birragun Conservation Park draft management plan 2015;**
  - e. **Confirmation that the Buga Wamba and Bandurr Bandurr Sites are not included in the Yawuru Birragun Conservation Park draft management plan 2015 and should be removed;**
  - f. **The Nimilarragan Site is to be kept open to the public;**
  - g. **The Waterbank Homestead Site is to be kept open to the public;**
  - h. **The Redell Beach (south) site is a 'minor day use' area;**
  - i. **For Base Camp and Youth Camp, 'Potential lease arrangement with Yawuru including commercial cultural activities' should be replaced with 'Potential lease arrangements with Yawuru Park Council including commercial cultural activities';**
  - j. **Set aside an area of 7500 sq.m at Gantheaume Point Beach Access Site for the Fishing Club and Car/Trailer Parking;**
  - k. **Enter into discussions with Department of Education regarding the possible relocation of the Camp School to Youth Camp;**
  - L. **Undertake a review of the location of the section of Gantheaume Point Road to the northwest of the Turf Club, as the road is currently not located within the road reserve.**
3. **Requests the Yawuru Park Council to facilitate the orderly and well managed implementation of the Draft Recreation Master Plan through the development of:-**
  - a. **An Asset Management Plan for the Yawuru Conservation Estate through a 'whole of life' approach;**
  - b. **A 5 year Yawuru Conservation Estate Capital Works Program using a project prioritisation assessment and a cost benefit analysis, and that this Program be budgeted accordingly;**

- 4. Authorise the delegates to inform the Yawuru Park Council of this resolution and to reiterate that while the Plan is endorsed in principle as above, the Shire does not accept financial liability for the development, construction or ongoing maintenance that may result through the implementation of the Plan.**

**CARRIED UNANIMOUSLY 6/0**

**Reason: To clarify that whilst the Plan is endorsed in principle, the Shire does not want to be financially liable for the development, construction or ongoing maintenance that may result through the implementation of the Plan.**

#### **Attachments**

1. Draft Recreation Master Plan
2. Draft Recreation Master Plan Maps

## 9.2.5 PREPARATION OF AMENDMENT 2 TO LOCAL PLANNING SCHEME NO. 6 - IDENTIFICATION OF DEVELOPMENT CONTRIBUTIONS AREA AND PREPARATION OF DEVELOPMENT CONTRIBUTIONS PLAN

<b>LOCATION/ADDRESS:</b>	Lots 360, 365, 504, 514, 521, 522, 526, 527, 2605, 2606, and 3129 Fairway Drive, Bilingurr; Lot 301 Magabala Road, Bilingurr; Lot 502 Gubinge Road, Cable Beach; Lot 3143 Dickson Drive, Broome; Lot 3144 Dora Street, Broome; Pt. Lot 3128 Coucal Street, Cable Beach; Lot 9051 Jigal Drive, Djugun; and Lot 9053 Lorikeet Drive, Djugun
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	PLA92, LPS6/2
<b>AUTHOR:</b>	Strategic 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>	11 November 2015

**SUMMARY:** Under *State Planning Policy 3.6 – Development Contributions for Infrastructure* a local government can seek monetary contributions from land developers for community and standard infrastructure items that are required to support the orderly development of an area. Contributions are applied to a designated Development Contributions Area (DCA) which is incorporated into the local planning scheme. The methodology for apportioning contributions and the items to which they will relate are set out in a supporting Development Contribution Plan. The *Planning and Development (Local Planning Schemes) Regulations 2015* allow for local government to resolve to prepare a scheme amendment and then complete the formal amendment documentation for further consideration by Council.

This report recommends that Council resolve to prepare an Amendment to Local Planning Scheme No. 6 to allow for the establishment of a Development Contributions Area in the Broome townsite and for the preparation of a supporting Development Contributions Plan.

### BACKGROUND

#### Previous Considerations

OMC 28 October 2010	Item 9.3.14
OMC 30 July 2015	Item 9.2.1

The concept of development contributions for new residential subdivision in Broome has been considered for several years, since the inception of the Broome North residential estate.

Council in its *Corporate Business Plan 2015-19* formalised its intention to prepare development contribution plans through the following Outcome, Strategy, and Action.

Outcome No.	Outcome	Strategy No.	Strategy	Action No.	Action
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2.1	Realistic and sustainable land use strategies for the Shire within state and national frameworks and in consultation with the community.	2.1.2	Develop and implement precinct based Development Strategies	2.1.2.5	Develop a community and hard infrastructure development plan.
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A resolution of Council to prepare a formal Scheme Amendment is the first step to achieve this action.

## COMMENT

### *Basis for Development Contributions*

In Western Australia, development contributions for hard infrastructure such as roads, footpaths and utilities have long been accepted as an essential part of the planning system. More recently, changes to State Planning Policy 3.6 – Development Contributions for Infrastructure (SPP3.6) created a framework for the collection of development contributions for the provision of community infrastructure. 'Community Infrastructure' includes items such as sporting and recreational facilities, community centres, child care and after school centres, libraries and cultural facilities.

SPP3.6 recognises that local governments face increasing pressures on the services they provide. These pressures arise from population and economic growth, increasing expectations of the community for new and upgraded infrastructure, and limited financial resources.

The pressure to provide services to the community is evident within the Shire of Broome. In a community survey undertaken as part of the Broome 2040 project, 'Upgrading Infrastructure and Services' was identified by respondents as the biggest challenge for the Shire over the next 20-40 years.

To help address this issue, SPP3.6 sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established urban areas. The key principle is that the beneficiary pays. Key provisions of SPP3.6 have been incorporated into the Shire's Local Planning Scheme No. 6 (LPS6) and provide a statutory framework for adopting Development Contribution Plans (DCPs) as amendments to the Scheme.

### *Scheme Amendment Process*

The gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations') amended the process by which local government can prepare or adopt Scheme Amendments. The Regulations establish three tracks of amendments – basic, standard and complex – and prescribe processes for the local government and WAPC to progress amendments of each type.

Under Regulation 35, a local government can resolve to prepare a Scheme Amendment. For complex amendments, a second resolution is then required once formal amendment documentation has been prepared, to proceed to advertise the amendment. Only at this stage will the amendment be referred to the WAPC for consent to advertise.

The definition of a 'complex' amendment includes 'an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan,' therefore the above process must be followed in this case.

The purpose of this report is therefore to get Council to resolve to prepare a Scheme Amendment to introduce a Development Contribution Area into Local Planning Scheme No. 6 as per the attached map.

The introduction of a development contribution plan will provide certainty to both Council and developers about which areas will be required to pay contributions, which infrastructure items will be funded, and what methodology will be used to calculate contributions in a fair and equitable manner.

### *Population Growth in Broome*

The Shire has experienced consistent growth in its permanent resident population, and it is anticipated that this will continue. Broome has been identified as a 'Regional City' in the State Planning Strategy and Kimberley Regional Planning and Infrastructure Framework (KRPIF), and aspirational population projections from the KRPIF and Kimberley Development Commission's Regional Economic Blueprint encourage up to a 5% average annual growth rate (AAGR) over the next 21 years.

To support the preparation of the Local Planning Strategy (LPS) the Shire of Broome prepared a Community Profile which considered four growth scenarios. Whilst more conservative than the aspirational projections of the KRPIF, these ranged from an AAGR of 2.1% per annum to 3% in the permanent residential population. On the basis of these projections land was earmarked in the LPS as 'Future Development Areas' (FDAs). **Attachment 2** shows the FDAs spatially.

### **Attachment 2 – Local Planning Strategy Map**

If all land identified as FDAs in the LPS was developed, it would yield approximately 7,080 dwellings. When added to the number of existing dwellings within the Broome townsite and dwellings that could be developed on existing zoned and subdivided residential land, this would accommodate a population of over 35,000.

As the DCP is intended to apply to development that will be undertaken within the next 15 years, officers have used the medium growth scenario (Scenario 2) in the Local Planning Strategy to estimate future population by 2031 and to identify land required to provide for this population. This land will be included in the DCA. Under Scenario 2, the population within the Broome townsite will increase to approximately 20,700 by 2031. The 3,200 lots that will be created through subdivision of the DCA at a density of R20 (as is prescribed in the LPS) will be able to successfully cater for this growth.

In considering which areas to include in the DCA, the following matters were taken into account:

- Portions of FDA1 (Broome North) north of Fairway Drive were excluded as the Broome North District Development Plan states that the extents of interim development to 2031 will be bound by Fairway Drive, Broome Highway and Gubinge Road as reflected in Attachment 1;
- FDAs 3 and 4 were excluded as they are currently constrained by the location of the Broome International Airport. These locations fall within the 30 Australian Noise Exposure Forecast (ANEF) zone and above, and as such permanent residential development will not be permitted until the airport relocates. The endorsed Airport

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Development Plan states this will not occur prior to 2025. Should relocation take place prior to this, an amendment to the DCP, or additional DCP, can be undertaken to include these FDAs.

- FDAs 7 and 8 are the in-town Aboriginal settlements of One Mile (Nillir Irbanjin) and Bilgungurr. This land has already been partially developed and the owners and leaseholders have not expressed an interest in undertaking broad scale redevelopment during the life of the DCP. As above, should circumstances change, an amendment to the DCP, or additional DCP, could be contemplated to include these FDAs.
- Subdivision by individual landowners on existing lots has been excluded. The majority of the Broome townsite is developed into low-density single residential lots and as such the potential for infill subdivision is limited. Whilst subdivisions of this nature occasionally occur, the timing of these is uncertain and there is no way to reliably predict yields in a way that is needed to create a DCP. It is noted, however, that if broad-scale redevelopment of an entire area is proposed to significantly increase density, an amendment to the DCP, or additional DCP, can be undertaken to capture this.

It is noted that Council has the ability to consider incorporating additional land into the DCA when future Scheme Amendments are lodged.

Based on the above, it is considered that the proposed extents of the DCA are consistent with the Shire's strategic planning framework and will be adequate to cater for predicted population growth in Broome over the next 15 years.

#### *Elements to be Included in the DCP*

SPP3.6 sets out the elements to be included in a DCP. Should Council resolve to prepare a Scheme Amendment as outlined in this report, Shire staff will prepare the formal documentation for Council's, and the WAPC's, consideration. This will include:

- A Scheme Amendment report including justification for the amendment using the Shire's corporate, strategic and statutory planning frameworks;
- A Development Contribution Plan, which will include:
  - Identification of the infrastructure items required over the next 15 years;
  - A capital expenditure plan which identifies the capital costs to provide the relevant infrastructure, revenue sources, and timing for provision;
  - Projected growth figures; and
  - A methodology for determining the proportion of costs of infrastructure to be attributed to the growth areas and the proportion to be attributed to existing areas.

As such it is recommended that Council resolves to prepare an amendment to Local Planning Scheme 6 to incorporate a Developer Contribution Area and Plan to cater for the population growth over the next 15 years.

## **CONSULTATION**

Should Council resolve to prepare a Scheme Amendment as outlined in this report, the formal Scheme Amendment documentation will be publicly advertised for a period of no less than 60 days, as is required under the Regulations.

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

## STATUTORY ENVIRONMENT

### **Planning and Development Act 2005**

#### 75. Amending scheme

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment —

- (a) prepared by the local government, approved by the Minister and published in the Gazette; or
- (b) proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.

#### 81. Proposed scheme or amendment to be referred to EPA

When a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA —

- (a) written notice of that resolution; and
- (b) such written information about the local planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the local planning scheme or amendment.

### **Planning and Development (Local Planning Schemes) Regulations 2015**

#### 34. Terms used

**complex amendment** means any of the following amendments to a local planning scheme —

- (e) an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan

#### 35. Resolution to prepare or adopt amendment to local planning scheme

- (1) A resolution of a local government to prepare or adopt an amendment to a local planning scheme must be in a form approved by the Commission.

Note: Section 75 of the Act provides for a local government to amend a local planning scheme or adopt an amendment to a local planning scheme proposed by all or any of the owners of land in the scheme area.

- (2) A resolution must —
  - (a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and
  - (b) include an explanation of the reason for the local government forming that opinion.
- (3) An amendment to a local planning scheme must be accompanied by all documents necessary to convey the intent and reasons for the amendment

#### 70. Development contribution area

- (1) A local government may determine that an area of land within a scheme area is a development contribution area if development or subdivision of the land would require the provision of infrastructure or facilities in the area to support the development or subdivision.
- (2) A development contribution area must be shown as a special control area on the scheme map for the local planning scheme.

#### 71. Development contribution plan

- (1) A local government must prepare a development contribution plan for each area identified in a local planning scheme as a development contribution area.
- (2) A development contribution plan may be prepared concurrently with the identification of the development contribution area to which it relates.
- (3) A development contribution plan is prepared for the purpose of setting out who is to contribute to the cost of providing infrastructure or facilities in a development contribution area and how those contributions are to be determined.

### POLICY IMPLICATIONS

#### *State Planning Policy 3.6 – Development Contributions for Infrastructure*

This policy guides the form of development contributions plans, the principles to underlie apportionment of contributions, and how the development contribution plan is to be administered. The DCP will be prepared in accordance with the provisions of SPP 3.6.

### FINANCIAL IMPLICATIONS

The Scheme Amendment documentation will be prepared in-house using existing staff resources. A preliminary list of Community Infrastructure projects has been prepared on the basis of existing strategic documents such as the Sport, Recreation and Leisure Plan (2015), the Local Planning Strategy, and the Old Broome Development Strategy. This list will require further review by Council and will be presented as part of the formal amendment documentation.

The list of standard infrastructure projects will be informed by three studies which are scheduled to occur in the 2015-16 financial year, including a District Traffic Study, a District Drainage Management Strategy, and a Fit-for-Purpose Water Supply Study. The outcomes of other projects such as the review of the Building Asset Management Plan and Transport Asset Management Plan and the completion of the Coastal Hazard Risk Management and Adaptation Plan and Public Open Space Asset Management Plan may also be used to determine infrastructure items.

### RISK

Without a formal development contribution plan in place, the Shire will not be able to compulsorily require development contributions for new residential subdivisions in Broome. Whilst voluntary agreements may be entered into, this will be at the discretion of the developer. This could lead to the loss of millions of dollars that can be used help fund the construction of vital standard and community infrastructure within the town. In 2010 Council estimated that the total cost of this infrastructure until 2031 would be in excess of \$152 million. Without the inclusion of development contributions these costs will be borne solely by the Shire.

### STRATEGIC IMPLICATIONS

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

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

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

**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

**VOTING REQUIREMENTS**

*Simple Majority*

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

**Moved: Cr C Mitchell**

**Seconded: Cr D Male**

**That Council:**

1. Pursuant to Section 75 of the Planning and Development Act 2005, prepare an amendment to the Shire of Broome Local Planning Scheme No. 6 by:

(a) Amending Scheme Map sheets, 23, 24, 27, 30 and 32 to add the notation 'Development Contribution Area 1' ('DCA1') to the following lots as per the map in Attachment 1:

- Lots 360, 365, 504, 514, 515, 521, 522, 526, 527, 2605, 2606 and 3129 Fairway Drive, Bilingurr
- Lot 301 Magabala Road, Bilingurr
- Lot 502 Gubinge Road, Cable Beach
- Lot 3143 Dickson Drive, Broome
- Lot 3144 Dora Street, Broome
- Pt. Lot 3128 Coucal Street, Cable Beach
- Lot 9051 Jigal Drive, Djugun
- Lot 9053 Lorikeet Drive, Djugun

(b) Preparing a Development Contribution Plan for the area identified as DCA1.

2. Resolve that the amendment is a complex amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:

- Under Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 a complex amendment is defined as including 'an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan.'

- 3.      *Forward this resolution to the Environmental Protection Authority pursuant to Section 81 of the Planning and Development Act 2005.***

**CARRIED UNANIMOUSLY 6/0**

**Attachments**

1.    Attachment 1 - Development Contributions Area
2.    Attachment 2 - Local Planning Strategy Map

***With regard to Item 9.2.6 Cr R Johnston disclosed that “I have an association with Chinatown property. As a consequence there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”***

***With regard to Item 9.2.6 Cr D Male disclosed that “I have an association with being a beneficiary of a trust owning property and I run a business in that precinct. As a consequence there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”***

## **9.2.6 THE CHINATOWN CHRISTMAS DECORATIONS AND STREET PARTY**

<b>LOCATION/ADDRESS:</b>	CHINATOWN; SHORT ST, DAMPIER TERRACE & CANARVON STREET
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	REP004
<b>AUTHOR:</b>	Events Coordinator
<b>CONTRIBUTOR/S:</b>	Youth and Community Development Officer
<b>RESPONSIBLE OFFICER:</b>	Deputy Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	12 November 2015

**SUMMARY:** This report proposes plans to install Christmas lights and decorations in Chinatown and to work collaboratively with the community to hold a Christmas street party in Chinatown. The report also recommends that the Shire works with Spirit FM to hold the Christmas street party on Thursday 3 December 2015, with logistical support to be provided by the Shire of Broome and seeks Council's approval of the event. It is also recommended that Christmas decorations are installed on Carnarvon Street and Dampier Terrace similar to 2014.

## **BACKGROUND**

### Previous Considerations

ACHAC	11 September 2013	Item 5.2
OMC	17 October 2013	Item 10.1
SMC	6 November 2014	Item 9.1.1

## **COMMENT**

The purpose of the Chinatown Christmas project is to bring the local Broome community together to showcase Chinatown at a key time of year for the retail sector. The project aims to generate community goodwill and provide opportunities for positive Shire branding as well as contributing to the revitalisation of Chinatown in line with the Chinatown Development Strategy.

The Chinatown Christmas Project provides opportunities for community engagement and activation of Chinatown.

### **Christmas Street Party**

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

As in previous years, it is recommended that the Shire of Broome works with Spirit FM, Chinatown Traders Association and local businesses to hold a Christmas street party in Chinatown on Thursday 3 December 2015, with logistical support to be provided by the Shire of Broome including traffic management and litter control. The street party will take place in both Dampier Terrace and Carnarvon Street between Napier Terrace and Short Street. The event will have a night market atmosphere with food and craft stalls as well as entertainment including Christmas carols, music, dancing, street performers and an appearance from Santa Claus. The event is designed to activate Chinatown in the evening and provide an opportunity for retailers to open their doors for late night Christmas trading. As this event could conceivably attract in excess of 2,000 people, in accordance with the Shire's Event Policy this would be a Tier 3 event and therefore requires Council approval. It is proposed that Council delegates authority to the Chief Executive Officer to approve the event in Chinatown in accordance with the Shire's Events Policy subject to all regulatory and policy requirements being met.

### **Christmas Decorations**

It is proposed that the Shire of Broome installs the same suite of decorations as were on display in 2014, which will include:

- Christmas Banners hung from light poles leading into and around Chinatown
- Light Panels hung from light poles along Carnarvon Street
- Two boabs at either end of Carnarvon street decorated with lights and baubles

The decorations will be installed over the week beginning Monday 30 November and will be on display ready for the street party on Thursday 4 December.

The Shire of Broome will offer Christmas lanterns for sale to Chinatown retailers which have been sourced in bulk and can therefore be offered at a subsidised rate. The lanterns will be particularly beneficial for retailers in Dampier Terrace where a lack of infrastructure restricts the provision of hanging light panels and other decorations. Retailers will be responsible for placing the lanterns out and bringing them in each night to avoid vandalism. This initiative provides an opportunity for businesses to be directly involved in the Chinatown Christmas project and creates a sense of ownership and pride.

Local childcare centres, schools and youth groups will again participate in the Broome Christmas Windows competition by creating Christmas window displays to be installed in business windows and vacant shopfronts around Chinatown. The displays will be installed ready for judging at the Christmas Street Party with prizes for the best three displays. The displays will remain up over the Christmas period attracting parents and community members to Chinatown to view the displays.

### **CONSULTATION**

Spirit FM

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*3.50. Closing certain thoroughfares to vehicles*

- 1) *A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.*

*Shire of Broome Local Government Property and Public Places Local Law 2012*

*Definitions and Interpretations*

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

- 1.6 (1) In this local law, unless the context otherwise requires: “function” means an event or activity characterised by any or all of the following:
- (a) formal organisation and preparation;
  - (b) its occurrence is generally advertised or notified in writing to particular persons;
  - (c) it is organised by or on behalf of a club;
  - (d) payment of a fee is required for attendance; and
  - (e) there is systematic recurrence in relation to the day, time and place;
- 3.1 (1) Where a person is required to obtain an approval from the local government under this local law, that person shall:
- (a) not do the thing for which the approval is required without first obtaining the approval; and
  - (b) apply for the approval in accordance with subclause (2).
- (2) An applicant shall make an application for an approval by completing the form provided for the purpose by the local government, paying the application fee to the local government and forwarding the application to the local government.
- (3) The signature of the applicant on the form under subclause (2) shall be deemed to be proof that the applicant has:
- (a) read and understood any conditions printed on the application form; and
  - (b) accepted and agreed to comply with any conditions printed on the application form.

#### Determination of application

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

#### Conditions of approval

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

#### Division 2 – Matters relating to approvals

##### Term and validity of approval

#### 3.4 An approval remains valid until:

- (a) the expiration date and time stated in the approval is reached;
- (b) the activity or function for which the approval was issued is changed to the extent that it is no longer consistent with the original purpose or intent for which the approval was given;

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- (c) the approval is cancelled by the local government under clause 3.5; or
- (d) the public liability or indemnity insurance required as a condition of an approval lapses, is cancelled or is no longer current.

3.5 (1) The local government may cancel an approval if:

- (a) anything purporting to be done in accordance with the approval is not done in conformity with the conditions of the approval;
- (b) the approval holder is convicted of an offence against this local law; or
- (c) the approval holder fails to comply with a notice given under clause 12.1 in relation to a breach of the approval or a condition of the approval.

- (2) Notwithstanding subclause (1), where an approval relates to the hiring of local government property, the local government may cancel the approval at any time.
- (3) Where the local government cancels an approval for the hire of local government property under subclause (2), then the local government shall not be liable to the approval holder for any loss or damage sustained by the approval holder arising from the cancellation

Part 4 – Activities Which Are Restricted Or Prohibited On Local Government Property and Public Places

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

Activities requiring an approval 4.1 (1) A person shall not on any local government property or public place within the Broome town site area, without first having obtained an approval from the local government to do so:

- (a) consume any liquor;
- (b) erect a structure for public amusement or for any performance for personal gain or otherwise;
- (c) conduct any function;
- (d) light or set off any fireworks or conduct a fireworks display;
- (e) light any fire except in a facility provided for that purpose;
- (f) erect any tent, camp, hut, building or other structure, other than a beach umbrella or other portable item used for protection from the elements between sunrise and sunset on any day;
- (g) coach, teach, instruct or train any person for a fee;
- (h) charge a person for entry to local government property;
- (i) operate any broadcasting or public address system or apparatus, other than those used by a life saving club in the performance of its functions;
- (j) erect any sign;
- (k) walk, lead, ride, herd or drive any large animal;
- (l) play or use any musical instrument or any other similar device;
- (m) pursue a use on local government property set aside for that purpose under clause 5.1

Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003

Definitions and Interpretations 1.6 In this local law unless the context requires otherwise: "trading" includes:

- (a) the selling or hiring or, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;
- (b) displaying goods in any public place for the purpose of:

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

- (i) offering them for sale or hire;
- (ii) inviting offers for their sale or hire;
- (iii) soliciting orders for their sale or hire; or
- (iv) carrying out any other transaction in relation to them; and

(c) the going from place to place, whether or not public places, and:

- (i) offering goods or services for sale or hire; or
- (ii) inviting offers or soliciting orders for the sale or hire of goods or services, but does not include:

(d) the delivery of pre ordered goods or services to the purchaser of those goods or services, or to the person nominated by the purchaser of those goods or services to accept delivery, whether or not payment for those goods or services is made on delivery;

#### 46. Local laws and regulations generally

- (1) Any regulation made under section 44 or local law made under this Act may be so made —
  - (a) as to apply generally or in a particular class of case, or particular classes of cases, at all times or at a specified time or specified times, throughout the district or in a specified part or specified parts of the district and in areas which although not within the district are by the operation of the provisions of this Act nevertheless to be regarded as being within the district;
  - (b) as to require a matter affected by it to be in accordance with a specified requirement, or as approved by, or to the satisfaction of, a specified person or body, or class of person or body, and so as to delegate to or confer upon a specified body a discretionary authority; and
  - (c) as to provide that in specified cases, or a specified class of case, or specified classes of cases, whether on specified conditions or unconditionally, persons or things may be exempted from its provisions either wholly or to such extent as is specified.
- (2) Any regulation made under section 44 or local law may make provision for the imposition of penalties not exceeding \$100 in respect of any contravention.
- (3) Where in relation to a regulation made under section 44 or local law made under this Act the expression "specified" is used, the expression, unless the context requires otherwise, means specified in that regulation or local law.

### POLICY IMPLICATIONS

5.1.11 Events

4.2.12 Trading in Public Places

3.1.20 Traffic Management for Events

### FINANCIAL IMPLICATIONS

An allocation of \$35,000 has been included in the 2015/16 Financial Year Budget for the purposes of delivery of the Chinatown Street Christmas Party and Decorations.

### RISK

A Comprehensive Risk Management Plan and Emergency Procedures Plan are requirements of the applicants Event Application.

### STRATEGIC IMPLICATIONS

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

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

Accessible and safe community spaces

Participation in recreational and leisure activity

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

A 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:**

Key economic development strategies for the Shire which are aligned to regional outcomes working through recognised planning and development groups/committees

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

An organisational culture that strives for service excellence

Effective community engagement

**VOTING REQUIREMENTS**

*Absolute Majority*

**COUNCIL RESOLUTION:  
(REPORT RECOMMENDATION)**

**Moved: Cr B Rudeforth**

**Seconded: Cr M Croff**

**That Council:**

1. ***Nominates Carnarvon Street and Dampier Terrace (between Napier Terrace and Short Street) as the focal points for Christmas decorations in Chinatown in 2015***
2. ***Requests the Chief Executive Officer to work in collaboration with Spirit FM to stage a Christmas Street party on Thursday 3 December 2015, with the Shire's role to be coordinating traffic management, waste management and cleaning services.***
3. ***Delegates authority to the Chief Executive Officer to approve the Chinatown Christmas Party to be held on Thursday 3 December 2015 from 17:00 to 21:30 subject to all regulatory and policy requirements being met.***

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0**

**Attachments**

Nil

## 9.2.7 CLOSURE OF A PORTION OF COGHLAN STREET ROAD RESERVE - OUTCOME OF PUBLIC ADVERTISING

<b>LOCATION/ADDRESS:</b>	Coghlan St
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	COG-1/GEN
<b>AUTHOR:</b>	Development and Subdivision Engineer
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director of Engineering Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	11 November 2015

**SUMMARY:** Council previously endorsed the public advertising of the proposed closure of a portion of Coghlan Street road reserve. This closure was required under the Heads of Terms agreement between the Shire of Broome and Pearl Coast Properties.

No submissions were received during the public advertising period, and this report recommends Council endorse the closure of a portion of the Coghlan Street road reserve.

### BACKGROUND

#### Previous Considerations

OMC 26 March 2015	Item 9.1.2
OMC 27 August 2015	Item 9.2.3

At the Ordinary Meeting of Council held on 26 March 2015, Council resolved the following:

*That Council:*

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

A Heads of Terms agreement was negotiated between the Shire of Broome and Pearl Coast Properties (PCP) to resolve all outstanding drainage and land tenure issues at Broome International Airport.

At the Ordinary Meeting of Council held on 27 August 2015, Council resolved the following;

*That Council:*

- (a) *Notes that under the Heads of Terms Agreement, a portion of the Coghlan Street Road Reserve is required to be closed, sold by Department of Lands to Pearl Coast Properties, and that a drainage easement in favour of the Shire of Broome will be created over the McPherson St Drainage Licence Area.*
- (b) *Requests the Chief Executive Officer to:-*
  - (i) *Advertise a Notice of Motion to close a portion of the Coghlan Street road reserve (Area D on Drawing no. D15-003-01) , for 35 days in accordance with Section 58(3) of the Land Administration Act 1997; and*

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

- (ii) *Present a report to Council on the outcome of the submissions received during the advertising period.*

## COMMENT

A Heads of Terms agreement has been engrossed by Pearl Coast Properties (PCP) and the Shire. In accordance with the agreement, the Shire is to progress road closure actions for a portion of the Coghlan Street road reserve (Area D).

### **Attachment 1: Survey of Area D**

The road closure action is required as a section of the existing airport security fence and open drain encroaches into the Coghlan Street road reserve by 199m<sup>2</sup>. This is referred to as Area D in the Heads of Terms agreement.

### **Attachment 2: Context Plan – Portion of Coghlan Street Road Reserve to be Closed**

The encroachment of airport infrastructure into the road reserve does not inhibit Coghlan Street being used as a public thoroughfare. Therefore, it was agreed in the negotiation of the Heads of Terms agreement to formally close Area D within the Coghlan Street road reserve and facilitate the disposal of Area D to PCP through the Department of Lands.

Area D will be excised from the Coghlan Street road reserve and amalgamated into the Pearl Coast Properties parent lot (Lot 9000). A drainage easement will then be subsequently created over the existing McPherson St drain in favour of the Shire and this will replace the existing drainage licence.

## CONSULTATION

Department of Lands  
Pearl Coast Properties  
Water Corporation  
Residents of Shire of Broome

The proposed road closure was required to be advertised for 35 days under Section 58(3) of the *Land Administration Act 1997*. A public notice was placed in the Broome Advertiser on 10 September 2015, and the advertising period ended at 4pm on 16 October 2015.

No submissions were received during the public consultation period.

## STATUTORY ENVIRONMENT

### **Land Administration Act 1997**

#### **58. Closing Roads**

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3) request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*

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- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objection made to it within that period concerning the proposal set out in that notice.*

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

PCP will bear all fees, charges and survey costs related to the closure of a portion of the Coghlan St road reserve. The cost of purchasing the closed portion of the Coghlan St road reserve (Area D) from the Department of Lands will be borne by PCP.

As per the terms of the engrossed Heads of Terms agreement, PCP will grant a drainage easement over the McPherson St Drain free of charge to the Shire. PCP will also bear all fees, charges and survey costs related to the creation of this drainage easement.

## **RISK**

If Heads of Term agreement is not actioned and a portion of Coghlan Street road reserve is not closed, the Macpherson Street Drainage License will stay in effect. As this licence may be terminated by PCP with only one month's notice, this would result in a costly alternative drainage solution which has a major financial consequence for the Shire. Whilst it is unlikely that PCP will cancel the licence, the combination of these two factors produces an overall moderate risk to the Shire.

The risk to the Shire can be mitigated by the closure of a portion of the Coghlan Street road reserve to facilitate a drainage easement being created in favour of the Shire.

## **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:**

Core asset management to optimise Shire's infrastructure whilst minimising life cycle costs.

## **VOTING REQUIREMENTS**

*Simple Majority*

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)****Moved: Cr C Mitchell****Seconded: Cr W Fryer*****That Council:***

- 1. Endorse the closure of a portion of the Coghlan Street road reserve (Area D) as shown in the Attachment to this report.***
- 2. Requests the Chief Executive Officer to:***
  - (a) request the Minister of Lands to proceed with the closure of a portion of the Coghlan Street road reserve (Area D); and***
  - (b) advise the Department of Lands that the Shire has no objection to the closed portion of the road reserve being sold to Pearl Coast Properties, subject to a drainage easement being created over the Macpherson St Drain in favour of the Shire.***

***CARRIED UNANIMOUSLY 6/0*****Attachments**

1. Survey of Area D
2. Context Plan - Portion of Coghlan Street Road Reserve to be Closed

# 9.3

## OUR PROSPERITY



### ***PRIORITY STATEMENT***

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

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

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

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



### 9.3.1 PROPOSAL FOR HOLIDAY PARKS AND CAMPING GROUNDS LEGISLATION SECOND CONSULTATION

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	ACT11
<b>AUTHOR:</b>	Coordinator Environmental Health
<b>CONTRIBUTOR/S:</b>	Statutory Planning Coordinator Manager Economic Development Manager Building Services Manager Emergency, Health and Ranger Services
<b>RESPONSIBLE OFFICER:</b>	Director of Development Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	29 October 2015

**SUMMARY:** The Department of Local Government and Communities (The Department) is currently reviewing the *Caravan Parks and Camping Grounds Act 1995* (CPGC Act) with the intention to repeal the Act and develop new legislation.

The Shire of Broome submitted a response to the first round of consultation which was endorsed by Council on the 7 October 2014. In a second consultation, the Shire has been asked to review the proposed options for inclusion in the new Caravan and camping legislation (Attachment 1).

In preparing the DRAFT submission, Officers have considered impacts these changes may have on the Shire of Broome as an organisation, an owner of a caravan park and the potential impacts on Broome as a community. Officers considered concerns raised by Council in the first submission.

Officers recommend Council approve the Shire of Broome's response for submission to the Department. A copy of the DRAFT submission 'Proposal for Holiday Parks and Camping Grounds Legislation' is attached at (Attachment 2) for Councils consideration.

## BACKGROUND

### Previous Considerations

OMC 7 October 2014      Item 9.3.1

The State Government has proposed to develop new Caravan Parks and Camping Grounds legislation to replace the *Caravan Parks and Camping Grounds Act 1995*. As part of this process a public consultation review is being conducted.

The review is being led by an interagency advisory group assembled to facilitate the development of a new CPGC ACT and to explore key issues. It is recognised that many stakeholders including consumers, industry, State Government Departments and Local Governments have an interest in the Caravan Parks and Camping Ground legislation.

The objective of the proposed legislation is to provide a framework which is more effective in meeting the needs of consumers, operators and regulating authorities. Consideration has been given to reducing red tape whilst maintaining safeguards to ensure the health and safety of users and operators of caravan and camping grounds.

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As part of the review and development process, the Department released an initial consultation paper to invite public comment on how the new Act could operate. In October 2014 the Shire of Broome submitted comments along with 126 others submissions. These submissions can be found on The Department website. Upon review of the submissions, it was identified that the required changes to the legislation were significant and given the extent of these changes, the existing Caravan Parks Act and Regulations would need to be repealed and new legislation would be developed in its place.

A second consultation paper was prepared by the Department proposing a framework for a new caravanning and camping legislation. The new submissions are to be provided by the 30 November 2015.

The purpose of the second consultation is to put forward proposed options for inclusion in new caravan and camping legislation in Western Australia. The objectives to be achieved from developing new legislation are:

- Clarity in the interpretation of the legislation
- Provide consistency in the application of the legislation by Local governments and State Government agencies, and
- Improve flexibility of prescribed requirements for existing and new developments.

Officers recommend that the Shire of Broome make a submission addressing issues from a regulatory and compliance perspective as well as that of a owner of a caravan park. Comments from the Shire of Broome's first submission have been considered in the second consultation. Officers involved in preparing the submission include officers from Health, Planning, Building and Economic Development.

The Shire has contacted the Department to ensure a consultation session is undertaken in Broome and has forwarded details of this session to operators to capture the views of Caravan Park owners. The Shire has provided facilities for this to occur.

## **COMMENT**

The Department provided a response form. This form has a series of questions that the Department would like responses to. The feedback form is required to be read in conjunction with the Consultation paper as this outlines issues and considerations for discussion along with the options to be considered and a final recommendation option for feedback. Officers have answered questions considered relevant to the Shire. Some questions posed are considered as being routine or administrative, however following consultation amongst officers the following issues are identified as those that may require consideration by Council.

### **1. Changes in definitions**

A key proposal of the previous consultation was to change the definition of 'Caravan Park' to 'Holiday Park' which was supported by 64 per cent of respondents; concerns were raised that it may imply that residential use is not allowed. This was a primary concern in the previous submission by the Shire of Broome. The second consultation clarified that land zoning, local planning schemes and other planning instruments will determine the types of accommodation allowed on a park, with a mix of accommodation types including permanent residents. This may alleviate concerns of the first submission about precluding residential longer than 3 months. The second consultation paper recommends the following option:

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*“‘Holiday park’ will mean an area of land on which accommodation vehicles and/or tents are situated for habitation, primarily by short-stay occupiers. In accordance with section 2, zoning and local planning schemes will dictate what buildings are allowed on the land.*

A park home will no longer be considered a caravan and will instead need to be compliant with and regulated under the *Building Act 2011* and associated Regulations. Park homes will now have the added benefit of a stream lined process under the *Building Act 2011*.

Accordingly, officers are recommending that Council provide feedback to the consultation paper that:

A. The change in terminology from caravan park to holiday park is supported, however, the term ‘park home’ is absent from the list of proposed definitions.’ Park home ‘needs to be defined to ensure there is a clear distinction between permanent buildings/structures, caravans, mobile homes, accommodation vehicles and buses.

## **2. Application of the legislation, accommodation type**

Current provisions of the CPCG Act do not allow the objects of the Act to be met. Different planning policies, zoning, building legislation and the complexities of the Act have created confusion on the legality of placing certain types of accommodation in caravan parks.

Feedback received in the first consultation noted that it should not be the responsibility of the Act to determine what buildings are allowed on land designed for caravans or camping; rather, this should be determined through the planning process. Subsequently, the second consultation recommends the following option:

*“A facility that has designated two or more sites for short-stay accommodation vehicles and/or tents requires approval to operate. Residential parks must provide 10 such sites, or a prescribed percentage of the sites, to be eligible for an approval to operate.”*

In this proposal a facility means a holiday park or camping ground and an approval to operate would take the place of a licence.

The proposal states residential parks already established on caravan park or tourism zoned land would continue on that land; but proposed new residential park developments would not be able access caravan park or tourism zoned land in the future. Land zoning, local planning schemes and other planning instruments would determine the types of accommodation allowed on a holiday park, likely to be a mix of accommodation types with provision of long term residents forming part of an approved management plan. This addresses concerns raised in the first consultation by the Shire of Broome.

Officers recommend that council provide the following feedback:

- A. The Shire supports the change in using an approval process as opposed to a licence.
- B. The Shire supports a percentage as opposed to a particular number of sites as the use of percentage would better capture what is a predominant land use activity. This percentage should be determined by the appropriate Local Government Authority.

## **3. Buildings allowed and converted accommodation vehicles**

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The proposal states that unless owned by the owner of the facility, any buildings and associated structures on that facility would need to be transportable and compliant with the *Building Act*. This would include park homes and ensure park homes will still be allowed in Holiday Parks.

The discussion paper outlines that existing converted accommodation vehicles will not be captured retrospectively to comply with The Building Code of Australia (BCA) provisions but basic safety standards will apply as per the recommendation.

Shire of Broome officers have raised concerns on the practicality and achievability for new accommodation vehicles to be assessed as an entire structure and approved under the *Building Act* as a habitable building while remaining as a transportable building.

Transportable or demountable type buildings such as park homes are structures that are manufactured in a factory under a suitable quality assurance process that ensures *Building Act* requirements are met. This is particularly relevant for cyclone prone regions where a suitable structural tie down system needs to be incorporated into the design. However, vehicles are not permanent buildings and are constructed according to separate standards, applying BCA requirements to new converted accommodation vehicles is not appropriate and is impracticable.

Apart from temporary facilities on a building site (site office, storage and ablutions) or temporary structures proposed to be located no longer than one month on site, the WA *Building Act*, Regs & BCA only applies to permanent buildings and structures.

It would be highly unlikely to achieve this particularly in cyclonic region. Notwithstanding this, there are some provisions in the BCA that could be developed as suitable standard/guidelines for converted accommodation vehicles.

Accordingly, officers are recommending that Council provide feedback to the consultation paper that:

- A. Supports that the legislation is not applied retrospectively to existing converted accommodation vehicles; however, basic minimum standards such as smoke detectors and RCDs are fitted within 12 months or earlier when converted accommodation is being sold, rented, leased or hired out.
- B. Whilst it supports all accommodation vehicles and new park homes on sites to be constructed as transportable buildings, it is not deemed practical that proposed converted accommodation vehicles (while remaining a transportable building) will be able to comply with the BCA as a habitable building especially in cyclonic areas. Council would require specific guidance material to be developed to assist in the assessment of converted accommodation vehicles under the BCA should this be an outcome of the review.
- C. While rigid structures such as hard annexes attached to accommodation vehicles such as caravan and buses can reasonably be assessed under BCA, the vehicle itself cannot.
- D. Supports that non converted accommodation vehicles in holiday parks to which the BCA does not apply should be licensed under the *Road Traffic Act 1974* to allow evacuation if required. That industry standards/ guidelines for tying down these in cyclonic regions be further developed with the intention to apply where evacuation is not to occur.

#### **4.Camping at a place other than approved facility**

Under the Caravan Parks Regulations, a person may camp for up to three nights in any period of 28 consecutive days on land with the approval of the owner. To camp for longer than this period of time, approval must be sought. Such approval can be granted by the local government for up to three months or by the Minister for Local Government (the Minister) for longer than three months and up to 12 months.

The Shire of Broome policy 4.2.10 (Approval to camp up to 3 months in areas other than caravan parks & camping grounds) provides guidance in the application of the Regulations. Officers continue to support this policy including the need of a request by the applicant to the State Minister for an extension after 3 months. This also reduces the lengthy administrative process to go to SAT with requests of renewal.

The Shire of Broome could continue to support applications for extension over 3 months by providing letters of support to the Minister where appropriate. This would provide a level of flexibility across regional and urban areas to allow for local conditions.

The consultation paper proposes Local governments can grant unlimited approvals to the landowner to offer a campsite for an accommodation vehicle and/or tent for up to 3 months at the time subject to appropriate consultation and risk assessment.

Accordingly, officers recommend that council provide the following feedback:

A. Whilst it supports that Local Governments can grant approval to camp outside of an approved facility, it does not support the approval for more than 3 months by Local Government. The Shire of Broome recommends the status quo is maintained and requests to camp more than 3 months are determined by the Minister.

## **5. Licensing regime**

### **1. Variety of licence categories and their standards**

The Caravan Park Regulations currently provide for seven licence categories. These are: Caravan park licence; Camping ground licence; Caravan park and camping ground licence; Park home park licence; Transit park licence (stay of no longer than three consecutive nights); Nature based park licence, and Temporary licence.

With evolving mixed-use facilities, the existing licence types may not reflect the actual accommodation being provided at each facility. It has been noted that there are difficulties in distinguishing between categories, particularly between nature based parks and transit parks, which may create some confusion and inconsistency in the application of the legislation. The second consultation noted these challenges and proposes four different options with new categories. Officers see some benefits in each option.

Due to the varying nature of use, camping experience and ability to provide a set level of amenities each category should be treated with their own separate set of minimum requirements. Officers support 3 levels of categories: holiday parks, nature based and events approval but do not support operating all three under the same set of standards.

Holiday park approval would be for facilities providing a range of accommodation whereas a nature based park approval would be for minimal facilities in a non built up area. A nature based site without running potable water could not be expected to provide showering facilities or laundering facilities, whilst a Holiday park would have these as a basic standard. For these reasons a combination of the presented option (ii) and (iv) is supported by officers. Have 3 categories: holiday park, nature based and events approvals but with a set of minimum standards for each category. This would be an improvement to current categories while providing clarification between Holiday park and Nature base facilitating assessment from a Local Government perspective.

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Event approvals on the same property should not be limited to 4 per year. This decision should be left for each Council to address according to regional needs. Some towns might have a limited number of suitable properties to be used for events and if only 4 approvals could be granted this could be exhausted in peak season and therefore would limit potential activity during the shoulder season.

Accordingly, officers are recommending that council provide feedback to the consultation paper that:

A. Whilst it supports three categories Holiday Park, Nature Based and Events approvals, it does not support them to operate under one set of minimum standards. It supports each approval category to have its own set of minimum standards.

B. Whilst it supports events as an approval category that cannot be issued for any period greater than seven days, it does not support limits to 4 approvals per year.

## **2. Management plan**

The discussion paper proposed the introduction of management plans. These plans would be prepared to document essential details on how a facility is to be designed and managed and the type of facilities to be provided. The plan should outline how the operator will meet the minimum standards for a category and address any risks specific to that facility.

In the first consultation, feedback was sought on whether management plans would be a suitable model for licensing facilities and overall, 78 per cent of respondents were supportive of the introduction of management plans. Adverse feedback received related to the financial impact the development of the plans may have. The Shire of Broome also raised concerns in the first consultation over the nature and extent of the functionality of the document.

Generally, guidance material for nature based park management plans available is broad and lacking technical guidance leaving the applicant with little technical evidence to support their application. The lack of specific skills and experience of nature base applicants in preparing management plans has the potential to lead to application of poor quality.

The quality of the application and management plan is critical and therefore should have more detailed guidelines to assist and streamline preparation of such plans and assessment by Local Government.

Furthermore, to prevent confusion for the applicant, a different set of standards for each category with a specific template should be used as opposed to requiring operators to propose how they can meet a minimum set of standards. The management plan should not be used as a tool to vary the minimum set of standard of a category.

Small facilities might be less financially able to obtain specialist advice and this highlights the importance of creating clear guideline documents, examples and templates that are clear and request specific information based on each category.

Accordingly, officers are recommending that council provide feedback to the consultation paper

A. That whilst it supports the use of management plan to form part of an application of an approval, further guidance material should be available to assist operators to determine which category of approval they would need to apply for and what supporting information they need to include in their application.

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## CONSULTATION

Nil

## STATUTORY ENVIRONMENT

Changes are being considered to the *Caravan parks and Camping Grounds Act 1995*. Reference is also made to the *Building Act 2011*, *Traffic Act 1974*, *Health Act 1911* and *Food Act 2008*

## POLICY IMPLICATIONS

Shire of Broome Policy 4.2.8 Buildings on Caravan Parks

Shire of Broome Policy 4.2.9 Caravan Parks and Camping Grounds Maximum number of sites of a particular type that may be used at a facility.

Shire of Broome Policy 4.1.10 Tourist Accommodation Developments (Excluding caravan parks) within the tourist zone

## FINANCIAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

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

Affordable services and initiatives to satisfy community need

Accessible and safe community spaces

Participation in recreational activity

A healthy and safe environment

High level social capital that 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:**

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

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

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

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**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

**VOTING REQUIREMENTS**

*Simple Majority*

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

**Moved: Cr C Mitchell**

**Seconded: Cr W Fryer**

***That Council endorses the submission attached as Attachment 2 and requests the Chief Executive Officer to lodge the submission on the Consultation Paper prepared by the Department of Local Government and Communities on the Proposal for Caravan Parks and Camping Grounds legislation.***

**CARRIED UNANIMOUSLY 6/0**

**Attachments**

1. Proposal for Holiday Parks & Camping Grounds Legislation
2. Submission Proposal for Holiday Parks and Camping Grounds Legislation



***The Chairperson advised that an additional attachment had been circulated prior to the meeting and had been included for the purpose of the Minutes.***

### **9.3.2 BROOME AS A REGIONAL GROWTH CENTRE - HIGH LEVEL PROJECT SCOPE AND CONSIDERATION OF MOU WITH STATE GOVERNMENT**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	TBA
<b>AUTHOR:</b>	Deputy Chief Executive Officer
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Deputy Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	29 October 2015

**SUMMARY:** The Shire of Broome applied (in partnership with the Kimberley Development Commission) and has been selected to be one of four Regional Growth Centres across the State in partnership with the State Government.

This report outlines what a growth centre is designed to be, how the process will work and resources required.

The report seeks Council endorsement to enter into a Memorandum with the State Government to prepare the Growth Centre plan.

## **BACKGROUND**

### Previous Considerations

At its meeting on the 16<sup>th</sup> July 2015, the Economic Development Advisory Committee was presented with a report which outlined that Broome had been selected to be a Regional Growth Centre. The Committee recommended the following to Council:

*That the Committee recommends Council note the Shire has been successful in its submission to be selected as a Regional Growth Centre.*

This was subsequently endorsed by Council at their meeting on the 30<sup>th</sup> July 2015. See advice letter at Appendix 1 for copy of formal advice from State Government.

Since this time the following has occurred:

1. Officers have participated in an all day workshop with other Growth Centres across the State to understand the process and requirements of being a Growth Centre.
2. A lead consultant has been appointed by a panel comprising representatives from the Shire and Kimberley Development Commission. This consultant has been engaged by Landcorp in a two stage process. This will be outlined further in the report.
3. Officers have negotiated the drafting of an MOU between the Shire and relevant State Government agencies to facilitate the Growth Centre process. This MOU is now presented for Councils consideration and is outlined later in the report.

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4. The State Government has approved the second stage of funding of \$250,000 to prepare a detailed project plan for consideration. This also will be outlined later in the report.

## **COMMENT**

### **Scope of Regional Growth Centre Plan**

Essentially the Growth Centre Plan will be a plan which addresses the economic, social and infrastructure needs of Broome to grow into a vibrant regional centre over the coming years.

The plan is designed to provide a link between the Kimberley Regional Blue Print (prepared by KDC) and Council's Strategic Community Plan. It is also designed to be used as a tool to plan for and provide access to significant funding from R4R into the future to facilitate the implementation of the plan.

The plan will prioritise major projects implementation in a timely manner to facilitate social or economic development of the Shire and broader region.

Attached at Appendix 2 is an initial high level Project Scope Statement for the plan. This has been prepared by the lead consultants with input from Officers, the Kimberley Development Commission and Landcorp. The purpose of this was to identify the broad scope of the project. This will be further refined during the next stage of the project.

Although Officers had made application to be selected as a Regional Growth Centre at the time of the budget development Council had included the need to prepare an Economic Development Strategy as part of the 2015/16 budget.

In light of the significant additional funding and resourcing the Growth Centre Planning process brings to this issue and to streamline stakeholder consultation and avoid duplication, it is proposed at this early stage to explore whether the Economic Development Strategy can be incorporated into the growth centre planning. A further benefit will be evidenced in the coordination and engagement with various State Government agencies as part of the focus the Regional Growth Plan will bring to Broome. Preliminary discussions with the lead consultant have demonstrated strong alignment between this initiative and the growth centre process and framework. The details of how the initiative will integrate into this process are proposed to be refined prior to December with submission of the detailed project plan.

### **Memorandum of Understanding (MOU) with the State Government**

The Shire has an existing MOU with the Kimberley Development Commission and Landcorp. A copy of this MOU is attached at Appendix 3. This MOU has allowed the process to progress to this stage however the Department of Regional Development require that a new MOU is entered into prior to the end of November to facilitate the process moving forward.

Officers have negotiated a new MOU with the State Government for Councils consideration, a copy of which is attached at Appendix 4. The purpose of the MOU is as follows:

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- *Provide for an agreement for each party to partner in the development of a Growth Plan for the future economic and social development of Broome and its economic activity area.*
- *Establish the terms to enable the resourcing to support the development of a Broome Growth Plan under the terms and conditions set by the Regional Centres Development Plan (RCDP), including allocation of RCDP funding in pursuit of the project plan approved by the RCDP Steering Committee.*

This MOU doesn't commit the Shire to any resources beyond in-kind resources as outlined in the financial section of this report. The funding to prepare the Growth Plan will be provided by the State Government and administered by Landcorp who will also manage consultant procurement.

The signatories to the MOU are proposed to be the Shire of Broome, Kimberley Development Commission, Landcorp, Department of Regional Development and Department of Planning. A Growth Plan Partnership group will be established with high level representation (proposed to be a Councillor and the Chief Executive Officer from the Shire) from these organisations to administer the development of the plan. This group will be supported by a Project Control Group who will manage the operational development of the plan with the Lead Consultant within the direction provided by the Growth Plan Partnership. The Deputy CEO and Director Development Services are proposed to be the Shire's representatives on this group.

Officers are recommending Council agree to enter the MOU, nominate the Shire President and Chief Executive Officer as the Shires representatives on the Growth Plan Partnership and authorise the Shire President and Chief Executive Officer to engross the document.

### **Next Steps**

The RCDP Steering Committee has approved the second stage of funding of \$250,000 to be allocated to the development of the Broome Growth Plan.

This funding will be provided to Landcorp who will work with the lead consultant and the Growth Plan Partnership to map existing information to prepare a detailed project plan by mid December.

This detailed scope will be presented to the RCDP Steering Committee for approval and release of the remaining funds at agreed milestones. The RCDP Steering Committee is expected to be visiting Broome late January to meet with the parties involved and consider approving the detailed project plan.

The plan is required to be completed by October 2016, endorsed by the Shire, referred to the Kimberley Development Commission and presented to the State Government for consideration.

It is expected that as the plan is developed extensive consultation will occur with elected members.

### **CONSULTATION**

Kimberley Development Commission  
Landcorp  
Department of Regional Development

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It is proposed as part of the project scope to use the Shire's Economic Development Advisory Committee as a reference group during the preparation of the Growth Centre Plan.

## **STATUTORY ENVIRONMENT**

Nil

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The State Government has announced \$7.5million to support the four Growth Centres to prepare their growth plans. The Project Scope Statement outlines a proposed budget for the development of the Broome Growth Centre Plan. A second round of funding is expected be available for a further five regional centres (including Kununurra) to prepare a plan in 2016/17.

The Shire is not required to contribute cash resources at this time however it should be acknowledged that it is expected that significant in-kind resources will be required between now and when the plan is completed in October 2016. These in-kind resources will include staff time, travel, use of meeting rooms and the Civic Centre on occasion. The final scope of any in-kind resources required will not be known until the detailed project plan is completed and agreed upon late 2015/early 2016.

Landcorp are acting as the procurement agency for this project. All funds received from the State Government will be provided to Landcorp to engage the consultants required to prepare the plan on behalf of the State and Shire. Shire Officers will participate in the selection process for consultants.

## **RISK**

A detailed risk management plan is being prepared as part of the detailed project scope. However Officers consider the main risk for the project relates to resourcing Implications. Although the Shire is only required to provide in-kind resources at this stage Officers are concerned of the implications on this to the organisation given other projects being undertaken. This is not a reason not to progress with the project but an issue to manage.

This risk however is offset by the risk of not accepting to become a Regional Growth Centre and the positive implications this is proposed to have for Broome over the coming years.

## **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

Accessible and safe community spaces

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Participation in recreational activity

A healthy and safe environment

High level social capital that 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:**

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

Council is able to mobilise resources to deliver municipal services to Indigenous communities that are compliant, effective and within Council's capacity.

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

Affordable and equitable services and infrastructure

Affordable land for residential, industrial, commercial and community use

Key economic development strategies for the Shire which are aligned to regional outcomes working through recognised planning and development groups/committees

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

An organisational culture that strives for service excellence

Sustainable and integrated strategic and operational plans

Responsible resource allocation

Effective community engagement

**VOTING REQUIREMENTS**

*Simple Majority*

**COUNCIL RESOLUTION:  
(REPORT RECOMMENDATION)**

**Moved: Cr C Mitchell**

**Seconded: Cr M Croft**

**That Council:**

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

- 1. Requests the Shire President write to the Premier thanking the government for selecting the Shire of Broome to be a Regional Growth Centre and funding associated with the preparation of the plan.**
- 2. Agrees to enter the Memorandum of Understanding with the State Government as Attached at Appendix 3 (with any minor amendments as determined by the Chief Executive Officer) and authorise the Shire President and Chief Executive Officer to engross the documentation.**
- 3. Notes a detailed project plan will be prepared for the project and submitted to the State Government for approval by mid December and authorises the Shire President and Chief Executive Officer to submit this on behalf of the Shire.**
- 4. Notes the establishment of a Growth Plan Partnership Group and appoints the Shire President and Chief Executive Officer (or his delegate) to represent the Shire on this group.**

**CARRIED UNANIMOUSLY 6/0**

### **Attachments**

1. Formal Advice Broome selected as a Growth Centre
2. Growth Centre Project Scope
3. Existing MOU between Shire and State Government
4. Proposed new MOU between Shire and State Government
5. Letter of Agreement

**9.3.3 KIMBERLEY REGIONAL OFFICES REDEVELOPMENT**

<b>LOCATION/ADDRESS:</b>	30 Frederick St
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	RES 8656-NEW
<b>AUTHOR:</b>	Special Projects Coordinator
<b>CONTRIBUTOR/S:</b>	Manager Economic Development
<b>RESPONSIBLE OFFICER:</b>	Deputy Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	30 October 2015

**SUMMARY:** This report provides an update on the Kimberley Regional Offices Redevelopment and seeks Council's authorisation to call for tenders (for design and construction) and to note the governance and risk approach taken.

**BACKGROUND**Previous Considerations

OMC 18 July 2013	Item 9.2.4
OMC 28 August 2014	Item 9.3.1
OMC 26 February 2015	Item 9.3.2

*That Council:*

1. *In accordance with Section 3.59 (5) based upon submissions received decides to:*
  - (a) *Progress with Option 3 as outlined in the Business Plan for the redevelopment of Kimberley Regional Offices in a staged manner with the first stage comprising the construction of an additional new single storey building (1,200m<sup>2</sup>).*
  - (b) *Requests the Chief Executive Officer bring a report to Council once construction is completed to consider future stages.*
  - (c) *Implement the land tenure changes as outlined in the business plan and authorises the Chief Executive Officer to bring these changes into effect with Department of Lands.*
2. *Requests the Chief Executive Officer to invite tenders for a suitably qualified architect to design the proposed new building at the KRO site. Design will be undertaken in the following sequence:*
  - (a) *Sketch Design;*
  - (b) *Detailed Design; and*
  - (c) *Construction drawings.*
3. *Requests the Chief Executive Officer include the financial implications of the above staged redevelopment of KRO in the 2015/16 budget process for consideration.*

Following this resolution the Shire experienced a large organisational restructure which impacted on available resources to undertake this major capital project. In considering how resources were allocated to undertake this project, Officers also considered capacity to implement other major capital projects. This led to the calling for tenders for

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

external project managers to provide the additional resources required. At the OMC on 27 August 2015 (Item 9.3.4) Council resolved:

*That Council:*

1. *Adopts the recommendation as contained in the confidential tender assessment report for Tender 15/04 – Project Management Consultancy Services.*
2. *Notes details of the successful tenderer will be available for public information in the Tender Register in accordance with Regulation 17 of the Local Government (Functions and General) Regulations 1996.*
3. *Authorises the Shire President and Chief Executive Officer to engross the Contract Document.*

Of note is that volume of works that has been undertaken to date in the development of a new project delivery model by Shire officers. The Shire has developed a new model involving external Project Managers to ensure sufficient capacity and technical expertise across a broad range of fields which can support capital project delivery within the organisation both now and into the future. Actions taken by officers can be applied to the future large scale capital projects. Although this has resulted in a slight delay to the implementation of this project, Officers consider this is a better long term outcome and reduces risk to the organisation as the organisation commences delivery of a number of significant capital projects.

In addition to this in August 2015, this Shire applied for approximately \$1.9 million of grant funding through Round 2 of the National Stronger Regions Fund. The outcome of this application is anticipated to be announced in December 2015.

It is not considered that the award or otherwise of funding from the National Stronger Regions Program will have any impact on the project delivery. As it stands that project is fully funded.

This report seeks to update Council on work done to date and to gain Council endorsement of the recommended procurement approach for delivery of this project.

## **COMMENT**

The following activities have been undertaken for the KRO Project since appointment of the Project Managers.

### Literature Review

As part of the appointment, NS Project undertook a literature review of relevant documents including but not limited to:

- Previous Council Agenda Minutes and Resolutions;
- Options analysis (prepared by Lloyd Pickwell Architecture);
- Financial modelling (prepared by UHY Haines Norton);
- ESD and Procurement review (prepared by LairdTran Architects);
- KRO Business Case (prepared by Cole Advisory Services); and
- National Stronger Regions Fund Application.

### Onsite Inception Meeting

NS Projects, Project Manager attended site in Broome with Project Officers for a site inception meeting on the 17 September 2015.

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



### Governance Plan

A Governance Management Plan has been developed for the engagement of NS Projects under the 'Project Management Consultancy Services' Contract. This document details the internal governance arrangements and communications protocols that will be adhered to during the contract term. The Governance Document has been attached for Council's information (refer Attachment 1)

### Project Management Plan

A detailed Project Management Plan has been developed for the KRO project.

### Risk Workshop

NS Projects held a Risk Workshop in Broome with Key Internal Project Stakeholders as part of the Shire's improved risk identification and management process. Part of this process identified the need for project specific risk tables when identifying risks. The risk tables that have been applied to the KRO Project are included below for Council's consideration. The included in attachment 2 is intended to capture all risks that could impact on the KRO project; however it is important to understand that risk identification and management should be treated as a living document and reviewed and updated as the project develops.

### Recommended Procurement Approach

Subsequent to the literature review, NS Projects undertook a review and an in depth analysis of the procurement approach related to the delivery of the KRO Project. The outcome of this analysis post formulation of the Governance, Project and Risk Management Plans is to enact a Design and Construction Procurement Approach. This will realise time and cost savings for the project as well as allow for early economic benefits of the redevelopment into the local economy.

NS Projects have recommended a Design and Construction procurement approach allows the following advantages to be realised for the project moving forward further detailed information can be found in attachment 3:

- Works on site may begin whilst the design is being finalised, hence the programme durations for Design and Construction procurement may be shorter than traditional procurement.
- Encourages contractor innovation and improved buildability.
- Design team continuity may be possible through novation.
- Risk of contract claims due to errors in design is reduced as the contractor owns the design.
- Transfer of risk to Contractor.

Officers have therefore provided an Officer recommendation to facilitate this delivery method for Councils consideration.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

Nil

## **POLICY IMPLICATIONS**

Nil

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

## FINANCIAL IMPLICATIONS

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

### Funding Source:

Funding Type	Capital or Start Up Expense	Life Cycle Costs (Annual)		Funding Details (eg. RLCIP)	Account Number
		Cost \$	*Cost Type		
Budget	As per LTFP				1482446
Pre-construction	\$240,000				
Construction	\$4,280,000				
Fit-out and final retention	\$1,880,000				
TOTAL	\$6,400,000				
*Cost Type – Asset: New					

## RISK

Please Note below the Project Specific Risk Management Tables. These tables have been developed specifically for the KRO Project and differ from the Organisation Risk Tables.

Changes are predominantly related to the Financial Loss amounts, given the Project Budget, Financial Loss categories have been adjusted accordingly.

### CONSEQUENCE

Level	Descriptor	Definition		
		Personal Injury	Financial Loss	Project
1	Insignificant	No Injuries	Loss of \$0 - \$5K	No/insignificant implication on the vision, planning, programme, scope and economic balance of the project.
2	Minor	First Aid Treatment required	Loss of \$5K - \$10K	Minor implication on the vision or the planning, or the programme or the scope or the economic balance.
3	Moderate	Medical Treatment required	Loss of \$10K - \$100K	Event that has a moderate impact on some of the following items: vision, planning, programme, scope, costs.
4	Major	Serious Injury	Loss \$100K - \$1M	Major event or string of events that endanger the implementation of the overall project as defined by the Project Team.
5	Catastrophic	Death	Loss of more than \$1M	The project, as it has been defined by the Project Team, is unviable.

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

## LIKELIHOOD





Level	Descriptor	Explanation
1	Rare	Possible, but very unlikely the situation will occur. <10% probability
2	Unlikely	Unlikely to occur but the possibility exists. 11-49% probability
3	Possible	Could occur and occurrence may be related to uncontrollable external factors. 50-59% probability
4	Likely	Likely to occur. External factors and uncontrollability are likely to result in occurrence. 60-79% probability
5	Almost Certain	High likelihood of happening. Continual risk with history of occurrence. >80% probability.

Note: This table should be tailored to meet the needs of the organisation and project.

## RISK MATRIX

<b>Likelihood</b>	<b>5</b>	5	10	15	20	25
	<b>4</b>	4	8	12	16	20
	<b>3</b>	3	6	9	12	15
	<b>2</b>	2	4	6	8	10
	<b>1</b>	1	2	3	4	5
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Consequence</b>						

## RISK LEGEND

	Extreme - Immediate action required
	High - Senior management attention needed
	Moderate - Management responsibility must be specified and risk monitored
	Low - Managed by routine procedures

## STRATEGIC IMPLICATIONS

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

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

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

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**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

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:**

Responsible resource allocation

Effective community engagement

**VOTING REQUIREMENTS**

*Simple Majority*

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

**Moved: Cr D Male**

**Seconded: Cr C Mitchell**

***That Council:***

- 1. *Authorises the Chief Executive Officer to call tenders for the Design and Construction of the new 1,200m2 building and associated works within the allocated project budget and present tenders received and evaluation report to Council for consideration.***
- 2. *Notes the Governance Management Plan as attached.***
- 3. *Endorses the Kimberley Regional Offices specific risk approach applied to the identification and management of project risks and notes the risks and mitigation strategies in the Risk table attached.***

**CARRIED UNANIMOUSLY 6/0**

**Attachments**

1. Governance Management Plan
2. Procurement Advice
3. Risk Management Register (*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)(ii)) as it contains "a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government".***

## 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 - OCTOBER 2015**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	FRE02
<b>AUTHOR:</b>	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>	12 November 2015

**SUMMARY:** This report recommends that Council adopts the list of payments made under delegated authority, as per the attachment to this report, October 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 the month of October, 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 —*

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- (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.

## RISK

The risk of Council not adopting this report is extreme as this will result in non-compliance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*. The likelihood of this ever occurring is rare due to the CEO's implementation of procedures to ensure payment details are disclosed to Council in a timely manner, as well as Procurement & Purchasing policies which ensure these payments are made in accordance with budget and delegated authority and comply with *Local Government (Financial Management) Regulations 1996*.

## 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

Responsible resource allocation

Effective community engagement

Improved systems, processes and compliance

## VOTING REQUIREMENTS

*Simple Majority*

### **COUNCIL RESOLUTION:** **(REPORT RECOMMENDATION)**

**Moved: Cr C Mitchell**

**Seconded: Cr D Male**

***That Council records the accounts as paid under delegated authority for October 2015, totalling \$2,534,901.73 as attached, covering:***

- ***EFT Vouchers 32262 – 32958 totalling \$2,365,180.78;***
- ***Municipal Cheque Vouchers 57354 – 57358 totalling \$3,854.41;***
- ***Trust Cheque Voucher – NIL for month of October 2015; and***
- ***Municipal Direct Debits 19092.1 – 19112.9 totalling \$165,866.54.***

**CARRIED UNANIMOUSLY 6/0**

## Attachments

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

1. PAYMENTS - OCTOBER 2015



**9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY REPORT - OCTOBER 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>	2 November 2015

**SUMMARY:** Council is required by legislation to consider and adopt the Monthly Statement of Financial Activity Report for the period ended 31 October 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.

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).

Disclosure and supply of appropriate explanations for variances presented in the Statement of Financial Activity, is mandatory under FMR 34(2)(b) as stated in Policy 2.1.1 Materiality in Financial Reporting.

FMR 34(5) requires a local government to adopt a percentage or value, calculated in accordance with the Australian Accounting Standards (AAS) and Council's adopted risk management matrix thresholds, to be used in statements of financial activity for reporting material variances.

**COMMENT**

The 2015/2016 Annual Budget was adopted at the Special Meeting of Council on 13 August 2015.

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

Budget Year elapsed	33%
Total Rates Raised Revenue	100% (of which 66% has been paid)
Total Other Operating Revenue	42%

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Total Operating Expenditure	31%
Total Capital Revenue	9%
Total Capital Expenditure	5%
Total Sale of Assets Revenue	26%

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.

Based on the 2015/2016 Annual Budget presented at the Special Meeting of Council on 13 August 2015, Council adopted an end of year deficit position of \$58,452 at 30 June 2016. This position was determined with the inclusion of carry-over projects and the early payment of 15/16 General Purpose grant funding received prior to 30 June 2015 year. The end-of-year surplus was estimated to be \$2.3 million.

End of year adjustments were processed and the full Annual Financial Report was presented to Council at the Ordinary Meeting of Council on 15 October 2015. As part of the Annual Financial Report, the full end-of-year surplus was presented to Council totalling \$3.4 million. After consideration for the \$2.3 million of carry-over expenditure presented as part of the annual budget, the remainder of the surplus was recommended to be transferred to reserve to offset the expenditure of a number of major 15/16 projects. The net result of these transfers to reserve increases the budgeted end-of-year deficit to \$100,533. This increase represents the inclusion of the estimate for the 2015/2016 brought forward surplus amount of \$42,081. This additional allocation to reserves is proposed to be offset by organisational savings that have been identified and will be reported to the Audit Committee and Council for the 2015/2016 first quarter Finance and Costing Review (FACR) in December 2015.

## CONSULTATION

Department of Local Government and Communities

## 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*

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- 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. Accordingly, the financial implications associated with adopting the Monthly Report 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.

In order to mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer has implemented 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 there 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*

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

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)****Moved: Cr D Male****Seconded: Cr C Mitchell****That Council:**

- 1. Adopts the Monthly Financial Activity Report for the period ended 31 October 2015 and;**
- 2. Receives the General Fund Summary of Financial Activity (Schedules 2-14) for the period ended 31 October 2015.**

**CARRIED UNANIMOUSLY 6/0****Attachments**

1. October Financial Activity Report
2. October 2015- General Fund Summary and Details

**9.4.3 COUNCIL MEETING DATES 2016**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	AME01
<b>AUTHOR:</b>	Senior Administration and Governance Officer
<b>CONTRIBUTOR/S:</b>	Manager Governance
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	20 October 2015

**SUMMARY:** This report recommends that Council adopts the proposed meeting dates for the Ordinary Meetings of Council to be held in 2016 to enable advertising of such as required under the *Local Government Act 1995*.

**BACKGROUND**Previous Considerations

OMC 21 December 2006	Item 9.1.4
OMC 25 October 2007	Item 9.1.4
OMC 20 November 2008	Item 9.1.2
OMC 1 October 2009	Item 9.1.2 (Deferred)
OMC 29 October 2009	Item 9.1.2
OMC 15 December 2010	Item 9.1.3
OMC 27 October 2011	Item 9.1.5
OMC 1 November 2012	Item 9.4.3
OMC 21 November 2013	Item 9.4.5
OMC 24 November 2014	Item 9.4.4

In accordance with *Regulation 12(1) of the Local Government (Administration) Regulations 1996*, local governments are to at least once a year provide local public notice of the date, time and location that their Ordinary Meetings of Council are to be held within the next 12 months.

**COMMENT**

It is proposed that in 2016 Ordinary Meetings of Council are to be generally held in the Shire of Broome Council Chambers on the last Thursday of every month commencing at 5.00pm.

In previous years one Ordinary Meeting of Council has been held at a Community within the Shire of Broome, as follows:

OMC 2 September 2009	Beagle Bay
OMC 2 September 2010	Ardayaloon
OMC 1 September 2011	Lombadina
OMC 6 September 2012	Bidyadanga
OMC 19 September 2013	Beagle Bay
OMC 25 September 2014	Ardayaloon
OMC 24 September 2015	Lombadina (adjourned due to no quorum)

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

For 2016, it is proposed to hold the 29 September 2016 meeting at the Bidyadanga Aboriginal Community, at 11.00am, in the Communities Council Boardroom. This facility has been tentatively booked for the holding of this meeting as proposed.

It should be noted that the December 2016 meeting is to be held on the third Thursday due to Christmas.

Meeting dates for 2011, 2012, 2013, 2014 and 2015 provided for a recess in January which allowed for a total of 11 Ordinary Meetings of Council held over the calendar year. This recess period was a proven success which allowed staff and Councillors sufficient time off over the Christmas and school holiday period, and releases staff from the early January Agenda preparation cycle necessary to hold a January meeting.

Please note the following 11 meeting dates are proposed for the Ordinary Meetings of Council for 2016.

January 2016	Recess
25 February 2016	
31 March 2016	
28 April 2016	
26 May 2016	
30 June 2016	
28 July 2016	
25 August 2016	
29 September 2016	(Bidyadanga Community – 11.00am)
27 October 2016	
24 November 2016	
15 December 2016	

These proposed dates are included in the attached meeting schedule and calendar and have taken into consideration the following significant dates:

WALGA Local Government Convention	Wednesday 3 – Friday 5 August
Ladies Day	Tuesday, 9 August
Broome Cup	Saturday, 13 August
Shinju Matsuri Festival	9 – 18 September ( <i>tentative dates at this stage</i> )

## CONSULTATION

Bidyadanga Community  
WA Local Government Association

## STATUTORY ENVIRONMENT

### **Local Government Act 1995**

#### 5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.

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- (3) *If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

5.25. *Regulations about council and committee meetings and committees*

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to:*  
 (g) *the giving of public notice of the date and agenda for council or committee meetings;*

**Local Government (Administration) Regulations 1996**

12. *Public notice of council or committee meetings — s.5.25(1)(g)*

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*  
 (a) *the ordinary council meetings; and*  
 (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*  
*are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub-regulation (1).*
- (3) *Subject to sub-regulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.*
- (4) *If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in sub-regulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

In accordance with regulation 12(1) of the *Local Government (Administration) Regulations 1996* an advertisement will be placed in the *Broome Advertiser*. Approximate cost for the advertising of Ordinary Meeting dates will be \$500 and this has been included in the 2015/2016 Budget under A/c No. 142100.

**STRATEGIC IMPLICATIONS**

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

Effective communication.



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

Effective community engagement.

Improved systems, processes and compliance.

**VOTING REQUIREMENTS**

*Simple Majority*

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

**Moved: Cr M Croft**

**Seconded: Cr B Rudeforth**

**That Council:**

1. **Adopt the following Ordinary Meetings of Council dates for 2016 commencing at 5.00pm in the Shire of Broome Council Chambers, with the exception of 29 September 2015 which is to be held at Bidyadanga Aboriginal Community at 11.00am:**

**January (Recess)**  
**25 February 2016**  
**31 March 2016**  
**28 April 2016**  
**26 May 2016**  
**30 June 2016**  
**28 July 2016**  
**25 August 2016**  
**29 September 2016 (Bidyadanga – 11.00am)**  
**27 October 2016**  
**24 November 2016**  
**15 December 2016**

2. **Writes to Bidyadanga Aboriginal Community confirming that the 29 September 2016 Ordinary Meeting of Council will be held at the Bidyadanga Community at 11.00am.**

**CARRIED UNANIMOUSLY 6/0**

**Attachments**

1. Proposed Council Meeting Schedule 2016
2. Calendar of Proposed 2016 Meeting Dates

**9.4.4 2015/2016 CHRISTMAS CLOSURE**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	ADM01
<b>AUTHOR:</b>	Senior Administration and Governance Officer
<b>CONTRIBUTOR/S:</b>	Manager Governance
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	30 October 2015

**SUMMARY:** In accordance with prior conventions the Executive Management Group (EMG) is recommending Council approval to close the Shire's operations over the Christmas/New Year period for 2015/2016. This will be subject to an adequate contingency plan for required skeleton staff to ensure the smooth running of core services to the community as required. Employees will be required to take annual or accrued leave which will assist in reducing high annual leave accruals which have proven difficult for some staff to clear on an individual basis.

**BACKGROUND***Previous Considerations*

OMC 2 September 2010	Item 12.1
OMC 1 September 2011	Item 9.3.3
OMC 6 September 2012	Item 9.4.3
OMC 19 September 2013	Item 9.4.4
OMC 25 September 2014	Item 9.4.3

A report was submitted to the Ordinary Council Meeting of Council held on 25 September 2014 for the consideration of the closure of the Shire Offices over the Christmas / New Year period. The following resolution was adopted by Council:

COUNCIL RESOLUTION:  
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr D Male

*That Council;*

1. Supports the closure of the Broome Recreation and Aquatic Centre on Thursday 25 December 2014 (Christmas Day) and Thursday 1 January 2015 (New Years Day) and supports the reduced operating hours as outlined in this report (Table 1) for the period 18 December 2014 to 2 January 2015 (inclusive).
2. Supports the closure of the Broome Waste Management Facility on Thursday 25 December 2014 (Christmas Day).
3. Supports the closure of the Broome Civic Centre from 24 December to 26 December 2014 (inclusive) and 1 January 2015.

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

4. *Supports the closure of the remaining Shire operations, including the Administration Office and Library, from Thursday 25 December 2014 to Sunday 4 January 2015 (inclusive).*
5. *Acknowledges that employees will utilise annual or accrued leave for the above periods which are not public holidays.*

*The above closures are subject to an adequate contingency plan outlining skeleton staff required to ensure essential services are provided to the public.*

**CARRIED UNANIMOUSLY 7/0**

## **COMMENT**

The Shire does not appear to have received any negative comments resulting from the Christmas Closures over the 2010/2011, 2011/2012, 2012/2013, 2013/2014 and 2014/2015 periods.

It is therefore recommended, given the success of previous Christmas closures and reduced hours of operation for the Broome Recreation and Aquatic Centre (BRAC), the Broome Waste Management Facility (BWMF) and Broome Civic Centre, that the Shire close operations or reduce opening hours over the 2015/2016 Christmas/New Year period as outlined below.

### **Broome Recreation and Aquatic Centre (BRAC) (Table 1)**

It should be noted that BRAC only propose to be closed on Christmas Day and New Year's Day. Staff advise this is generally a quiet time of the year and as such they are proposing the following opening hours during the period 18 December 2015 to 2 January 2016.

<b>Date</b>	<b>Normal Opening Hours (Pool/Centre)</b>	<b>Proposed Opening Hours</b>
Friday 18 December	5.45am–6.30pm (pool) 7.30(Centre)	5.45am – 6.00pm
Saturday 19 December	9.00am – 5.00pm	9.00am – 5.00pm
Sunday 20 December	9.00am – 5.00pm	9.00am – 5.00pm
Monday 21 December	5.45am–7.30pm (pool) 9.00pm (Centre)	5.45am – 6.00pm
Tuesday 22 December	5.45am – 7.30pm (pool) 9.00pm (Centre)	5.45am – 6.00pm
Wednesday 23 December	5.45am – 7.30pm (pool) 9.00pm (Centre)	5.45am—4.00pm
Thursday 24 December – CHRISTMAS EVE	5.45am – 7.30pm (pool) 9.00pm (Centre)	5.45am—4.00pm
Friday 25 December – CHRISTMAS DAY	5.45am – 6.30pm(pool) 7.30(Centre)	<b>Centre Closed</b>
Saturday 26 December – BOXING DAY	9.00am – 5.00pm	10.00am – 5.00pm
Sunday 27 December	9.00am – 5.00pm	10.00am – 5.00pm
Monday 28 December	5.45am – 7.30pm (pool)	10.00am – 5.00pm

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	9.00pm (Centre)	
Tuesday 29 December	5.45am – 7.30pm (pool) 9.00pm (Centre)	5.45am – 5.00pm
Wednesday 30 December	5.45am – 7.30pm (pool) 9.00pm (Centre)	5.45am – 5.00pm
Thursday 31 January	5.45am – 7.30pm (pool) 9.00pm (Centre)	5.45am – 4.00pm
Friday 1 January – NEW YEAR'S DAY	5.45am – 6.30pm(pool) 7.30(Centre)	<b>Centre Closed</b>
Saturday 2 January	9.00am – 5.00pm	9.00am – 5.00pm

### **Broome Waste Management Facility (BWMF)**

The Waste Management Facility is proposed to be closed on Christmas Day and normal hours will apply for the remainder of the Christmas break. The site will be open for Boxing Day and New Years Day public holidays.

### **Broome Public Library (Table 2)**

The Library is proposed to be closed for the Christmas period from 4pm Friday 24 December 2015, and re-open for normal business from Tuesday 29 December to Thursday 31 December. It is proposed that the Library will close to the public for stocktake from Monday 4 January to Thursday 7 January 2016.

Arrangements will be made to allow double loans from Friday 18 December 2015 to cover the closure period.

Thursday 24 December 2015	OPEN for business (4pm early closure)
Friday 25 December 2015	CLOSED (Christmas Day Public Holiday)
Saturday 26 December 2015	CLOSED (Annual Leave 3 hrs – 2 staff)
Sunday 27 December 2015	CLOSED (Weekend)
Monday 28 December 2015	CLOSED (Boxing Day Public Holiday)
Tuesday 29 December 2015	OPEN for normal business
Wednesday 30 December 2015	OPEN for normal business
Thursday 31 December 2015	OPEN for normal business
Friday 1 January 2016	CLOSED (New Years Day Public Holiday)
Saturday 2 January 2016	CLOSED (Annual Leave 3 hrs – 2 staff)
Sunday 3 January 2016	CLOSED (Weekend)
Monday 4 January 2016	CLOSED FOR STOCKTAKE
Tuesday 5 January 2016	CLOSED FOR STOCKTAKE
Wednesday 6 January 2016	CLOSED FOR STOCKTAKE
Thursday 7 January	CLOSED FOR STOCKTAKE
Friday 8 January	OPEN for normal business

### **Administration Office and Broome Civic Centre (Table 3)**

With the exception of BRAC, BWMF and Broome Public Library, the EMG is recommending closures for the Administration Office and Broome Civic Centre as follows:

Thursday 24 December 2015	OPEN for normal business
Friday 25 December 2015	CLOSED (Christmas Day Public Holiday)
Saturday 26 December 2015	CLOSED (Weekend)
Sunday 27 December 2015	CLOSED (Weekend)
Monday 28 December 2015	CLOSED (Boxing Day Public Holiday)

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Tuesday 29 December 2015	CLOSED (Annual Leave)
Wednesday 30 December 2015	CLOSED (Annual Leave)
Thursday 31 December 2016	CLOSED (Annual Leave)
Friday 1 January 2016	CLOSED (New Years Day Public Holiday)
Saturday 2 January 2016	CLOSED (Weekend)
Sunday 3 January 2016	CLOSED (Weekend)
Monday 4 January 2016	OPEN resume normal business

To ensure essential services are still adequately delivered to the community, the management team will develop a contingency plan which will outline which employees and/or departments that will be required to continue working through the period and how workloads will be managed to ensure maximum output for those departments.

Adequate notice of the closure will be provided to the public to further minimise any disruptions.

## **CONSULTATION**

The closures will be advertised in the Broome Advertiser, Shire of Broome website, administration, library and BRAC notice boards and through media releases.

## **STATUTORY ENVIRONMENT**

Nil

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **RISK**

Employees will be required to take annual or accrued leave which will assist in reducing leave accruals which have proven difficult for some staff to clear on an individual basis. Auditors have previously identified high leave accruals as a current Organisational Risk for the Shire of Broome.

Sufficient advertising of closures as indicated above with inform the community in advance of the closures.

Staff will be rostered on to ensure essential services continue to be provided to the public during this time.

## **STRATEGIC IMPLICATIONS**

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

Responsible resource allocation

## **VOTING REQUIREMENTS**

*Simple Majority*

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**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

**Moved: Cr C Mitchell**

**Seconded: Cr W Fryer**

**That Council:**

1. ***Supports the closure of the Broome Recreation and Aquatic Centre on Friday 25 December 2015 (Christmas Day) and Friday 1 January 2016 (New Years Day) and supports the reduced operating hours as outlined in this report (Table 1) for the period 18 December 2015 to 2 January 2016 inclusive.***
2. ***Supports the closure of the Broome Waste Management Facility on Friday 25 December 2015 (Christmas Day).***
3. ***Notes the Broome Public Library will be closed to the public for stock take from Monday 4 January to Thursday 7 January 2016 inclusive as outlined in this report (Table 2).***
4. ***Supports the closure of the Broome Public Library from 4pm Thursday 24 December 2015, Saturday 26 December 2015, Monday 28 December 2015 and Saturday 2 January 2016 as outlined in this report (Table 2).***
5. ***Supports the closure of the remaining Shire operations, including the Administration Office and Broome Civic Centre from Friday 25 December 2015 to Sunday 3 January 2016 (inclusive).***
6. ***Acknowledges that employees will utilise annual or accrued leave for the above periods which are not public holidays.***
7. ***Notes the above closures are subject to an adequate contingency plan outlining staff required to ensure essential services continue to be provided to the public.***

**CARRIED UNANIMOUSLY 6/0**

**Attachments**

Nil

**The Chairperson advised there was a typographical error on page 774 of the Agenda which has been corrected for the purpose of the Minutes. Point 2 of the Officers recommendation for the Appointment of Members to the Local Emergency Management Committee should read 'Local Emergency Management Committee' rather than 'Bush Fire Advisory Committee'. In addition the appointment of 1x Councillor and 1x Deputy to the Bush Fire Advisory Committee was omitted from the Report Recommendation on Page 772 of the Agenda and has been included for the purpose of the Minutes.**

#### **9.4.5 APPOINTMENTS TO COMMITTEES AND WORKING GROUPS**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	ARE01
<b>AUTHOR:</b>	Senior Administration and Governance Officer
<b>CONTRIBUTOR/S:</b>	Manager Governance
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	19 October 2015

**SUMMARY:** Following the outcome of the Ordinary Local Government Election on 17 October 2015, Council is required to consider its representation on various Council Committees, Working Groups and external Committees.

#### **BACKGROUND**

##### Previous Considerations

OMC 24 May 2005	Item 9.4.7
OMC 22 November 2007	Item 9.4.4
OMC 26 November 2009	Item 9.4.3
OMC 27 October 2011	Item 9.1.3
OMC 18 December 2012	Item 9.1.5
OMC 21 November 2013	Item 9.4.6

As per section 5.11 of the *Local Government Act 1995*, Council representatives on Committees (and subsequently, Shire of Broome Working Groups and externally administered Committees) are discontinued following a local government election and as such, nominations for Council representation are required.

#### **COMMENT**

Shire staff have reviewed and proposed amendments to the Committees Booklet containing Terms of Reference for all active Shire of Broome Council Committees, Working Groups and external Committees requiring Council representation. The Table of Contents Parts 1 and 2 outline Council Committees and Working Groups and Part 3 outlines Council representation on external Committees. The appendix contains a Declaration of Financial Interest form which is applicable for Shire of Broome administered committees and working groups.

It is noted that the current external representatives on Committees are recommended to be re-appointed to provide continuity of background information and historical

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knowledge. New members will be sought to fill any vacancies and new appointments presented to Council as they arise.

The Draft Committees and Working Groups 2015 Terms of Reference, with amendments marked is provided as an attachment to this report. Additions or revisions are shown **in red** and any text to be deleted is ~~struck through~~.

The proposed changes are summarised as follows:

## **PART 1 – COUNCIL COMMITTEES**

### **Audit Committee**

Amendments are as detailed in the attachment.

### **Access and Inclusion Advisory Committee**

The quorum has been amended from 4 to 7 members in line with section 5.19 of the *Local Government Act 1995* (at least 50% of membership).

The Vision/Purpose has been updated to include outcome 7 of the Disability Access and Inclusion Plan.

Other amendments are as detailed in the attachment.

### **Arts, Culture and Heritage Advisory Committee**

The objectives have been revised and other amendments are as detailed in the attachment.

### **Broome Cemetery Advisory Committee**

Under the current membership, the quorum should be at least 7 members in line with Section 5.19 of the *Local Government Act 1995* (at least 50% of membership).

In review of Committee attendance over the past two years it has been rare that 7 Committee members have been in attendance at any one meeting. To ensure a quorum is met going forward, officers are recommending the removal of 1x Councillor, 1x Community Delegate, 1x Broome Anglican Church Delegate (currently vacant) and 1x Funeral Director resulting in the quorum required being reduced to 5 members.

Any requests for membership to the Broome Cemetery Advisory Committee will be presented to Council for consideration in due course and the Terms of Reference be amended accordingly.

Other amendments are as detailed in the attachment.

### **Bush Fire Advisory Committee**

Officers have recommended that Nyamba Buru Yawuru and Kimberley Land Council (KLC) be approached to nominate Agency Delegates, resulting in two additional members for this Committee.

Other amendments are as detailed in the attachment.

### **Economic Development Advisory Committee**

Community Delegates have been updated to reflect current membership.

### **Local Emergency Management Committee**

Officers have recommended that Nyamba Buru Yawuru and Royal Flying Doctors Service be approached to nominate Agency Delegates, resulting in two additional members for this Committee.

Other amendments are as detailed in the attachment.



## **PART 2 – COUNCIL WORKING GROUPS**

### **Community Safety Working Group**

This is a new Working Group as per Council Resolution 9.1.3 at the Ordinary Meeting of Council held 15 October 2015.

### **Community Sponsorship Assessment Working Group**

The quorum has been amended from 2 to 3 members in line with Section 5.19 of the *Local Government Act 1995* (at least 50% of membership). The *Local Government Act 1995* has been used as a guide to establish a quorum for this Working Group.

Other amendments are as detailed in the attachment.

### **Events Review Working Group**

Officers have recommended this Working Group be removed as a review of all events policies and processes is currently underway with internal staff and will be presented to the Economic Development Advisory Committee and Council.

### **Jetty to Jetty Project Working Group**

Officers have recommended this Working Group be removed as the business case and implementation plan for the project have been completed and adopted by Council. Implementation is now operational and dependent upon funding. Stage 1 has been implemented in partnership with Yawuru. Funds are allocated in this year's budget to continue planning for implementation of Stage 2 being Town Beach revetment.

### **Litter Prevention Working Group**

Officers have recommended this working group be removed as it has not met for 2 years.

### **Perth Royal Show Guest Town Working Group**

Officers have recommended this Working Group be removed as this has been completed and funding acquittals undertaken.

### **Chinatown Stakeholder and Community Reference Group**

This is a new Working Group established as per Council Resolution 9.3.1 at the Ordinary Meeting of Council held 27 August 2015. Officers are not proposing any changes to the Terms of Reference.

The nominations received from Yawuru, the Broome Chamber of Commerce and Industry and the public advertising process are outlined in the Confidential Attachment to this report for Council consideration and appointment.

### **Youth Advisory Council**

This is a new Working Group as per Council Resolution 9.1.1 of the Ordinary Meeting of Council held 15 October 2015.

## **PART 3 – COUNCIL REPRESENTATION ON EXTERNAL COMMITTEES**

### **Broome Visitor Centre Board**

There are no proposed changes to the Terms of Reference.

### **Broome (WALGA) Roadwise Committee**

The frequency of meetings has been amended from the first Tuesday of every month to quarterly.

Other minor amendments are as detailed in the attachment.

### **Kimberley Regional Road Group**

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Minor amendments are as detailed in the attachment.

### **Kimberley Zone of WALGA and the Kimberley Regional Collaborative Group**

The name of this Group has been amended from Kimberley Zone of WALGA and the Kimberley Regional Collaborative Group to Kimberley Zone of WALGA and the Kimberley Regional Group. The Membership has been extended to include the Shire of Cocos (Keeling) Islands as new member of the Kimberley Zone.

It is noted that the Shire of Derby/West Kimberley are to take on the Secretariat role as at 1 January 2016 at which time the Terms of Reference will be updated accordingly.

### **Yawuru Park Council**

Minor amendments are as detailed in the attachment.

## **OTHER APPOINTMENTS**

A formal request was received from Mr Saeed Amin, Principal of Broome Senior High School, seeking Council representation on a proposed School's Cluster Board to strengthen partnerships between the Shire and local school community. At the Ordinary Meeting of Council held 18 December 2012 Council resolved the following:

### COUNCIL RESOLUTION: (REPORT RECOMMENDATION)

*That Council nominates Cr G T Campbell to be Council's representative onto the Schools Clusters Board.*

Moved: Cr E Yu

Seconded: Cr D M Male

CARRIED UNANIMOUSLY 8/0

Following the outcome of the Local Government Elections held on 17 October 2015, the Schools Cluster Board is seeking a replacement Council Representative.

## **CONSULTATION**

Kimberley Zone Project Manager  
School's Cluster Board

## **STATUTORY ENVIRONMENT**

### **Local Government Act 1995**

#### **Subdivision 2 – Committees and their meetings**

#### **5.8. Establishment of committees**

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

\* Absolute majority required.

#### **5.9. Committees, types of**

(1) In this section –

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

- (2) A committee is to comprise –
- (a) council members only; or
  - (b) council members and employees; or
  - (c) council members, employees and other persons; or
  - (d) council members and other persons; or
  - (e) employees and other persons; or
  - (f) other persons only.

#### **5.10. Committee members, appointment of**

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

\*Absolute majority required.

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

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

#### **5.11A. Deputy committee members**

- (1) The local government may appoint\* a person to be a deputy of a member of a committee and may terminate such an appointment\* at any time.

\*Absolute majority required.

- (2) A person who is appointed as a deputy of a member of a committee is to be –

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- (a) if the member of the committee is a council member – a council member; or
  - (b) if the member of the committee is an employee – an employee; or
  - (c) if the member of the committee is not a council member or an employee – a person who is not a council member or an employee; or
  - (d) if the member of the committee is a person appointed under section 5.10(5) – a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

[Section 5.11A inserted by No. 17 of 2009 s.20.]

### **5.11. Committee membership, tenure of**

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until –
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
  - (b) the person resigns from membership of the committee; or
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day, whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until –
- (a) the term of the person's appointment as a committee member expires; or
  - (b) the local government removes the person from the office or committee member or the office of committee member otherwise becomes vacant; or
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day.

whichever happens first.

### **POLICY IMPLICATIONS**

Policy 1.5.1 – Yawuru Park Council Representation

Policy 5.1.6 – Public Art

### **FINANCIAL IMPLICATIONS**

- Audit Committee – Internal Administrative costs estimated at \$27,200 per annum.
- Access & Inclusion Advisory Committee – Internal Administrative costs estimated at \$13,410 per annum.
- Arts Culture & Heritage Advisory Committee – Internal Administrative costs estimated at \$8,830 per annum.

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- Broome Cemetery Advisory Committee – Internal Administrative costs estimated at \$10,555 per annum.
- Bush Fire Advisory Committee – Internal Administrative costs estimated at \$47,590 per annum and minor catering costs.
- Economic Development Advisory Committee - Internal Administrative costs estimated at \$5,275 per annum.
- Local Emergency Management Committee – Internal Administrative costs estimated at \$65,988 per annum and minor catering costs.
- Community Safety Working Group - Internal Administrative costs estimated at \$8,275 per annum.
- Community Sponsorship Assessment Working Group – Internal Administrative costs estimated at \$1,710 per annum and minor catering costs.
- Chinatown Stakeholder and Community Reference Group – Internal Administrative costs estimated at \$3,080 per annum.
- Events Review Working Group – this Working Group is recommended to be removed.
- Jetty to Jetty Project Working Group – this Working Group is recommended to be removed.
- Litter Prevention Working Group – this Working Group is recommended to be removed.
- Perth Royal Show Guest Town Working Group - this Working Group is recommended to be removed.
- Youth Advisory Council - Internal Administrative costs estimated at \$4,300 per annum.
- Broome Visitors Centre Board – Nil financial implications.
- Broome (WALGA) Roadwise Committee – staff costs for meeting attendance estimated at \$2,720 per annum.
- Kimberley Regional Road Group– staff costs for meeting attendance estimated at \$4,535 per annum. Meetings rotate throughout the Kimberley region, travel and accommodation costs estimated at \$1,500 per annum.
- Kimberley Zone of WALGA and The Kimberley Regional Collaborative Group – Meetings rotate throughout the Kimberley region and to Perth on occasion. Staff costs for meeting attendance estimated at \$15,120. \$30,000 is budgeted per annum for travel and accommodation for 2x Staff and 2x Councillors.
- Yawuru Park Council – Internal staff costs estimated at \$202,000 per annum and minor catering costs on occasion.

**RISK**

Tenure of Committee Membership is in accordance with the *Local Government Act 1995* Section 5.11 with previous appointments ceasing on 17 October 2015. Council are therefore required by legislation to review membership of Council Committees and Working Groups.

**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

Accessible and safe community spaces

Participation in recreational activity

A healthy and safe environment

High level social capital that 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:**

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

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

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

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

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

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

Council is able to mobilise resources to deliver municipal services to Indigenous communities that are compliant, effective and within Council's capacity.

**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

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**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**

*Absolute Majority*

REPORT RECOMMENDATION:

*That Council establishes the Audit Committee in accordance with the attached Terms of Reference and with the appointment of the following membership:*

- Cr \_\_\_\_\_, with Cr \_\_\_\_\_ appointed as Deputy
- Cr \_\_\_\_\_, with Cr \_\_\_\_\_ appointed as Deputy
- Cr \_\_\_\_\_, with Cr \_\_\_\_\_ appointed as Deputy

**(ABSOLUTE MAJORITY REQUIRED)**

COUNCIL RESOLUTION:

**Moved: Cr R Johnston**

**Seconded: Cr D Male**

***That Council establishes the Audit Committee in accordance with the attached Terms of Reference and appoints Cr R Johnston, Cr D Male and Cr H Tracey to this Committee with the appointment of Cr C Mitchell as Deputy and updates the Terms of Reference accordingly.***

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0**

**Reason: Council only requires one Deputy to the Audit Committee.**

REPORT RECOMMENDATION:

*That Council establishes the Access and Inclusion Advisory Committee in accordance with the attached Terms of Reference and with the appointment of the following membership:*

- Cr \_\_\_\_\_, with Cr \_\_\_\_\_ appointed as Deputy
- Cr \_\_\_\_\_, with Cr \_\_\_\_\_ appointed as Deputy
- Disability Services Commission delegate - Liz Hatton
- Service Provider delegate - Elaine Clarke (KIFSA)
- Service Provider delegate - Steve Cook (Kimberley Personnel)

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- Health Services delegate – vacant
- Education and Employment Organisations delegate - Kristie Courtenay (Kimberley Training Institute)
- Education and Employment Organisations delegate - Vacant
- Community Organisations delegate – Jennie Lowe (Broome Circle)
- Community Organisations delegate – Vacant
- Tourism Industry delegate - Andy Guidera (Bali Hai)
- Community Representative delegate - Caterina Ponzio
- Community Representative delegate - Justin Mortley (Education Department)

**(ABSOLUTE MAJORITY REQUIRED)**

**COUNCIL RESOLUTION:**

**Moved: Cr R Johnston**

**Seconded: Cr C Mitchell**

**That Council**

1. **Establishes the Access and Inclusion Advisory Committee in accordance with the attached Terms of Reference and with the appointment of the following membership:**
  - **Cr H Tracey and Cr C Mitchell, with Cr D Male appointed as Deputy**
  - **Disability Services Commission delegate - Liz Hatton**
  - **Service Provider delegate - Elaine Clarke (KIFSA)**
  - **Service Provider delegate - Steve Cook (Kimberley Personnel)**
  - **Health Services delegate – vacant**
  - **Education and Employment Organisations delegate - Kristie Courtenay (Kimberley Training Institute)**
  - **Education and Employment Organisations delegate - Vacant**
  - **Community Organisations delegate – Jennie Lowe (Broome Circle)**
  - **Community Organisations delegate – Vacant**
  - **Tourism Industry delegate - Andy Guidera (Bali Hai)**
  - **Community Representative delegate - Caterina Ponzio**
  - **Community Representative delegate - Justin Mortley (Education Department)**
2. **Updates the Terms of Reference accordingly.**

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0**

**Reason: Council only requires one Deputy to the Access and Inclusion Advisory Committee.**

**REPORT RECOMMENDATION:**

That Council establishes the Arts Culture and Heritage Advisory Committee in accordance with the attached Terms of Reference and with the appointment of the following membership:

- Cr \_\_\_\_\_, with Cr \_\_\_\_\_ appointed as Deputy
- Cr \_\_\_\_\_, with Cr \_\_\_\_\_ appointed as Deputy
- Cr \_\_\_\_\_, with Cr \_\_\_\_\_ appointed as Deputy
- Heritage Organisation delegate – Sarah Keenan (Broome Historical Society)
- Arts Organisation delegate – Sandy Darrington
- Cultural Organisation delegate- Sarah Yu (Nyamba Buru Yawuru)
- Community delegate – Eunice Yu

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- Community delegate- Vanessa Margetts
- Community delegate – Gwen Knox
- Community delegate – Rani Middleton

**(ABSOLUTE MAJORITY REQUIRED)**

**COUNCIL RESOLUTION:**

**Moved: Cr R Johnston**

**Seconded: Cr B Rudeforth**

**That Council not appoint members to the Arts Culture and Heritage Committee at this time and request the Chief Executive Officer to undertake a review of Committee costs and objectives and report back to Council in March 2016.**

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0**

**Reason: Council will be undertaking a review of this Committee in 2016 and will consider the membership at that time.**

**REPORT RECOMMENDATION:**

That Council establishes the Broome Cemetery Advisory Committee in accordance with the attached Terms of Reference and with the appointment of the following membership:

- Cr \_\_\_\_\_, with Cr \_\_\_\_\_ appointed as Deputy
- Community delegate – Mr R Crook
- Community delegate – Ms C Masuda
- Community delegate – Vacant
- Broome Chinese Community delegate – Ms E Yu
- Broome Muslim Community delegate – Ms J Bin Omar
- Broome Historical Society delegate – Ms J Young
- Broome Catholic Church delegate – Fr P Boyers
- Nor West Monumental delegate – Ms A Booth
- Funeral Director – Ms F Zavazal (Okuri Funeral Services)

**(ABSOLUTE MAJORITY REQUIRED)**

**COUNCIL RESOLUTION:**

**Moved: Cr R Johnston**

**Seconded: Cr B Rudeforth**

**That Council not appoint members to the Broome Cemetery Advisory Committee at this time and request the Chief Executive Officer to undertake a review of Committee costs and objectives and report back to Council in March 2016.**

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0**

**Reason: Council will be undertaking a review of this Committee in 2016 and will consider the membership at that time.**

**REPORT RECOMMENDATION:**

That Council:

1. Establishes the Bush Fire Advisory Committee in accordance with the attached Terms of Reference and with the appointment of the following membership:

- Cr \_\_\_\_\_, with Cr \_\_\_\_\_ appointed as Deputy

- 1 x Chief Bush Fire Control Officer - Steve Longo
- 1 x Department of Fire and Emergency Services (DFES) - Kim Maldon
- 1 x Department of Parks & Wildlife (DP&W) - Alan Byrne
- 1 x Main Roads WA (MRWA)- Lana Powell
- 1 x Western Australian Police (WAPOL) - S/SGT Brendon Barwick
- 1 x Broome Regional Volunteer Bushfire Brigade - Craig Burgess
- 1 x Broome Volunteer Fire & Rescue Service- Phil Leach
- 1 x Kimberley Land Council (KLC)- Sarah Pariman
- 1 x Nyamba Buru Yawuru - Alison Hiscocks
- 1 x Community Representative - Coconut Well – Mr Ed Carroll

2. That Council requests the Chief Executive Officer to invite representation on the Bush Fire Advisory Committee from the following agencies and communities:

- 1 x Community Representative – Town of Broome
- 1 x Community Representative - Twelve Mile
- 1 x Community Representative – Bidyadanga
- 1 x Community Representatives – Dampier Peninsula
- 1 x Community Representatives – Ardyaloon
- 1 x Community Representatives – Beagle Bay
- 1 x Community Representatives - Lombadina
- 1 x Community Representatives – Djarindjin

**(ABSOLUTE MAJORITY REQUIRED)**

#### **COUNCIL RESOLUTION:**

**Moved: Cr R Johnston**

**Seconded: Cr C Mitchell**

**That Council:**

1. **Establishes the Bush Fire Advisory Committee in accordance with the attached Terms of Reference and with the appointment of the following membership:**

- **Cr C Mitchell, with Cr R Johnston appointed as Deputy.**
- **1 x Chief Bush Fire Control Officer - Steve Longo**
- **1 x Department of Fire and Emergency Services (DFES) - Kim Maldon**
- **1 x Department of Parks & Wildlife (DP&W) - Alan Byrne**
- **1 x Main Roads WA (MRWA)- Lana Powell**
- **1 x Western Australian Police (WAPOL) - S/SGT Brendon Barwick**
- **1 x Broome Regional Volunteer Bushfire Brigade - Craig Burgess**
- **1 x Broome Volunteer Fire & Rescue Service- Phil Leach**
- **1 x Kimberley Land Council (KLC)- Sarah Pariman**
- **1 x Nyamba Buru Yawuru - Alison Hiscocks**
- **1 x Community Representative - Coconut Well – Mr Ed Carroll**

2. **That Council requests the Chief Executive Officer to invite representation on the Bush Fire Advisory Committee from the following agencies and communities:**

- **1 x Community Representative – Town of Broome**
- **1 x Community Representative - Twelve Mile**
- **1 x Community Representative – Bidyadanga**
- **1 x Community Representatives – Dampier Peninsula**

- 1 x Community Representatives – Ardyaloon
- 1 x Community Representatives – Beagle Bay
- 1 x Community Representatives - Lombadina
- 1 x Community Representatives – Djarindjin

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0**

**REPORT RECOMMENDATION:**

That Council establishes the Economic Development Advisory Committee in accordance with the attached Terms of Reference and with the appointment of the following membership:

- Cr \_\_\_\_\_, with Cr \_\_\_\_\_ appointed as Deputy
- Cr \_\_\_\_\_, with Cr \_\_\_\_\_ appointed as Deputy
- Business Association delegate – Rhonda Chappell (Broome Chamber Commerce)
- Business Association delegate – James Brown (Tourism Industry) Gail Gower (Tourism Industry - Deputy)
- Industry Representative delegate – Darren Banfield (Aquaculture Industry)
- Industry Representative delegate – Greg Fiorenza (Building & Construction Industry)
- Industry Representative delegate – Dean Newton (Land Development Industry)
- Major Infrastructure delegate - Kevin Schellack (Broome Port Authority)
- Major Infrastructure delegate - Paul McSweeney (Broome International Airport)
- Educational Institution delegate – Karen Dickinson (Kimberley Training Institute) Julie Kean (Kimberley Training Institute – Deputy)
- Government Agencies delegate – Paul Ferrante (Landcorp)
- Government Agencies delegate – Jeff Gooding (Kimberley Development Commission)
- Government Agencies delegate – Chris Ham (Department of Agriculture)
- Government Agencies delegate – Rob Cossart (Department of Water)

**(ABSOLUTE MAJORITY REQUIRED)**

**COUNCIL RESOLUTION:**

**Moved: Cr R Johnston**

**Seconded: Cr C Mitchell**

**That Council establishes the Economic Development Advisory Committee in accordance with the attached Terms of Reference and with the appointment of the following membership:**

- **Cr R Johnston, with Cr D Male appointed as Deputy**
- **Cr H Tracey, with Cr C Mitchell appointed as Deputy**
- **Business Association delegate – Rhonda Chappell (Broome Chamber Commerce)**
- **Business Association delegate – James Brown (Tourism Industry) Gail Gower (Tourism Industry - Deputy)**
- **Industry Representative delegate – Darren Banfield (Aquaculture Industry)**
- **Industry Representative delegate – Greg Fiorenza (Building & Construction Industry)**
- **Industry Representative delegate – Dean Newton (Land Development Industry)**
- **Major Infrastructure delegate - Kevin Schellack (Broome Port Authority)**
- **Major Infrastructure delegate - Paul McSweeney (Broome International Airport)**
- **Educational Institution delegate – Karen Dickinson (Kimberley Training Institute) Julie Kean (Kimberley Training Institute – Deputy)**
- **Government Agencies delegate – Paul Ferrante (Landcorp)**

- **Government Agencies delegate – Jeff Gooding (Kimberley Development Commission)**
- **Government Agencies delegate – Chris Ham (Department of Agriculture)**
- **Government Agencies delegate – Rob Cossart (Department of Water)**

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0**

REPORT RECOMMENDATION:

That Council establishes the Local Emergency Management Committee in accordance with the attached Terms of Reference and with the appointment of the following membership:

- Cr \_\_\_\_\_ as Chairperson
- S/SGT Brendon Barwick, OIC Broome Police as Deputy Chairperson
- 1 x Department of Fire and Emergency Services (DFES) - Kim Maldon
- 1 x Department of Fire and Emergency Services (SES) - Glen Hall
- 1 x Department of Fire and Emergency Services - (BVFRS) - Phil Leach
- 1 x Department of Fire and Emergency Services - (BRVBFB)- Craig Burgess
- 1 x Department of Aboriginal Affairs—Barry Louvel
- 1 x Air Services Australia - Matt Morisey
- 2 x Department of Child Protection and Family Services (DCPFS) - Julie Davis and Megan Spence
- 1 x Department of Defence – Norforce - Major Matt Rose
- 1 x Department of Housing - Shayne Hills
- 1 x Department of Parks & Wildlife (DP&W)- Alan Byrne
- 1 x Department of Transport - Peter Westgate
- 1x Broome Police - Sgt Paul World
- 1 x Bidyadanga Police - Sgt Andrew Henshaw
- 1 x Dampier Peninsula Police - Sgt Todd Carrington
- 1 x Broome Volunteer Sea Rescue Group (BVSRG) - Lyle Smedley
- 1 x Bureau of Meteorology—David Edwards
- 1 x Health Department—Michelle Boothey
- 1 x Horizon Power - Scott Beckworth
- 1 x Indigenous Coordination Centre (ICC)- Andrew Boyle
- 1 x Kimberley Land Council (KLC)- Damon Pyke
- 1 x Nyamba Buru Yawuru - Alison Hiscocks
- 1 x Main Roads WA - Garry Bradshaw
- 1 x Water Corporation - Bruce Zenich
- 1 x Australian Red Cross - Jock Rutherford
- 1 x Broome Regional Prison - Gary Fitzpatrick
- 1 x Broome Port Authority - Vikis Bangia
- 1 x Broome International Airport - Rod Evans
- 1 x St John Ambulance - Gary Davies
- 1 x Telstra - Mark Holmes
- 1 x Community Representative – Town of Broome – Mr Ivan Davie

2. That Council requests the Chief Executive Officer to invite representation on the Local Emergency Management Committee from the following agencies and communities:

- 1 x Royal Flying Doctor Services
- 1 x Community Representative - Coconut Well
- 1 x Community Representative - Twelve Mile

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- 1 x Community Representative - Ardyaloon Community
- 1 x Community Representative - Beagle Bay Community
- 1 x Community Representative - Bidyadanga Community
- 1 x Community Representative - Djarindjin Community
- 1 x Community Representative - Lombadina Community

**(ABSOLUTE MAJORITY REQUIRED)**

**COUNCIL RESOLUTION:**

**Moved: Cr R Johnston**

**Seconded: Cr C Mitchell**

**That Council establishes the Local Emergency Management Committee in accordance with the attached Terms of Reference and with the appointment of the following membership:**

- Cr C Mitchell as Chairperson
- S/SGT Brendon Barwick, OIC Broome Police as Deputy Chairperson
- 1 x Department of Fire and Emergency Services (DFES) - Kim Maldon
- 1 x Department of Fire and Emergency Services (SES) - Glen Hall
- 1 x Department of Fire and Emergency Services - (BVFRS) - Phil Leach
- 1 x Department of Fire and Emergency Services - (BRVBFB)- Craig Burgess
- 1 x Department of Aboriginal Affairs—Barry Louvel
- 1 x Air Services Australia - Matt Morisey
- 2 x Department of Child Protection and Family Services (DCPFS) - Julie Davis and Megan Spence
- 1 x Department of Defence – Norforce - Major Matt Rose
- 1 x Department of Housing - Shayne Hills
- 1 x Department of Parks & Wildlife (DP&W)- Alan Byrne
- 1 x Department of Transport - Peter Westgate
- 1x Broome Police - Sgt Paul World
- 1 x Bidyadanga Police - Sgt Andrew Henshaw
- 1 x Dampier Peninsula Police - Sgt Todd Carrington
- 1 x Broome Volunteer Sea Rescue Group (BVSRG) - Lyle Smedley
- 1 x Bureau of Meteorology—David Edwards
- 1 x Health Department—Michelle Boothey
- 1 x Horizon Power - Scott Beckworth
- 1 x Indigenous Coordination Centre (ICC)- Andrew Boyle
- 1 x Kimberley Land Council (KLC)- Damon Pyke
- 1 x Nyamba Buru Yawuru - Alison Hiscocks
- 1 x Main Roads WA - Garry Bradshaw
- 1 x Water Corporation - Bruce Zenich
- 1 x Australian Red Cross - Jock Rutherford
- 1 x Broome Regional Prison - Gary Fitzpatrick
- 1 x Broome Port Authority - Vikis Bangia
- 1 x Broome International Airport - Rod Evans
- 1 x St John Ambulance - Gary Davies
- 1 x Telstra - Mark Holmes
- 1 x Community Representative – Town of Broome – Mr Ivan Davie

**2. That Council requests the Chief Executive Officer to invite representation on the Local Emergency Management Committee from the following agencies and communities:**

- 1 x Royal Flying Doctor Services

- 1 x Community Representative - Coconut Well
- 1 x Community Representative - Twelve Mile
- 1 x Community Representative - Ardyaloon Community
- 1 x Community Representative - Beagle Bay Community
- 1 x Community Representative - Bidyadanga Community
- 1 x Community Representative - Djarindjin Community
- 1 x Community Representative - Lombadina Community

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0**

**REPORT RECOMMENDATION:**

*That Council:*

1. Establishes the Community Safety Working Group in accordance with the attached Terms of Reference,
2. Nominates Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to the Community Safety Working Group and Cr \_\_\_\_\_ and Cr \_\_\_\_\_ be nominated as Deputies.
3. Requests the Chief Executive Officer to invite representation on the Community Safety Working Group from the following agencies:
  - 1 x Broome Police
  - 1 x Chamber of Commerce
  - 1 x Nyamba Buru Yawuru
  - 1 x Liquor Accord
  - 1 x Kullarri Patrol
  - 1 x Broome Youth and Families Hub
  - 1 x Taxi services
  - 1 x Broome Visitor Centre

**(ABSOLUTE MAJORITY REQUIRED)**

**COUNCIL RESOLUTION:**

**Moved: Cr R Johnston**

**Seconded: Cr B Rudeforth**

*That Council:*

1. Establishes the Community Safety Working Group in accordance with the attached Terms of Reference,
2. Nominates Cr M Croft to the Community Safety Working Group and Cr W Fryer be nominated as Deputy.
3. Requests the Chief Executive Officer to invite representation on the Community Safety Working Group from the following agencies:
  - 1 x Broome Police
  - 1 x Chamber of Commerce
  - 1 x Nyamba Buru Yawuru
  - 1 x Liquor Accord
  - 1 x Kullarri Patrol
  - 1 x Broome Youth and Families Hub
  - 1 x Taxi services
  - 1 x Broome Visitor Centre

**4. Updates the Terms of Reference accordingly.****CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0****Reason: Council only requires one Council Representative and one Deputy to the Community Safety Working Group.****REPORT RECOMMENDATION:**

That Council establishes the Community Sponsorship Assessment Working Group in accordance with the attached Terms of Reference and with the appointment of the following membership:

- Cr \_\_\_\_\_, with Cr \_\_\_\_\_ appointed as Deputy
- Cr \_\_\_\_\_, with Cr \_\_\_\_\_ appointed as Deputy
- Cr \_\_\_\_\_, with Cr \_\_\_\_\_ appointed as Deputy
- Cr \_\_\_\_\_
- Cr \_\_\_\_\_

**(ABSOLUTE MAJORITY REQUIRED)****COUNCIL RESOLUTION:****Moved: Cr R Johnston****Seconded: Cr C Mitchell**

**That Council establishes the Community Sponsorship Assessment Working Group in accordance with the attached Terms of Reference and appointment of the following membership:**

- **Cr D Male, with Cr R Johnston appointed as Deputy**
- **Cr C Mitchell, with Cr M Croft appointed as Deputy**
- **Cr H Tracey, with Cr P Matsumoto appointed as Deputy**
- **Cr W Fryer**
- **Cr B Rudeforth**

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0****COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)****Moved: Cr R Johnston****Seconded: Cr D Male**

**That Council notes that the following Working Groups have been discontinued and removed from the Committee Booklet:**

- **Events Review Working Group**
- **Jetty to Jetty Project Working Group**
- **Litter Prevention Working Group**
- **Perth Royal Show Guest Town Working Group**

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0**

**REPORT RECOMMENDATION:**

*That Council:*

1. *Establishes the Chinatown Stakeholder and Community Reference Group in accordance with the attached Terms of Reference.*
2. *Nominates Cr \_\_\_\_\_ to the Chinatown Stakeholder and Community Reference Group and Cr \_\_\_\_\_ be nominated as Deputy.*
3. *Appoints members of the reference group as per the recommendations contained in the confidential attachment and updates the Terms of Reference accordingly.*

**(ABSOLUTE MAJORITY REQUIRED)**

**COUNCIL RESOLUTION:**

**Moved: Cr R Johnston**

**Seconded: Cr C Mitchell**

***That Council:***

1. ***Establishes the Chinatown Stakeholder and Community Reference Group in accordance with the attached Terms of Reference.***
2. ***Nominates Cr R Johnston to the Chinatown Stakeholder and Community Reference Group and Cr H Tracey be nominated as Deputy.***
3. ***Appoints members of the reference group as per the recommendations contained in the confidential attachment and updates the Terms of Reference accordingly.***

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0**

**REPORT RECOMMENDATION:**

*That Council:*

1. *Establishes the Youth Advisory Council in accordance with the attached Terms of Reference,*
2. *Nominates Cr \_\_\_\_\_ to the Youth Advisory Council and Cr \_\_\_\_\_ be nominated as Deputy.*
3. *Requests the Chief Executive Officer to seek expressions of interest to fill the following vacancies:*
  - 10 x Young people
  - 2 x Youth workers

**(ABSOLUTE MAJORITY REQUIRED)**

**COUNCIL RESOLUTION:**

**Moved: Cr R Johnston**

**Seconded: Cr C Mitchell**

***That Council:***

1. ***Establishes the Youth Advisory Council in accordance with the attached Terms of Reference,***
2. ***Nominates Cr M Croft to the Youth Advisory Council and Cr W Fryer be nominated as Deputy.***



**3. Requests the Chief Executive Officer to seek expressions of interest to fill the following vacancies:**

- 10 x Young people
- 2 x Youth workers

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0****REPORT RECOMMENDATION:**

That Cr \_\_\_\_\_ be nominated to the Broome Visitor Centre Board and Cr \_\_\_\_\_ be nominated as Deputy.

**(ABSOLUTE MAJORITY REQUIRED)****COUNCIL RESOLUTION:****Moved: Cr R Johnston****Seconded: Cr C Mitchell**

**That Cr R Johnston be nominated to the Broome Visitor Centre Board and Cr H Tracey be nominated as Deputy.**

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0****REPORT RECOMMENDATION:**

That Cr \_\_\_\_\_ be nominated to the Broome (WALGA) Roadwise Committee and Cr \_\_\_\_\_ be nominated as Proxy.

**(ABSOLUTE MAJORITY REQUIRED)****COUNCIL RESOLUTION:****Moved: Cr R Johnston****Seconded: Cr C Mitchell**

**That Cr W Fryer be nominated to the Broome (WALGA) Roadwise Committee and Cr P Matsumoto be nominated as Proxy.**

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0****REPORT RECOMMENDATION:**

That Cr \_\_\_\_\_ be nominated to the Kimberley Regional Road Group and Cr \_\_\_\_\_ be nominated as Deputy.

**(ABSOLUTE MAJORITY REQUIRED)****COUNCIL RESOLUTION:****Moved: Cr R Johnston****Seconded: Cr D Male**

**That Cr R Johnston be nominated to the Kimberley Regional Road Group and Cr C Mitchell be nominated as Deputy.**

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0**

**REPORT RECOMMENDATION:**

That Cr \_\_\_\_\_ be nominated to the Kimberley Zone of WALGA and the Kimberley Regional Group and Cr \_\_\_\_\_ be nominated as Deputy.

**(ABSOLUTE MAJORITY REQUIRED)**

**COUNCIL RESOLUTION:**

**Moved: Cr R Johnston**

**Seconded: Cr M Croft**

**That Cr C Mitchell be nominated to the Kimberley Zone of WALGA and the Kimberley Regional Group and Cr H Tracey be nominated as Deputy.**

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0**

**REPORT RECOMMENDATION:**

That Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ be nominated to the Yawuru Park Council and Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ be nominated as Proxies.

**(ABSOLUTE MAJORITY REQUIRED)**

**COUNCIL RESOLUTION:**

**Moved: Cr R Johnston**

**Seconded: Cr C Mitchell**

**That Cr H Tracey, Chief Executive Officer and Director Infrastructure be nominated to the Yawuru Park Council and Cr R Johnston and Cr C Mitchell be nominated as Proxies.**

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0**

**Reason: Council only requires 2 deputies to the Yawuru Park Council**

**REPORT RECOMMENDATION:**

That Cr \_\_\_\_\_ be nominated as Council representative on the Schools Cluster Board.

**(ABSOLUTE MAJORITY REQUIRED)**

**COUNCIL RESOLUTION:**

**Moved: Cr R Johnston**

**Seconded: Cr D Male**

**That Cr M Croft be nominated as Council representative on the Schools Cluster Board.**

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0**

**Attachments**

1. Draft Committee Booklet 2015
2. EOI's for Chinatown Stakeholder and Community Reference Group (*Confidential to Councillors and Directors Only*)  
  
**This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(b) as it contains "the personal affairs of any person".**
3. Appointment of Members to the Chinatown Stakeholder and Community Reference Chairperson..... Date.....

Group (Confidential to Councillors and Directors Only)

***This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(b) as it contains "the personal affairs of any person".***

**9.4.6 CAPE LEVEQUE ROAD: PARTIAL ROAD CLOSURE FOR 2015/2016 WET SEASON**

<b>LOCATION/ADDRESS:</b>	Broome Cape Leveque Road
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	ENR01 - BRO-3/GEN
<b>AUTHOR:</b>	Executive Support Officer
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director of Engineering Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	30 October 2015

**SUMMARY:** This report recommends closing the Broome - Cape Leveque Road to vehicles with a gross vehicle mass of 11 tonnes or more for the 2015/16 wet season, in accordance with regular practice.

**BACKGROUND**Previous Considerations

OMC 23 November 2006	Item 9.5.1
OMC 18 December 2007	Item 9.5.1
OMC 25 September 2008	Item 9.5.1
OMC 20 November 2008	Item 9.5.1
OMC 29 October 2009	Item 9.5.2
OMC 28 October 2010	Item 9.4.3
OMC 24 November 2011	Item 9.5.2
OMC 29 November 2012	Item 9.4.6
OMC 21 November 2013	Item 9.4.4
OMC 27 November 2014	Item 9.4.3

STANDING GENERAL ROAD RESTRICTIONS

The Broome – Cape Leveque Road is a Network 2 Restricted Access Vehicle (RAV) permit route. This allows for B-double vehicle use, but vehicles of greater configuration than RAV 2 are permitted to travel on the road only under a written permit.

This restriction applies all year round and was instigated due to concerns about the narrow nature of the pindan (unsealed) road width available, the cross-slope of the road surface, the amount of dust generated and the length of vehicles.

NORMAL WET SEASON RESTRICTIONS

Given the very difficult wet and boggy conditions created in wet weather on the 89km section of unsealed pindan on the Broome - Cape Leveque Road, Council has previously resolved to minimise the damage from traffic during the wet season by limiting the weight of vehicles through the imposition of a partial road closure. At times, it is also necessary to fully close the road to protect its serviceability. From previous experience, these measures have proven to be the best way to both maintain essential general community access and to prolong essential heavy vehicular access to the communities during the wet season.

Under the *Local Government Act 1995*, a partial road closure involves advertising the proposed closure, inviting and then considering any submissions received prior to a report to and a decision by Council. A copy of Council's resolution to implement a partial road closure is forwarded to the Commissioner of Main Roads.

Recognised essential services operators are still able to deliver fuel and food supplies throughout the wet season under permit. In accordance with past practice, there are normally four (4) operators who have the current community contracts and would normally be granted these permits. These are Dean Wilson Transport, Fueltrans on behalf of BP, Toll Express and Caltex Energy.

The road is generally closed to other heavy vehicles, but it has been found on occasions that other companies will have essential business involving heavy transport and they have been permitted on the road under special conditions. This approval is determined by the Chief Executive Officer. It is recognised that activity on the peninsula is gradually increasing and that demand for travel during the wet season is also increasing.

During the wet season, the Shire's Infrastructure Staff monitor rainfall via the Bureau of Meteorology Website and when warranted, inspections of the road are carried out. By this means, an assessment of the actual condition and driveability of the unsealed section of the road can be determined, advice provided to travellers and control exercised over heavy vehicle usage.

During very wet periods, the Broome - Cape Leveque Road and other unsealed roads within the Shire may be subject to full closure at short notice.

#### **COMMENT**

A Partial Road Closure was publicly advertised for the Broome – Cape Leveque Rd for the period from 1 December 2015 to 31 March 2016.

The partial closure of the Broome-Cape Leveque Road to vehicles of 11 tonnes or more has proven successful in past wet seasons and Officers recommend that a partial road closure be implemented for the upcoming wet season.

#### **CONSULTATION**

An advertisement was placed in the Broome Advertiser on 5 November 2015 inviting submissions from the public.

No submissions were received during the public submission period.

#### **STATUTORY ENVIRONMENT**

***Local Government Act, 1995*** Section 1.7

##### **1.7. Local public notice**

- (1) *Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —*
  - (a) *published in a newspaper circulating generally throughout the district; and*
  - (b) *exhibited to the public on a notice board at the local government's offices; and*
  - (c) *exhibited to the public on a notice board at every local government library in the district.*

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- (2) Unless expressly stated otherwise it is sufficient if the notice is —
- (a) published under subsection (1)(a) on at least one occasion; and
  - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
    - (i) the time prescribed for the purposes of this paragraph; or
    - (ii) if no time is prescribed, 7 days.

[Section 1.7 amended by No. 64 of 1998 s. 18(3).]

## **Local Government Act, 1995 Section 3.50**

### **Subdivision 5 — Certain provisions about thoroughfares**

**3.49.** Repealed by No. 64 of 1998 s. 14(1).]

### **3.50. Closing certain thoroughfares to vehicles**

- (1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.
- (1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.
- (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.
- (3) repealed]
- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —
- (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;
  - (b) give written notice to each person who —
    - (i) is prescribed for the purposes of this section; or
    - (ii) owns land that is prescribed for the purposes of this section; and
  - (c) allow a reasonable time for submissions to be made and consider any submissions made.
- (5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).
- (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.
- [(7) repealed]
- (8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.
- (9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.
- [Section 3.50 amended by No. 1 of 1998 s. 11; No. 64 of 1998 s. 15; No. 49 of 2004 s. 26.]

### **3.50A. Partial closure of thoroughfare for repairs or maintenance**

Despite section 3.50, a local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure —

- (a) is for the purpose of carrying out repairs or maintenance; and

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(b) is unlikely to have a significant adverse effect on users of the thoroughfare.  
 [Section 3.50A inserted by No. 64 of 1998 s. 16.]

Section 92 Road Traffic Act, 1974

## **92. Roads may be closed**

- (1) The Minister may, if he considers any road unsafe for public traffic, cause the same to be closed for such period as he considers necessary.
- (2) A local government for a period of one month may exercise a similar power with regard to any road under its control, but the exercise of such power shall not extend beyond such period, except with the approval in writing of the Minister.
- (3) No person shall drive, take, or use any vehicle on to or on any road while such road is closed under this section.

[Section 92 amended by No. 14 of 1996 s. 4.]

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

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

Effective communication.

Affordable services and initiatives to satisfy community need.

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

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

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

Affordable and equitable services and infrastructure.

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

Responsible resource allocation.

Effective community engagement.

## **VOTING REQUIREMENTS**

Simple Majority

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

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)****Moved: Cr C Mitchell****Seconded: Cr B Rudeforth****That Council:**

- 1. Partially closes the Broome - Cape Leveque Road to the passage of vehicles:**
  - a. Of all classes of gross vehicle mass (GVM) 11 tonnes or more,**
  - b. For the period from 1 December 2015 to 31 March 2016,**
  - c. From the end of the bitumen south of the Manari Road turn-off to the start of northern sealed section south of Beagle Bay;**
- 2. That the Commissioner of Main Roads Western Australia be advised of this decision.**

**CARRIED UNANIMOUSLY 6/0****Attachments**

1. Cape Leveque Road Partial Road Closure advertisement



**9.4.7 BUDGET AMENDMENT - BROOME TOWNSITE COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN (CHRMAP)**

This item is located in these Minutes under Section 14, Matters To Be Discussed Behind Closed Doors.

**9.4.8 SHIRE OF BROOME DIRECTORY 2017 AND 2018**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	14/09
<b>AUTHOR:</b>	Media and Promotions Officer
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	12 November 2015

**SUMMARY:** The Shire of Broome Directory is distributed free of charge each year to residents and businesses, and made available online. It contains residential, business and community contact listings, information on Council and Shire of Broome services, emergency information, tide charts, bus timetables and more.

Council approval is now sought to appoint the WA Local Government Association Procurement Consultancy Service to manage the tender process for the production, printing and distribution of the 2017 Shire of Broome Directory with an option for 2018.

**BACKGROUND**Previous Considerations

OMC 14 February 2008	Item 9.1.4
SMC 19 June 2008	Item 9.1.2
OMC 3 July 2008	Item 12.1
OMC 26 August 2008	Item 12.2
OMC 16 April 2009	Item 9.1.1
OMC 14 May 2009	Item 9.1.2
OMC 4 August 2009	Item 9.1.2
OMC 15 April 2010	Item 9.1.1
OMC 2 August 2010	Item 9.1.1
OMC 14 April 2011	Item 9.1.1
OMC 29 September 2011	Item 9.1.1
OMC 19 April 2012	Item 9.4.7
OMC 16 May 2013	Item 9.4.5
OMC 24 April 2014	Item 9.4.5
OMC 30 April 2015	Item 9.4.4

In 2008 Council first endorsed the WALGA Procurement Consultancy Service (formerly known as the WALGA Tender Bureau Service) to independently write, advertise and evaluate the tender for the Shire of Broome Directory, and required that Community Benefit be included as a criteria.

The decision to put the contract for production of the Directory out to tender, and to have this process managed independently by WALGA, was made to ensure that local operators were provided an opportunity to compete for the contract through a process that was fair, independent and transparent.

This arrangement has continued and the Shire of Broome Directory has subsequently been put out to tender in 2008, 2010, 2012 and 2014 and on each of these occasions Market Creations Pty Ltd has been the successful tenderer. The 2016 Shire of Broome Directory is now in production for distribution early next year under the final year of the current contract.

## COMMENT

The Shire of Broome Directories produced by Market Creations have been well received by the community, and the production and distribution process has run smoothly. Under the current contract the benefit to the community includes payment of \$80,000 each year to the Shire of Broome and \$30,000 each year to the Broome Chamber of Commerce and Industry.

Market Creations is a WALGA Preferred Supplier and as such Council is not required to call for tenders if it wishes to award the 2017 and 2018 contract to Market Creations. However, the officer's recommendation is that the directory again be put to tender so as to provide an opportunity for local operators to bid for the contract. The Shire of Broome Local Regional Price Preference Policy 1.2.9 would continue to be included in the tender specification to maximise opportunities for the economic development of business and industry in the Shire.

The recommendation is also to utilise the WALGA Procurement Consultancy Service to conduct the tender process. WALGA has an established procurement consultancy team of qualified specialists with long-standing experience in numerous areas dedicated to the provision of high quality and fully compliant procurement services to local government.

The benefits of using the WALGA Procurement Consultancy Service to conduct the tender include:

- Independence – Provides impartiality to the procurement process with no vested interest in the procurement outcome. This assists in eliminating perceived bias relative to existing supplier relationships.
- Transparency - Demonstrates transparency to stakeholders in decision making through the documentation and reporting provided.
- Risk Management – Minimises regulatory and procurement risk.
- Probity – The ability to assess a procurement process from a neutral perspective, free from internal or local barriers or obligations.
- Professionalism – The Service delivers specialist procurement expertise in all aspects of the procurement process.
- Efficiency – The Service offers increased procurement process efficiencies through its team of procurement professionals and the systems utilised.

A quote of \$6783.75 has been received for the WALGA Procurement Consultancy Service to manage the process. This includes reviewing the tender specification, preparing Request for Tender documentation, advertising, managing enquiries and receiving submissions through the open period, evaluating and scoring submissions, preparing a recommendation report, preparing contract documentation and notification letters, and conducting supplier debriefs.

The tender process would run in early 2016 and at the conclusion an assessment report and recommendation would be presented to Council for its endorsement.

## CONSULTATION

WA Local Government Association Procurement Consultancy Service.

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

**STATUTORY ENVIRONMENT**

## Local Government Act 1995

## 1.8 Statewide public notice

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

## 3.57 Tenders for providing goods or services

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

## Local Government (Functions and General) Regulations 1996

## 5 R14 and R15

## 14. Requirements for publicly inviting tenders

- (1) *When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.*
- (2) *If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.*
- (2a) *If a local government —*
  - (a) *is required to invite a tender; or*
  - (b) *not being required to invite a tender, decides to invite a tender, the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.*
- (3) *The notice, whether under subregulation (1) or (2), is required to include —*
  - (a) *a brief description of the goods or services required;*
  - (b) *particulars identifying a person from whom more detailed information as to tendering may be obtained;*
  - (c) *information as to where and how tenders may be submitted; and*
  - (d) *the date and time after which tenders cannot be submitted.*
- (4) *In subregulation (3)(b) a reference to detailed information includes a reference to —*
  - (a) *such information as the local government decides should be disclosed to those interested in submitting a tender;*
  - (b) *detailed specifications of the goods or services required;*
  - (c) *the criteria for deciding which tender should be accepted;*
  - (d) *whether or not the local government has decided to submit a tender; and*
  - (e) *whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.*
- (5) *After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.*

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

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

#### 15. Minimum time to be allowed for submitting tenders

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

### **POLICY IMPLICATIONS**

Local Regional Price Preference Policy 1.2.9

### **FINANCIAL IMPLICATIONS**

The Shire of Broome has historically been paid a Production Fee by the tenderer, and all costs associated with the production, printing and distribution of the Directory will be met by the tenderer.

A quote for \$6783.75 has been received for the WALGA Procurement Consultancy Service to manage the tender process. There is \$6000 allocated in the Shire of Broome 2015/16 Budget for this purpose and the remainder can be covered through the quarterly FACR process.

### **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.

High level social capital to increase community capacity.

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

Affordable and equitable services and infrastructure.

Key economic development strategies for the Shire which are aligned to regional outcomes working through recognised planning and development groups/committees.

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

Effective community engagement.

### **VOTING REQUIREMENTS**

*Simple Majority*

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

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)****Moved: Cr C Mitchell****Seconded: Cr W Fryer****That Council:**

- 1. Engage the WA Local Government Association Procurement Consultancy Service to independently operate the tender process for the Shire of Broome Directory for 2017 with an option for 2018.**
- 2. Be presented with a recommendation report at the end of the process to award the tender for the Shire of Broome Directory for 2017 with an option for 2018.**

**CARRIED UNANIMOUSLY 6/0****Attachments**

Nil

**10.**

**REPORTS  
OF  
COMMITTEES**

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

## 10.1 MINUTES OF THE BROOME CEMETERY ADVISORY COMMITTEE MEETING HELD 7 OCTOBER 2015

**LOCATION/ADDRESS:** Nil  
**APPLICANT:** Nil  
**FILE:** CTE39  
**AUTHOR:** Senior Administration and Governance Officer  
**CONTRIBUTOR/S:** Manager Governance  
**RESPONSIBLE OFFICER:** Director Corporate Services  
**DISCLOSURE OF INTEREST:** Nil  
**DATE OF REPORT:** 20 October 2015

**SUMMARY:** This report presents the minutes of the Broome Cemetery Advisory Committee (BCAC) held 7 October 2015 and advises Council of the matters discussed at the meeting.

### BACKGROUND

#### Previous Considerations

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

A meeting was held on Wednesday 7 October 2015 and the Minutes from this meeting are attached (attachment 1).

### COMMENT

The Committee noted the Burial Statistics Report for burials that occurred in all Cemeteries within the Shire of Broome for the period 6 August to 7 October 2015 and made the following recommendation to Council:

#### **COMMITTEE RECOMMENDATION:** **(REPORT RECOMMENDATION)**

**Moved: Cr A Poelina**

**Seconded: Mr R Crook**

***That the Broome Cemetery Advisory Committee notes the Burial Status Report for the period 6 August to 7 October 2015 inclusive.***

**CARRIED UNANIMOUSLY 6/0**

\*\*\*\*\*

The Committee also noted the Cemeteries Financial Report as at 30 September 2015 and made the following recommendation to Council:

#### **COMMITTEE RECOMMENDATION:** **(REPORT RECOMMENDATION)**

**Moved: Ms A Booth**

**Seconded: Cr A Poelina**

***That the Broome Cemetery Advisory Committee notes the Cemeteries Financial Report as at 30 September 2015 as attached.***

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



**CARRIED UNANIMOUSLY 6/0**

\*\*\*\*\*

A report was presented to the Committee providing details of the comments received from the community and stakeholders following Community Engagement process for the Draft Broome Cemetery Master Plan. The advertising period commenced on the 30 July 2015 and closed on 1 October 2015, with 13 submissions being received.

The Committee received the submissions on the Broome Cemetery Draft Master Plan and made the following recommendation to Council:

**COMMITTEE RECOMMENDATION:**  
**(REPORT RECOMMENDATION)**

**Moved: Mr R Crook**

**Seconded: Fr M Boyers**

***That the Committee:***

- 1) *Receives the submissions on the Broome Cemetery Draft Master Plan;***
- 2) *Requests the Chief Executive Officer to review submissions and provide recommendations on the Broome Cemetery Draft Master Plan to the Broome Cemetery Advisory Committee.***

**CARRIED UNANIMOUSLY 6/0**

\*\*\*\*\*

The Committee held a brief discussion regarding the number of unmarked graves within the Broome Cemetery and made the following recommendation to Council:

**COMMITTEE RECOMMENDATION:**

**Moved: Ms A Booth**

**Seconded: Mr R Crook**

***That the Chief Executive Officer be requested to investigate marking in some form or other of all graves so as to identify that there is a possible interment in that area.***

**CARRIED UNANIMOUSLY 6/0**

\*\*\*\*\*

Former Cr Graeme Campbell presented a letter to the Committee at the meeting applying for membership to the Broome Cemetery Advisory Committee as a Community Member.

The Committee made the following recommendation to Council:

**COMMITTEE RECOMMENDATION**

**Moved: Ms C Masuda**

**Seconded: Cr A Poelina**

***That the Committee recommends that Council appoint Graeme Campbell to the Broome Cemetery Advisory Committee.***

**CARRIED UNANIMOUSLY 5/0**

## CONSULTATION

Broome Cemetery Advisory Committee (BCAC)

## STATUTORY ENVIRONMENT

### 5.9. Committees, types of

- (1) In this section —  
**other person** means a person who is not a council member or an employee.
- (2) A committee is to comprise —
  - (a) council members only; or
  - (b) council members and employees; or
  - (c) council members, employees and other persons; or
  - (d) council members and other persons; or
  - (e) employees and other persons; or
  - (f) other persons only.

### 5.10. Committee members, appointment of

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

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

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Options and costs associated with the marking of graves will be investigated by the Infrastructure Department and reported back to the Broome Cemetery Advisory Committee for a recommendation to Council.

## RISK

The risk of not adequately considering the submissions made during the public consultation period is a “High” risk, as it would be “Likely” that there would be a “Moderate” impact to the Shire's reputation. This risk would be mitigated by appropriately considering and making comment against all submissions received during the public consultation period.

It is considered that the risks associated with the other recommendations contained within this report are minimal.

## 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

Accessible and safe community spaces

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:**

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

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

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

### **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:**

An organisational culture that strives for service excellence

Effective community engagement

Improved systems, processes and compliance

**VOTING REQUIREMENTS***Absolute Majority***REPORT RECOMMENDATION:***That Council:*

1. *Receives the Broome Cemetery Advisory Committee Minutes of 7 October 2015, and endorses the recommendations contained in the attached Minutes document.*
2. *Appoints Graeme Campbell as a member of the Broome Cemetery Advisory Committee as a community representative.*
3. *Requests the Chief Executive Officer to update the Terms of Reference accordingly.*

**(ABSOLUTE MAJORITY REQUIRED)****COUNCIL RESOLUTION:****Moved: Cr D Male****Seconded: Cr W Fryer*****That Council:***

1. ***Receives the Broome Cemetery Advisory Committee Minutes of 7 October 2015, and endorses the recommendations contained in the attached Minutes document with the exception of the recommendation regarding appointment to the Committee.***
- 2.. ***Notes that the appointment of further members will be considered when this Committee is reviewed in 2016.***

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0*****Reason: Council will be undertaking a review of this Committee in 2016 and will consider membership at this time.*****Attachments**

1. Minutes BCAC 7 October 2015

## 10.2 MINUTES ARTS CULTURE AND HERITAGE ADVISORY COMMITTEE MEETING 15 OCTOBER 2015

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	RCS12
<b>AUTHOR:</b>	Youth and Community Development Officer
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Deputy Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	30 October 2015

**SUMMARY:** This report presents the Minutes and associated recommendations of the Arts, Culture and Heritage Advisory Committee meeting held 15 October 2015 for Council's consideration.

### BACKGROUND

The Arts, Culture and Heritage Advisory Committee (ACHAC) meets quarterly to provide advice to Council on matters relating to arts, culture and heritage.

#### Previous Considerations

As outlined in the attached Minutes

### COMMENT

The Minutes of the ACHAC meeting held 15 October 2015 are attached. At this meeting one item was considered:

#### 5.1 Provision of Public Art Masterclass for Local Artists

This report outlines a proposal to hold a two day public art workshop in Broome for local artists in response to community feedback received during the preparation of the Public Art Master Plan. The ACHAC was requested to make a recommendation regarding the level of fee subsidy to be provided by the Shire of Broome for Council's consideration.

The ACHAC recommends that a 50 per cent subsidy is offered by the Shire of Broome and participants are charged a fee of \$95 to attend. In order to ensure the Masterclass is accessible to all community members the committee also recommends that a concession card holders rate of \$60 per person is applied and that any support workers who may accompany an artist will be admitted free of charge.

### CONSULTATION

As outlined in the Minutes attached.

### STATUTORY ENVIRONMENT

As outlined in the Minutes attached however the recommendation is to set a new fee for these workshops in accordance with the Local Government Act 1995.

### POLICY IMPLICATIONS

As outlined in the Minutes attached.

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

## FINANCIAL IMPLICATIONS

Officers have sought a quotation from Artsource which is currently the only recognised supplier of this master class series. The cost breakdown of delivering the series is outlined in the table below.

### Service:

Public Art Masterclass	Cost	Remarks
Artist/Consultant Fees	6,500	3 artists/consultants x 3 days plus travel
Flights	1,800	3 x \$600 Perth – Broome return
Accommodation	960	3 x nights
Per Diems	720	\$80/night x 3 nights x 3 people
Venue hire	780	
Catering and materials	600	
Promotion	400	
<b>TOTAL</b>	<b>\$11,760</b>	
2015/16 Budget allocation	\$11,850	GL account 116120

Artsource is the peak body in Western Australia for visual arts and reports that it charges a fee of approximately \$190 for a two day workshop for Perth based training.

It is recommended the Shire provides a 50% subsidy to the recommended workshop fee resulting in each participant paying \$95. It is also recommended that a concession card holders rate of \$60 per person is made available. It is envisaged that the workshops will attract approximately 10 participants. Based on a fee of \$95 per participant, this would generate income of \$950 which could be used to offset some of the Shire's costs. This figure may vary based on participant numbers and provision of the concession fee.

It is recommended a budget amendment is presented to Council as part of the second quarter Financial and Costings Review to account for the income generated by the subsidised fee.

### RISK

As outlined in the Minutes attached.

## 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

High level social capital that 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

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

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 and equitable services and infrastructure

**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

Responsible resource allocation

Effective community engagement

#### **VOTING REQUIREMENTS**

*Absolute Majority*

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

**Moved: Cr C Mitchell**

**Seconded: Cr B Rudeforth**

***That Council receives the Minutes of the Arts Culture and Heritage Advisory Committee meeting held on 15 October 2015 and endorses the recommendations of the Committee (as contained in the Minutes attached) enbloc.***

***CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0***

#### **Attachments**

1. ACHAC Minutes 151015

**10.3 BUSH FIRE ADVISORY COMMITTEE MEETING MINUTES 14 OCTOBER 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>	29 October 2015

**SUMMARY:** The Bush Fire Advisory Committee (BFAC) met on 14 October 2015. This report requests that Council receive and endorse the minutes and adopt the recommendations of the meeting, and to receive and note the Status Report of Actions undertaken associated with previous meetings.

**BACKGROUND**Previous Considerations

OMC 30 April 2015	Item 10.1
OMC 25 June 2015	Item 10.3
OMC 30 July 2015	Item 10.1

The Bush Fire Advisory Committee 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 fire breaks in the district.
3. Prosecutions for breaches of the Bush Fire Act 1956.
4. The formation of Bush Fire Brigades.
5. Coordination and cooperation between agencies within the district.

**COMMENT**

The unconfirmed minutes of the meeting held 14 October 2015 includes (Attachment 1):

1. Correspondence In/Out
2. The Department of Fire and Emergency Services Report
3. The proposed new DFES Facility – Volunteer Bush Fire Brigade Site
4. Round Table Discussion on updates from each organisation
5. Status Report (Attachment 2)

No formal resolution that requires Council consideration was passed at BFAC meeting. It is however important for Council to note that a new site has been identified for a Bushfire Management Facility along Broome Road, as included in the unconfirmed minutes. Council should also note that Officers will continue to work with the Department of Fire and Emergency Services to progress this facility within budget constraints and operational capacity.

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



## 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

Nil

## STRATEGIC IMPLICATIONS

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

Effective communication

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

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**

*Simple Majority*

#### **COUNCIL RESOLUTION:** **(REPORT RECOMMENDATION)**

**Moved: Cr C Mitchell**

**Seconded: Cr D Male**

**That Council:**

- 1. Receives and endorses the minutes of the Bush Fire Advisory Committee of 14 October 2015.**
- 2. Receives and notes the actions undertaken by the Bush Fire Advisory Committee over the last 2 years contained in Attachment 2.**

**CARRIED UNANIMOUSLY 6/0**

### **Attachments**

1. BFAC Minutes - 14 October 2015
2. Attachment 2: BFAC Action Status Report

**10.4 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING MINUTES 14 OCTOBER 2015**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	LEMC02
<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>	29 October 2015

**SUMMARY:** The Local Emergency Management Committee (LEMC) met on the 14 October 2015. This report requests that Council receive and endorse the minutes and adopt the recommendations of the meeting, and to receive and note the Status Report of Actions undertaken associated with previous meetings.

**BACKGROUND**Previous Considerations

OMC 26 February 2015	Item 10.2
OMC 30 April 2015	Item 10.4
OMC 15 October 2015	Item 10.1

The Local Emergency Management Committee (LEMC) is established under the Emergency Management Act 2005 as a Committee of Council. Its purpose is to assist the Broome Local Emergency Coordinator (Officer in Charge of Police sub-district) to develop and maintain effective emergency management arrangements for the local area. Its objectives include;

1. Liaise with participating agencies in the development, review and testing of emergency management arrangements.
2. Assist with the preparation of emergency management operating procedures for application in the local area.
3. Prepare an annual report on Committee activities for submission to the District Emergency Management Committee.
4. Participate in the emergency risk management process.
5. Carry out other emergency management functions as directed by the District Emergency Management Committee.

**COMMENT**

The unconfirmed minutes of the meeting held 14 October 2015 includes (Attachment 1):

1. Department of Transport – nationally accredited oil spill response course on 29 & 30 July 2015.
2. Correspondence In/Out
3. WA State Plan, Policy & Procedure Review Consultation Period.
4. Field Airport Exercise on Saturday 31 October 2015.

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

5. Round Table discussions on recent activities from each Organisation.
6. Status Report (Attachment 2)

No formal resolution that requires Council consideration was passed at LEMC meeting.

## CONSULTATION

As per the membership of the LEMC

## STATUTORY ENVIRONMENT

### **Emergency Management Act 2005**

*Section 36 Functions of local government*

*It is a function of a local government —*

- (a) *subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district;*
- (b) *to manage recovery following an emergency affecting the community in its district; and*
- (c) *to perform other functions given to the local government under this Act.*

*Section 41 Emergency management arrangements in local government district*

- (1) *A local government is to ensure that arrangements (local emergency management arrangements) for emergency management in the local government's district are prepared.*
- (2) *The local emergency management arrangements are to set out —*
  - (a) *the local government's policies for emergency management;*
  - (b) *the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;*
  - (c) *provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b);*
  - (d) *a description of emergencies that are likely to occur in the local government district;*
  - (e) *strategies and priorities for emergency management in the local government district;*
  - (f) *other matters about emergency management in the local government district prescribed by the regulations; and*
  - (g) *other matters about emergency management in the local government district the local government considers appropriate.*
- (3) *Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.*
- (4) Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.**
- (5) *A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared.*

*Section 42 Reviewing and renewing local emergency management arrangements*

- (1) *local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC.*

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

- (2) *Local emergency management arrangements may be amended or replaced whenever the local government considers it appropriate.*

*Section 43 Local emergency management arrangements to be available for inspection*

- (1) *A local government is to keep a copy of its local emergency management arrangements at the offices of the local government.*
- (2) *The arrangements are to be available for inspection, free of charge, by members of the public during office hours.*
- (3) *The arrangements may be made available in written or electronic form.*

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

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

Affordable services and initiatives to satisfy community need

A healthy and safe environment

**Our 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*

### **COUNCIL RESOLUTION:** **(REPORT RECOMMENDATION)**

**Moved: Cr C Mitchell**

**Seconded: Cr B Rudeforth**

**That Council:**

- 1. Receives and endorses the minutes of the Local Emergency Management Committee of 14 October 2015.**
- 2. Receives and notes the actions undertaken by Local Emergency Management over the last 2 years as contained in Attachment 2.**

**CARRIED UNANIMOUSLY 6/0**

**Attachments**

- 1. LEMC Minutes - 14 October 2015
- 2. Attachment 2: LEMC Action Status Report

**11. NOTICES OF MOTION**

Nil

**12. BUSINESS OF AN URGENT NATURE**

Nil

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

Nil

**14. MATTERS BEHIND CLOSED DOORS**

**COUNCIL RESOLUTION:**

**Moved: Cr C Mitchell**

**Seconded: Cr D Male**

***That in accordance with Section 5.23(2) of the Local Government Act 1995 the meeting be closed to the public at 5.35pm.***

**CARRIED UNANIMOUSLY 6/0**

***Members of the Public Gallery departed the Chambers at 5.35pm.***

***This item and any attachments are confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(ii)) as it contains "a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government", and 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", and 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".***

**9.4.7 BUDGET AMENDMENT - BROOME TOWNSITE COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN (CHRMAP)**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	ACC06
<b>AUTHOR:</b>	Strategic 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>	30 October 2015

**SUMMARY:** The Shire has received grant funding to prepare a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for the townsite of Broome, to help implement the outcomes of the Coastal Vulnerability Study. The funding conditions require

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

a dollar for dollar contribution by the Shire. This report requests that Council amend the 2015/16 budget to allocate \$100,000 to the CHRMAP, as identified in the Corporate Business Plan. It is proposed that the \$50,000 of municipal funds required be allocated from savings achieved in the Development Services Directorate during the first quarter of this financial year.

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

**Moved: Cr D Male**

**Seconded: Cr M Croft**

**That Council:**

1. **Amends the 2015-16 annual budget by inserting the following line item in 'Protection of Environment – Operating Income' in the responsible officer budget DS1 (Director Development Services) as follows:**

**Account #: 105541 - Coastal Grants & Reimb Rec'd Op Inc - Protection of Environment**

**Description : Project Grant Income – Op Inc – Development Services**

**Original Budget: \$50,000**

**Comments: 11- Grant funding**

2. **Amends the 2015-16 annual budget by inserting the following line item in 'Protection of Environment - Operating Expenditure' in the responsible officer budget DS1 (Director Development Services) as follows:**

**Account #: 105546 - Consultants - Environmental - Op Exp - Prot of Environ**

**Job #: 105550 - Project - Broome Townsite Coastal Hazard Risk Mgt & Adaptation Plan Consult -Op Exp - Prot of Envrn**

**Description : Project – Broome Townsite Coastal Hazard Risk Management and Adaptation Plan Consultant – Op Ex – Prot of Env**

**Original Budget: \$100,000**

**Comments: 35 –Project brief – CHRMAP CBP 2.3.2.5. \$50k grant funding**

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0**

**Attachments**

1. Attachment 1 - Letter of Success

**COUNCIL RESOLUTION:**

**Moved: Cr C Mitchell**

**Seconded: Cr D Male**

**That the Meeting be open again to the public at 5.36pm.**

**CARRIED UNANIMOUSLY 6/0**

**The Council chambers were opened at 5.36pm and it was noted that no members of the public returned to the Chambers.**

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



<b>15. MEETING CLOSURE</b>
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There being no further business the Chairman declared the meeting closed at 5.36pm.

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