



AGENDA

FOR THE

ORDINARY MEETING OF COUNCIL

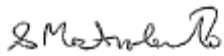
30 MAY 2024

NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of Council will be held on Thursday, 30 May 2024 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 3.00PM.

Regards,



S MASTROLEMBO
Chief Executive Officer

23/05/2024

Our Mission

"To deliver affordable and quality Local Government services."

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 in section 5.25 of the *Local Government Act 1995* 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.

Should you require this document in an alternative format please contact us.

Councillor Attendance Register										
Councillor		Cr C Mitchell	Cr D Male	Cr E Foy	Cr P Matsumoto	Cr B Rudeforth	Cr P Taylor	Vacant Seat	Vacant Seat	Vacant Seat
2023	25 May									
2023	29 June									
2023	27 July					E				
2023	31 August					E				
2023	28 September		E		LOA	E				
2023	19 October			A		E				
Post 2023 Local Government Elections										
Councillor		Cr C Mitchell	Cr D Male	Cr J Lewis	Cr J Marnid	Cr P Matsumoto	Cr E Smith	Cr P Taylor	Cr M Virgo	Vacant Seat
2023	16 November							LOA		
2023	14 December									
2024	29 February									
2024	28 March	E								
2024	24 April	E								

- **LOA (Leave of Absence)**
- **A (Apologies)**
- **E (Attended Electronically)**
- **NA (Non-Attendance)**
- **R (Resignation)**

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.

SHIRE OF BROOME
ORDINARY MEETING OF COUNCIL
THURSDAY 30 MAY 2024

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1. OFFICIAL OPENING

2. ATTENDANCE AND APOLOGIES

Leave of absence was previously granted to Cr E Smith.

3. ANNOUNCEMENTS BY PRESIDENT

4. DECLARATIONS OF INTEREST

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 24 April 2024, as published and circulated, be confirmed as a true and accurate record of that meeting.

8. PRESENTATIONS / PETITIONS / DEPUTATIONS

There are no reports in this section.

9. REPORTS FROM OFFICERS

9.1 PEOPLE

9.1.1 LOCAL PLANNING POLICY REVIEW - POST GAZETTAL OF LOCAL PLANNING SCHEME NO.7

LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of Broome
FILE:	PLA08
AUTHOR:	Planning Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

Local Planning Scheme No 7 (LPS7) was gazetted on 28 September 2023 and a full review of the Shire's existing Planning Policies and Local Planning Policies has been undertaken to ensure alignment.

The review was undertaken to ensure that the Policies reference the correct Scheme, updated zones and land use definitions.

The purpose of this report is to present the reviewed Policies to Council for consideration and it is recommended that Council adopt the amendments to the Local Planning Policies.

BACKGROUND

Previous Considerations

OMC 26 February 2015	Item 9.2.2
OMC 30 July 2015	Item 9.2.3

The Shire of Broome has 25 Local Planning Policies (the Policies) and the last full review of LPP's occurred in July 2015 following the gazettal of Local Planning Scheme No 6. Local Planning Policies are prepared and adopted to provide guidance on the exercise of discretion on planning matters or to establish standards to guide appropriate development within the Shire of Broome.

The Policies are adopted pursuant to Part 2 clause 4 of the deemed provisions (the deemed provisions are contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*. Planning policies may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions have been completed.

The Policies require review to ensure that they are all relevant to the new Scheme.

COMMENT

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

To ensure that appropriate guidance is provided all Planning Policies require review due to the gazettal of LPS7. The purpose and intent of the Policies has not been altered through this review process. A summary of the amendments together with the rationale is contained in **Attachment No 1** and all Policies are attached and any changes are shown tracked in **Attachment No 2**.

The key changes performed include:

- Update to the adoption provisions – previously Local Planning Policies were adopted under Local Planning Schemes. When the Planning and Development (Local Planning Schemes) Regulations 2015 came into effect, the administrative sections of Schemes were removed and inserted into the Deemed Provisions (which included the adoption and review of LPP's). As such the adoption provisions have been updated.
- Update to the references throughout LPS7 including any subsequent changes to zoning title's, definitions and numbering of clause provisions.
- Updates to legislation or other Policy updates made since the last LPP review.

While the changes proposed are deemed minor and administrative in nature, an overview of amendments to LPP's that are beyond the above description are outlined below:

LPP 5.7 - Development Standards for Development Applications

This policy establishes minimum standard for development to maintain and enhance the amenity and natural environment. It is proposed to include an update to the development standards for crossovers in the Broome Road Industrial Estate and Port Drive Industrial Area, where crossings of road side swales are required. The Policy update clarifies that in these situations the custom crossover design prepared by Development WA for the Broome Road Industrial Estate will be required and for the Port Drive Industrial Area, an engineer will be required to be engaged if the crossover intersects with a road side swale.

LPP 5.14 – Public Consultation

This policy is designed to clearly define consultation required to meet the statutory and standard consultation requirements for planning matters.

It is recommended that the policy be updated to include email as a form of consultation as well as the existing letter and public advertising formats. Email will be the preferred method of communication, for the following reasons:

- To reduce paper usage;
- Timeliness of delivery - emails result in direct notice to the recipient, which is preferred given the high proportion of remote owners in Broome, the prevalence of PO Box addresses in Broome and also as Australia Post has reduced the frequency of mail delivery in Broome.
- Reduce postage operational costs to the Shire.
- Aligns with feedback received during engagement undertaken as part of the Corporate Communications and Engagement Strategy.

If the Shire does not hold email addresses for property owners, letters will be posted.

It is also proposed to amend the level D consultation requirements by updating the minimum advertising period from 21 to 28 days to align with changes to the Deemed Provisions and also to remove the requirement specifying that a notice in the newspaper must be repeated over the duration of the consultation period. Level D consultation is the highest level of engagement and requires preparation of a Community Engagement Plan, which would involve various different mediums for seeking community input and feedback on a planning project. The specific need for a minimum of two notices in a newspaper is unlikely to realise improved engagement given the improved reach other platforms have (such as social media).

LPP – 5.22 – Shire of Broome Structure Plan and Subdivision Standards

Infrastructure have performed a review of this LPP and proposed some minor adjustments to the footpath widths in proximity to schools and updates to the reticulation specifications for Public Open Space (POS) areas.

The Policy will be further reviewed, specifically Table 1 – POS Distribution and Development Criteria when the Playground Strategy is finalised. Further, the State is in the process of reviewing Liveable Neighbourhoods which would trigger a detailed review of this Policy, once released.

Local Planning Policy 5.18

Bed and Breakfast is recommended to be revoked as the Bed and Breakfast land use is now a 'P' (permitted) land use under LPS7 and as such does not require development approval from the Shire. As approval is no longer required and the Scheme provides standards relating to car parking for this use, the Policy is no longer required.

Further, it is noted that the State will be introducing new legislation that comes into effect on 1 July 2024 for all Short-Term Rental Accommodation operators. The operators within Western Australia will be required to register their property to operate and advertise, including on online booking platforms. Local government officers will have access to the register for properties in their Local Government Act, so the Shire will have visibility of operating hosted accommodation providers in the Shire boundaries.

Summary

Based on the above comments, it is recommended that Council adopts the proposed amendments to the Local Planning Policies, as set out in Attachment No 2.

CONSULTATION

The Deemed Provisions as outlined below establish the procedure for amending a local planning policy and establish that a local government may make amendment to a local planning policy if it is of the opinion the amendment is minor. As set out above, the amendments proposed are administrative in nature and do not alter the purpose or intent of the Policy, as such it is deemed that the amendments are minor and in this case can proceed without advertising.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 7

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

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 in accordance with clause 87 the proposed policy and a notice giving details of —
 - i. the subject and nature of the proposed policy; and
 - ii. the objectives of the proposed policy; and
 - iii. how the proposed policy is made available to the public in accordance with clause 87; and
 - iv. the manner and form in which submissions may be made; and
 - v. the period for making submissions and the last day of that period;
 - (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 specified in a notice under subclause (1)(a)(v) must not be less than the period of 21 days after the day on which the notice is first 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 —
 - vi. proceed with the policy without modification; or
 - vii. proceed with the policy with modification; or
 - viii. not to proceed with the policy.
- (3A) The local government must not resolve under subclause (3) to proceed with the policy if —
 - (a) the proposed policy amends or replaces a deemed-to-comply provision of the R-Codes; and
 - (b) under the R-Codes, the Commission's approval is required for the policy; and
 - (c) the Commission has not approved the policy.
4. If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87.
5. A policy has effect on publication of a notice under subclause (4).
6. The local government must ensure that an up-to-date copy of each local planning policy made under this Scheme that is in effect is published in accordance with clause 87.

7. *Subclause (6) is an ongoing publication requirement for the purposes of clause 87(5)(a).*

5. Procedure for amending local planning policy

1. *Clause 4, with any necessary changes, applies to the amendment to a local planning policy.*
2. *Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.*

6. Revocation of local planning policy

A local planning policy may be revoked –

- a) *by a subsequent local planning policy that*
 - i. *is prepared in accordance with this Part; and*
 - ii. *expressly revokes the local planning policy;*
- or
- (b) *by a notice of revocation -*
 - i. *prepared by the local government; and*
 - ii. *published by the local government in accordance with clause 87.*

POLICY IMPLICATIONS

As above.

FINANCIAL IMPLICATIONS

The cost of advertising has been accounted for by existing budget allocations.

RISK

Nil.

STRATEGIC ASPIRATIONS

Performance - We will deliver excellent governance, service & value for everyone.

Outcome 11 - Effective leadership, advocacy and governance

Objective 11.2 Deliver best practice governance and risk management.

Outcome 12 - A well informed and engaged community

Objective 12.1 Provide the community with relevant, timely information and effective engagement.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION:

That Council:

1. Pursuant to Part 2 clause 5 of the Deemed Provisions, adopts the minor amendments to the following Local Planning Policies as set out in Attachment No 2,:
 - LPP 5.1 - Outdoor Dining
 - LPP 5.2 - Staff Accommodation in the Rural, Rural Small-Holdings and Cultural and Natural Resource Use Zone
 - LPP 5.3 - Miscellaneous Structures
 - LPP 5.4 - Heritage List Development of Listed Places
 - LPP 5.5 - Transient Workers Accommodation
 - LPP 5.6 - Parking
 - LPP 5.7 - Development Standards for Development Applications
 - LPP 5.8 - Fences
 - LPP 5.9 - Development Approvals - Amendments Extensions to Term of Approval and Requests for Further Information
 - LPP 5.10 - Signs
 - LPP 5.11 - Telecommunications Infrastructure
 - LPP 5.12 - Provision of Public Art
 - LPP 5.13 - Design Guidelines Regional Centre Zone
 - LPP 5.14 - Public Consultation Planning Matters
 - LPP 5.15 - Forms of Residential Accommodation
 - LPP 5.16 - Old Broome Development Strategy
 - LPP 5.17 - Caretakers Dwelling Attached Offices in the Light Industry Zone
 - LPP 5.19 - Strata Titling of Tourist Developments in the Tourism Zone
 - LPP 5.20 - Exempt Development
 - LPP 5.21 - Non-Conforming Use Register
 - LPP 5.22 - Shire of Broome Structure Plan and Subdivision Standards
 - LPP 5.23 - Coastal Planning
 - LPP 5.24 - Design Review Panel
 - LPP 5.25 - Holiday House
2. Pursuant to Part 2 clause 6 of the Deemed Provisions, revokes Local Planning Policy 5.18 - Bed and Breakfast.

Attachments

1. Summary of changes and recommendation
2. Tracked changed amended LPP's

Existing Policy Title	Proposed New Policy Title	Recommendations/ Amendments	Comments
5.1 – Outdoor Dining	N/A	Updated reference	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document
		Background Updated	Sentence Change from planning approval to development approval. This is consistency with the wording from LPS7.
		Clause 1.11 – which outlines that applications in the Town Centre Design Guidelines area (i.e. Chinatown) must include a plan showing shade trees to be installed by the developer is proposed to be deleted.	Since the Policy was adopted, the Chinatown Revitalisation project has been implemented which has formalised outdoor dining areas in the precinct and installed shading and landscaping. The need for developers to install shade trees is not applicable given the works implemented and is therefore proposed to be removed.
		Update Adoption Provision	The last Policy review was performed in early 2015, since this time the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> have come into effect. The adoption provisions are now contained in the Deemed Provisions in these Regulations so text has been updated to be consistent.
5.2 – Staff Accommodation in the General Agriculture, Rural Small Holdings and Culture and Natural Resource Use Zones	5.2 Workforce Accommodation in the Rural, Rural Smallholdings and Cultural and Natural Resource Use Zones.	Update to reference to land use definitions and zones throughout the Policy.	To be consistent with the terms used in LPS7.
		Updated reference	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document
		Update Adoption Provision	The last Policy review was performed in early 2015, since this time the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> have come into effect. The adoption provisions

			are now contained in the Deemed Provisions in these Regulations so text has been updated to be consistent.
5.4- Heritage List - development of listed places	N/A	Updated reference	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document.
		Reference to Conservation Plan proposed to be deleted and replaced with Heritage Impact Statement	To be consistent with terminology referenced in Heritage Council of WA Guidelines.
		Additional background text is proposed to be inserted to clarify what places form part of the Shire of Broome Heritage List.	At the Ordinary Meeting of Council on the 27 June 2019, Council adopted all places graded as level A and B on the Shire's Municipal Inventory as the Heritage List. This background text is recommended to be inserted to provide clarity and is not a change to the policy provisions.
		Update Adoption Provision	The last Policy review was performed in early 2015, since this time the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> have come into effect. The adoption provisions are now contained in the Deemed Provisions in these Regulations so text has been updated to be consistent.
5.5 - Transient Workers Accommodation	5.5 Workforce Accommodation	Updated references.	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document.
		Delete objective 3 of the Policy which currently states: 'Discourage transient workforce accommodation in the Town Centre, Residential Industry or Tourism zones'.	Workforce Accommodation is now a defined land use under LPS7 and the land use permissibility is now contained in the zoning table. Inclusion of the land use and permissibility's has made this objective obsolete.

			Note: the land use is listed as 'X' in the Residential, Rural Residential, Service Commercial, General Industry and Light Industry zones. In all other zones it is listed as an 'I' which means that it has to be incidental to a predominate land use on site.
		Remove definitions of 'transient workforce accommodation facility' and 'transient workforce' and replace with 'Workforce Accommodation'.	To be consistent with the land use definition under LPS7.
		Delete clause 1.1 (which outlines that the land use will be treated as a use not listed under LPS7) and clause 1.2 (zones where the land use would not be supported).	As this is now a defined land use and included in the zoning table, this provision is obsolete and inconsistent with the Scheme.
5.6 – Parking	N/A	Updated reference	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document.
		Update reference to LPS7 throughout and amend zoning title from 'Town Centre' to 'Regional Centre' and 'District Centre' from 'Local Centre' 'Light and Service Industry' to 'Light Industry' and 'General Agriculture' to 'Rural'.	To reflect gazettal of LPS7.
		Update Adoption Provision	The last Policy review was performed in early 2015, since this time the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> have come into effect. The adoption provisions

			are now contained in the Deemed Provisions in these Regulations so text has been updated to be consistent.
5.7 - Development standards for development applications	N/A	Updated reference	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document.
		Update Adoption Provision	The last Policy review was performed in early 2015, since this time the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> have come into effect. The adoption provisions are now contained in the Deemed Provisions in these Regulations so text has been updated to be consistent.
5.8 Fences	N/A	Updated reference	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document.
		Update Appendix One – Form of Public Notice	To be consistent with the wording of advertising notices in the Deemed Provisions.
		Update reference to LPS7 throughout and amend zoning title from ‘Industry’ to ‘General Industry’ and ‘General Agriculture’ to ‘Rural’ and ‘Light and Service Industry’ ‘Light Industry’ and ‘Rural Small Holdings’ to ‘Rural Smallholdings’ and ‘Culture and Natural Resource Use’ to ‘Cultural and Natural Resource Use’.	To reflect gazettal of LPS7.
		Update Adoption Provision	The last Policy review was performed in early 2015, since this time the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> have come into effect. The adoption provisions

			are now contained in the Deemed Provisions in these Regulations so text has been updated to be consistent.
5.9 – Development Approvals – Amendments/Extension to Term of Approval and Requests for Further Information	5.9 – Development Approvals – Amendments/extension to Term of Approval	Updated reference	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document.
		Updated definition “Substantial Commencement”	To be consistent with the Deemed Provisions and proposed to retain the example in the previous definition for clarity.
		Delete the section in relation to Further Information Requests	Part 9 of the Deemed Provisions now contain ‘procedures for dealing with applications for development approvals’ including requests for further information. As this is now contained in the Deemed Provisions it is proposed to be removed from the LPP.
5.10 – Signs	N/A	Update Appendix One – Form of Public Notice	To be consistent with the wording of advertising notices in the Deemed Provisions.
		Table under Clause 1.7 and Table 1 – update reference to zones	To be consistent with the change in zoning titles in LPS7.
5.11 - Telecommunications Infrastructure	N/A	Updated reference	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document.
		Updated References to LPS7	Edited Clauses within LPS7 throughout document.

		<p>Updated References to:</p> <ul style="list-style-type: none"> • Commonwealth Telecommunications Code of Practice (2021) • Telecommunications (Low-Impact Facilities) Determination (2018) • Telecommunications Act (1997) 	<p>Updated definition of “Low-Impact Facility” to reflect the definition contained within the Telecommunications (Low-Impact Facilities) Determination (2018).</p> <p>Added additional information to definition of “Mobile telephone service provider” as per the Telecommunications Act, 1997.</p>
5.12 – Provision Of Public Art	N/A	Updated reference	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document.
		Updated Background	Referencing the updated clause in LPS7 and the new wording.
		Update reference to LPS7 throughout and amend zoning title from ‘General Agriculture’ to ‘Rural’ and ‘Rual Small Holdings’ to ‘Rural Smallholdings’ and ‘Culture and Natural Resource Use’ to ‘Cultural and Natural Resource Use’.	To reflect gazettal of LPS7.
		Updated clause 1.4(b)	To reflect updated title of document ‘Guidelines for Developers Provision of Public Art’.
		Update Adoption Provision	The last Policy review was performed in early 2015, since this time the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> have come into effect. The adoption provisions are now contained in the Deemed Provisions in these Regulations so text has been updated to be consistent.

5.13 – Design Guidelines Town Centre Zone	5.13 – Design Guidelines Regional Centre Zone	Updated reference	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document.
		Updated Title	Throughout the document to ‘Regional Centre’
		Update Appendix One – Form of Public Notice	To be consistent with the wording of advertising notices in the Deemed Provisions.
		Proposed to delete clause 2.7 – Floor Levels and Floor Protection	The minimum floor levels have been updated and are contained in LPP 5.23 Coastal Planning. Therefore recommended to be deleted from this LPP.
		Update Adoption Provision	The last Policy review was performed in early 2015, since this time the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> have come into effect. The adoption provisions are now contained in the Deemed Provisions in these Regulations so text has been updated to be consistent.
5.14 – Public Consultation Planning Matters	N/A	Update Appendix One – Form of Public Notice	To be consistent with the wording of advertising notices in the Deemed Provisions.
		Updated reference	Update reference to Local Planning Scheme and Regulations.
		Section 1.0 updated to clarify that consultation can be conducted in the form of letter/ email . Also proposed to include new provision 1.5 to clarify that email will be the preferred consultation method over letters.	To clarify that email notice will be the first preferred method of notification to adjoining landowners for the following reasons: <ul style="list-style-type: none"> • To reduce paper usage; • Timeliness of delivery - Emails result in direct notice to the recipient, which is preferred given the high proportion of remote owners in Broome, the prevalence of PO Box addresses in Broome and also as Australia Post

			<p>has reduced the frequency of mail delivery in Broome; and</p> <ul style="list-style-type: none"> • Reduce postage operational costs to the Shire. <p>Letters will still need to be used when the Shire does not hold email addresses of owners.</p>
		Clause 1.11 (iv) updated to require all landowners within 200m of the site be provided with notification and update clause 1.12 to outline that public comment period will be a minimum of 28 days (currently 21 days).	To be consistent with Clause 64 (3)(b) and Clause 64(6) of the Deemed Provisions.
		<p>Amend Clause 1.16 that relates to Level D consultation to require:</p> <ol style="list-style-type: none"> Minimum 28 day comment period; and To remove the need for local newspaper notices to occur repeatedly over the duration of the process. 	<p>Changes are recommended for the following reasons:</p> <ol style="list-style-type: none"> Level D is the highest consultation level and should be a minimum of 28 days – on average most proposals of this nature are advertised for more than 60 days. Newspaper notices were more effective means of engagement prior to social media and the requirement for two notices in newspapers is onerous and incurs additional costs.
		<p>Schedule 1 updated as follows:</p> <ol style="list-style-type: none"> Remove reference to development strategies. Outline that Telecommunications Infrastructure in the Rural and Cultural and Natural Resource Use zone require Level B consultation. Update the reference to the minimum advertising of a Structure Plan. 	<p>Changes are recommended for the following reasons:</p> <ol style="list-style-type: none"> Development Strategies do not form part of the State Planning Framework and are referred to as Structure Plans. Level A consultation (notice in newspaper, sign on site, etc) considered onerous and offer little value in these two zones. These locations generally have large lot sizes and direct notification to adjoining landowners deemed more appropriate. To be consistent with the Deemed Provisions.

5.15 - Forms of residential accommodation other than single house	N/A		
		Updated reference	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document.
		Update to reference to land use definitions 'Ancillary Dwelling and 'Bed and Breakfast Accommodation', 'Habitable Room', 'Tourist Development' throughout the Policy.	To be consistent with the terms used in LPS7.
		Update clause 7.0.	Clause 7.0 currently outlines that an application for Residential Building will be referred to adjoining landowners for comment for a minimum period of 21 days. A Residential Building is an A use which calls for a higher level of consultation and 28 day comment period (to be consistent with the Deemed Provisions). It is recommended that the Policy is updated to directly reference the LPP 5.14 – Consultation – Planning Matters.
		Update Adoption Provision	The last Policy review was performed in early 2015, since this time the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> have come into effect. The adoption provisions are now contained in the Deemed Provisions in these Regulations so text has been updated to be consistent.
5.16 - Old Broome development strategy	N/A	Updated reference	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document.
		Update reference to LPS7	Update to clause 2.7, 2.12 to new references in LPS7
		Application – delete reference to Local Planning Strategy adopted 21 November 2013	This LPS has been supersede by the Local Planning Strategy endorsed by the WAPC in 2024. Therefore proposed to remove this reference.
		Update Adoption Provision	The last Policy review was performed in early 2015, since this time the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> have come into effect. The adoption provisions

			are now contained in the Deemed Provisions in these Regulations so text has been updated to be consistent.
5.17 - Caretakers dwellings and attached offices in the light and service industry zone	5.17 - Caretakers dwellings and attached offices in the Light Industry zone.	Updated reference	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document.
		Update reference to LPS7 throughout and amend zoning title from 'Light and Service' to 'Light industry'	To reflect gazettal of LPS7.
		Update Adoption Provision	The last Policy review was performed in early 2015, since this time the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> have come into effect. The adoption provisions are now contained in the Deemed Provisions in these Regulations so text has been updated to be consistent.
5.18 – Bed and Breakfast Accommodation		Policy is to be revoked.	<p>LPS7 has permitted Bed and Breakfast Accommodation for the need to obtain development approval through listing it as a 'P' use. Furthermore the State, through proposed changes to the Deemed Provisions in the Planning and Development (Local Planning Schemes) Regulations 2015 are proposing to exempt Bed and Breakfasts from development approval in all local government areas.</p> <p>The Scheme through the land use definition and the parking standards already includes controls relative to Bed and Breakfasts, as such the Policy is no longer required.</p>
5.19 Strata Titling of Tourist Developments in the Tourist zone	5.19 Strata Titling of Tourist Developments in the Tourism zone	Update reference to LPS7 throughout and amend zoning title from 'Tourist' to 'Tourism'	To reflect gazettal of LPS7.

5.20 - Exempt Development	N/A	Updated reference	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document.
		Grammatical	Reworded "Background" as statement paraphrasing clause 61 of the Deemed Provisions was not clear.
		Exempt development added to Table 1 - "EV Charging Infrastructure"	Exempt development added to align with WAPC's position statement "Electric Vehicle Charging Infrastructure" (2024). Policy was reviewed and suggestions to Local Governments for exempt development has been considered and implemented where applicable.
5.21 - Non-conforming Use Register	N/A	Updated reference	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document.
		Definitions for: - "Non-conforming Use" - "Register"	Adjusted to reflect definitions contained within the Planning and Development (Local Planning Schemes) Regulations 2015.
		Updated General Provisions	Adjusted to reflect definitions contained within the Planning and Development (Local Planning Schemes) Regulations 2015.
5.22 - Shire of Broome structure plan and	N/A	Update reference to the IPWEA Guidelines	Refer to the most up to date Guidelines.
		Minor text/administrative modifications to reference the correct Scheme and terminology (which includes deletion of the term development	To ensure update reference is made.

subdivision standards		plan which is not an instrument reference in the planning framework anymore)	
		Updates to the clause 2.7 – pedestrian requirements, which specifically relate to footpath widths.	To be clear on the expected standards for development in proximity to schools and activity centres.
		Updated to section 5 – specifications for reticulate systems in POS – text in this section has been reviewed by Infrastructure services to reflect the updated practices implemented with the local development industry. Changes are largely improved wording and formatting	To improve clarity on specifications for reticulation systems in POS areas.
5.23 – Coastal Planning Policy	N/A	Updated reference to Planning Scheme and clauses	To align with the gazetted LPS7.
		Appendix 4 – Broome Town Centre (Chinatown) Protection Area, the required FFL figure was amended from 6.45m AHD to 5.96m AHD.	<p>When Council adopted the LPP at the OMC on the 28 February 2019, the established FFL for the Chinatown area was amended from 6.45m AHD to 5.96m AHD for the following reasons:</p> <ul style="list-style-type: none"> • During advertising of the draft LPP further advice was sought from DPLH. Specifically, Shire officers sought clarification on whether the FFL for new development in Chinatown is required to be consistent with a 1-in-500 year event within the 2070 period (6.45m AHD), or could be further reduced to a FFL consistent with a 1-in-100 year event (5.96m AHD). • Clarifications were sought as there are already several design constraints that affect new development in Chinatown (such as building height restrictions due to the

			<p>close proximity of Broome International Airport, and increased design standards due to Chinatown’s designation as a registered Conservation Area). Concern was raised that the policy in its original draft form could place onerous requirements on land owners, which would adversely impact commercial viability of development and result in design outcomes that are incongruous with the surrounding built form.</p> <ul style="list-style-type: none"> The lesser FFL was recommended as it is consistent with risk planning in other areas, such as riverine flooding. The approach also balanced risk whilst also ensuring that development standards do not stifle development within the Broome town centre. <p>While the text in the LPP was updated, the Figure was not. This change is correcting an administrative error as the update should have been made following adoption at the February 2019 OMC.</p>
5.24 - Design Review Panel	N/A	Updated reference	Update reference to Local Planning Scheme and Regulations. Edited LPS6 to LPS7 throughout the document.
		Update Appendix One – Form of Public Notice	To be consistent with the wording of advertising notices in the Deemed Provisions.
5.25 - Holiday House	N/A	Updated reference	Edited LPS6 to LPS7 throughout the document
		Dwelling Requirement removed: Minimum 350m2 total Site Area	Removed to reduce confusions with the public regarding Strata owners and reflect that not all properties are in fact above the 350m2 requirements.

		Clause 2.2 expanded.	Reference to LPP 5.10 – Signs made to clarify dimension and location.
		Insert Adoption Provision	Adoption provisions were not included in original policy.

LOCAL PLANNING POLICY

5.1

TITLE:	OUTDOOR DINING
ADOPTED:	OCM 8 June 2006 – Pages 23-25
REVIEWED:	OCM 29 October 2009– Pages 79 – 80 OMC 19 April 2012 – Pages 60 – 61 OMC 30 July 2015 – Pages 28 – 40 OMC 17 December 2015 – Pages 110 – 121 OMC 25 May 2017 – Pages 85 – 260 OMC 14 December 2017 – Pages 1030 - 1043 OMC XX
ASSOCIATED LEGISLATION:	Local Government Act 1995 Local Planning Scheme No 76 (LPS 76)
ASSOCIATED DOCUMENTS:	Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2016
REVIEW RESPONSIBILITY:	Director Development Services
DELEGATION:	Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.
APPLICATION:	This policy applies to the townsite of Broome only.

[Previous Policy Number: 8.3](#)

Background:

The Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law (the Local Law) 2016 requires that an outdoor dining licence must be issued before a person conducts outdoor dining (also known as alfresco dining) in a public place. The Local Law establishes restrictions on all licence holders and sets out what is required to be submitted with an application, however, the Local Law does not provide direction on when the Shire would exercise its discretion and issue a licence.

Furthermore, under the provision of LPS~~76~~, outdoor dining is development and therefore an application for development approval must also be submitted with an application for an outdoor dining licence under the Local Law.

This policy will establish minimum requirements that will be considered by the Shire in assessing an application for a licence and planning approval for an outdoor dining area.

Objective:

1. Encourage where appropriate outdoor dining and streetscape activity to enhance the visual amenity and perception of outdoor lifestyle associated with Broome.
2. Provide a safe area for establishment of outdoor dining areas so they do not jeopardise the safety of patrons, pedestrians, or motorists.

Policy:

- 1.1 An application for an outdoor dining licence under the Local Law and application for development approval under LPS76 must be submitted and approved prior to the commencement of outdoor dining.
- 1.2 An application for outdoor dining must include the following:
 - a) An outdoor dining licence application form.
 - b) A development application form.
 - c) Fees as prescribed under the Shire of Broome Schedule of Fees and Charges.
 - d) ~~Three copies of a~~All plans and accompanying material set out in Clause 3.4 of the Local Law; and
 - e) ~~Two copies of A~~ the site plan and floor plan of the adjacent eating-house.
- 1.3 A minimum of 2.0 metres of the footpath must remain unobstructed adjacent to any outdoor dining area.
- 1.4 The outdoor dining areas must be located in a manner, which does not obstruct kerbside parking.
- 1.5 The outdoor dining areas must be suitably located with respect to adjacent street furniture, so that these features are not unreasonably obstructed and at all times a minimum 2.0 metre unobstructed footpath is maintained.
- 1.6 The outdoor dining area must be located immediately adjacent to an eating-house. Where it proposed to be located adjacent to the kerb, suitable access will need to be provided for parked vehicles and safety barriers may be required.
- 1.7 Licensees must maintain public liability insurance cover relating to all items and operations within the road reserve. Insurance cover must be not less than \$10,000,000 and be from a reputable underwriter.
- 1.8 All tables, chairs, barriers, umbrellas to be of a weight and construction so as not to move in a strong breeze. Before the wind reaches strength where any of the furniture could move, the furniture must be removed from the outdoor dining area. All furniture is to be removed immediately

when a blue alert for a cyclone is issued and not replaced until the all-clear is given.

1.9 The eating-house relating to the outdoor dining area must have sufficient toilet facilities to cater for the additional seating.

1.10 All street furniture must be removed from the road reserve outside of the hours of operation as stipulated on the licence issued.

~~1.11 Any proposals for outdoor dining that falls within an area subject of design guidelines, must address the relevant provisions. Particularly the following must be addressed:~~

~~a) In the area subject of the Town Centre Design Guidelines:~~

- ~~• any application must be submitted with a site plan showing location and species of shade trees to be installed by the developer; and~~
- ~~• All verandahs, awnings and other overhangs must be designed to ensure they do not inhibit trees in the public domain achieving full mature canopies; and~~
- ~~• Alfresco (outdoor dining structure) within verge areas must provide integrated public access ways through the alfresco area.~~

SHIRE OF BROOME LOCAL PLANNING SCHEME No. ~~67~~ (LPS~~67~~) – LOCAL PLANNING POLICIES

~~This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.~~

~~Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.~~

~~This Policy is a Local Planning Policy adopted under the provisions of Clause 2.4 of LPS6. LPS6 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS6 was gazetted and came into operation on the 30 January 2015.~~

~~Planning policies adopted under LPS6 may be amended or rescinded after the procedures set out in Clause 2.4 and 2.5 have been completed.~~

LOCAL PLANNING POLICY

5.2

TITLE: ~~STAFF WORKFORCE~~ ACCOMMODATION IN ~~RURAL, GENERAL AGRICULTURE,~~ RURAL SMALL-HOLDINGS AND CULTURE AND NATURAL RESOURCE USE ZONES

ADOPTED: OCM 15 April 2010 – Pages 48 – 50
~~OCM 30 July 2015 – Pages 28 – 40~~
~~OCM 17 December 2015 – Pages 110 – 121~~
~~OCM 25 May 2017 – Pages 85 – 260~~
~~OCM 14 December 2017 – Pages 1030 – 1043~~ OCM 12 December 2019 – Pages 213 – 221

REVIEWED: [OCM 30 July 2015 – Pages 28 – 40](#)
[OCM 17 December 2015 – Pages 110 – 121](#)
[OCM 25 May 2017 – Pages 85 – 260](#)
[OCM 14 December 2017 – Pages 1030 – 1043](#)
[OCM 12 December 2019 – Pages 213 – 221](#)
 OMC..

ASSOCIATED LEGISLATION: Planning and Development Act 2005
[Planning and Development \(Local Planning Schemes\) Regulations 2015](#)
 Local Planning Scheme No 7 (LPS7~~6~~)

ASSOCIATED DOCUMENTS:

REVIEW RESPONSIBILITY: Director Development [Services & Community Services](#)

DELEGATION: Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.

APPLICATION: This policy applies in the ~~General~~Rural, Rural Residential, Rural Small Holdings and Culture and Natural Resource Use zones within LPS7~~6~~.

~~Previous Policy Number 8.4~~

Background:

The policy is required to provide guidelines for the provision of ~~staffworkforce~~ accommodation in 'rural' zones, while discouraging temporary accommodation for persons not directly employed on rural properties which would be inconsistent with the objectives of the zone and the amenity of the area.

Note, this policy does not apply to development standards for accommodation of transient workers involved in finite projects. LPP ~~5.58-8~~ Transient Workers Accommodation applies to such forms of development.

Objective:

1. Provide guidelines for development of ~~staff~~workforce accommodation in 'rural' zones;
2. Maintain the character of 'rural' areas;
3. Discourage temporary accommodation for off-site workers in rural areas.

Definitions:

~~“staff accommodation” means shared self contained living accommodation, used for the accommodation of persons directly employed in an approved activity carried out on the lot.~~

Policy:

General Requirements

- 1.1 An application for development approval for ~~workforce~~staff accommodation in the Rural Small~~holdings~~ Holdings zone shall comply with the following requirements:
 - (i) The maximum floor area, measured from the external face of the walls of the accommodation unit shall not exceed 100m² (excluding carport / garage);
 - (ii) The proposed accommodation unit must be secondary to the existing dwelling and no more than one (1) ~~staff~~workforce accommodation unit may be approved on a lot;
 - (iii) The accommodation unit cannot be a caravan or park home;
 - (iv) Persons staying within the ~~staff~~workforce accommodation must be directly employed in an approved activity carried out on the lot;
 - (v) An operating rural activity must be taking place on site prior to any application being considered and details must be supplied demonstrating why the approved activity requires employees additional to the landowners or occupants of the main residence. The occupation of the premises for seasonal activities only (i.e. mango fruit picking) is not sufficient grounds to support ~~staff~~workforce accommodation;
 - (vi) The lot has an area of not less than 5 ha;
 - (vii) The applicant can demonstrate that the ~~staff~~workforce accommodation unit can be adequately serviced with water, power and effluent disposal;

- (viii) The proposed accommodation unit will not detract from the landscape values of the locality as seen from any public road or from any dwelling on adjacent lots.

1.2 An application for development approval for ~~staffworkforce~~ accommodation in the ~~RuralGeneralAgriculture~~ and ~~Cultural~~ and Natural Resource Use zones shall comply with the following requirements:

- (i) Persons staying in the ~~staffworkforce~~ accommodation must be directly employed in the agricultural activity carried out on site the lot;
- (ii) The proposed accommodation unit(s) will not detract from the landscape values of the locality as seen from any public road; and
- (iii) The applicant can demonstrate that the ~~staffworkforce~~ accommodation unit can be adequately serviced with water, power and effluent disposal.

SHIRE OF BROOME LOCAL PLANNING SCHEME No. ~~76~~ (LPS~~76~~) – LOCAL PLANNING POLICIES

~~This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.~~

~~Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.~~

~~This Policy is a Local Planning Policy adopted under the provisions of Clause 2.4 of LPS6. LPS76 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS76 was gazetted and came into operation on the ~~28th~~ 30 September ~~2023~~ January 2015.~~

~~Planning policies adopted under LPS76 may be amended or rescinded after the procedures set out in Clause 2.4 and 2.5 have been completed.~~

LOCAL PLANNING POLICY

5.3

TITLE:	MISCELLANEOUS STRUCTURES (Sea Containers, Storage Containers & Sprinkler and Hydrant Water Tanks)
ADOPTED:	OMC15 April 2010 – Pages 51 - 53
REVIEWED:	OMC 30 July 2015 – Pages 28 - 40 OMC 17 December 2015 – Pages 110 - 121 OMC 25 May 2017 – Pages 85 – 260 OMC 14 December 2017 – Pages 1030 – 1043 OMC 12 December 2019 – Pages 213 – 221 OMC **/**/****
ASSOCIATED LEGISLATION:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Local Planning Scheme No 76 (LPS 76)
ASSOCIATED DOCUMENTS:	
REVIEW RESPONSIBILITY:	Director Development & Community Services
DELEGATION:	Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.
APPLICATION:	This policy applies to the LPS 76 area. Previous Policy Number 8.5

Objective:

1. Provide guidance on the development of miscellaneous structures in the Shire of Broome.
2. Prevent miscellaneous structures from having an adverse visual impact on the streetscape, amenity, and surrounding properties.

Definitions:

'Sea Container' ~~is~~ means a large metal container originally manufactured to carry goods on a sea vessel.

'Sprinkler and Hydrant Water Tank' means water storage for firefighting purposes when mains water supply is unavailable or insufficient.

'Storage Structure' means a prefabricated ensemble building (either new or ~~of~~ second-hand) designed for storage (including buildings commonly called Dongas).

Policy:

Exemptions from Development Approval Requirements

- 1.1 Development approval is not required for a sea container or storage structure, which is:
 - a) fully enclosed within a building;
 - b) associated with loading or unloading for shipping, provided that the sea container or storage structure does not remain on site for longer than fourteen (14) days;
 - c) stored in conjunction with the operation of an approved storage facility/depot/laydown area or port related activity;
 - d) used for the storage of materials and equipment related to construction where a building permit has been issued, is current and construction activity is being undertaken on site; or
 - e) used in association with a pastoral activity in the [Agriculture-Rural](#) zone.
- 1.2 Any sea containers or storage structures exempt above, must be adequately tied down during the cyclone season (1st December to 30th April inclusive).
- 1.3 The installation of structures classed as Exempt Development in an adopted Local Planning Policy does not require development approval.

Sea Containers and Storage Structures

- 1.4 Unless exempt from development approval as specified above, an application for development approval for a sea container and/or storage structure must comply with the following requirements:
 - a) The container or structure must be wholly located within the boundaries of a property and as a minimum be setback from the boundaries the distance prescribed under LPS~~76~~ for the relevant zone;
 - b) The container or structure must be screened from view from any road or any public place;
 - c) The use undertaken must relate directly to and be ancillary to, the approved use on the property;

- d) The container or structure must not be stacked vertically above one another; and
- e) The container or structure must be adequately tied down as required to meet the structural requirements for a wind region C terrain category 2 wind conditions and certified by a structural engineer during the cyclone season (1st December to 30th April inclusive).

1.5 This Policy does not provide direction on proposals for short-term use of sea containers for commercial activities (commonly referred to as popup traders). Such proposals would require the submission of a development application and would be determined by Council.

Permanent Use of Sea Containers and Storage Structures

1.6 Permanent installation of containers will not be permitted in the 'Residential,' '~~Town-Regional~~ Centre,' '~~District Centre~~,' 'Local Centre,' 'Mixed Use' or 'Tourism+' zone.

1.7 The table below details the maximum number of sea containers that may be considered for lots within the different zones and any additional development requirements to those outlined in the general requirements above:

Zone	Maximum Number of Containers	Additional Requirements
Rural Residential	2	<ul style="list-style-type: none"> • The whole portion of the container(s) is to be behind existing approved buildings on the property; or • The whole portion of the container(s) is to be behind an existing vegetation screen; and • No portion of the sea container(s) shall be visible from any adjoining public place or road.
Service Commercial	2	<ul style="list-style-type: none"> • The whole portion of the container(s) is to be behind existing approved buildings on the property. • Sea containers cannot be visible from Fredrick Street.
General Industry	10	
Light and Service Industry	10	

General Agriculture Rural, and Cultural and Natural Resource	10	<ul style="list-style-type: none"> No portion of the sea container(s) shall be visible from any adjoining public place or road.
Rural-Small Holdings-Small-holdings	10	<ul style="list-style-type: none"> No portion of the sea container(s) shall be visible from any adjoining public place or road.
Special Use zones - Low Impact Tourist Development	5	<ul style="list-style-type: none"> To be positioned within an identified service area and screened from any tourist development.
Settlement	At the discretion of the Shire	<ul style="list-style-type: none"> No portion of the sea container(s) shall be visible from any adjoining public place or road.
Special Use	At the discretion of the Shire	<ul style="list-style-type: none"> No portion of the sea container(s) shall be visible from any adjoining public place or road.
Development	In accordance with the zone identified under an adopted Structure Plan.	
Reserve	At the discretion of the Shire	<ul style="list-style-type: none"> No portion of the sea container(s) shall be visible from any footpath, road, or active recreation spaces.

Sprinkler and Hydrant Water Tanks

Commercial buildings with a floor area in excess of 500m² are required to address fire requirements (Building Code of Australia). Due to the reduced pressure in the reticulated water supply, an onsite hydrant water system may be required to be provided. Large storage tanks can impact upon the surrounding amenity and streetscape.

- 1.8 Any commercial development which requires the provision of a sprinkler and hydrant water tank system must be shown on the application for development approval and included on the site plan with elevations of the structure.
- 1.9 Any sprinkler and hydrant water tanks must:
- a) be positioned on site so as to be screened from view of the road or public place;
 - b) not be located within a building setback area specified in LPS76;
 - c) not cause overshadowing or obstruct views or sight-lines;

- d) not detract from the amenity of the area, by way of location, size, height, shape, colour, or materials; and
- e) not detrimentally affect the heritage significance of a property included on the heritage list.

SHIRE OF BROOME LOCAL PLANNING SCHEME No. ~~76~~ (LPS~~76~~) – LOCAL PLANNING POLICIES

~~This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.~~

~~Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.~~

~~This Policy is a Local Planning Policy adopted under the provisions of Clause 2.4 of LPS~~76~~. LPS~~76~~ is administered by the Shire of Broome as the responsible authority under the Scheme. LPS~~76~~ was gazetted and came into operation on the ~~28~~30 September/January 2023/15.~~

~~Planning policies adopted under LPS~~76~~ may be amended or rescinded after the procedures set out in Clause 2.4 and 2.5 have been completed.~~

LOCAL PLANNING POLICY

5.4

TITLE:	HERITAGE LIST - DEVELOPMENT OF LISTED PLACES
ADOPTED:	OCM 15 April 2010 – Pages 54 - 56
REVIEWED:	OCM 30 July 2015 – Pages 28 – 40 OCM 17 December 2015 - Pages 110 – 121 OCM 25 May 2017 – Pages 85 – 260 OCM 14 December 2017 – Pages 1030 – 1043 OCM 12 December 2019 – Pages 213 - 221 OMC..
ASSOCIATED LEGISLATION:	Local Government Act 1995 Planning and Development Act 2005 Heritage of Western Australia Act 2018 Local Planning Scheme No. 7 (LPS7)
ASSOCIATED DOCUMENTS:	Planning and Development Act 2005 Local Planning Scheme No. 6 (LPS6) Heritage of Western Australia Act 1990
REVIEW RESPONSIBILITY:	Director Development Services & Community Services
DELEGATION:	Delegations are exercised in accordance with delegation granted in terms of section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified others.
APPLICATION:	This policy applies to the LPS 6 ⁷ area.

[Previous Policy Number: 8.6](#)

Objective:

1. Ensure the protection, maintenance and integrity of places listed on the Shire of Broome’s Heritage List;
2. Ensure there is a record of heritage buildings and places prior to substantial works being undertaken;
3. Prevent premature or unnecessary demolition of heritage buildings.

Policy:

Exemptions from Planning Approval Requirements

- 1.1 Development approval is not required for:
 - any works of a minor internal nature, including the painting and/or rendering of internal walls or ceilings;
 - general maintenance that does not affect the external appearance of the place.

General Requirements

[At the Ordinary Meeting of Council on the 27 June 2019, Council adopted amendments to the Shire of Broome Municipal Inventory and adopted all places graded as level A and B on the Municipal Inventory as the Heritage List pursuant to section 8 of the Deemed Provisions. As such places graded as level A and B on the Municipal Inventory form the Shire of Broome's Heritage List](#)

- 1.2 Unless exempt from development approval requirements as specified above, the following procedure shall be followed for any proposed demolition, development or redevelopment of a building or place listed on the Shire of Broome's Heritage List:
- (i) All proposals for the demolition, development or redevelopment of a listed building or place shall be subject to a formal Development Application;
 - (ii) All proposals shall be dealt with in accordance with the provisions of Part 3 of the Deemed Provisions;
 - (iii) The Shire shall in assessing a proposal for development or redevelopment give due regard to the level of management as applied to the building or place. In this respect, conditions may be applied to a proposal to protect the integrity of the significance of the place. The Shire may also consider relaxing some development standards if it results in the protection of the integrity of the building or place, provided it does not prejudice the orderly and proper planning of the site and area;
 - (iv) Where a building or place has been listed on the State Register of Heritage Places or the Shire has recommended listing on the State Register of Heritage Places and a decision has not yet been made, the Shire shall refer a proposal for development or redevelopment of that site to the Heritage Council of WA for comment. Any comments provided by the Heritage Council shall be taken into account when applying conditions to the proposal;
 - (v) Where a proposal will result in a physical change to any external part of a building or a significant alteration to, or demolition of, a place, then historical photographic record is to be taken prior to such works taking place and that record is to be lodged with the Shire;
 - (vi) Where a significant alteration or addition to a place is proposed, the Shire may require the preparation of a [Conservation Plan/Heritage Impact Statement consistent with the guidelines produced by the Heritage Council of WA and prepared](#) -by a qualified professional prior to such works taking place;
 - (vii) If an application is received to demolish a heritage building the Shire shall not issue a demolition permit without a development application being approved and a building permit being issued for a replacement building;
 - (viii) If an application is received to subdivide land on which a listed building or place is situated, the Shire may support such subdivision only where the integrity of the building or place is not compromised.

SHIRE OF BROOME LOCAL PLANNING SCHEME No. ~~76~~ (LPS~~76~~) – LOCAL PLANNING POLICIES

This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.

Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.

~~This Policy is a Local Planning Policy adopted under the provisions of Clause 2.4 of LPS6. LPS6 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS6 was gazetted and came into operation on the 30 January 2015.~~

~~Planning policies adopted under LPS6 may be amended or rescinded after the procedures set out in Clause 2.4 and 2.5 have been completed.~~

LOCAL PLANNING POLICY

5.5

TITLE:	TRANSIENT WORKERS <u>WORKFORCE</u> ACCOMMODATION
ADOPTED:	OCM 10 June 2010 – pages 54 - 57
REVIEWED:	OCM 30 July 2015 – Pages 28 – 40 OCM 17 December 2015 – Pages 110 – 121 OCM 25 May 2017 – Pages 85 – 260 OCM 14 December 2017 – Pages 1030 – 1043 OCM 12 December 2019 – Pages 213 - 221 <u>OMC X</u>
ASSOCIATED LEGISLATION:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Local Planning Scheme No 76 (LPS 76)
ASSOCIATED DOCUMENTS:	
REVIEW RESPONSIBILITY:	Director Development & Community Services
DELEGATION:	Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.
APPLICATION	This policy applies to the LPS 76 area

~~Previous Policy Number: 8.8~~

Objective:

1. Identify ~~Transient~~ Workforce Accommodation as distinct from other forms of short and long term residential accommodation.
2. Provide a safe and functional living environment for the ~~transient~~ workforce associated with industrial, resource and construction development in the Shire of Broome.
- ~~3. Discourage transient workforce accommodation in the Town Regional Centre, Residential, Industrial (General Industry, Light Industrial or Industry) or Tourism zones.~~
- 4.3. Minimise the impact of ~~transient~~ workers accommodated in Workforce Accommodation on residents and businesses in the Shire of Broome.

5.4. Ensure occupancy of ~~transient~~ workforce accommodation facilities is limited to transient workers or working couples.

Definitions:

~~'transient workforce accommodation facility' is " a building or group of buildings used for the accommodation of transient workers, and it may comprise of bedrooms, dining rooms, kitchens, ablutions, toilets and appropriate amenity area, and associated parking areas, but does not include a hotel, motel, tourist accommodation, permanent residential accommodation or caravan park or camping grounds."~~

~~'Transient Workforce' is that means a temporary or intermittent workforce employed on one or more finite projects in or based in the Shire of Broome. It does not include workforce employed in the normal ongoing operation of any business or industry.~~

~~Workforce Accommodation means premises which may include modular or relocatable buildings, used –~~

- ~~a. primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and~~
- ~~b. for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.~~

Policy:

Assessment Criteria:

1.1 ~~Transient Workforce Accommodation is not listed in the list of use classes in LPS7 and the Shire may consider applications for this use in accordance with the "Use Not Listed" clause 18 sub clause 4 provision of the Scheme.~~

~~1.2 Applications for transient workers accommodation in the Town Regional Centre, Residential, Industrial or Tourism zone will not be supported.~~

1.3.2 When considering applications for development approval for ~~Transient~~ Workforce Accommodation, the Shire will have regard to:

- (i) The objectives for the various zones and reserves set out in LPS76.
- (ii) Any relevant local planning policy.
- (iii) The location and site characteristics of the property and the immediate surrounding area.
- (iv) Comments received from surrounding and nearby landowners and residents.
- (v) The impact on and from adjoining uses.
- (vi) The time frame for the occupancy of the proposed facility.
- (vii) The design form and the likely impact on the future use of the land.
- (viii) Access to existing services and infrastructure.

- (ix) The safe and efficient transportation of residents, goods and materials to, from and within the facility—.
- (x) The ability of the residents of ~~transient~~ workforce accommodation facilities to access associated services and amenities within the town.
- (xi) The scale and overall quality of the development—.
- (xii) Proposed management of emergency, environmental, and health issues—.
- (xiii) Relevant legislation, State Planning Policies, Development Control Policies and Planning Bulletins published by the Western Australian Planning Commission, and other publications or guidelines produced by State agencies—.
- (xiv) Whether the applicant has investigated all other avenues for the accommodation of the workforce with existing accommodation providers and can demonstrate that this is not feasible—.

1.4.3 The Shire may require, by signed agreement, a statement setting out the agreed management arrangements for the facility and a commitment to the date and details of rehabilitation and conversion or rehabilitation of the site—.

Development requirements

Site Cover:

2.1 A maximum site coverage of 40% is permitted.

Front Building Setbacks:

2.2 Buildings should be setback from a boundary to a public road a minimum of 9.0 metres, although this may need to be increased to provide adequate landscaping and screening—.

Side and Rear Building Setbacks:

2.3 Buildings should be setback from boundaries a minimum of 6.0 metres, although the need for perimeter landscaping for screening purposes, areas for firebreaks, setbacks and access for maintenance and pedestrians will also need to be taken into account.

Building Height:

2.4 A ~~Transient~~ Workforce Accommodation facility can include multiple levels but must observe the following height ~~limits~~ limits: maximum plate height of 6.5 m, and maximum building height of 10.5 ~~m~~ m.

Parking

2.5 Provision is to be made for car parking at a rate of one car parking bay per ~~transient~~ worker accommodated, unless residents are transported to and from the site by the operator and management details are submitted with the

application for development approval. Additional parking may be required for transit buses, boats, trailers, caravans and other recreational vehicles at a rate of one parking/storage bay per 10 ~~transient~~ workers accommodated—.

Landscaping/ Open Space:

- 2.6 Each ~~transient~~ workforce accommodation facility shall be provided with landscaped and/ or grassed outdoor recreation area(s), at a minimum rate of four square metres per person accommodated (excluding boundary landscaping). This may be reduced by up to one quarter of the rate when recreational infrastructure such as swimming pools, gymnasiums and covered barbecue areas is provided.
- 2.7 As a minimum, outdoor recreation areas shall provide shade and include outdoor cooking facilities.
- 2.8 Car parking and external storage areas, bin compounds and other unsightly structures should be suitably screened to reduce visual impact—.
- 2.9 Each accommodation unit/suite shall be provided with an area of private space for the exclusive use of the resident. This space may be provided external to the ~~unit, but~~unit but must be easily accessible. Desirable forms of private space include courtyards, viewing decks and balconies.

Climate Responsive Design

- 2.10 Accommodation units and outdoor areas are designed to reduce solar penetration and include access to breezes—.

Other Considerations

Period of Operation

- 3.1 Approval will only be given for suitable ~~Transient Worker Establishments~~Workforce Accommodation for a period of five years. Such facilities are not considered to be required as part of the permanent infrastructure of the Broome Townsite but may be necessary components to facilitate development in the short term.

Liquor Licensing:

- 3.2 Any alcohol made available for sale will only be supported where alcohol is for resident transient workers. At no time will the Shire support a Liquor License where alcohol is made available to the general public.

Food Premises:

- 3.3 Any food premises in the facility will only be permitted for the provision of food to the resident ~~transient workers~~of the Workforce Accommodation.

Management Plan

3.4 Council may require a management agreement in the form of a deed of agreement as a condition of approval. Where Council requires a management plan to be provided in should address the following issues:

- (i) Provision of a full-time on-site manager.
- (ii) The landlord tenant relationship with the employer of the ~~transient~~ workers, not with the workers themselves—
Note: This is to ensure that facility fulfils its intended purpose of providing accommodation for ~~transient~~ workers and does not get used as budget holiday accommodation or for ~~non-transient~~ workers not employed in the activity undertaken on site.
- (iii) Control of resident ~~transient worker~~ behaviour.
- (iv) Refuse collection arrangements.
- (v) Ongoing maintenance of buildings, fencing, structures, car parking and access ways, and landscaped areas.
- (vi) Appropriate emergency procedures including fire and cyclone.
- (vii) Decommissioning and restoration of the site.

Rehabilitation of the site:

3.6 A rehabilitation plan must be submitted with the application for ~~planning development~~ approval setting out how the site will be rehabilitated to the pre-development conditions upon expiry of the approval period.

SHIRE OF BROOME LOCAL PLANNING SCHEME No. ~~76~~ (LPS~~76~~) – LOCAL PLANNING POLICIES

~~This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023—.~~

~~Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.~~

~~This Policy is a Local Planning Policy adopted under the provisions of Clause 2.4 of LPS6. LPS6 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS6 was gazetted and came into operation on the 30 January 2015.~~

~~Planning policies adopted under LPS6 may be amended or rescinded after the procedures set out in Clause 2.4 and 2.5 have been completed.~~

LOCAL PLANNING POLICY

5.6

TITLE:	Parking
ADOPTED:	OCM 30 September 2010 – Pages 55 - 61 OMC 30 July 2015 – Pages 28 – 40 OMC 17 December 2015 – Pages 110 – 121 OMC 15 December 2016 – Pages 204 -209
REVIEWED:	OMC 14 December 2017 – Pages 1030 – 1043 OMC 12 December 2019 – Pages 213 – 221 OMC.
ASSOCIATED LEGISLATION:	<i>Planning and Development Act 2005</i> <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Local Planning Scheme No 7 6
ASSOCIATED DOCUMENTS:	Car Parking & Cash-in-Lieu in Chinatown Discussion Paper dated 18 August 2005
REVIEW RESPONSIBILITY:	Director Development <u>Services & Community Services</u> Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.
DELEGATION:	
<u>APPLICATION:</u>	<u>This policy applies to the LPS7 area</u> <u>Previous Policy Number 8.9</u>

Background:

~~Schedule 4 Item 1 of Local Planning Scheme No 7~~[Clause 4.7 of Local Planning Scheme No 6 \(LPS6\)](#) requires that all development applications must make appropriate provision for car parking. ~~Schedule 95 of LPS7~~[6](#) details the number of bays required for each land use class. This policy is to be read in conjunction with the provisions of ~~LPS7~~[6](#).

Objective:

1. Establish the minimum standards for car parking construction to achieve an appropriate level of amenity;
2. Ensure parking is provided which is safe, convenient and practical for the operation of the site and the community in general; and
3. Establish criteria for where consideration may be given to allowing parking to be provided off-site, within an adjacent road reserve or as cash-in-lieu.

Definitions:

Chinatown is the area shown in Figure 1.

Internal trip capture is where a land use included in a development application will generate a reduced or no independent parking demand due to its reciprocal parking relationship with another use. Relevant considerations include:

- i. Clear establishment of a relationship between different land uses on the same site, such as function rooms provided within a tourist development for use by hotel patrons.
- ii. How a claimed reduction relates to the scale of activity (for example, a smaller restaurant co-located within a tourist development has less capacity to accommodate public diners than a larger restaurant).
- iii. Whether land uses within a development are open to the public (for example, a fitness centre provided in a tourist development for the exclusive use of hotel patrons).

Policy:

1.0 Parking Ratios

1.1 Clause ~~3(a)4.3.3~~ 26(2)(a) of LPS~~67~~ does not apply in the determination of the required ratio for car parking for Grouped and Multiple Dwellings in Chinatown, parking for these land uses will be calculated in accordance with the provisions of the Residential Design Codes.

1.2 The required number of parking bays and dimensions for all development is set out in Schedule ~~59~~ of LPS~~76~~.

1.3 For properties zoned ~~Town Centre~~ Regional Centre but not within Chinatown the required number of parking bays is to be calculated based on the most relevant land use within Schedule ~~59~~. The ratio of car parking for land uses in Chinatown is to be calculated at the rate established for the '~~Regional Centre~~ Town Centre-Chinatown' zone under Schedule ~~59~~ of LPS~~76~~.

1.4 If an application for development approval does not comply with the parking ratios in Schedule ~~59~~ of LPS~~76~~ and:

- the applicant does not seek to meet the parking demand by any other means provided under this Policy; or
- it cannot be considered as reciprocal parking under clause 1.5 below;

the applicant must demonstrate that the ratio contained in Schedule ~~59~~ exceeds the demand for car parking generated by the development. In this regard the applicant must supply the following information:

- a) Empirical evidence, supported by advice from a qualified traffic engineer, that the ratios in Schedule ~~59~~ are not appropriate for the type or scale of development proposed. The empirical evidence could be in

the form of a traffic survey undertaken of a similar existing development during peak tourist season; and/or

- b) Reductions to the parking rate may be considered if it is shown that there will be internal trip capture.

1.5 Any application proposing a variation to the parking ratios in Schedule ~~59~~ must be determined by Council.

Reciprocal Parking

1.6 Further to ~~Schedule 4 Item 1(4) Clause 4.7.2.1 of LPS76~~, an applicant may seek that the total number of parking bays required to be provided under Schedule ~~59~~ is reduced where the bays would be used on a reciprocal basis between different land uses on the same site. If proposed, the application must demonstrate the following:

- a) The different land uses operate at different times;
- b) The operating times of the different land uses will be permanent and will form a condition under which development approval is granted; and
- c) The amount of parking to be provided is calculated based on the greatest number of vehicles that would need to be accommodated on the land during peak usage.

2.0 Parking Construction Standards

Standards for different zones

2.1 The table below establishes the car parking standards for each land use zone in the Shire of Broome:

Row	Zone	Construction Standard
1.	Residential, District Centre, Regional Town Centre, Local Centre, Mixed Use, Service Commercial, Light and Service -Industry, Tourism st	All parking bays, vehicle access and manoeuvring areas are to be of permanent construction, sealed, kerbed and line marked as follows: a) the sealed pavement can be asphalt, two-coat bitumen seal or concrete to the Shire’s specifications; b) line marked and sign posted as per an approved car parking plan; and c) kerbed unless extensive on-site infiltration to landscaping and storage areas is used as a part of the sites design.
2.	Cultural and Natural Resource Use, Rural General, General Industry, Rural	As per the above requirements in row 1 above, unless the development is not accessed from a sealed road and/or the parking is for use of employee’s only, in which case the parking bays, vehicle access and manoeuvring areas

	<u>Residential, Rural Smallholdings</u> Small <u>Holdings and Settlement</u>	can be an unsealed surface such as compacted road base or similar which is dust free. All parking areas and vehicle access must be clearly distinguishable, and sign posted.
3.	Industry and Port Reserve	As per requirements in row 1 above, except that manoeuvring areas for articulated vehicles can be of an unsealed surface such as compacted road base or similar, which is dust free.

Landscaping

2.2 All parking areas must be landscaped. As a minimum landscaping of parking areas is to include shade trees at the rate of 1 tree every 4 consecutive bays or 12 metres, ~~which ever~~whichever is the lesser.

Parking Location

2.3 The location of parking areas is not to detract from the visual amenity of the proposed development, adjoining lots or streetscape of the locality. Parking areas must facilitate safe, easy and convenient vehicular (including motorcycle) bicycle and pedestrian movements.

3.0 Off-site Parking

General considerations

3.1 The expectation is that parking is provided on-site, any proposal to construct parking 'off-site' is considered to be an exception to the parking requirements for a development.

3.2 Off-site parking may be considered in all zones except parking required for a single house, grouped dwelling, multiple dwelling or residential building in the 'Residential' zone. Off-site parking for 'Family Day Care,' 'Home Occupation' or 'Home Business' land use activities in the 'Residential' zone may be considered in the following circumstances:

- a) The parking for the land use cannot be accommodated on-site;
- b) The location of off-site parking is to be in the immediate road verge directly adjoining the subject property and will not in any way obstruct pedestrian movements on an existing or proposed footpath; and
- c) The proposed parking must meet minimum parking bay size, be hard-sealed standard and shall not be detrimental to the visual amenity of the streetscape or impact upon traffic safety.

-Any areas approved for off-site parking in association with a 'Home Business,' 'Home Occupation'- or 'Family Day Care' must be maintained by the owner.

3.3 Within the '~~Regional Town~~ Centre,' '~~District Local~~ Centre,' 'Local Centre,' 'Mixed Use,' 'Service Commercial,' 'General Industry', 'Light ~~and Service~~ Industry' and

'Tourism' zones, a minimum of 50% of the required car parking bays are to be provided on-site.

- 3.4 Any parking bays which are required as a condition of development approval and cannot be provided on-site may, at Council's discretion, be developed in a portion of the abutting road verge or a nearby property. If approved, it is the applicant's responsibility to design and construct the parking bays in accordance with the Shire's 'Guidelines for Construction or Reinstatement.'

Location criteria

- 3.5 In order for Council to consider exercising its discretion to allow off-site parking, the application will be required to prove that:
- a) The location of the off-site parking is conveniently located to the subject development;
 - b) A safe and well-lit pedestrian access can be provided between the off-site parking and the development;
 - c) The customers and patrons of the proposed development can be reasonably expected to use the off-site parking area; and
 - d) Any other relevant matters and items set out under clause 2.3 have been addressed.

Parking within the Road Verge

- 3.6 Unless in accordance with an adopted car parking plan, any proposal for parking in the road verge will only be supported where the parking is provided in the verge adjoining the lot and within the frontage area of the lot.
- 3.7 Any off-site parking constructed in the road verge will, when constructed, be designated public parking.
- 3.8 All parking bays, vehicle access and manoeuvring areas within the road verge are to be of permanent construction, sealed, kerbed and line marked, as follows:
- a) The sealed pavement can be asphalt, two-coat bitumen seal or concrete;
 - b) The design must comply with the Shire's Guidelines for the Construction or Reinstatement of Car Parks within the Shire of Broome Road Reserve;
 - c) The parking must be lined, marked and sign posted as per the approved car parking plan.

Maintenance and Deed of Agreement

- 3.9 Any off-site parking, vehicle access, manoeuvring areas and landscaping is the responsibility of the developer to maintain indefinitely.
- 3.10 If road verge parking is approved as a part of a development application, a Deed of Agreement is to be prepared by the Shire's solicitors at the applicant's

cost, which includes the lodgement of a caveat on title. The Deed is to specify that the owner agrees to maintain and take out insurance over the parking and landscaping area within the road verge.

Parking on Nearby Properties

- 3.11 Where parking is provided on a nearby property, an appropriate legal instrument must be put in place ensuring that the parking on the property will be maintained and kept available for the approved development.

4.0 Cash-in-lieu of Car Parking

Note: These provisions are based on a parking plan and a review of the car parking availability, including future development as set out in the Car Parking & Cash-in-Lieu in Chinatown discussion paper dated 18 August 2005.

All development except within Chinatown

- 4.1 The following clauses 4.2 to 4.6 apply to all development with the exception of development within Chinatown.
- 4.2 The expectation is that parking will be provided on the development site. Any proposal to construct parking through a cash-in-lieu payment is considered to be an exception to the parking requirements for a development.
- 4.3 The Shire will only give consideration to the use of cash-in-lieu of car parking where the Shire has identified a site for the construction of a public car park through an adopted Shire parking plan and/or the Shire can provide alternative parking in close proximity to the site.
- 4.4 If an applicant is seeking that part of the car parking required is provided by way of cash-in-lieu payment, in the absence of an adopted Shire parking plan the applicant must provide a car parking design for an acceptable location which meets with the locational criteria set out in Clause 3.5.
- 4.5 The cash-in-lieu value is to be determined in accordance with [Schedule 4 Item 1](#)~~Clause 5.7.6.1(a)~~ of LPS67 as follows:
- a) The estimated cost of constructing the parking space/s will be reviewed annually by the Shire and will be set in the Schedule of Fees and Charges.
 - b) The estimated value of land which the parking space would occupy will be determined by a licensed valuer engaged by the Shire at the applicant's cost. For the purposes of calculating the land costs, each bay will occupy an area of 31sqm, which includes the parking space and manoeuvring area.
- 4.6 Where the location identified in the adopted Shire parking plan or the car parking design provided under Clause 4.4 is on reserve land (under the care and control of the Shire) or in a road reserve, Council may give consideration to the waiving

of the land value component of the car parking bays. Consideration will only be given to the waiving the land value component when:

- a) The location of the parking area does not compromise the current and future public use of the area identified for the car parking improvements;
- b) The car parking will also support the general public's use of the area and is not solely being developed to support the parking need generated by the development; and
- c) The construction of the car parking area will not compromise the streetscape or pedestrian access to the area.

Chinatown

- 4.7 The following clauses 4.8 to 4.14 apply to development within Chinatown.
- 4.8 Where a site is developed for residential purposes or for tourist accommodation, whether or not the site is used for other purposes, the parking for the residential and/or tourist accommodation uses shall be provided on-site. Cash-in-lieu of car parking will not be available for these land uses.
- 4.9 Properties that were vacant on 18 August 2005 will be entitled to provide a cash-in-lieu payment instead of the provision of on-site car parking for part or all of the car parking for the development of the property. The maximum amount of parking bays that can be provided as cash-in-lieu is determined by dividing the site area in square metres by 43.
- 4.10 Properties that were developed (not vacant) on 18 August 2005 are entitled to provide cash in lieu of the provision of on-site car parking for any subsequent development of the property provided at least 50 percent of the required parking is provided on site.
- 4.11 Properties that were developed (not vacant) on 18 August 2005 are entitled to credit for any car parking bays previously paid for as cash in lieu.
- 4.12 Properties that were developed (not vacant) on 18 August 2005 are entitled to:
- a) claim the existing provision of car parking (on-site and cash in lieu) is adequate for the existing development and only provide car parking for the net increase in gross leasable floor area; or
 - b) recalculate parking requirements to current standards, taking into account any previous cash payments in lieu of car parking provided.
- 4.13 If development cannot provide sufficient parking bays by:
- providing on-site parking;
 - previous cash payments in lieu of parking; or
 - new cash payments in lieu of parking under this Policy,

then the additional parking must be provided as on-site bays on another property in Chinatown or through the purchase and transfer of cash-in-lieu

credits in excess of requirements for another property in Chinatown. Appropriate legal instruments to facilitate this arrangement will be required, linking the property to the parking provided.

- 4.14 The cash in lieu value for each car parking bay is set by Council each year in the Schedule of Fees and Charges. For Chinatown, this amount only incorporates the estimated construction costs of the parking bays.

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FIGURE 1 – CHINATOWN



LOCAL PLANNING POLICY

5.7

TITLE:	DEVELOPMENT STANDARDS FOR DEVELOPMENT APPLICATIONS
ADOPTED:	OCM 18 June 1996 — Pages 46 - 49
REVIEWED:	OCM 20 July 1999 — Page 11 OCM 21 November 2000 — Page 87 OCM 24 September 2002 — Pages 38 - 40 OCM 14 October 2003 — Pages 35 - 38 OCM 15 February 2007— Pages 116 - 119 OCM 2 September 2010 - Pages 44 - 46 OMC 30 July 2015 – Pages 28 – 40 OMC 17 December 2015 – Pages 110 – 121 OMC 15 December 2016 – Pages 204 – 209 OMC 14 December 2017 – Pages 1030 – 1043 OMC 12 December 2019 – Pages 213 - 221 OMC--OMC <i>Planning and Development Act 2005</i>
ASSOCIATED LEGISLATION:	Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Broome Local Planning Scheme No 76 (LPS 6 7)
ASSOCIATED DOCUMENTS:	
REVIEW RESPONSIBILITY DELEGATION:	Director Development Services & Community Services Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.
APPLICATION	This policy applies to the LPS6-LPS7 area

~~Previous Policy Number 8.10~~

Objectives:

Establish minimum standard for development to maintain and enhance the amenity and natural environment.

Definitions:

Nil

Policy:

1.1 That all development applications be subject to a minimum set of basic standards for, landscaping, drainage and crossovers.

1.2 The standards applicable shall be based on the following:

Area	Application
Landscaping	<p>All zones</p> <p>i) Landscaping plans are required to be submitted for the following types of planning applications:</p> <ul style="list-style-type: none"> - Any grouped dwelling, multiple dwelling and/or residential building applications; - Any development proposing the construction of building/s on a vacant site (with the exception of single dwelling and ancillary structures); or - Any addition, modification and renovation to existing commercial or industrial developments valued at over \$100,000. <p>ii) Where a landscaping plan is required, plants identified as pest plants by the Shire and listed in Schedule 1 of this Policy, are not permitted to be retained or established.</p> <p>iii) Where landscaping is proposed within the road verge, a deed of agreement prepared by the Shire's solicitors at the applicant's <u>applicant's</u> cost, which include lodgment <u>lodgement</u> of a caveat on title, is to be prepared and executed prior to the development being occupied. The deed is to include that the owner agrees to maintain the landscaping within the road verge.</p> <p>iv) All landscaping plans submitted to the Shire of Broome must be drawn to scale and detail the following:</p> <ul style="list-style-type: none"> a) The location and type of existing trees and plantings, including genus species name and whether they are to be retained. b) The location and type of new trees and shrubs that are proposed to be installed as part of the landscaping including genus species name. c) Any lawns, paths, hardscaping or other features to be established including construction materials to be used (i.e. brick paving, concrete). d) Any natural landscape areas to be retained. e) Those areas to be reticulated or irrigated including details on the type of reticulation.

	<p>To allow establishment of landscaping around existing trees and tree trunks adequate space depended upon the species should be maintained and kept clear of all impervious materials. Where a tree is positioned within 3m of less from a hardscape area, root control barriers should be installed.</p> <p>v) Any landscaping proposed within the verge must comply with Engineering Policy 3.1.16<u>Council Policy</u> - Verge Maintenance.</p> <p>vi) Landscaping treatments should aim to minimise water use through soil improvement and mulching to retain moisture, use of indigenous<u>Indigenous</u>, native landscaping; installation of smart irrigation systems including monitors, controllers and subsurface irrigation.</p>
Crossovers	<p>All Zones</p> <p>vii) When any crossover is provided it shall be concrete, sealed or brick paving in accordance with Shire specifications including:</p> <ul style="list-style-type: none"> • Rural Road Priority Access/Crossover Standard; • Specification for Residential Crossover Locations; • Specification for Residential Concrete Crossover; • <u>Specification for Commercial Concrete Crossover.</u> <p>viii) <u>For any development in the Broome Road Industrial Estate with or in the Port Drive Industrial area where crossings of roadside swales are required, the culverts shall be in accordance with the specific requirements of each lot and the appropriate design vehicle for proposed development. Each Broome Road Industrial Estate lot has a custom crossover design prepared by Development WA. The Port Drive Industrial area will require engagement of a suitably qualified engineer in consultation with the Shire.</u></p>
Drainage	<p>All Zones</p> <p>All sites shall comply with the basic requirement that any post development discharges from the property should be equal to or less than the pre-development site for a design storm event, unless comprehensive hydrological catchment medelling<u>modelling</u> at the developer's cost by a suitably qualified engineer proves otherwise.</p> <p>viii)<u>ix)</u> Where development has been proposed in an area where the lots grade to the road as the legal point of discharge and the downstream system is designed with adequate capacity the following must be achieved:</p>

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	<ul style="list-style-type: none"> • Flow across paved areas to road/drain or legal point of discharge; • All plans submitted for approval to show existing and proposed levels, and flow paths. <p>ix) In areas where lots are not adequately graded to the legal point of discharge (such as some areas in Old Broome) or the discharge system has limited capacity (Port Road Industrial area) the following must be met:</p> <ol style="list-style-type: none"> a) The stormwater drainage system must be designed by a suitably qualified engineer and must demonstrate that there will be no impact to upstream or downstream properties within the catchment. b) All post development flows for a 1:50 year event must be compensated on site with only pre-development flows allowed to flow to the street/discharge point. Both pre and post development flow rates shall be calculated using the appropriate times of concentration to determine peak storm durations. c) Compensation shall be achieved by using swalesswale garden areas, depressed carpark or detention areas with low flow outlets, restricted orifices or weirs incorporated into the design. Soak wells cannot be used due to the nature of Broome soils. d) In the event that the outlet from the stormwater system becomes blocked then the storage volumes created on site must be large enough to contain the total flow from a post development 1:1 year storm. e) Provision shall be made for all storms in excess of 1:50 up to a 1:100 event to overflow the storage system and flow directly to the street drainage with floor levels of all buildings designed to prevent any flooding. <p>xix) During construction, measures should be implemented to ensure no discharge of dust or sediment from the site. To achieve this property verges should be protected with a 3 to 5m mulch bund to minimise the transport of sediment and prevent scouring.</p>
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Finished Floor Levels	All Residential Development (in all zones as applicable)
	<p>xi) Finished floor level of all residential buildings shall be a minimum of 400 mm above natural ground level [or approved finished ground level for those lots where subdivision works have altered the natural ground level].</p> <p>xii) Where it can be demonstrated that flooding to the building will not occur due to the slope of the lot and a local drainage system has been provided for, the floor height can be reduced to a minimum of 200 mm.</p> <p>xiii) In all cases, the minimum height is to be measured at the highest point of ground level, immediately adjacent to the building floor edge.</p> <p>xiv) Verandahs and Carports can be lower than the main building floor level, but must be still drained away from the building perimeter to an approved discharge point.</p>
	Industrial/Commercial Development -
	xv) Finished Floor Levels shall be a minimum of 200mm above surrounding finished levels

SCHEDULE ONE – PEST PLANTS

Common Name	Scientific Name
Coffee Bush	Leucaena leucocephala
Siratro	Macroptilium atropurpureum
Khaki Weed	Alternanthera pungens
Neem	Azadirachta indica
Hairy woodrose or Hairy morning glory	Merremia aegyptia and Merremia dissecta
Gallon's Curse	Cenchrus biformis
Bellyache Bush	Jatropha gossypifolia
Wild Passionfruit	Passiflora foetida
Caltrop	Tribulus terrestris
Mint Bush	Hyptis suaveolens
Buffel Grass	Cenchrus ciliaris
Mission Grass	Pennisetum Polystachiom
Rhodes Grass	Cholris Gayana

SHIRE OF BROOME LOCAL PLANNING SCHEME No. ~~76~~ (LPS~~76~~) - LOCAL PLANNING POLICIES

~~This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.~~

~~Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.~~

~~This Policy is a Local Planning Policy adopted pursuant to Part 2, clause 4 of the deemed provisions of LPS6. LPS6 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS6 was gazetted and came into operation on the 30 January 2015.~~

~~Planning policies adopted under LPS6 may be amended or rescinded after the procedures set out in Part 2 clause 5 & 6 of the deemed provisions of LPS6 have been completed.~~

LOCAL PLANNING POLICY

5.8

TITLE:	FENCES
ADOPTED:	OCM 9 September 2003 – Page 49 – 50 (Building Policy)
REVIEWED:	OCM 3 March 2004 – Page 29 – 30 OCM 28 October 2010 – Page 97 – 99 OMC 30 July 2015 – Pages 28 – 40 OMC 17 December 2015 – Pages 110 – 121 OMC 25 May 2017 – Pages 85 – 260 OMC 14 December 2017 – Pages 1030 – 1043 OMC 12 December 2019 – 213 - 221 OMC...
ASSOCIATED LEGISLATION:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Local Planning Scheme No 7
ASSOCIATED DOCUMENTS:	Residential Design Codes of Western Australia
REVIEW RESPONSIBILITY:	Director Development Services & Community
DELEGATION:	Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.
APPLICATION	This policy applies to the LPS 6 ⁷ area

~~Previous Policy Number~~

8.12 Objective:

- Control the style, height and location of fencing within the Shire of Broome;
- Minimise adverse impacts that undesirable fences can have on the streetscape and neighbourhood amenity; and
- Ensure that adequate surveillance of streets and public places is achieved, and the principles of Crime Prevention through Environmental Design are met.
- Establish minimum standards for fencing within different zones to facilitate fences being exempt from the need to obtain planning approval.

Definitions:

In this Policy, the following definitions shall apply:

"Common boundary fence" any dividing fence that does not front a road or public place.

"Fence" is any barrier, railing, wall or other upright structure intended to enclose an area of land, irrespective of material content, located on or near a common boundary of adjoining land or on a line other than the common boundary, and includes a front fence to a property but does not include any privacy screen, trellis or the like.

"Breezeway Fencing" refers to any form of fencing, complying with this policy that has not less than 10% of its surface area open, provided that this minimum area is uniformly provided throughout the length and height of the fence.

"Height" in relation to a fence shall be the height at any given point between that side which has the highest ground level, whether natural or retained, and the highest point of the fence immediately above that point.

"Land" shall have the same meaning as that contained in the Interpretations Act 1918.

"R Codes" means the Residential Design Codes of Western Australia (202415) as amended from time to time.

"Sharp or Jagged" means having an edge able to cut or pierce without the exertion of significant force.

"Street Setback Area" refers to that area of land between the street alignment and the street setback line as set out, or established, under the Residential Design Codes of Western Australia.

"Visually Permeable" where referred to will have the same meaning as that given to it in the R Codes.

Policy:

1. General Requirements

1.1 Fences shall not have any sharp or jagged projections (other than as permitted for barbed wire in the '~~General Industrial Industrial~~', '~~Rural General Agriculture~~', 'Cultural and Natural Resource Use', 'Rural Residential' and 'Rural Smallholdings' zones) or any metal or other material capable of inflicting injury to any person or animal and shall not be electrified by any means.

Note: for the purpose of this provision, garrison style fencing is not considered sharp or jagged or capable of inflicting injury where the end projections of the fence are a minimum of 1.8m above Natural Ground Level.

- 1.2 The use of breezeway fencing to facilitate the flow of cooling breezes between properties is strongly encouraged.
- 1.3 Front fence or fences fronting a public reserve shall be constructed with the supporting members (i.e. posts and rails) within the property boundary.
- 1.4 The owner of land upon which a fence is erected shall maintain the fence in good condition and in such manner as to prevent it becoming dangerous or unsightly.
- 1.5 Any fence erected on the common boundary shall be erected in accordance with the requirements of the Dividing Fences Act 1961.

2. **Residential and Settlement zone**

- 2.1 Unless specified in adopted Design Guidelines, fences within residential and settlement zones shall comply with the following:

- (i) Materials Used

- o Acceptable materials include brick, concrete, timber, wrought iron, tubular steel, link mesh, wire, or metal sheeting - (other than zincalume).
 - o Not permitted materials – electric, barbed wire or similar sharp or jagged projections

- (ii) Primary Street fence

- o Shall comply with the provisions of the R-Codes.
 - o Shall not exceed a height of 1.8m.

- 2.2 (i) Sightlines

The following is considered to satisfy the deemed-to-comply criteria requirements of 5.2.5 ~~and 5.6.2.3~~ Sightlines of the R-Codes:

Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences or other structures adjoin vehicle access points where a driveway meets a public street or where two streets intersect (refer to Figure 1), with the exception of the following:

- a) One supporting 'pier/post' for a gate or fence within each truncation, which must not exceed dimensions of 390mm (W) x 390mm (W) & 1800mm (H), or maximum diameter of 500mm;

- b) The fence and/or gate can exceed a height of 0.75m where swimming pool fencing is used or the fence and/or gate is more than 80% visually permeable.

(iii) Secondary Street fence

- o Shall comply with the provisions of the R-Codes.
- o Shall not exceed a height of 1.8m
- o Along the secondary street within the primary street setback area the fence above 1.2m is to be visually permeable replicating the design of the fence along the primary street (refer to Figure 1).
- o Along the remainder of the secondary street the fence is to be a design that contributes to an attractive streetscape for passers-by while providing adequate security and privacy to occupants of the building. If metal sheeting is to be used, it must be the same colour and profile.

(iv) Common boundary fences

- o Fences shall not exceed a height of 1.8m with the exception trellis (as set out in Local Planning Policy 5.20- Exempt Development—Minor Development)
- o Shall be erected in accordance with the Dividing Fences Act.
- o ~~o~~ Where possible breezeway fencing is encouraged.

3. Industrial zones

- 3.1 Fences within the 'Light ~~& Service~~ Industry' and 'General Industry' zones and Port Reserve are to comply with the following:

(i) Materials Used

- o Acceptable materials include brick, concrete, timber, wrought iron, tubular steel, link mesh, wire, or metal sheeting – (other than unpainted zincalume).
- o Barbed wire strands are permitted provided it is contained within the property boundary and located a minimum of 2.1m from the natural ground level.
- o Not permitted materials– razor wire or electric fences.

(ii) Height

- o Side and rear fences (that do not contain barbed wire) on the boundary or within six metres of a street or road boundary – maximum height 2.1m
- o Front fences or any fence on the boundary or within six metres of a street or road boundary (that do not contain barbed wire) - maximum height 2.1m.
- o A fence that incorporates barbed wire - maximum height 2.4m.

(iii) Visual permeability

- o Front fences or any fence forward of the building setback line and the street or road boundary is to be visually permeable.

4. Cultural Culture and Natural Resource Use, Rural Residential and Rural Small Holdings

4.1 Fences within the 'Cultural and Natural Resource Use,' 'Rural Residential' and 'Rural Small Holdings' zone are to comply with the following:

(i) Materials Used

- o Acceptable materials include timber, wrought iron, tubular steel, link mesh, wire or metal sheeting.
- o Barbed wire and electric fences strands are permitted provided it is contained within the property boundary.
- o Not permitted materials – razor wire.

(ii) Height

- o Any fencing fronting a road and between the building setback line and any boundary to a road and any common boundary fence is to be a maximum height of 1.2m.
- o With the exception of areas mentioned above, the maximum height of a fence is 1.8m

(iii) Visual permeability

- o Any fencing fronting a road and between the building setback line and any boundary to a road and any common boundary fence is to be visually permeable.

4.2 In the event a fence is proposed which exceeds the height and visually permeability requirements specified under 4.1 above, development approval will be required and may be approved if the following criteria is met:

- (i) The fence is required to support a permitted or approved land use undertaken on the property;
- (ii) The rural and general amenity of the locality will not be impacted; and
- (iii) Views from any public place to the property will not be restricted.

5. All other zones

5.1 Fencing in all other zones is deemed to be development under the provisions LPS 76 and accordingly require development approval.

5.2 Residential development within all other zones is required to satisfy the requirements of the R Codes and this fencing policy and any fencing standards prescribed in an adopted Design Guideline.

SHIRE OF BROOME LOCAL PLANNING SCHEME No. 76 (LPS76) – LOCAL PLANNING POLICIES

This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.

Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.

~~This Policy is a Local Planning Policy adopted under the provisions of Clause 2.4 of LPS6. LPS6 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS6 was gazetted and came into operation on the 30 January 2015.~~

~~Planning policies adopted under LPS6 may be amended or rescinded after the procedures set out in Clause 2.4 and 2.5 have been completed.~~

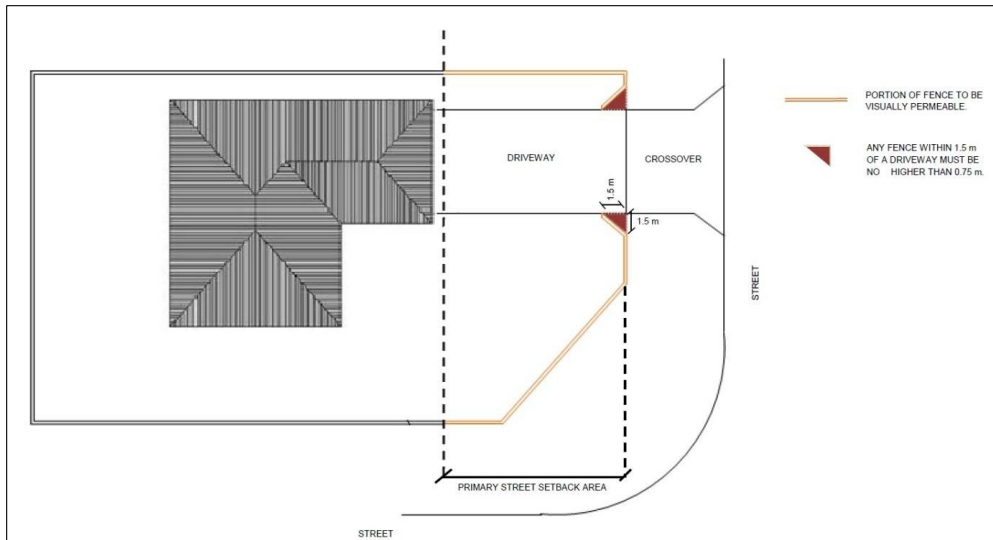


Figure 1

LOCAL PLANNING POLICY

5.9

TITLE:	DEVELOPMENT APPROVALS – AMENDMENTS/EXTENSIONS TO TERM OF APPROVAL AND REQUESTS FOR FURTHER INFORMATION
ADOPTED:	OMC 19 April 2012
REVIEWED:	OMC 30 July 2015 – Pages 28 – 40 OMC 17 December 2015 – Pages 110 – 121 OMC 25 May 2017 – Pages 85 – 260 OMC 14 December 2017 – Pages 1030 – 1043 OMC 12 December 2019 – Pages 213 - 221 OMC XX
ASSOCIATED LEGISLATION:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Local Planning Scheme No 76 (LPS 76)
ASSOCIATED DOCUMENTS:	
REVIEW RESPONSIBILITY:	Director Development & Community Services
DELEGATION:	Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.
APPLICATION:	This policy applies to the LPS 76 area

[Previous Policy Number 8.15](#)

Background:

This Policy provides clarity and guidance with regards ~~to to~~ amending of a ~~planning development~~ approval;

1. setting the term of ~~planning development~~ approval;
2. seeking an extension to a ~~planning development~~ approval; and
3. requiring information regarding a ~~planning development~~ application

Clause 77 of the Deemed Provisions empowers the Local Government , on receipt of a written application from the owner of land in respect of which development approval has been granted, to cancel, amend or delete any condition to which the approval is subject or amend the development approval.

Clause 63 of the Deemed Provisions provides a detailed description of the accompanying material that Local Government requires in support of a development application.

Clause 63(3) of the Deemed Provisions provides a description of the material required, in addition to the material as outlined in clause 63 of the Deemed Provisions, for applications where the proposed development relates to a place on the Heritage List or within a Heritage area.

Clause 71 of the Deemed Provisions provides that a development approval lapses in the event that the development is not substantially commenced within the term of that approval. The Scheme specifies a period of 2 years from the date of determination as the [term unless](#) another time period is specified in the approval.

Clause 77 of the Deemed Provisions provides that a written request may be made for an extension of the term of a development approval at any time prior to the expiry of the approval period.

Objective:

To provide guidance for the consideration of:

1. Requests for an amendment to a planning approval;
2. The period of time given to a planning approval;
3. Extension of time to a planning approval; and
4. To set out a process for the request of further information to assist the Shire in considering a planning application.

Definitions:

In this policy, the term

'Substantial Commencement': [means](#) (as per the definition in Schedule [2 Part 1 Clause 1 + to the Shire of Broome LPS of the Deemed Provisions](#)) ~~and as further defined~~ [some substantial part of work in respect of a development approved under a planning scheme or under an interim development order has been performed.](#)

[Example:](#)

[Substantial commencement is](#) deemed to have occurred where there has been physical 'on site' development that comprises more than the mere preparation of the site and the placing of footings and slab. Where a condition of approval there is a requirement to undertake further studies and investigations for submission and approval of the Shire prior to development commencing, such 'work' is not deemed to be substantial commencement.

Where no construction is required as part of a [planning development](#) approval, proof that the current use has commenced has to be provided.

Policy:

1. **Amendment of a Planning-Development Approval** (Clause 77 Deemed Provisions)
 - 1.1 In determining, pursuant to clause 77 of the Deemed Provisions, whether to allow the amendment of a development approval, the Shire shall consider whether the nature and extent of the proposed amendment is such that the use or development the subject of the planning approval:
 - a) remains, in substance, the same; or
 - b) is changed so a new and/or different use or development is proposed.
 - 1.2 If the nature and extent of the proposed amendments is such that there is a new and/or different use or development to that which was the subject of the development approval, the Shire may refuse to allow amendment of the development approval and require the submission of a new development application.
 - 1.3 Where an amendment of any Approval is determined to be, in substance, the same as the original approval, the Shire will follow the same procedure as was followed for the original application, unless the amendment now requires advertising, in which case the amendment application will be advertised in accordance with clause 64 of the Deemed Provisions and Local Planning Policy.
 - 1.4 If an application to amend development approval is refused, nothing in this Policy shall preclude the applicant from making, and the Shire from determining, a new application for development approval for the same use or development.
 - 1.5 Where a request to amend a development approval is approved, a letter will be issued advising the applicant of this. The original development approval (including the terms and conditions) will remain operative, subject to any amendments approved.
2. **Term of Planning-Development Approval** (Clause 71 of the Deemed Provisions)
 - 2.1 Where the Shire grants development approval the development is to be substantially commenced within two years of the date of issue of the approval.
 - 2.2 Where in the opinion of the Shire, the planning framework (which includes the Scheme and planning policies) under which the planning approval is to be granted is reasonably likely to materially change in the foreseeable future † the Shire may specify a period of one year.
3. **Extension of the Term of Approval** (Clause 77 of the Deemed Provisions)
 - 3.1 For the purposes of Clause 77 of the Deemed Provisions the written request to extend the term of a development approval must be received prior to

the close of business on the day of which the term is due to lapse (i.e. if the approval was issued on 24 January 2010 then it will be considered to have lapsed after 4pm on 23 January 2012).

- 3.2 Where an extension is granted, a period of up to a further two years may be granted.
- 3.3 Only one extension of the term of a development approval shall be granted, after which a new development application will be required.
- 3.4 In considering a request for an extension to the term of a development approval under clause 77 of the Deemed Provisions, the Shire is to have regard to the following factors;
 - a) whether the scheme (including any new scheme), relevant planning policy or planning framework has changed in a material way since the development approval was granted;
 - b) the level of discretion (if any) that was exercised in relation to the Scheme or policy requirements in granting approval; or
 - c) whether a material change has occurred to either the site to which the development approval relates or the surrounding locality since the planning approval was granted.
- 3.5 Where a request to extend the term of a development approval is approved, a letter will be issued advising of the extension of the term of approval and all other conditions of the approval will remain unchanged. No new development approval will be issued as the extension of time is an extension of the term of the original approval and its conditions.

~~4. Further Information Requests~~

~~4.1 Where the Shire having regard to clause 63 of the Deemed Provisions is of the opinion that the material provided with a development application is insufficient for a proper planning evaluation to be made in regard to the Scheme, the Shire, shall notify the applicant in writing that additional information is required, specifying the type and form of the information to be submitted and requesting that such information be provided within 21 days of the date of the letter unless the type of information warrants more time.~~

~~54. Fees~~

An application fee will be charged for requests for an amendment to, and extension of the term of a ~~Planning Development~~ Approval as specified in the Schedule of ~~Fee's~~Fees and Charges.

SHIRE OF BROOME LOCAL PLANNING SCHEME No. ~~76~~ (LPS~~76~~) – LOCAL PLANNING POLICIES

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~~Planning policies adopted under LPS6 may be amended or rescinded after the procedures set out in Clause 2.4 and 2.5 have been completed.~~

LOCAL PLANNING POLICY

5.10

TITLE:	SIGNS
ADOPTED:	OMC 9 August 2012 – Pages 50 - 56
REVIEWED:	OMC 21 February 2013 – Pages 94 – 97 OMC 30 July 2015 – Pages 28 – 40 OMC 17 December 2015 – Pages 110 – 121 OMC 25 May 2017 – Pages 85 – 260 OMC 14 December 2017 – Pages 1030 – 1043 OMC 12 December 2019 – Pages 213 - 221 OMC XX
ASSOCIATED LEGISLATION:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Local Planning Scheme No 67 (LPS 67)
ASSOCIATED DOCUMENTS:	
REVIEW RESPONSIBILITY:	Director Development Services & Community Services
DELEGATION:	Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.
APPLICATION	This policy applies to the LPS 67 area

[Previous Policy Number: 8.17](#)

BACKGROUND

Advertising signs help identify businesses, promote products or activities and provide direction / information.

If designed and sited well signs make a positive contribution and can add to the vitality of the streetscape. If located in a way that is poorly thought out, not well designed or not well maintained the sign becomes an eyesore and can have a negative impact on the character and amenity of the surrounding area.

The proportion and size are critical elements when considering new signs. The placement of signs must be cognisant of the particular area and the 'view shed'. There may be areas where large amounts of signage are considered appropriate and integral to the image sought to be created. Conversely there may be areas where because of heritage and amenity signs need to be kept to a minimum.

POLICY OBJECTIVES

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

EXEMPTIONS

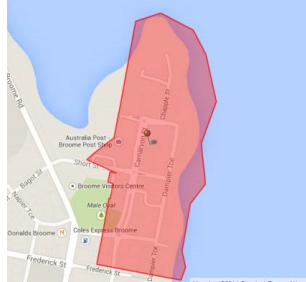
This policy does not apply to:

- Signs approved or are in accordance with the *Shire of Broome Local Government and Public Places Local Law*;
- Signs approved as part of an Event Permit / Trading Licence approved by the Shire of Broome;
- Public Art/Integrated Art/ Community Art as defined by the Council's Policy - Public Art;
- Sign(s) only visible within a building or only visible within the boundaries of the property on which the sign is positioned;
- Blue & White directional signs;
- Signs relating to the functions of Government, a public authority or local government, excluding those of a promotional nature, constructed or exhibited by, or on behalf of any such body;
- Signs required for the management or control of traffic on any public road, car park, cycleway, railway, waterway where such sign has been constructed or exhibited by or at the direction of a Government department, public authority or the local government; ~~or~~
- Signs required by other Legislation; or
- Signs/advertisements defined in Clause 61 of the Deemed Provisions (temporary erection of advertisement in connection with an election)~~—~~.

DEFINITIONS

The following definitions relate directly to the application of this Policy

“Chinatown Heritage Area” means any property that is positioned within the Chinatown Conservation Area included on the State Register of Heritage Places, as shown below:



“Election Sign” – is a sign that:

- a) is erected or installed in connection with an election, referendum or other poll conducted under the *Commonwealth Electoral Act 1918* (Commonwealth), [the Referendum \(Machinery Provisions\) Act 1984](#), the *Electoral Act 1907* ~~or the Local Government Act 1995~~ [or the Referendums Act 1983](#); and
- b) the primary purpose of the advertisement is for the political communication in relation to the election, referendum or poll; and
- c) is not erected or installed until the election, referendum or other poll is called and is removed no later than 48 hours after the election, referendum or other poll is conducted. .

“Fence” - is a freestanding structure put in place to mark a boundary and restrict movement across a property. It can be a permeable or solid structure. A fence may consist of several sections each section being defined by a clear edge at which the angle of alignment of the adjoining fence changes.

“Gable” - is the generally triangular portion of a wall between the edges of a sloping roof.

“Heritage Building” – is a building listed on the Register of Heritage Places or the Shire of Broome Municipal Inventory of Heritage Places.

“Sign”- includes all forms of advertising devices, signage and bill posting including a notice, flag, mark, structure or device, or part thereof, whether or not words, numbers, expressions or symbols are shown thereon.

“Sign surface area” where the sign is painted, printed or affixed on a building or fence and there is no contrasting background used to the predominant colour of the building elevation or fence, the surface area of the sign is taken as the outer edge of the lettering, symbols images used. In the event contrasting colour(s) are used, the outer edge of the contrasting colour(s) will form the sign surface area. The surface area of the sign in a co-joined ‘V’ shape is the sum of both surfaces.

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

POLICY STATEMENT

General Provisions:

Location of signs

1.1 Signs must be within or on the boundaries of the lot on which the business is operating (except election signs). The only exception is signs which are attached to an approved awning or verandah which extends into the road reserve.

Content of signs

1.2 The content of a sign (other than an election sign) shall be limited to:

- (i) Name of traders/occupants/operators;
- (ii) Details of business name or business carried out on the land;
- (iii) Telephone or contact details;
- (iv) Details of the goods sold or services provided; and
- (v) The trademark or logo of the business or products for sale

1.3 The sign (other than an election sign) can only advertise the activity or business that is carried out on the property.

Safety

1.4 No sign shall pose threat to public safety or health, obstruct sightlines of vehicles, cyclists or pedestrians or obstruct pedestrian movement.

Signs visible from a Main Road

1.5 Signs on private land but visible from a road controlled by Main Roads WA (MRWA) under the provisions of the Main Roads (Control of Advertisement) Regulations 1996 will be referred to MRWA for comment.

Building Permit

1.6 Any sign that requires structural features is required to obtain a Building Permit. An Engineers certificate from a registered structural engineer is to accompany the application.

Illuminated Signs

1.7 Any signs which are proposed to be illuminated must comply with the following:

- (i) Can have a maximum luminance measured in candela per square metre, in accordance with the following table:

'Town Centre' 'Regional Centre' 'Mixed Use' 'Tourism Reserve' 'Port Service Commercial' and all 'Industry' zones	'Local Centre' and 'District Centre' zone	Where the sign is within 100 metres of Residential development
500 cd/sqm	350 cd/sqm	300 cd/sqm

- (ii) All conduits, wiring, switches or other electrical apparatus are to be concealed from general view;
- (iii) A maximum of one illuminated sign per tenancy is permitted.

Maximum aggregate number of signs

- 1.8 Notwithstanding the provisions of the table under Clause 1.13, the maximum number of signs permitted for each tenancy within a lot/property is:
 - One Portable sign; and
 - Four other signs.

Signs in the Chinatown Conservation Area or on Heritage Buildings:

- 1.9 Notwithstanding any other provision of this Policy, any sign proposed in the Chinatown Conservation Area must comply with the following:
 - (i) Lettering to be simple. However, the lettering should not dominate the design of the sign.
 - (ii) Oriental graphics may be used.
 - (iii) Maximum number of five (5) colours permitted on each sign.
 - (iv) The bare light bulb signage as found on the 'Sun Pictures' sign may be considered if the lettering size and style of this particular sign is also used. However, this type of sign should not appear on more than one in every ten buildings in any given streetscape.
 - (v) A maximum of three (3) signs per tenancy may be approved, i.e. one roof sign and other type of signs. On tenancies with two street frontages, a maximum of three (3) signs per street frontage may be approved.
 - (vi) Is to be affixed in a way that causes no damage to the building and can be removed without leaving evidence of having been affixed.

- 1.10 Signs on Places within the Shire of Broome Heritage List with a grading of A or B must comply with the following:
 - (i) Lettering to be simple.
 - (ii) Maximum number of five (5) colours permitted on each sign.
 - (iii) Is to be affixed in a way that causes no damage to the building and can be removed without leaving evidence of having been affixed

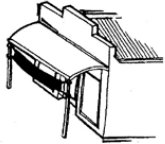

Signs not permitted:



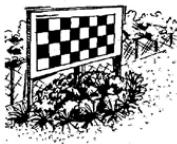
1.11 The following signs are not permitted:




- (i) Any advertisement that is objectionable, offensive or dangerous;
- (ii) Illuminated signs that pulsate, flash or contain moveable electronic text;
- (iii) Signs that incorporate animation or movement in to the design or structure;
- (iv) Creative buildings where structures, including permanent or inflatable structures, are placed on top for promotional purposes;
- (v) Signs placed in/or on infrastructure associated with a bus stop, telephone booth or a highway sign;
- (vi) Signs that are moveable other an a 'mobile Billboard' sign;
- (vii) Bunting;
- (viii) Tethered balloons, blimps or other such objects that float above building or property;
- (ix) Any signs listed as 'X' in Table under Clause 1.14.
- (x) Any sign which is not erected within or on the boundaries of the lot to which the business is operating (except election signs). The only exception is signs which are attached to an approved awning or veranda which extends into the road reserve.



Sign Standards




1.12 The following table details the types of signs, the design requirements and maximum numbers for each sign type which must be complied with in addition to the general provisions listed above:

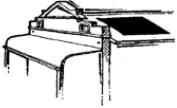


Type of Sign	Design Standards	Maximum number of signs
<p>Banner Sign - is a temporary sign on non-rigidnon-rigid material hung on a building or a fence to promote sales or special activity but does not include a 'Community Service Sign' or an 'Event Sign'.</p> 	<ul style="list-style-type: none"> • The banner does not exceed 4sqm in area; • If located under eaves or verandahs provides head room clearance of 2.75m above natural ground level; and • Is displayed for no longer than 4 weeks during any 12 month period. 	<p>One sign per tenancy</p>
<p>Canopy Sign - is a sign placed on one or more of the canopy fascia at a petrol filling station or similar facilities.</p> 	<ul style="list-style-type: none"> • Must be attached to the facades of the canopy only and shall not project more than 1m above the canopy. 	<p>N/A</p>
<p>Community Service Sign - is a temporary sign on non-rigidnon-rigid material hung on a building or fence to promote a not-for-profit fete, fair or festival for a charitable, religious, education, child carechildcare, sporting organisation or the like but does not include a 'Banner Sign' or 'Event Sign'.</p>	<ul style="list-style-type: none"> • Maximum area of 4sqm; • Located on the site of the proposed activity or the property of the relevant organisation where the activity is to occur; and • Is displayed not more than 2 weeks before the community activity and taken down the day after the community activity occurs. 	<p>One sign per street frontage</p>
<p>Entertainment Sign - is a sign that is displayed at an entertainment venue or to publicise a particular movie or performance.</p>	<ul style="list-style-type: none"> • An aggregate area of 0.2sqm per 1m street frontage of the tenancy with a maximum area of 4sqm; and • Removed on the completion of the movie or performance to which they relate. 	<p>N/A</p>

<p>Event/Trading Sign – is a sign erected in accordance with a Trading Licence or Event Permit issued by the Shire.</p>	<ul style="list-style-type: none"> • Determined in accordance with the Event Policy. • Cannot involve any advertising devices which are inflatable, or devices which are illuminated with pulsating, flashing or moveable electronic writing or animation. 	<p>N/A</p>
<p>Fence Sign – is a sign erected, attached to or painted on a fence.</p> 	<ul style="list-style-type: none"> • Maximum area of 20% of the section of fence to which it is attached to or 4sqm whichever is lesser. <p>In the Chinatown Conservation Area, only the following type of fence signs are permitted:</p> <ul style="list-style-type: none"> • Maximum area of 20% of the section of fence to which it is attached to or 2sqm whichever is lesser. 	<p>N/A</p>
<p>Flag Sign – is a sign printed on a flag and flown from a pole and can include up to 4 separate flags, but <u>flags</u> but does not include bunting (small triangular flags attached to rope).</p> 	<ul style="list-style-type: none"> • Each flag has a maximum area of 2sqm; • There is a minimum separation of 1.5m between each flag; • Is no higher than the building to which the sign relates; • Is not placed in a way to be a hazard or safety risk to pedestrians, bicyclists or vehicular traffic; and • Is removed at the end of each business day. 	<p>One flag sign per lot (one flag sign can consist of 4 flags)</p>
<p>Freestanding Sign – – is a sign that is not a ‘Pylon Sign’ supported above ground level by one or more piers and is not attached directly to any building or other structure.</p> 	<ul style="list-style-type: none"> • Maximum area of 2 sqm; • Does not exceed 2.5 metres in height; and • Cannot be located on a property where there is one ‘Pylon Sign’ or one ‘Hoarding Sign’. 	<p>One sign per lot except within a ‘Public Purpose’ reserve where the maximum number is one sign per street frontage.</p>

<p>Gable Sign – is a sign attached to or painted on the gable of a roof.</p> 	<ul style="list-style-type: none"> • Fits within the gable feature • The sign area is not greater than 1.2sqm, • Can be inclined no more than 10 degrees from the vertical • Has a maximum depth of 300mm. <p>In the Chinatown Conservation Area, only the following type of gable signs are permitted:</p> <ul style="list-style-type: none"> • Fits within the gable feature • The sign area does not exceed two-thirds the width of the tenancy with the sign having the maximum area of 1.2sqm. 	<p>N/A</p>
<p>Garage Sale Sign – is a notice stuck on an upturned and weighted down standard sized cardboard box and placed on a road safety island advertising a garage sale for a private dwelling.</p> 	<ul style="list-style-type: none"> • The sign is temporary, and is removed once the sale has concluded, usually within 24 hours. 	<p>N/A</p>
<p>Hoarding Sign - is a sign on a detached structure supported above ground level by one or more piers and is not attached directly to any building or other structure.</p> 	<ul style="list-style-type: none"> • Maximum area 20sqm; • Does not exceed 6 metres in height; • The bottom edge is to be not less than 1.2m from ground level; • Not located within 15m or not closer than its own height (which ever is the lesser) from any road reserve, street, footpath or public place; and • Cannot be located on a property where there is one 'Pylon Sign' or one Freestanding Sign' already approved or constructed. 	<p>One sign per lot</p>

<p>Holiday House Sign – is a sign that is erected on-site within the property boundary.</p>	<ul style="list-style-type: none"> • Maximum area 0.2sqm (i.e. 50cm x 40cm). • Clearly visible from the street. • Must have the current property managers name and contact details. 	<p>One sign per Holiday House</p>
<p>Mobile Billboard Sign – is a sign painted on, attached to or placed on a vehicle (car, truck, boat, motorcycle, scooter, bicycle, trailer, caravan, machinery or similar) whether to not it is moveable.</p> 	<ul style="list-style-type: none"> • Maximum horizontal or vertical dimension being 2.0m • The vehicle is removed when Cyclone warning 'Yellow' alert is issued 	<p>N/A</p>
<p>Portable Sign – is a temporary sign placed on the ground outside a shop or business that has 2 panels on which advertising is displayed.</p> 	<ul style="list-style-type: none"> • Is located within the property of the business it is advertising; • Advertises only the name of the owner or occupier of the premises to which it relates and the nature of the business; • Does not exceed 1,000mm in height; • Size of each advertising panel is no greater than 0.8 sqm; • Must not be located to impede pedestrian, bicycle or vehicular movement; • Is to be taken in each day at close of business; and • Is removed when Cyclone warning 'Yellow' alert is issued. 	<ul style="list-style-type: none"> • One sign per tenancy

<p>Projecting Sign – is a sign fixed to and projecting from a wall above an awning or verandah or suspended from beneath a verandah.</p> 	<ul style="list-style-type: none"> • Maximum area of 1.2sqm • Does not impede or create a hazard for pedestrian or cyclists • If suspended has a clearance of 2.75m from the ground/pavement. <p>In the Chinatown Conservation Area, only the following type of projecting signs are permitted:</p> <ul style="list-style-type: none"> • Maximum size of 0.6sqm • Does not impede or create a hazard for pedestrian or cyclists • If suspended has a clearance of 2.75m from the ground/pavement. • If illuminated such signs are only permitted above the verandah with a maximum length of 1/3rd of frontage or 0.6sqm whichever is the lesser. 	<ul style="list-style-type: none"> • One sign per tenancy
<p>Pylon Sign – a sign that is either supported above ground level by one or more piers or is a monolith and is not attached directly to any building or other structure.</p> 	<ul style="list-style-type: none"> • If advertising one business maximum area of 4sqm; • If advertising three or more businesses maximum area of 10sqm; • Has a maximum height of six (6) metres; • Has a maximum depth of 400mm; • Where clearance for pedestrian or cyclist traffic is required the bottom edge it is 2.75 metres above ground or pavement level; and • Cannot be located on a property where there is one 'Freestanding Sign' or one 'Hoarding Sign'. <p>In the Chinatown Conservation Area, only the following type of pylon signs are permitted:</p> <ul style="list-style-type: none"> • Multi-tenancy sites where identification is required for tenancies in a rear or side laneway or mall development; • The sign (excluding the pylon) shall be a maximum of 2.4m in height and 1m in width; • The overall height of the pylon cannot exceed 3m; and • Must be situated adjacent to the principal pedestrian entrance point provided no restriction of traffic flow is created. 	<ul style="list-style-type: none"> • One sign per lot
<p>Real Estate Sign – is any sign advertising property transactions</p> 	<ul style="list-style-type: none"> • A maximum size of 2sqm; • Is located within the property boundary to which the transaction relates; • Requires no guy ropes or stays or other external devices to ensure stability; • Is removed when the property transaction is completed or twelve months whichever is the lesser; and • Is removed when Cyclone warning 'Yellow' alert is issued. 	<p>N/A</p>

<p>Roof Sign – is any sign painted or fixed to the roof of a building that does not protrude above the ridge line of the roof.</p> 	<ul style="list-style-type: none"> • A maximum area of 20% of the area of the roof panel on which it is located or 4 sqm whichever is the lesser; • A maximum width of 2/3 of the width of the roof; • Does not protrude above the roof ridge line; and • Does not project more than 300mm from the portion of the building to which it is attached. <p>In the Chinatown Conservation Area only the following type of Roof Signs are permitted</p> <ul style="list-style-type: none"> • Only be located on the tenancy to which the sign directly relates to. • Maximum area of 10% of the area of the roof on which it is located or 4 sqm whichever is the lesser • If illuminated maximum length to be 1/3rd length of the roof or 3 metres whichever is lesser. 	<ul style="list-style-type: none"> • One sign per lot
<p>Verandah Sign – is a sign displayed on the outer fascia of a verandah, canopy, blind or sunshade.</p> 	<ul style="list-style-type: none"> • Maximum area of 1.2sqm; and • Provides a clearance of 2.75m from ground/pavement level; and • If located on the outer fascia has a maximum depth of 300mm. 	<p>N/A</p>
<p>Wall Sign – is a sign attached to or painted on wall.</p> 	<ul style="list-style-type: none"> • Maximum area of 20% of the wall to which it is attached to or 4 sqm whichever is the lesser; and <p>In the Chinatown Conservation Area only the following type of Wall Signs are permitted:</p> <ul style="list-style-type: none"> • Maximum sign size is 2sqm 	<p>N/A</p>
<p>Any Other Sign - Is a sign that is not listed or defined within the general terms of the definitions or otherwise mentioned in this Policy.</p>	<p>These are to be considered against the provisions of a sign definition of 'nearest fit' and the performance criteria.</p>	<p>N/A</p>

Permissibility

- 1.13 Notwithstanding the exemptions set out under Clause 1.14, the following signs must have development approval from the Shire of Broome:
- 1.13.1 all signage attached to buildings that are Graded A and B in on the Heritage List including signage proposed on all buildings in the Chinatown Heritage Area, is subject to development approval.
 - 1.13.2 Signs on private land but visible from a road controlled by Main Roads WA (MRWA) under the provisions of the Main Roads (Control of Advertisement) Regulations 1996 will be referred to MRWA for comment.
- 1.14 Signs that are notated as the following in Table 1 have the following permissibility/approval requirements:
- A** Do not require development approval if erected in accordance with the details contained in the General Provisions (1.1 to 1.11) and particular Sign Standards (1.13).

Any sign that is listed as 'A' and will not comply with the General Provisions (1.1 to 1.11) and particular Sign Standards (1.13) will require development approval and are to be assessed against the Performance Criteria (1.15).
 - C** Require development approval and must comply with the details set out in the General Provisions (1.1 to 1.11) and the particular Sign Standards (1.13) and are to be assessed against the Performance Criteria (1.15).
 - X** Are prohibited.

LPS Land Use Zone Type of Sign	Regional Centre	Local Centre, District Centre, Mixed Use, Special Use, Service, Commercial	Tourist-Low Impact, Tourist Development, Tourism	Residential	Light Service & General Industry Port	Rural Residential, General Agriculture, Rural Cultural & Natural Resources, Rural Small Holdings, Small Holding	Urban Development & Settlement	Special Use, Public Purpose, Reserves
Banner Sign	A	A	A	X	A	C	C	C
Canopy Sign	C	C	X	X	C	X	X	C
Community Service Sign	A	A	A	A	A	A	A	A
Election Signs	A	A	A	A	A	A	A	A
Entertainment Sign	A	A	A	X	X	X	X	A
Event/Trading Sign	other permit, Shire permit	other permit, Shire permit	other permit, Shire permit	other permit, Shire permit	other permit, Shire permit	other permit, Shire permit	other permit, Shire permit	other permit, Shire permit
Fence Sign	A	A	C	X	A	X	X	C
Flag Sign	A	A	A	X	A	X	C	C
Freestanding Sign	C	C	C	X	C	C	C	C
Gable Sign	A	A	A	X	A	X	X	C
Garage Sale Sign	A	A	A	A	A	A	A	A
Hoarding Sign	X	X	C	X	C	X	X	C
Illuminated Sign	A	A	A	X	A	X	X	A
Mobile Bill Board Sign	C	C	X	X	C	X	X	C
Portable Sign	A	A	A	X	A	A	A	A
Projecting Sign	A	A	A	X	A	X	C	C
Pylon Sign	C	C	C	X	C	X	X	C
Real Estate Sign	A	A	A	A	A	A	A	A
Roof Sign	C	C	C	X	C	X	X	C
Verandah Sign	A	A	A	X	A	X	X	C
Wall Sign	A	A	A	X	A	X	X	C
Any Other Sign	C	C	C	C	C	C	C	C

Performance Criteria

1.15 Signs denoted by a 'C' or a sign denoted as 'A' (which do not comply with the General Provisions of Sign Standards) in table 1 are to also be assessed against the following criteria:

<u>Size</u>	Is in keeping/scale with the development or site on which it is proposed
<u>Colour and Shape</u>	Is complementary to the development and surrounding landscape
<u>Number</u>	There is not an excess of signage that detrimentally impacts on visual amenity
<u>Location</u>	The location is sympathetic to the existing landscape /streetscape
<u>Design</u>	The scale and form of the sign complements the building /development and does not obstruct key architectural features.

1.13 In assessing a proposed sign against the above criteria the Shire in its discretion may advertise the proposal as set out in ~~Shire of Broome Local Planning Scheme Clause 10.4~~ Local Planning Policy 5.14 – Public Consultation – Planning Matters.

1.14 Any application which is deemed to not satisfy the performance criteria under Clause 1.15 above, which proposes signs which in aggregate exceed 20% of the building elevation to which they relate to or proposed a sign which is not permitted as defined under Clause 1.12, are to be referred to Council for determination.

SHIRE OF BROOME LOCAL PLANNING SCHEME No. ~~67~~ (LPS~~67~~) – LOCAL PLANNING POLICIES

~~This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.~~

~~Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 clause 5 & 6 of the deemed provisions of LPS7 have been completed.~~

~~This Policy is a Local Planning Policy adopted under the provisions of Clause 2.4 of LPS6. LPS6 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS6 was gazetted and came into operation on the 30 January 2015.~~

~~Planning policies adopted under LPS6 may be amended or rescinded after the procedures set out in Clause 2.4 and 2.5 have been completed.~~

LOCAL PLANNING POLICY

5.11

TITLE:	TELECOMMUNICATIONS INFRASTRUCTURE
ADOPTED:	OCM 4 October 2012 – Page 58 - 62
REVIEWED:	OMC 30 July 2015 – Pages 28 – 40 OMC 17 December 2015 – Pages 110 – 121 OMC 25 May 2017 – Pages 85 – 260 OMC 14 December 2017 – Pages 1030 – 1043 OMC 12 December 2019 – Pages – 213 - 221
ASSOCIATED LEGISLATION:	OMC.. Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Local Planning Scheme 7 (LPS7)
ASSOCIATED DOCUMENTS:	State Planning Policy 5.2 – Telecommunications Infrastructure Local Planning Policy 8.11
REVIEW RESPONSIBILITY:	Director Development & Community Services
DELEGATION:	Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.
APPLICATION:	This policy applies to all land within the Shire of Broome Local Government boundary .

[Previous Policy Number 8.19ed](#)

Background:

The Shire of Broome at times receives applications for Telecommunications Infrastructure. Clause [4.1717](#) of ~~LPS76~~ contains provisions relating to Telecommunications Infrastructure and this Policy will provide further direction on the assessment of such applications.

Facilities which are listed in the Telecommunications (Low-Impact Facilities) Determination ~~19972018~~ fall outside State and local government control but are required to comply with the Commonwealth Telecommunications Code of Practice ~~20211997~~. A copy of the Telecommunications (Low-Impact Facilities) Determination ~~1997-2018 and Amendment No.1-1999~~ can be accessed via the following website - [Federal Register of Legislation - Home Page www.comlaw.gov.au](#)

As a result this policy accepts that under the Telecommunications Act 1997 the following facilities are exempt from the requirement to obtain development approval, however a building permit may still be required:-

- (a) A low-impact facility described in the Telecommunications (Low Impact Facilities) Determination [2018/1997 and Amendment No.1 1999](#), when installed by a Carrier;
- (b) Inspection and maintenance;
- (c) A temporary defence facility; and
- (d) A facility authorised by a Facilities Installation Permit issued under the Telecommunications Act.

Under [Part 3 – Low-impact facilities of the Telecommunications \(Low-impact Facilities\) Determination 2018 clause 3.1](#) describes the following as being a low-impact facility:

- [\(1\) A facility described in column 2 of an item in the Schedule is a low-impact facility only if it is installed, or to be installed, in an area mentioned in column 3 of the item.](#)
- [\(2\) However, the facility is not a low-impact facility if the area is also an area of environmental significance.](#)
- [\(3\) For subsection \(1\), trivial variations for a facility mentioned in column 2 are to be disregarded.](#)
- [\(4\) A facility that is ancillary to a facility covered by subsection \(1\) is also a low-impact facility only if it is:](#)
 - [\(a\) necessary for the operation or proper functioning of the low-impact facility; or](#)
 - [\(b\) a shroud installed over a low-impact facility, where the shroud is intended to minimise the visual amenity impact of the low-impact facility and is colour-matched to its background; or](#)
 - [\(c\) installed, or to be installed, solely to ensure the protection or safety of:](#)
 - [\(i\) the low-impact facility; or](#)
 - [\(ii\) a facility covered by paragraph \(a\); or](#)
 - [\(iii\) persons or property in close proximity to the low-impact facility.](#)

~~sub clauses 6(4), (5) and (7) of the Telecommunications Act 1997, the following telecommunications facilities cannot be low impact facilities:~~

~~Designated overhead lines;~~

~~A tower that is not attached to a building;~~

~~A tower attached to a building and more than 5m high; ~~(d) An extension to a tower that has previously been extended; and~~ ~~(e) An extension to a tower, if the extension is more than 5m high.~~~~

~~Accordingly, overhead cabling and new mobile telecommunications towers are not low impact facilities and a facility in an 'area of environmental significance' cannot be a low impact facility.~~

Objective:

1. Ensure that Telecommunications Infrastructure is developed in a manner that is compatible with the surrounding environment and will not adversely impact on the amenity of an area.
2. Establish suitable assessment criteria for the control and location of Telecommunications Infrastructure.
3. Ensure compliance with all relevant health and safety standards in the provision of telecommunications infrastructure.
4. Ensure that Telecommunications Infrastructure does not cause interference to any domestic or other commercial electrical appliance in the vicinity as a result of emission from the structure or any appliance connected or related to it.

Definitions:

Mobile telephone service provider: Means the holder of a carrier licence granted under Section 56 of the Telecommunications Act, 1997. [A holder of a carrier licence is also referred to as a "carrier" as per clause 41. of the Act](#)

Low Impact Facilities: Means small radio communications antennae and dishes that are erected on existing towers or buildings and that are designed to be unobtrusive. Other types of low-impact facilities include underground and above ground housing, underground cables, public payphones and temporary emergency facilities—.

Telecommunications Infrastructure: Means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network and includes Radio and Television Installations used for business purposes or commercial gain.

Sensitive Areas: Means existing and proposed residential areas.

Policy:

Location

- 1.1 Telecommunication facilities and associated equipment such as shelters and antennas, are encouraged to locate within existing rural, industrial and commercial areas, large recreation grounds (e.g. playing fields, golf courses) in order to provide network coverage.
- 1.2 Telecommunications infrastructure is to be sited in accordance with the relevant State Planning Policy and it is the Shire of Broome's preference that infrastructure is not sited on land currently zoned or proposed to be zoned 'Residential—' or within a 100 metre radius of residential or sensitive areas.

- 1.3 In order to provide for future co-location, new mobile telecommunications towers, including equipment sheds, are to be designed in such a manner as to permit at least 3 mobile telephone service providers if constructed to a maximum height of 35 metres, and co-location of at least five (5) separate mobile telephone service providers if erected at a height of 40 metres.
- 1.4 Mobile telephone service providers shall co-locate onto existing towers, other existing structures or replace existing structures wherever possible. Where there is an existing facility in the locality and the Mobile telephone service provider chooses not to co-locate onto that facility, the applicant will be required to demonstrate by means of certification from an appropriately qualified person, that the proposal cannot be co-located onto that facility for technical or structural reasons.

Design

- 1.5 Telecommunications Infrastructure is to be designed to have minimal impact on the streetscape, visual amenity of the surrounding built, natural conservation areas, places of heritage significance and natural environment of the locality.
- 1.6 Any proposal within proximity to the Broome International Airport must comply with the 'Inner Horizontal Surface' of the Obstacle Limitation Surface.
- 1.7 Mobile telephone service providers are required to use techniques to blend facilities into the environment in which they are located, including the use of natural, non-reflective, compatible colours and finishes and innovative tower designs.
- 1.8 Where a proposed facility is to be located on, or immediately adjacent to, an existing or proposed building or structure, care needs to be taken with its design and siting so as to integrate the development as far as possible with the building or structure to which it relates.
- Techniques which may be used to minimise adverse visual impacts include:
- adjustment to the overall size (height and scale) of the facility;
 - colour-matching with adjacent walls;
 - creating an architectural feature of the facility, such as a spire or column;
 - complementing facade treatment so as to maintain visual balance;
 - screening to minimise visibility of the facility from adjacent areas.
- 1.9 When locating on an existing structure, the Telecommunications Infrastructure shall be coloured and fixed onto or within buildings to blend/harmonise with the colour and design of the building and where possible, should be screened from public places by the building, and should not protrude from a building into or above a public road reserve, pedestrian access way or other public space.
- 1.10 The base of the tower and associated installations shall be screened by vegetation. A landscaping plan shall be submitted and implemented through the development approval conditions where required.

- 1.11 All decommissioned Telecommunications Infrastructure shall be removed and the site reinstated to an acceptable condition at the applicant's cost.

General

1.12 Development Application Requirements

All development applications for Telecommunications Infrastructure should be accompanied by the following:

- (a) A completed Development Application Form
- (b) The required application fee
- (c) Location plans on a 1:50 or 1:100 scale showing the location of the facility and any existing or known facilities of the carrier and other carriers, within the Shire of Broome.
- (d) Site plans drawn to of scale 1:50 or 1:100 showing the existing and proposed improvements on the property, i.e. elevations, landscaping, watercourses and other natural features and levels at one metre contour levels.
- (e) Elevations - Council may require the submission of documentation showing sight lines demonstrating the level of visibility of the facility as viewed from adjacent properties or streets elevations of all proposed improvements on the site.
- (f) Colour photographs of the existing site and separate colour photomontages accurately depicting the proposed facility incorporated into the site.
- (g) Plans of the proposed mobile tower/monopole including the height, appearance, colour and location of equipment shelters.
- (h) A written submission detailing the following:
 - (i) the need for the facility;
 - (ii) details of co-location investigations, if applicable;
 - (iii) whether the applicant has notified other licensed carriers about the proposal and whether the other licensed carriers intend to co-locate on the proposed tower/monopole;
- (i) Information detailed under clause 6.3.1 of State Planning Policy 5.2 – Telecommunications Infrastructure.

SHIRE OF BROOME LOCAL PLANNING SCHEME No. ~~76~~ (LPS~~76~~) – LOCAL PLANNING POLICIES

[This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.](#)

[Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.](#)

[This Policy is a Local Planning Policy adopted under the provisions of Clause 2.4 of LPS6. LPS6 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS6 was gazetted and came into operation on the 30 January 2015.](#)

~~Planning policies adopted under LPS6 may be amended or rescinded after the procedures set out in Clause 2.4 and 2.5 have been completed.~~

LOCAL PLANNING POLICY

5.12

TITLE:	PROVISION OF PUBLIC ART
ADOPTED:	OCM 19 September 2013 – Page 51 - 55
REVIEWED:	OMC 30 July 2015 – Pages 28 – 40 OMC 17 December 2015 – Pages 110 – 121 SMC 19 January 2016 – Pages 12 – 16 OMC 28 July 2016 – Pages 108 – 116 OMC 14 December 2017 – 1031 – 1043 OMC 12 December 2019 – Pages 213 - 221 OmeMC...
ASSOCIATED LEGISLATION:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015
ASSOCIATED DOCUMENTS:	Shire of Broome Local Planning Scheme No 7 (LPS67) Chinatown Development Strategy Public Art Master Plan for Broome Town Site Guidelines for Developers Provision of Public Art Chinatown Public Art and Interpretation Strategy Public Art Guidelines
REVIEW RESPONSIBILITY:	Director Development Services & Community Services
DELEGATION:	Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the <i>Local Government Act 1995</i> as amended or other statutes as applicable to specified officers.
APPLICATION	This policy applies to the LPS 7 ⁶ area Previous Policy Number 8.20

Background

Art can provide an important role in connecting people to place and providing a reflection and interpretation of the uniqueness of their culture and history. It can be a positive visual reminder of the sense of shared community. It may also enhance the attractiveness and cultural significant of a place and encourage further investment on the local economy. The installation of public art helps achieve the following aim of Local Planning Scheme No. ~~7~~⁶:

- ~~9(b)7.6.7~~. Place
- (f)

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~~*Facilitate responsible growth and development with respect for Broome's natural and built heritage; Safeguarding and enhancing the character and amenity of the built environment and urban spaces of the Scheme area.*~~

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In order to ensure that new development or redevelopment celebrates and enhances local history and culture and promotes a sense of identity it is considered appropriate for significant development proposals to make a contribution to public art within Broome. ~~This contribution is to be made based on the following policy provisions and the Shire of Broome 'Art Concept Plan' and 'Guidelines for Contribution to Public Art'.~~

Policy Objectives

- To set out the criteria for when development is to contribute a percentage of the development cost to the provision of public art whether in a cash contribution or public art work.
- Ensure that new development within the Broome town site makes a fair and reasonable contribution toward public artworks that promote and recognise Broome's rich culture, heritage and history.
- Enhance the sense of place and promotion of identity by providing an interpretation and expression of the area's natural physical characteristics, culture and history.
- Improve legibility and visual amenity of streets, open spaces and buildings, and
- Improve the functionality of the public domain through the use of public art to provide appropriate street furniture functions.

Definitions:

'**Construction Cost**' means the construction cost of development as stated by the Applicant on the Application for Development Approval form as the 'approximate cost of proposed development'

'**Development**' has the same meaning given to the term in and for the purposes of the *Planning and Development Act 2005* and applies to any such development, that in accordance with the Shire of Broome Local Planning Scheme No 67, requires the prior approval of the Shire.

'**Public Art**' means an artistic work that:

1. Is permanent in nature and constructed of materials which may be maintained and repaired if necessary, including metal, wood, plastic, paint or any other durable material.
2. Is either freestanding or integrated into the exterior of a building or other structure.
3. Reflects the local history, culture and /or community of the Place Area in which it is to be located.
4. Is created and located for public accessibility, either within the public realm or which in view of the public realm, such as a street, park, urban plaza (area) or public building, and

5. May take the form of unique functional objects designed by an artist (such as seats or gates), but may not include architectural design, advertising or directional signage or any form of commercial branding.

Exemptions

- 1.0 This policy applies to all development within LPS76 with the exception of:
 - a) Any development within the ~~'Rural General Agriculture'~~, 'Rural Residential', ~~'Rural Small Holdings/Smallholdings'~~, 'Settlement' and ~~'Cultural Culture and Natural Resources'~~ zones.
 - b) A development of a single house or less than 10 grouped or multiple dwellings.
 - c) Any development with a gross lettable area of less than five hundred (500) square metres.
 - d) Any other type of development with an estimated total construction cost of less than four million dollars (\$4,000,000).

Policy Statement:

- 1.1 Development is required to contribute an amount equal in value to half of a percent (0.5%) of the estimated total construction cost as indicated on the form of Application for Development Approval, for the development of public art works to enhance the public realm. The contribution can be a monetary amount or the installation of a public art work on the site of the development or within a crown reserve adjoining or near to the development site.
- 1.2 The contribution requirement shall be imposed on applicable development as a condition on the Development Approval. The condition shall specify that the contribution must be made prior to occupation of the development.
- 1.3 A monetary contribution made under clause 1.2 shall be paid into a special fund to be used by the Shire of Broome for the purpose of providing public art within the general locality or area of the subject site. Individual funds contributed may be accrued for more comprehensive or detailed public art projects in the locality or area as outlined in a plan adopted by the Council. Funds contributed may be used to meet any cost reasonably associated with the scoping, commissioning, fabrication, installation and identification of a public art work and the engagement of the community in the preparation of an art work.
- 1.4 Where a development incorporates public art work(s) to the same value as specified in clause 1.1 on the site of the development or within a crown reserve adjoining or near the development site, the public art work(s) must be:
 - a) Located in a position clearly visible to the general public;
 - b) Developed in accordance with a Public Art Report endorsed by the Shire incorporating all relevant information set out in the Shire's ~~'Guidelines for Developers, the~~ Provision of Public Art~~'~~ and
 - c) Installed prior to the occupation of the development~~'~~.

- 1.5 If the public art is to be located on the site of the development, in addition to the above, the public art work must remain on the site as a permanent fixture. The landowner's responsibility for the continuance of the public art work is to be formalised through a notification on the Certificate of Title under section 70A of the *Transfer of Land Act* in a form acceptable to the Shire.
- 1.6 Public art installed in accordance with clause 1.4 is considered 'minor development' and is therefore exempt from requiring a further Development Approval from the Shire.

SHIRE OF BROOME LOCAL PLANNING SCHEME No. 76 (LPS76) – LOCAL PLANNING POLICIES

~~This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.~~

~~Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.~~

~~This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS6. LPS6 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS6 was gazetted and came into operation on the 30 January 2015.~~

~~Planning policies adopted under LPS6 may be amended or rescinded after the procedures set out in Part 2 clause 5 & 6 of the deemed provisions of LPS6 have been completed.~~

9.2 PLACE

9.2.1 BARDI JAWI NIIMIDIMAN ABORIGINAL CORPORATION: SHARED COUNTRY - SHARED VOICE PROJECT

LOCATION/ADDRESS:	Nil
APPLICANT:	Bardi Jawi Niimidiman Aboriginal Corporation
FILE:	PLA107
AUTHOR:	Land Tenure Officer
CONTRIBUTOR/S:	Manager Planning and Building Services
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

The Bardi Jawi Niimidiman Aboriginal Corporation (BJNAC) are submitting a grant application for the federal Regional Precincts and Partnerships Program (rPPP) and have requested that the Shire commits to working with BJNAC to work towards formalising a partnership with the corporation as part of their proposed Shared Country – Shared Voice project.

This report recommends that Council requests the Chief Executive Officer to work with BJNAC to facilitate Shire involvement in the proposed project.

BACKGROUND

The Bardi Jawi Niimidiman Aboriginal Corporation (BJNAC) approached Shire officers in February 2024 with an invitation to join with them in partnership for the activation of 6 parcels of land that are currently held by the Aboriginal Lands Trust (ALT).

The Project objective is to develop an investment ready precinct plan for select parcels of land that are currently held by the Aboriginal Lands Trust (ALT Estate) and are within the Native title determination area for the Bardi and Jawi People.

The main priority of the project is for the parcels of land to be divested from the ALT and vested with the native title holders to allow for activation of the land and economic benefit of the native title holders. A map of the land parcels is attached as Attachment 2. The land area covered by the proposal does include the Ardyaloon and Djarindjin community, but does not include Lombadina. Beagle Bay does not form part of the project as it is not in the BJNAC native title area.

At the time of receiving the initial correspondence in March 2024, BJNAC had not received responses or support from other agencies, government body or groups.

Attachments 1 – 4 include this initial correspondence and supporting documents, including the land parcels currently in the ALT estate, a draft governance structure and a preliminary project outline.

Since that initial invitation Shire officers have met with representatives from the project team and BJNAC and discussed in more detail the aspirations of the project and put questions to the team to better understand the role of the Shire and what resources from the Shire would be required to participate in the partnership as well as long term implications for the Shire.

COMMENT

Shire officers reviewed the invitation to participate in the project and associated documentation and met with the project team in early March 2024. Officers have raised the following considerations with the project team:

- Whether the State had fully committed to the partnership;
- Whether the communities of Ardyaloon, Lombadina and Djarindjin had committed to the partnership;
- Clarity around the deliverables of the project so the Shire could have an understanding of resource commitments.
- Reference is made to the Bidgyadanga Land Activation Project in the preliminary project outline. This project is a State lead initiative with significant resource commitment and budget, which commenced in December 2020 and is yet to deliver tenure reforms with the Shire yet to be informed of resolution of key governance, land use planning and infrastructure considerations. What is the funding sought for the delivery of this project and have the project milestones been informed by experiences of the Bidgyadanga Land Activation Project.

Since meeting with Shire Officers BJNAC have received correspondence from the Minister for Education, Aboriginal Affairs; Citizenship and Multicultural Interests the Honourable Dr Tony Buti and the Deputy Premier, Treasurer, Minister for Transport and Tourism the Honourable Rita Saffioti both offering their support for the project. See **Attachments 5 – 6**.

Discussion with the BJNAC have confirmed that the project is principally seeking divestment of the ALT land parcels that exist within the native title determination area and for these parcels of land to be vested with the native title holders. This is proposed to allow for activation of the land and economic benefit of the native title holders. The project will be supported by investigations to into heritage, environmental, bushfire, coastal planning/inundation studies and other planning informing actions so future development opportunities can be identified.

The resourcing required from the Shire to participate still remains unclear and the governance framework would need to be updated if the project is successful in the rPPP grant application. Initial discussions have confirmed that if successful, some funds would be allocated to ensure the Shire could review technical planning and infrastructure documentation requiring external expertise (such as coastal and bushfire reports) however it is unlikely that the Shire would receive compensation for officers time to participate in meetings. It should be noted that the Shire would need to play a role in the project regardless of the decision to be part of the partnership or not due to the planning and development implications. It is preferable to inform the outcomes prior to resolution than try to influence decisions after they have been made.

Given the Shire's expertise and experience it would be a missed opportunity for the Shire to not be involved in the project and to not play a role on a working group or committee, even in an advisory capacity. A criticism of other divestment programs in the past has been insufficient local government engagement or involvement.

Shire Officers also note that objective 9.3 of the Shire's Corporate Business Plan is to support the activation of the Dampier Peninsula. While the action is for the Shire to Advocate to State and Federal Government to provide increased business support services to Dampier Peninsula communities, this initiative is seeking that same outcome, albeit over discreet parcels of land.

The project is not intended to resolve or address the issue of municipal services in the communities. While this is noted and it is understood that the project is intended to resolve land tenure only, it is recommended that the Shire highlight at this point that the resolution of tenure needs to give consideration to future land needs should municipal services transition from the current State Government function to becoming a local government responsibility. Should these future land needs not be considered at this stage, it could potentially inhibit the ability of the Shire being able to provide municipal services to communities.

To provide completeness to the project it recommended that consideration be given to include non-ALT land parcels within the BJNAC determination area.

Land Parcels

The 6 Land Parcels identified for the project (see **Attachment 2**) represent parcels that are both within the exclusive Bardi and Jawi native title determined area and parcels that were excluded from the final determination area. They include a large parcel that includes the One Arm Point Reserve, an island of the coast of Ardyaloon and 4 discreet land parcels in and around the community of Djarindjin.

Governance Structure

The proposed governance structure includes a Steering Committee, working groups, BJNAC rPPP Team, and an Advisory Panel. Each member will be afforded equal representation across all groups.

It must be noted that this is a traditional owner led initiative which is markedly different to the process that successive State governments have been trying to implement for many years.

Summary

The request from BJNAC is to seek a commitment from the Shire to work towards formalising a partnership to develop an investment ready precinct plan. Partnership early in the project inception is positive. It is recommended the Council thank BJNAC for the invitation to participate and provide in-principal support to committing to developing a partnership. Subject to the town site communities confirming their participation, and clarity around the Shire's roles and resourcing commitments being provided.

It is also recommended that Council raise the issue of delivery of municipal services and future land needs, so the State and other partnership partners are aware that land needs associated with service delivery should be considered as part of the project.

CONSULTATION

Bardi Jawi Niimidiman Aboriginal Corporation

STATUTORY ENVIRONMENT

Not applicable

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The financial implications for the Shire are not known at this stage.

RISK

The Shire has been requested to commit to work towards establishing a partnership with BJNAC at the inception of the project. The Shire will have intersection with the project regardless of whether it is a partner and it is considered that being a partner should result in improved outcomes and representation of Shire's perspectives throughout project delivery.

If the Shire is not willing to be involved in the partnership there is a reputational risk to the Shire and there is also a risk that the Shire's interests will not be represented.

STRATEGIC ASPIRATIONS

Place - We will grow and develop responsibly, caring for our natural, cultural and built heritage, for everyone.

Outcome 5 - Responsible management of natural resources

Objective 5.3 Adopt and encourage sustainable practices.

Outcome 6 - Responsible growth and development with respect for Broome's natural and built heritage

Objective 6.1 Promote sensible and sustainable growth and development.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council:

1. *Thanks the Bardi Jawi Niimidiman Aboriginal Corporation Registered Native Title Body Corporate for invitation to participate in the partnership to divest the Aboriginal Lands Trust properties within the Bardi and Jawi Land Estate.*
2. *Provide in-principal support to the project and commits to works towards the formalisation of the partnership with Bardi Jawi Niimidiman Aboriginal Corporation subject to clarification of the following;*
 - (a) The project receives full support from the communities of Ardyaloon, Lombadina and Djarindjin;*
 - (b) Confirmation of the partnerships final governance structure and expected resourcing commitment; and*
 - (c) Whether non-Aboriginal Lands Trust land parcels can be included within the project to provide completeness to the proposed precinct planning.*
3. *Request that the project partners give consideration to future land needs to support delivery of municipal services in the respective communities as part of the resolution of land tenure.*

Attachments

1. Invitation to Activate Partnership to Divest ALT Properties - 26 Feb 2024 (*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”.
2. Annexure A – 6 Bardi and Jawi Aboriginal Lands Trust (ALT) properties (*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”.
3. Annexure B – draft Governance Structure (*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”.
4. Annexure C – draft Preliminary Project Outline (*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”.
5. Minister Buti Response to Invitation (*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”.
6. Minister Saffioti Response to Invitation (*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”.

9.3 PROSPERITY

9.3.1 APPLICATION FOR FUNDING TOURISM ADMINISTRATION POLICY 2024/25

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FECI05
AUTHOR:	Economic Development Coordinator
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:
 Council is requested to review applications for funding through the Tourism Administration Program for 2024/25.

BACKGROUND

Previous Considerations

OMC 29 April 2021	9.3.2
OMC16 December 2021	9.2.1
OMC 30 March 2023	9.3.2
OMC 24 April 2024	9.3.3

The Shire of Broome has established the Tourism Administration Policy 3.4.9 (**TAP**) to support the tourism sector. The TAP guides Council's role within the tourism industry, including the extent of Council's direct financial assistance to tourism initiatives. The objective of TAP is to realise the benefits from tourism, promote coordination, infrastructure sharing opportunities and integration of tourism with other business sectors to optimise benefits and minimise any adverse impacts to the community and other industries.

The TAP stipulates that allocations of financial resources will be achieved through formal consideration of applications from nominated organisations at an Ordinary Meeting of Council (**OMC**).

Broome Visitors Centre (**BVC**), Australia's North West Tourism (**ANW**) and Cruise Broome are organisations whose mandates align with the objectives of funding as per the TAP. BVC provides visitor servicing, ANW works collaboratively to provide destination marketing for the Broome local government area (and the wider North West) and Cruise Broome responds to the opportunities offered by the cruise ship industry.

BVC and ANW's applications for funding were considered by Council at the OMC 30 March 2023. At this time, Council allocated in the municipal budget for 2023/2024 and 2024/2025 \$40,000 (ex GST) to ANW and \$250,000 (ex GST) to BVC.

As BVC and ANW have already been allocated funding for 2024/25, one application for funding from Cruise Broome Inc has been prepared for Council consider for funding for the 2024/2025 budget. The allocations for BVC and ANW are already made commensurate to the 30 March 2023 resolution of Council:

COUNCIL RESOLUTION:**(REPORT RECOMMENDATION)****Minute No. C/0323/001****Moved: Cr P Taylor****Seconded: Cr C Mitchell****That Council:**

- 1. Consider for inclusion in the Municipal Budget for 2023/2024 and 2024/2025 the allocation of \$40,000 (ex GST) in each year to Australia's North West Tourism and enters into a funding agreement with the following conditions:

 - a) Written confirmation of Tourism WA financial support to Australia's North West Tourism.**
 - b) Operational and financial updates are provided to the Shire of Broome every six months (or as requested) to monitor the impact on Broome's tourism sector and approach to destination marketing.****
- 2. Consider for inclusion in the Municipal Budget for 2023/2024 and 2024/2025 the allocation of \$250,000 (ex GST) in each year of the agreement to the Broome Visitor Centre and enters into a funding agreement with the following conditions:

 - a) Payments are to be made of up to \$125,000 (ex GST) paid in November, and a second instalment of up to \$125,000 (ex GST) paid in April, dependant on the financial position of the Broome Visitor Centre demonstrating a need for financial support at that point in time.****
- 3. Consider for inclusion in the Municipal Budget for 2023/2024 and 2024/2045 the allocation of \$30,000 (ex GST) for Ad Hoc funding for further applications through the Tourism Administration Policy.**
- 4. Reserves the right to withdraw or increase funding should the need to respond to economic impacts or disruptions.**

CARRIED UNANIMOUSLY 5/0

An item was presented to Council at the 24 April 2024 OMC to consider the 2024/2025 application submitted by Cruise Broome. The item was deferred to allow for further consideration of this matter and allow for workshops with Council:

Defer Item:**Minute No. C/0424/002****Moved: Cr D Male Seconded: Cr P Taylor****That item be referred back to Council at the next most suitable meeting of Council.**

For: Shire President C Mitchell, Cr D Male, Cr J Lewis, Cr J Mamid, Cr P Matsumoto, Cr E Smith, Cr M Virgo, Cr P Taylor, Cr S Cooper.

CARRIED UNANIMOUSLY 9/0**Tourism Administration Policy (TAP)**

The TAP Policy objective is:

To realise the benefits from tourism, promote coordination, infrastructure sharing opportunities and integration of tourism with other business sectors to optimise benefits and minimise any adverse impacts to the community and other industries. Ensuring a sustainable

tourism industry that has balance between environmental, cultural and heritage values, and community lifestyle.

The Policy requires that funding will focus on the following areas:

1. Visitor Information Services
Council will work collaboratively with the Broome Visitors Centre for the provision of visitor servicing and determining of high-level tourism priorities for the Shire of Broome.
2. Destination Marketing
Council will work collaboratively with Australia's North West (ANW) for the promotion of the Broome local government area as a visitor destination to external markets and determining of associated high-level tourism priorities for the Shire of Broome.
3. Cruise Ship Services
Council will work collaboratively with Cruise Broome to respond to the opportunities offered by cruise shipping, including servicing the visitation of passengers and working to attract more cruise ships annually.

Background to Cruise Broome Inc.

Cruise Broome Inc was established in 2018 to oversee and advise on the implementation of Broome's Cruise Ship entry Strategic Plan. Cruise Broome is a small not-for-profit that is primarily funded by the Shire of Broome.

The Committee of Cruise Broome Inc comprises representation from the following categories:

- Kimberley Port Authority
- Shire of Broome
- Broome Chamber of Commerce
- Broome International Airport
- Broome Visitor Centre
- Local Retail industry representatives
- One representative from each of WA's active cruise destinations. Representative may be from any of the following organisations – Local Government Authority, port authority, visitor centre, chamber of commerce or regional cruise tourism committee

The Cruise Broome Inc Chairman is appointed for a two year term, nominated by the Committee, and is required to be a member of one of the above organisations.

In previous years Cruise Broome has received funding as per the Tourism Administration Policy (TAP). Cruise Broome received \$40k funding in the 2022/23 financial year. Cruise Broome did not receive funding in the 2023/24 financial year as no application was received. Previous funding since incorporation was as follows:

Year	Amount Allocated	Comment
2018/2019	\$27,000	
2019/2020	\$44,000	
2020/2021	Nil	No funding allocated due to COVID
2021/2022	Nil	No funding allocated due to COVID
2022/2023	\$40,000	
2023/2024	Nil	No application submitted

Cruise Broome has applied for funding in the 2024/25 financial year.

It is a requirement that applicants must successfully acquit previous grants before they are eligible for future funding. Organizations must submit an Acquittal and Evaluation report to the Shire of Broome at the conclusion of the funding period. The acquittal report is a written record detailing how the funding has been spent in accordance with its intended purpose.

The detail required for grant acquittal and for future funding agreements is commensurate with the expectations of the community for use of ratepayer funds as well the level required for the Shire's audit processes. The acquittal process is an opportunity for the applicant to provide strong rationale and evidence that the activities are a good use of ratepayer funding. The acquittal report must include enough detail that evidences that the Key Performance Indicator (**KPI**) metrics have been met.

Acquittal 2022/23

The requirements for acquitting a grant were in the Cruise Broome application and funding agreement. They are copied below, and review of each section is then provided.

1. Acquittal

- a. A detailed overview to Council in relation to the expenditure of the awarded funds.
- b. Outcomes measured against key set performance indicators and the high-level priorities previously set for the funding period (e.g. outlined in application form).
- c. Detailed overview of the acknowledgement that the Shire has received for the financial assistance.
- d. Other information or data that was agreed to as part of the award of funding through this policy.

Section 1.a Detailed overview of expenditure:

Cruise Broome's financial reporting is complicated by the fact that it operates on a calendar year and not a financial year. The TAP stipulates that the applicant must provide the organisation's year end audited financial statements for the preceding year providing assurance that the organisation is viable.

However, as a not for profit Cruise Broome is not required to provide audited financial statements as part of its regular incorporation reporting. The cost of the audit would be prohibitive for the organisation, so officers asked for and reviewed original invoices. .

In the TAP Application for 2022/23 Cruise Broome provided the following information:

Proposed use of funding:

Cruise Broome contracts a coordinator to facilitate the day to day communications and information between the cruise industry and agents to stakeholders to retailers, tour operators etc.

A coordinator was not retained directly by Cruise Broome, though Kimberley Special Events (KSE) was engaged to coordinate visitor day services. As the expectations of the Cruise sector around the greetings service are maintained it is evident that engagement of a contractor and staff is required to provide this service and that utilising volunteers is unsustainable. The expenses incurred towards the \$40,000 provided by the Shire of Broome are summarised below. Officers reviewed invoices and confirmed these eligible expenses were expended in the 2022/23 financial year.

Advertising & Marketing	\$5,359.00
Cruise Day Costs	\$4,973.10
Printing & Design	\$3,829.00
Kimberley Special Events	\$27,148.00
Total eligible invoices	\$41,309.10

Section 1. b Outcomes measured against KPIs

In the 2022/23 Funding Agreement it is a condition that Cruise Broome must meet the high level priorities set for the funding period as outlined in the application form and Key Performance Indicators **(KPI)** These include:

- Increased volunteer participation,
- Input to strategic planning and investment at the Broome Port for ship passenger processing and development of the Kimberley Marine Supply Base.

It is unclear what activities Cruise Broome conducted over the funding period related to these KPI's Cruise Broome provided data on the Cruise Ship industry in general, which relate to the broader economic impact of cruising. Outcomes were not specific to activities conducted, organized or financially contributed to by Cruise Broome.

Section 1.c Acknowledgement of Shire Funding

Cruise Broome did not provide evidence of acknowledgement of Shire funding so officers checked Facebook and the website. As a result of this review, Cruise Broome Inc was informed by letter that their acknowledgement of Shire of Broome funding needed to be improved. Suggestions were made including increasing mentions on social media, providing photos of the set up on Cruise Day, acknowledgement of volunteers or other free marketing tools and putting the Shire of Broome logo on the website.

Shire of Broome was acknowledged in the Cruise Broome email signature and the Shire logo is on maps provided to visitors.

Section 1.d Other information agreed to be provided

As a condition of funding, operational and financial updates were to be provided to the Shire of Broome every six months (or as requested). Operational and financial updates were not provided on a 6 monthly basis or when requested. In June 2023 this clause of the agreement was provided via email to Cruise Broome and operational and financial updates were specifically requested.

In November 2023, when Cruise Broome submitted a funding application for the 2024/25 financial year, Cruise Broome were informed that they had not successfully acquitted the previous year's grant. The financial statements that were provided were not accepted as they lacked sufficient detail. However, at the request of officers, a thorough review of all of the invoices was completed over several months and officers met with Cruise Broome to discuss their acquittal and the new application.

As a result of this in-depth review, Cruise Broome is now considered to have successfully acquitted the \$40,000 it received from the Shire of Broome for coordination services in the 2022/23 period.

Cruise Broome - Traffic Management 2022/23

On cruise ship days, Cruise Broome closes parking bays on Napier Terrace in order to safely facilitate the visitors movement on and off tour buses. In order to get approval for the

closure, Cruise Broome is required to fill out an Application for a Road Closure and Occupiers' Consent. Under the Main Roads WA *Traffic Management for Events Code of Practice* this requires consent from at least two thirds of the adjacent land owners to be obtained as well as an Application for Road Closure approval.

Cruise Broome did not have approval to close the parking bays for most of 2023.

The physical set up on the day was also not in line with the Traffic Management Plan Cruise Broome submitted and Cruise Broome were informed by email, phone and in person that a traffic management plan that reflected the reality of the set up was required.

The situation was corrected in early 2024, and now Cruise Broome is operating under an approved TMP with appropriate permissions from the nearest businesses.

Application for funding for 2024/25

Cruise Broome has applied for \$60,000 funding for the 2024/25 year through the TAP.

The application included the following key activities:

1. Facilitate meet and greet volunteers for cruise ship days on the wharf and drop off in the centre of town.
2. *Cruise Broome hires a coordinator to manage communications and information exchange between the cruise industry, agents, stakeholders, retailers and tour operators. The coordinator's responsibilities include providing meet and greet services to passengers at the Napier Terrace drop off point in Broome on cruise ship arrival days. Including the coordinator charges of \$2600 per day for large cruise ships and \$1200 per day for approximately 84 expedition ships calls coming to Broome 2023/2024 season.*
3. *Costs of associated Memberships such as the Australian Cruise Association, Marketing and Promotion, Insurance and Cruise Ship Day expenses e.g. water, ice etc are additional costs associated with the funding.*

COMMENT

Funding of Cruise Sector

As a result of identified difficulties in acquitting grant funding, officers reviewed the funding guidelines and assessed mechanisms to determine how to improve the funding arrangements. Officers referred to the Local Governments to assess how they provide funding and services to the cruise sector. This provided some insight, with the following overview of Cruise Ship services compared to other local government areas (LGAs) and research into the Cruise Ship industry. Cruise Broome's application for funding in 2024/25 is assessed below with a recommended approach moving forward for Council's consideration.

Other LGA's response to Cruising

Western Australia has eleven cruise port destinations. In early January, the Economic Development Coordinator (**EDC**) reached out to her counterpart at the local governments of Geraldton, Exmouth, Busselton and Esperance. Only Geraldton and Busselton responded in time.

City of Greater Geraldton (CGG)

Within the CGG administration, cruise ship services are managed by Tourism Officers. There is an agreement between the CGG and the Midwest Port Authority (MWPA) to half share the cost of coordinating cruise ship land-side welcome activities including welcome events at a Welcome Hub (shade domes, furniture, volunteers, visitor centre staff with a mobile van, shuttle buses, hop-on-hop-off buses and market stalls) for ships with 600+ passengers.

CGG also has a 2- year contract with an external service provider to coordinate cruise ship welcome events along with CBD activation activities.

Geraldton received 11 ship visits in 2022/23 season and the total cost of the welcome events was \$100,000, CGG paid the full cost following each event and the MWPA reimbursed the CGG 50% of the lumpsum at the end of the season.

The other service delivery costs are the individual and direct obligations of the MWPA and CGG, such as cost of volunteers engagement and training is covered by the MWPA, cost of traffic and waste management at the Welcome Hub is covered by CGG.

In addition to general visitor service, Geraldton Visitor Centre provides 1-2 staff with a mobile van at the Welcome Hub for each event.

The MWPA provided the following information on their charges to cruise ships:

- MWPA does not currently charge a per passenger fee (PAX). Commonly, ports would charge cruise vessels when there is landside infrastructure provided (e.g. the passenger terminal at Fremantle).
- MWPA charges are for use of the channel only (Ship Charge, which is inclusive of pilotage and mooring, but exclusive of towage which is a third party service).
- Ship Charge is based on GRT (Gross Registered Tonnes for cargo vessels or Gross Tonnage for passenger vessels) is the vessel's size (based on the internal volume of the vessel).
- MWPA provides a discounted rate of \$0.75 per GRT (excl GST) for cruise vessels.
- MWPA waives standard Berth Hire Charge of \$259.69 per hour for cruise vessels.
- The only other charges to cruise vessels are any incidentals such as freshwater supply.

For the bus transportation of cruise ship passengers into town, this is a private contract between the Cruise ship companies (the agent) and a local bus company.

Busselton

At the City of Busselton, the Manager of Events and Culture oversees the cruise ship operations. Busselton is unique as that it does not have an actual port. Busselton facilitates cruise ship stop overs by tenders coming into a landing platform at the Busselton Jetty. Busselton has a management order over the Jetty, however day to day operations including Underwater Observatory, Jetty train etc are managed by the not for profit organisation Busselton Jetty Inc.

The cruise ships have to submit a berthing permit to Busselton prior to landing, so they can liaise with the Jetty to factor into the their daily operations. Busselton has a schedule two years out of cruise stopovers, so can plan ahead.

Busselton's operation costs consist of:

1. Local Tourism Association: Margaret River Busselton Tourism Association (MRBTA) are paid a fee to manage specialised Cruise Ship Visitor Services (over and above their main visitor servicing fee paid to them by Busselton)
 - a. Cruise Visitor Servicing is paid per cruise ship stopover, on a sliding scale dependant on passenger numbers : e.g. 2000 plus passengers \$3000, 1000 passengers or under \$1500 Includes volunteer organisation, marquee greeting site, printed copies of CBD maps etc
 - b. City Hopper Bus provision (shuttle bus from Jetty to CBD locations) paid per cruise ship stopover, on a sliding scale dependant on passenger numbers 2000 plus passengers \$1012, 1000 passengers or under: \$506
 - c. Golf cart (mule) on Busselton Jetty for accessibility challenged passengers \$340 per ship

1. Traffic management: Busselton needs to close down one road near Jetty to accommodate all of the tour coaches for the larger ships
 - a. 2000 plus passengers \$900,
 - b. 1000 passengers or under: \$0 (no road closure)

Total operation fees Busselton charge cruise ships:

1. Tender Berthing Permit Fee: \$3000 per ship.
2. Passenger facilitation fee: paid per cruise ship stopover, on a sliding scale dependant on passenger numbers: 2000 plus passengers \$3000, 1000 passengers or under: \$1000.

Presently, Busselton says they are generating enough from fees and charges to cover the visitor servicing and other administrative costs.

Kimberley Port Authority (KPA)

Given the involvement of Port Authority's in other regional locations, officers took the information provided by MWPA and CGG and rewrote it into a series of questions to the Kimberley Port Authority. KPA officers declined to give exact figures but responded:

"The KPA fees are based on use of infrastructure and labour. We charge berthage (use of the berth), port dues (harbour management, provision of Port security etc), equipment hire (gangways, cranes, forklifts etc), stevedoring labour and water (if they take water). There are no discounts offered to the cruise industry.

In terms of support to the cruise industry since 2019 we've invested approximately \$17M in infrastructure specific to the cruise industry. This includes channel upgrades, new gangways, navigation aids and First Port of Entry (FPOE) infrastructure to try and encourage international calls. We are also currently seeking funding to further improve the FPOE infrastructure which will include a permanent passenger processing facility. In addition KPA are members of the Cruise Association and regularly attend cruise conferences around Australia to facilitate the cruise trade."

Officers used publicly available information on vessel GRT to estimate what the 12 vessels arriving in Broome would pay if the KPA charged 0.43c (taken from information on the KPA website). These are the vessels that are in excess of 600 passengers. This does not include any other fees that are charged.

06/01/2024	REGATTA	\$ 13,019.11
30/03/2024	Crystal Serenity	\$ 22,102.00
12/02/2024	Volendam	\$ 26,322.02
03/12/2024	Westerdam	\$ 35,409.64
01/09/2024	Coral Princess	\$ 39,399.61
09/09/2024	Coral Princess	\$ 39,399.61
01/11/2024	Queen Elizabeth	\$ 39,087.00
06/04/2024	Pacific Explorer	\$ 33,299.63
28/04/2024	Pacific Explorer	\$ 33,299.63
19/06/2024	Pacific Explorer	\$ 33,299.63
29/11/2024	Resilient Lady	\$ 47,300.00
10/11/2024	Crown Princess	\$ 48,831.23
		\$ 361,937.88

Cruise Ship Industry Benefits

In 2023, TourismWA launched the *Western Australian Cruise Tourism Strategic Plan 2023-2033*. The Kimberley, and Broome, feature frequently in the report, with a focus on 'shoreside destination development'. The report states that Broome is 11th in a table of the 15 top Australian destinations for Port/Destination ship visits.

"In Western Australia, Broome was the second most frequented port and is also a key port for expedition cruise ships. For the Kimberley directly, ACIL Allen (2018) estimated that expedition cruise tourism directly generated \$24.3 million in Gross Value Added (GVA) to the Kimberley region in 2016– 17. This included \$17 million from international cruise lines and the remainder by Australian operators. A further \$12.2 million worth of flow-on value added was generated, resulting in a total GVA to the Kimberley's economy of \$36.5 million in 2016– 17. This level of activity supported 222 direct and indirect Full Time-Equivalent (FTE) jobs."

The following KPI's were also mentioned which referenced Local Governments as being one of the responsible organisations:

- Support local cruise committees to develop destination welcome plans (non-port) for each destination to identify gaps to improve the welcome experience.
- Advocate for the resources to meet destination improvements.
- Enhance and support cruise ship welcome logistics including ground transport.

To date, TourismWA has not indicated what is requested of the Shire of Broome to further these objectives.

Conclusion and Recommendation on funding

It is clear from this review that Broome has tremendous potential for cruising, and with the establishment of FPOE this will only accelerate.

However, Broome may not be taking full advantage of the opportunity and Broome is an outlier in not having an agreement with their relevant port authority to support cruise ship visitation services.

Further to this, there have been confidential complaints that there is a gap in awareness of cruise ship visitation amongst business owners and concern about the quality of Broome's service and the marketing of the area. This was exacerbated by Cruise Broome not receiving any funding from 2023/24.

Due to the complex and burdensome process on both Cruise Broome and Shire staff to acquit TAP funding, and as a result of the review of other LGAs support for cruise ship services, officers are recommending a change to the way financial support is provided to Cruise Broome. The changes proposed will offer a simpler process for allocation and acquittal of funding while also providing a transparent and accountable funding arrangement that streamlines processes for both parties.

Officers are proposing that instead of a lump sum amount for 'cruise ship services', funding instead be provided based on the number of cruise ships that visit Broome, dependant on the size of the vessel and number of passengers. This also reflects Cruise Broome's change from hiring an employee coordinator to using a contractor to deliver the service, who is also paid per ship visit.

Cruise Broome has reviewed the 2024 Cruise Ship Schedule and provided the amounts that are requested for the remainder of this year. The 2025 Cruise Ship Schedule has not been confirmed at this time so it has been estimated based on what has been provided and the length of the vessel. An additional allocation of \$418 for Traffic Management has been included for 2025, if adjustments to the TMP are required. The total cost for the coordinator services and TMP are calculated at \$36,918, based on visitation.

The cruise ship schedule, with vessel size, date of arrival and passenger numbers has been listed as **Appendix 1**. This also shows where the calculation of proposed funding of \$36,918 has come from.

Further, officers will review with the Kimberley Port Authority the level of support provided to cruise ship services and report back to Council before the next round of TAP Applications which will occur prior to November 2024.

CONSULTATION

Officers requested TourismWA's feedback on 28 January, 2024, but they were unable to provide a response. Conversations about the broader implications and benefits of the cruising industry on Broome and tourism were had with the Chief Executive Officers of Australia's North West, Broome Visitor Centre and the Broome Chamber of Commerce and Industry.

Officers also discussed Cruise Ship services with other local governments (as described earlier) and the Kimberley Ports Authority.

Officers have met with and engaged with Cruise Broome chairperson on multiple occasions, and have also had some conversations with some Cruise Broome board members as a result of enquiries.

Workshops were held with Council on Tuesday 7, Tuesday 14 and Tuesday 21 May. This included representation from Cruise Broome at the 14 May workshop.

STATUTORY ENVIRONMENT

Council has the right to grant funding and develop procedures to award such funding.

POLICY IMPLICATIONS

Assessed in accordance with the Tourism Administration Policy 3.4.9.

FINANCIAL IMPLICATIONS

Differential rating is applied to Commercial and Tourism rated properties in Broome to raise funds for the financial support offered under the TAP.

The TAP policy does not provide guidance or include recommended budget allocations. Budget allocations are made by a decision of Council.

Cruise Broome's allocation of \$36,918 will be added to the existing budget allocation, meaning a total request for TAP in 2024/25 is \$360,000. This is an increase from \$320,000 in 2023/24, where Cruise Broome were not allocated any funds, but is in line with prior years.

RISK

Option	Risk	Type	Rank	Mitigation
Community dissatisfaction with allocations	Perception that Shire process for providing funding is not fair and equitable	Reputational	Low	Allocations are at the discretion of Council.
Funding recipient dissatisfaction with allocations	Perception that Shire is not maximising the opportunity to support organisations providing social and economic benefits.	Reputational	Low	
Poor return on investment	Services provided do not meet industry and visitor requirements	Financial	Medium	If successful, the applicant to provide regular update reports. Once the agreement is finalised, it will be acquitted. There will be scheduled payments, made retrospectively on provision of invoices for cruise day services.
Funding recipient doesn't make any changes to business operating model	Ongoing reliance on the Shire to provide funding to maintain service levels	Financial	High	Agenda item includes recommendation that Shire officers begin conversations with KPA.
Lack of clarity round Cruise Broome's activities and expenses.				Where Cruise Broome has provided logistic, administrative or other in-kind support to another organisation, this can be

				<p>included as an outcome, but Cruise Broome's role must be transparent.</p> <p>Payments will be linked to the Cruise Ship services provided on Cruising days, and in line with the size of the vessel, as per the annual Cruise schedule.</p>
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STRATEGIC ASPIRATIONS

Prosperity - Together, we will build a strong, diversified and growing economy with work opportunities for everyone.

Outcome 9 - A strong, diverse and inclusive economy where all can participate

Objective 9.1 Increase Broome's domestic and international trade in tourism, agriculture, aquaculture, minerals and energy, culture and the arts, and other emerging industries.

VOTING REQUIREMENTS

Simple Majority

<p><u>REPORT RECOMMENDATION:</u></p> <p>That Council:</p> <p>1. Consider for inclusion in the Municipal Budget for 2024/2025 an allocation of \$36,918 (ex GST) to Cruise Broome Inc. and enters into a funding agreement with the following conditions:</p> <ul style="list-style-type: none"> (a) Payments shall be linked to provision of cruise ship visitation services for the arrival of a certain size of cruise ship vessel and the delivery of cruise ship services on the date of vessel arrival and/or departure; (b) Where visitation services are not provided for a specified vessel, no funding shall be provided; (c) Funding will not be provided for management and operational costs of Cruise Broome for such items as insurance and industry membership; and (d) Operational updates are provided to the Shire of Broome every six months (or as requested by officers) (e) A Traffic Management Plan must be submitted to and approved by the Shire of Broome prior to commencement of any use of any public road or parking space for delivery if any services (f) Shire of Broome support should be acknowledged on Cruise Broome's web site, Facebook Page and any other social media platforms, as well as any physical forms such as logos on portable shade structures, printed maps and

brochures, with all acknowledgement to be recorded and reported during acquittal of the grant funding

(g) Any other conditions applicable to meet the funding criteria in the Tourism Administration Policy guidelines.

2. Reserves the right to withdraw or increase funding should the need to respond to economic impacts or disruptions.
3. Requests the Chief Executive Officer reports back to Council with recommendations about future funding arrangements for support of the Cruise Ship industry in Broome, including consideration of funding from the Kimberley Ports Authority, cruise ship operators and other key stakeholders, as well as opportunities to streamline funding to ensure that the burden of acquittal of grant funding is transparent, accountable and simple, prior to the next round of Tourism Administration Program funding applications, which is currently scheduled for October 2024.

Attachments

1. Attachment 1: Cruise Ship Schedule 2024_2025
2. Attachment 2: Cruise Broome TAP Application 2024_2025
3. Attachment 3: Cruise Broome Budget 2024_2025 (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", 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". (Under separate cover)

9.3.2 COMMUNITY DEVELOPMENT FUND APPLICATIONS 2024/25

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	GPC16
AUTHOR:	Economic Development Coordinator
CONTRIBUTOR/S:	Place Activation & Engagement Coordinator
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

Council is requested to consider proposals for the Community Development Fund that have been received from organisations in response to the recent call for applications. Funding decisions will allow for allocations in the 2024/25 financial year and allocations for the Annual Budget in 2024/25.

BACKGROUNDPrevious Considerations

OMC 27 April 2023	Item 13.1
OMC 30 March 2023	Item 9.3.1
OMC 15 December 2022	Item 9.3.1
OMC 28 April 2022	Item 9.3.2
SMC 21 December 2021	Item 5.3.1

The Community Development Fund (CDF) program funds organisations within the Shire of Broome to develop and run initiatives and events that deliver long-term social or economic benefits to the local community. The CDF Guidelines were adopted at the 15 December 2022 Ordinary Meeting of Council (OMC), following the amalgamation of the Events Development Fund (EDF) and the Annual Community Matched Fund (ACMF). This is the second year of CDF.

Community Development Fund Stream 1 applications are funded through a combination of Shire budgeted funds and Energy Developments Limited—West Kimberley Community Fund (EDL) grant funding. Stream 2 and 3 applications are allocated through the Shire's annual budget.

The CDF is separated into 3 streams.

- Stream 1 is for community projects and initiatives seeking a funding contribution of \$500 - \$10,000;
- Stream 2 is for events seeking a funding contribution of \$1,000 - \$40,000;
- Stream 3 is for PEARL events seeking a funding contribution of more than \$40,000 per year (invite only).

The application deadline for CDF closed on March 20, 2024. A total of 33 CDF applications were received. In this report, officers have summarised each application received and the recommended funding allocation for Council consideration.

COMMENT

Application Assessment Process

Each application was assessed in line with the CDF guidelines endorsed by Council. This involved:

After the closing date;

1. Applications are reviewed for eligibility.
2. Applications are scored against the following criteria by an internal panel made up of community engagement and economic development officers:
 - a) Quality of the project or event, taking into account the extent to which the application complements other activity planned or proposed in Broome and the legacy of the project for the Broome community.
 - b) The extent to which the event, project or initiative addresses the fund objectives as per Section 2.
 - c) The credibility of the project budget and project delivery plan.
 - d) Value for money in terms of impact, other funding sources secured and organisational need.

Officers will also use the following balancing criteria if required. These will not be scored but may be taken into account when making final recommendations:

- e) balance of projects recommended for funding across type of project and demographics of beneficiaries.
- f) The initiative is a new activity within the Shire that helps fill a gap in current activity (i.e.: a new activity for an audience demographic currently under-catered for).
- g) New projects and organisations that have not received funding, or projects and organisations experiencing growth, may be prioritised over projects that have received funding previously for similar activity.
- h) The level of recognition that the Shire will receive for its funding of the project.

Officers will present recommendations to a working group made up of elected members before submitting them to Council for approval at the Ordinary Meeting of Council in April 2024.

Officers with expertise in club development, place activation, and economic development convened to review applications against the criteria and recommend funding, following Steps 1 and 2 of the assessment process. Recommendations from this process are included under the Officer Recommendations column in the CDF Recommendations Table **Attachment 1**.

Step 3 (the Working Group) was streamlined this year to reduce the administrative burden on Council and Shire officers. Instead of a specific working group, Step 3 was undertaken through a Special Council Workshop, held on 8 April 2024. The workshop was attended by Cr Cooper, Cr Lewis, Cr Male, Cr Mitchell, Cr Smith, Cr Taylor, and Cr Virgo. A second workshop was held at the Shire on 21 May, 2024. This was attended by Cr Cooper, Cr Lewis, Cr Male, Cr Mitchell, Cr Smith and Cr Virgo.

Of the sponsorship applications received, 24 were reviewed under Stream 1, and 18 are recommended for funding.

In Stream 2, 9 applications were reviewed, and 7 were recommended for funding. A request for additional funding from Shinju Matsuri was considered under Stream 3.

As indicated below, some applications are not recommended due to non-compliance with the guidelines or other concerns.

Stream 1 Applications

Please see **Attachment 1** for a detailed project description and the officer's assessment of the application against the guidelines.

Broome Bullets Netball Club Inc

New Uniforms and Story of Our Club Culture

Requested: \$2,000

Recommended: \$2,000

Funds were requested for new netball club uniforms. Due to the small funding request, the full amount is recommended. The applicant is required to include the Shire Logo on uniforms as recognition for the Shire's funding support.

Sammy the Dragon Broome

Sammy the Dragon 2024

Requested: \$5,000

Recommended: \$2,500

Funds were requested for volunteer t-shirts and soft drinks. Due to Stream 1 budget constraints, the recommendation is to provide funding towards the volunteer t-shirts only through a one-year funding allocation. The applicant is required to incorporate the Shire Logo onto t-shirts, where space allows, as a gesture of recognition for the Shire's funding support.

Broome Town Band

Broome Town Band to Perform at Community Events

Requested: \$3,923.40

Recommended: \$3,000

Funds were requested to purchase band scores and music stands. Due to Stream 1 budget constraints, a reduced amount is recommended.

Broome Catholic Church

Christmas Nativity Play

Requested: \$3,716.50

Recommended: \$2,500

Funds were requested for event costs. The recommendation is to provide funding for the hire costs of the Broome Civic Centre, including hall hire, cleaning, facilities assistant, and sound and lighting technician, at a one-year funding allocation. Due to Stream 1 budget constraints, catering and lolly bags funding was not recommended.

Pearl Coast Gymnastics' Club

Broome Gymnastic Competition

Requested: \$8,755

Recommended: \$6,000

Competition in Broome with pathways to the State Championships in Perth in October 2024. Funds were requested for event costs, including venue hire, catering, and medals. Due to Stream 1 budget constraints, a reduced amount is recommended.

Broome Tri Club

Project – Next Level

Requested: \$9,350

Recommended: \$6,000

Funds were requested for uniforms, venue hire, trailer renovation, flights, and accommodation (Juniors representing Broome at the Secondary Champion Schools Triathlon in Perth). As a condition of funding support, the applicant must provide a Traffic Management Plan for their Triathlon event in Broome. The applicant is also required to include the Shire Logo on uniforms, space permitting, to acknowledge the Shire funding contribution. Due to Stream 1 budget constraints, a reduced amount is recommended.

Judo Broome

Judo Broome – Establishing a new Judo Club in Broome

Requested: \$10,000

Recommended: \$5,000

Funds were requested for equipment, marketing, venue hire, and contracting a fitness instructor. The recommendation is to provide funding for equipment costs and venue hire. Marketing funding was not supported, and a request for a fitness instructor was not recommended (ineligible expense).

Broome Little Athletics Centre

WA State Junior Track & Field Championships 2025 (Perth Competition held March 2025)

Requested: \$10,000

Recommended: \$6,000

Funds were requested for flight costs and registration fees for athletes aged 8-12 to attend the Perth Championships. Due to Stream 1 budget constraints, a reduced amount is recommended.

Broome Squash Club

Broome Squash Club Invitational

Requested: \$7,900

Recommended: \$3,000

Multi-year funds were requested for event costs for the Opening and Closing Ceremonies. The recommendation is to fund the budget expenses for the Opening Ceremony, excluding the welcome packs; this includes venue hire costs, catering, and photographer. Due to Stream 1 budget constraints, providing funding for the additional Closing Ceremony was not recommended.

Broome Historical Society Inc

Oral History Training

Requested: \$2,794.30

Recommended: \$2,794.30

Funds were requested for training fees. Due to the small budget request, the full amount is recommended.

Incredible Edible Broome Incorporated

Grooves in the Garden: Cultivating Sustainable Food Communities

Requested: \$10,000

Recommended: \$6,000

Funds were requested for event costs. The recommended amount is to contribute towards performer costs, equipment hire, and consumables. The applicant has incorrectly listed income as an expense, reducing their financial contribution. Funding for project administration and management was not recommended (ineligible expense).

Broome Men's Shed Inc

BMS 'Restoration of Chinese Rickshaws'

Requested: \$4,000

Recommended: \$2,500

Funds were requested for materials, sandblasting, and upholstery. Due to Stream 1 budget constraints, a recommendation for decreased funding was made. The applicant must sign an agreement to confirm expenditures in the 2024/25 financial year.

Helping Minds

Coming Together

Requested: \$10,000

Recommended: \$6,000

Funds were requested for art supplies and materials, catering, and the artist's fee. Due to Stream 1 budget constraints, a recommendation for decreased funding was made. The mural design and location are pending Shire's approval.

Sharing Stories Foundation Limited

Sharing Stories Media Hub

Requested: \$9973.86

Recommended: \$6,000

Funds were requested for media equipment. Due to Stream 1 budget constraints, a recommendation for decreased funding is made.

Broome Towns Sports Club

Broome Towns Sports Club upgrade of resources

Requested: \$7079

Recommended: \$1,500

Funds were requested for a gazebo and ice machine, venue and lighting, and on-site physio. The applicant has not matched the grant; \$1500 was provided in-kind, with no cash contribution. Recommend funding \$1500 towards the ice machine.

RSPCA WA

RSPCA WA Community Action Day

Requested: \$9700

Recommended: \$6,000

Funds were requested for pet food, pest treatments, microchips, marketing, flights, and accommodation. This is a recommendation for decreased funding due to Stream 1 budget constraints. The recommended amount contributes to parasite treatments, microchips and online registration costs, marketing, and flight costs. Due to concerns raised by a local business, it is recommended that funding for dog and cat food is not supported.

Broome Soccer Association

Development Camp and Northwest Championship

Requested: \$27,200 (Originally Stream 2 application)

Recommended: \$6,000

Applicant applied under Stream 2. Officers recommend it be accessed under Stream 1 as it better aligns with the Stream 1 guidelines. Low cash contribution but eligible applicant and project. Funds were requested for uniforms, catering, accommodation, registration fees, and bus hire.

Floorball Broome

Broome Floorball Development Camp

Requested: \$12,500

Recommended: \$6,000

Applicant applied under Stream 2. Officers recommend it be accessed under Stream 1 as it better aligns with the Stream 1 guidelines. The project is a three-day intensive training camp scheduled from May 1st to May 5th, 2025. Recommend funding for Floorball WA Camp facilitation fees (State coaches, referees and goal keepers).

Not Recommended

Ashoka

Ashoka Golf Clinic Sport

Requested: \$1,877

Reason: Applicant did not meet the eligibility criteria due to not being an incorporated local organisation and project dates not aligning with grant guidelines.

Native Animal Rescue Broome Inc

NARB Marine Turtle 'Solar Monitoring and Security Project'

Requested: \$10,000

Reason: The property is a Parks and Wildlife-owned site leased to NARB. Consideration given to guidelines criteria on ineligible expenses: leasehold improvements.

The Skill Engineer Ltd

The Blackman Block Project

Requested: \$10,000

Reason: This project has value from a youth development perspective, but the applicant owns the property; therefore, this project, which involves fabricating a fence, can be seen as property improvement. Consideration is given to this plus annual turnover criteria.

Pilbara Kimberley University Centres (Broome)

STEM in Sport: research Human Energy Systems

Requested: \$10,000

Reason: It is not recommended due to the applicant's annual turnover and uncertainty surrounding the Shire's role in engaging with the school curriculum.

Spaghetti Confetti

Spaghetti Confetti in Bidyadanga and Beyond

Requested: \$2000

Reason: Applicant did not meet the eligibility criteria due to being a business operating outside of Broome.

Cancer Council

The Life Now Program: Supportive Care for People Impacted by Cancer

Requested: \$5730.08

Reason: Applicant did not meet the eligibility criteria due to not being based in Broome and consideration of annual turnover criteria.

Stream Two Applications

Please see **Attachment 2** for a detailed project description and the officer's assessment of the application against the guidelines.

Broome Performing Arts Co

End of Year BPAC Concert - (Ferngully 2024)

Requested: \$10,000

Recommended: \$7,185

BPAC'S annual end of year concert. Shire of Broome was recommended to fund the cost of Civic Centre rental (\$7,185).

Broome Bowling Club

Broome Bowling Events 2024/ 2025

Requested: \$20,257

Recommended: \$15,000

The Broome Bowling Club is seeking funding to host two events the annual Shinju Matsuri Open Tournament, and the second is the Broome Open Pairs Championship. Both are three—to four-day events that see competitors and 32 teams from across Australia compete for prizes and recognition. Shire financial support was requested for the opening ceremony, entertainment, the presentation dinner and competition shirts.

Matso's Broome Brewery

Matso's Street Festival

Requested: \$40,000

Recommended: \$10,000

Matso's uses Carnarvon Street to create a street style festival with multiple food cans, pop up bars, and a large curtain sider truck to be used as a stage, providing live entertainment. Matso's Food Truck Fumiko and five additional food vendors will be operating, with live music from 11am -10pm (bands and DJs).

Matso's is a commercial operator but this aligns with the Stream 2 TAP guidelines. Matso's requested support for toilets and security. Reduced support was offered because it is the first event the Shire has supported from this applicant.

Theatre Kimberley

Sandfly Circus End of Year Show

Requested: \$ 23,900

Recommended: \$19,191

The Sandfly Circus annual production will feature a six-week residency, involving participation from local students from Broome and Beagle Bay. Shire support was requested for rental of the BRAC, professional fees and production costs. Some expenses were not considered eligible.

Touch Football Australia

Requested: \$ 5,500

Recommended: \$2,500

Beach Touch Footy is an annual one - day event that is held on Cable Beach. Shire is supporting venue hire and permits, equipment hire, staff travel and accommodation, promotion, food and stationary. Some expenses were not considered eligible.

Bidyadanga Aboriginal Community La Grange (BACLG)

Bidyadanga Music Week

Requested: \$10,000

Recommended: \$10,000

BACLG will hold an event at the Bidyadanga Oval from 2pm-9pm on Wednesday September 25th 2024. Shire of Broome will support artist payment, petrol, Perth-based flights, and local businesses providing services. The second event will take place at the Roey 'Oasis Bar' from 8pm on Friday September 27th. This event is for everyone in Broome to witness the show.

Broome Circle

Requested: \$30,112.90

Recommended: \$10,671

Shire Officers are recommending support for Broome Circle to host two events; the Harmony Week Dinner, an annual event that celebrates the rich cultural diversity of Broome, fostering a sense of belonging and community cohesion. The second event recommended for support is the *Dance through the Eras* –an event held at the Civic Centre for seniors to celebrate music styles over time.

Shire supports the Civic Centre venue hire, catering, cleaning, and other local business services. Some expenses and activities that were not considered 'events' were not considered eligible.

Not Recommended

Broome Barracudas Swimming Club

Swim Clinic Broome

Requested: \$20,000

Broome Barracudas is seeking funding to get a trained coach to run a swim clinic in Broome, for a weekend 2-day camp.

Reason: No cash contribution towards the project and incomplete application.

Edith Cowan University

Tax Clinic

Requested: \$15,000

Reason: Ineligible project.

REQUEST FOR ADDITIONAL FUNDING UNDER STREAM 3– SHINJU MATSURI INC.

Shinju Matsuri Inc. has requested increased funding due to the challenges of inflation and rising costs. They have requested an extra \$20,000 in addition to the amount already allocated for 2024/25 (\$77,500).

Festival Finale Drone Show – \$10,000

Last year, the fireworks show was cancelled due to costs and environmental concerns. Shinju Matsuri believes a drone show can draw visitors back. To fund the \$30,000 drone show,

they are seeking \$10,000 from the Shire of Broome, in addition to the \$20,000 secured from the Broome International Airport.

Shinju Matsuri plans to use preexisting content from their preferred drone supplier, Stellar Lights and hopes to include unique elements specific to Broome in the show. Funding this initiative will not only enhance the Festival Finale but also contribute to Broome's cultural richness. Officers will confirm whether the Shire will have naming rights to the Drone show.

\$10,000 - Festival Hub Enhancement

Shinju has requested \$10,000 to improve the infrastructure at the Festival Hub, including equipment for the bar container and extra furniture. In 2022, funding from the Shire helped Shinju acquire and modify two shipping containers for the bar and storage. The aim now is to make these containers and the hub area safer and more compliant, with improved functionality and service offerings.

The enhancements, like custom furniture and storage, will expand the food and beverage offerings at the hub, which has been requested by visitors and ensure compliance with food safety standards and event permits.

Officers recommend that the Shire of Broome support both requests for funding.

CONSULTATION

The CDF program was open from 10 January to 20 March 2024.

The CDF program was advertised via the Shire website, Facebook, the Shire News section in the Broome Advertiser, Radio ads, and targeted emails to community and sporting groups. Previous applicants were also notified of the rounds' opening and closing dates.

Shire officers provided feedback to seven community groups before the closing date.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Council has the right to determine funding allocations as per the CDF Guidelines.

FINANCIAL IMPLICATIONS

The Community Development Fund for Streams 1, 2, and 3 is allocated through the annual budget. Council has the right to determine the funding allocations annually and across each stream depending on the quality and quantity of funding applications.

Attachment 1. Stream 1

Community Development Fund Stream 1 applications are funded through Shire budgeted funds and Energy Developments Limited—West Kimberley Community Fund (EDL) grant funding.

EDL funding is provided through Reserve Funding, which currently has a balance of \$26,628. Should the officer's recommendations be supported, applications will be recommended to EDL for funding if they meet the EDL-specific guidelines. Funding for projects determined to be eligible through EDL will be assigned to that relative account.

The Shire signed a Memorandum of Understanding with EDL on 8 August 2011; according to the agreement, the monies must be fully distributed within fifteen years. Through consultation with Shire officers, EDL has generously agreed to contribute an additional \$50,000 to the West Kimberley Community Fund, which will be used for the final two years of the MOU agreement, 2025-26 and 2026-27.

The table below outlines the recommendations to the Council with a requested Shire budget allocation of \$69,894.30 and a total EDL contribution of \$26,500.00.

Applicant	Funding Source	2024-25	2025-26
Broome Sports Association (multi-year)	Shire	\$10,000.00	\$10,000.00
Broome Lotteries House (multi-year)	Shire	\$7,600.00	\$7,600.00
Broome Bullets Netball Club Inc	Shire	\$2,000.00	
Sammy the Dragon Broome	Shire	\$2,500.00	
Broome Town Band	Shire	\$3,000.00	
Broome Catholic Church	1. Shire	2. \$2,500.00	
Pearl Coast Gymnastics' Club	Shire	\$6,000.00	
Judo Broome	Shire	\$5,000.00	
Broome Little Athletics Centre	3. Shire	4. \$6,000.00	
Broome Squash Club	5. Shire	6. \$3,000.00	\$3,000.00
Broome Historical Society Inc	Shire	\$2,794.30	
Broome Towns Sports Club	Shire	\$1,500.00	
RSPCA WA	Shire	\$6,000.00	
Broome Soccer Association	Shire	\$6,000.00	
Floorball Broome	Shire	\$6000.00	
Incredible Edible Broome Incorporated	EDL	\$6,000.00	
Broome Men's Shed Inc	EDL	\$2,500.00	
Helping Minds	EDL	\$6,000.00	
Sharing Stories Foundation Limited	EDL	\$6,000.00	
Broome Tri Club	EDL	\$6,000.00	
TOTAL		\$96,394.30	\$20,600

Attachment 2. Stream 2 & 3

Community Development Fund for Streams 2 and 3 is allocated through the annual budget, with \$265,000 typically allocated in previous years. Council has the right to determine the funding allocations every year, and across every stream depending on the quality and quantity of applications for funding. Funding for eligible Stream 2 projects that are approved will inform the final 2024/25 Annual Budget.

Proposed for inclusion in the 2024/5 Annual Budget are pre-approved projects that were already allocated:

- Broome Aboriginal Media Association NAIDOC - \$10,000 (3 years funding) approved allocated from Stream 2 (*Minute No. C/0422/016*)
- Shinju Matsuri Inc - \$77,500 approved March OMC allocated from Stream 3 (*Minute No C/0323/025*)
- Kimberley Arts Network for the Broome Fringe Festival, \$11,035 a year for 3 years (*Minute No. C/0423/027*)
- Ramu Productions for the event Cinefest Oz Broome for \$30,000 for 2 years. (*Minute No. C/0423/027*)

With the new proposed funding for events of \$94,547 this will result in a total spend of \$223,082 for 2024/25 in CDF Stream 2 and 3.

Event & Organiser	2024-25	2025-26
Kimberley Arts Network - Broome Fringe Festival	\$11,035.00	\$11,035.00
Broome Aboriginal Media Association - NAIDOC	\$10,000.00	
RAMU Productions - Cinefest Oz	\$30,000.00	
Shinju Matsuri Festival	\$77,500.00	
Broome Performing Arts Co - Ferngully 2024	\$7,185.00	
Broome Bowling Club - Events 2024/25	\$15,000.00	
Matso's Broome Brewery - Matso's Streetfest	\$10,000.00	
Theatre Kimberley - Sandfly Circus	\$19,190.00	
Touch Football Australia - Beach Touch Footy	\$2,500.00	
Bidyadanga Aboriginal Community La Grange (BACLG) - Music Week	\$10,000.00	
Broome Circle - Harmony Week	\$10,671	
Shinju Matsuri 2024	\$20,000.00	
TOTAL	\$223,082.00	\$11,035

RISK

	Risk	Type	Rank	Mitigation
Community dissatisfaction with allocations	Perception the Shire is not maximising opportunity to support organisations providing social and economic benefits	Reputational	Medium	Most applications were funded at the requested amount. Where insufficient detail was provided or ineligible expenses were requested then officers will follow up with applicants for future years.
Funding recipient dissatisfaction with allocations	Perception the Shire is not maximising opportunity to support organisations providing social and economic benefits.	Reputational	Low	Guidelines have been put in place establishing eligibility criteria.

STRATEGIC ASPIRATIONS

Prosperity - Together, we will build a strong, diversified and growing economy with work opportunities for everyone.

Outcome 9 - A strong, diverse and inclusive economy where all can participate

Objective 9.1 Increase Broome’s domestic and international trade in tourism, agriculture, aquaculture, minerals and energy, culture and the arts, and other emerging industries.

VOTING REQUIREMENTS

Simple Majority

<p><u>REPORT RECOMMENDATION:</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>Recognises the success of the Shire's ongoing collaboration with Energy Developments Limited and requests that a letter of thank you be drafted from the Shire President to Energy Developments Limited, with acknowledgement posted in the Shire newsletter and social media.</i> 2. <i>Approves the allocation of the following amounts to the applicants under Stream 1 of the Community Development Fund and considers for inclusion in the 2024/25 annual budget:</i> <ol style="list-style-type: none"> (a) <i>Broome Bullets Netball Club Inc, for New Uniforms \$2,000</i> (b) <i>Sammy the Dragon Broome, for Sammy the Dragon 2024 \$2,500</i> (c) <i>Broome Town Band, for Broome Town Band to Perform at Community Events \$3,000</i> (d) <i>Broome Catholic Church, for Christmas Nativity Play \$2,500</i> (e) <i>Pearl Coast Gymnastics' Club, for Broome Gymnastic Competition \$6,000</i> (f) <i>Broome Tri Club, for Project – Next Level, \$6,000</i> (g) <i>Judo Broome, for Judo Broome \$5,000</i> (h) <i>Broome Little Athletics Centre, for WA State Junior Track & Field Championships 2025 \$6,000</i>

- (i) Broome Squash Club, for Broome Squash Club Invitational \$3,000 as two-year agreement
- (j) Broome Historical Society, for Oral History Training \$2,794.30
- (k) Incredible Edible Broome Incorporated, for Grooves in the Garden \$6,000
- (l) Broome Men's Shed Inc, for BMS 'Restoration of Chinese Rickshaws' \$2,500
- (m) Helping Minds, for Coming Together \$6,000
- (n) Sharing Stories Foundation Limited, for Sharing Stories Media Hub \$6,000
- (o) Broome Towns Sports Club, for Broome Towns Sports Club upgrade of resources \$1,500
- (p) RSPCA WA, RSPCA WA Community Action Day, \$6000
- (q) Broome Soccer Association, Development Camp and Northwest Championships, \$6000
- (r) Floorball Broome, Floorball Development Camp, \$6000

3. Approves the allocation of the following amounts to the applicants under Stream 2 of the Community Development Fund and considers for inclusion in the 2024/25 annual budget:

- (a) Broome Performing Arts Cooperative, for the End of Year BPAC Concert - (Fergully 2024) Event for \$7,185; and
- (b) Broome Bowling Club for the Broome Bowling Events 2024/24 for \$15,000; and
- (c) Matso's Broome Brewery for the event Matso's Street Festival for \$10,000; and
- (d) Theatre Kimberley for the Sandfly Circus Event for \$19,191; and
- (e) Touch Football Australia for the Beach Touch Footy Event for \$2,500; and
- (f) Bidyadanga Aboriginal Community La Grange (BACLG) for the Bidyadanga Music Week Event for \$10,000; and
- (g) Broome Circle for the Harmony Week Community Dinner for \$10,671.

4. Approves the allocation of the following amount to the applicant under Stream 3 of the Community Development Fund and considers for inclusion in the 2024/25 annual budget:

- a) Shinju Matsuri Inc for the 2024 Shinju Matsuri festival an additional \$20,000.

Attachments

1. ATTACHMENT 1. CDF RECOMMENDATIONS SPREADSHEET SLIPSTREAM 1
2. ATTACHMENT 2. CDF RECOMMENDATIONS SPREADSHEET SLIPSTREAM 2 & 3

9.4 PERFORMANCE

9.4.1 MONTHLY PAYMENT LISTING - APRIL 2024

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FRE02
AUTHOR:	Coordinator Financial Operations
CONTRIBUTOR/S:	Manager Financial Services
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

This report recommends that Council receives the list of payments made under delegated authority, as per the attachment to this report, for April 2024.

BACKGROUND

The Chief Executive Officer (CEO) has delegated authority via Delegation 1.2.20 Payments from the Municipal or Trust Funds, to make payments from the Municipal and Trust funds as per budget allocations and in line with applicable policies.

COMMENT

The Shire provides payments to suppliers by Electronic Funds Transfer (EFT and BPAY), cheque, credit card or direct debit. Attachment 1 provides a list of all payments processed under delegated authority in April 2024.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

12. *Payments from municipal fund or trust fund, restrictions on making*
 - (1) *A payment may only be made from the municipal fund or the trust fund —*
 - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
 - (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; and*

- (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (3) *A list prepared under sub regulation (1) or (2) is to be —*
- (a) *presented to the Council at the next ordinary meeting of the Council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

13A. *Payments by employees via purchasing cards*

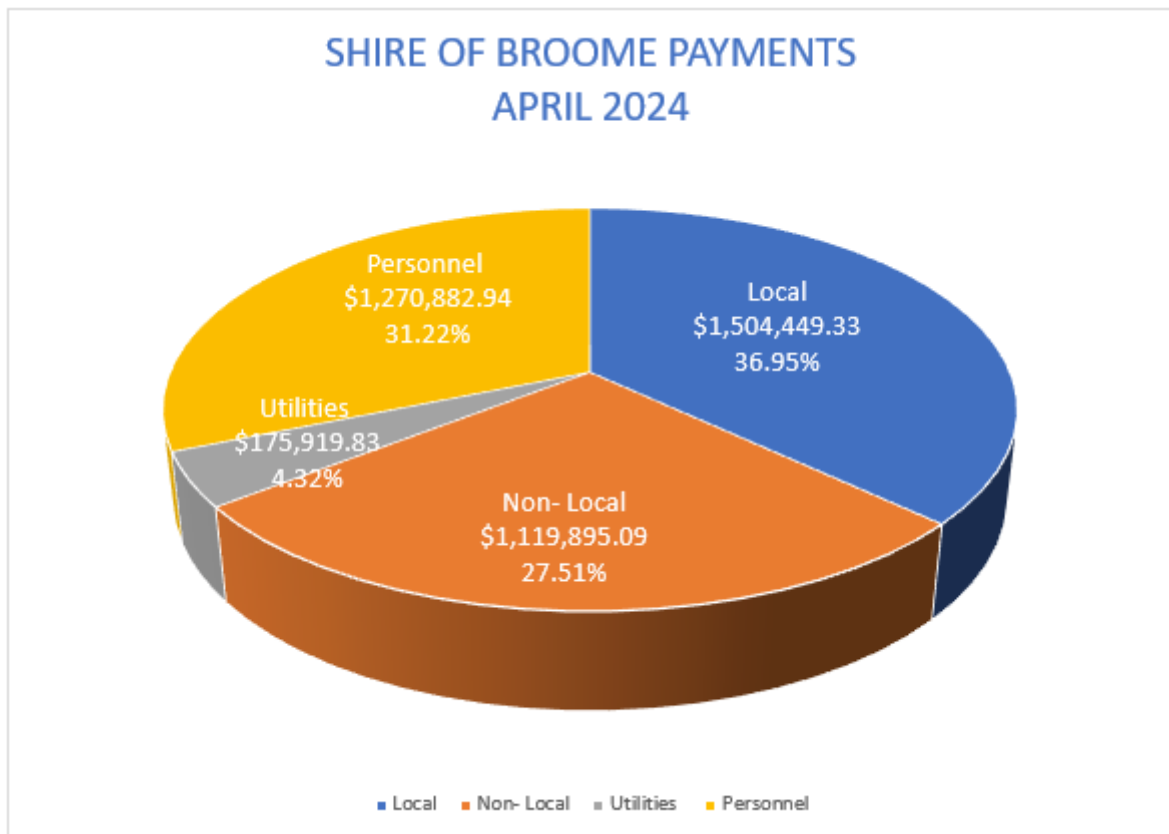
- (1) *If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —*
- (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment;*
 - (d) *sufficient information to identify the payment.*
- (2) *A list prepared under sub regulation (1) must be —*
- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

POLICY IMPLICATIONS

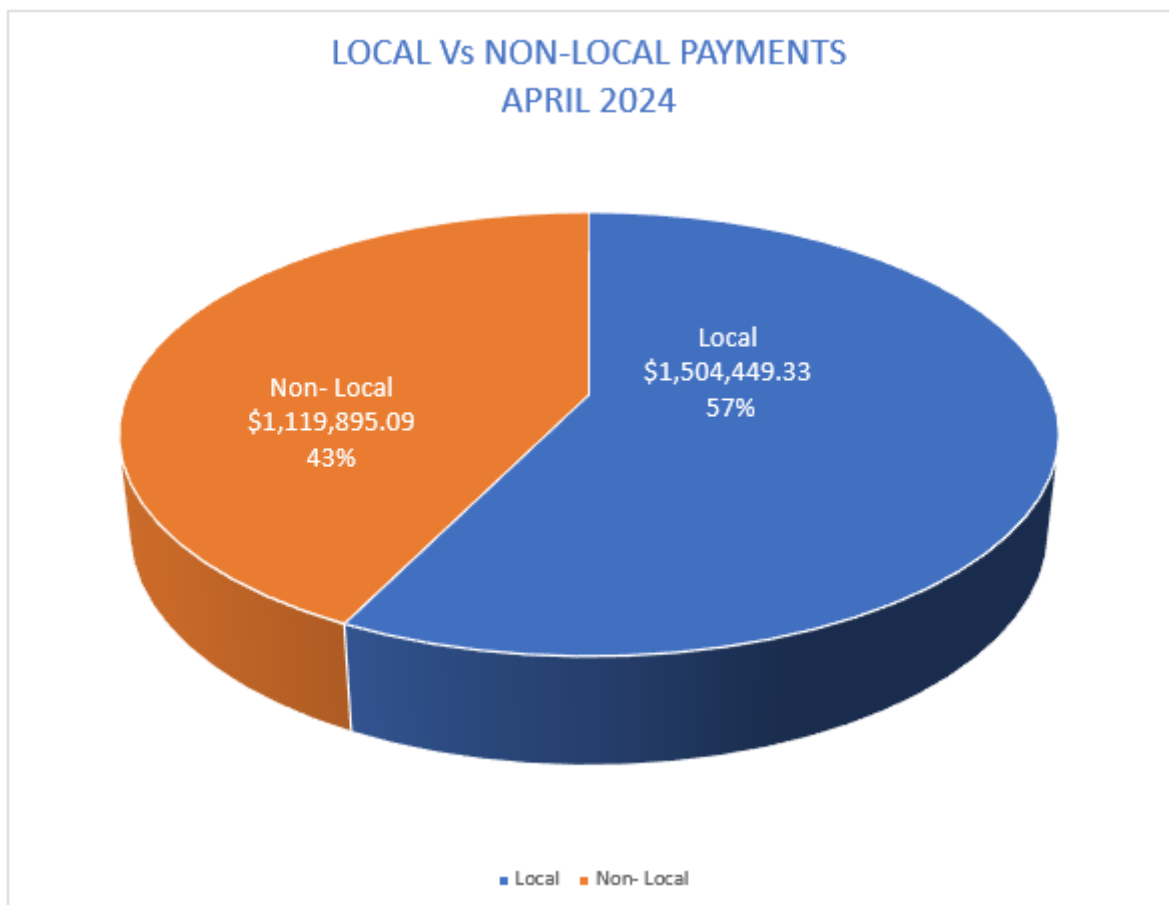
Nil.

FINANCIAL IMPLICATIONS

List of payments made in accordance with budget and delegated authority. Payments can also be analysed as follows:



Note: Personnel payments in this analysis include payroll, superannuation (contained within Direct Debit type payments), payroll tax and other deductions (contained within the EFT Payments type payments).



The above graph shows the percentage of local spend in comparison to non-local and recoupable spend for April 2024 after \$1,270,882.94 in personnel payments, \$175,919.83 in utilities and other non-local sole suppliers were excluded.

YEAR TO DATE CREDITOR PAYMENTS

The below table summarises the total payments made to creditors year to date:

Month	Cheques	EFT Payments	Direct Debit	Credit Card	Trust	Payroll	Total Creditors
Jul-23	\$ 1,441.39	\$ 2,026,138.15	\$ 157,064.40	\$ 31,160.48	\$ -	\$ 749,538.21	\$ 2,965,342.63
Aug-23	\$ -	\$ 3,636,229.61	\$ 458,162.41	\$ 36,953.74	\$ -	\$ 745,258.30	\$ 4,876,604.06
Sep-23	\$ 2,180.90	\$ 2,958,635.14	\$ 156,890.04	\$ 34,952.54	\$ -	\$ 728,212.05	\$ 3,880,870.67
Oct-23	\$ 2,500.00	\$ 3,614,698.05	\$ 243,802.39	\$ 33,365.63	\$ -	\$ 772,473.06	\$ 4,666,839.13
Nov-23	\$ 631.40	\$ 3,793,083.11	\$ 268,860.67	\$ 45,962.05	\$ -	\$ 1,164,818.38	\$ 5,273,355.61
Dec-23	\$ 50.00	\$ 3,002,660.80	\$ 324,868.44	\$ 39,840.31	\$ -	\$ 765,510.89	\$ 4,132,930.44
Jan-24	\$ -	\$ 3,563,736.38	\$ 352,800.17	\$ 23,895.33	\$ -	\$ 755,908.70	\$ 4,696,340.58
Feb-24	\$ 523.23	\$ 2,425,258.66	\$ 195,833.62	\$ 33,882.74	\$ -	\$ 781,867.68	\$ 3,437,365.93
Mar-24	\$ -	\$ 2,865,663.83	\$ 289,942.65	\$ 29,044.05	\$ -	\$ 762,074.12	\$ 3,946,724.65
Apr-24	\$ 7,759.51	\$ 3,056,940.88	\$ 205,176.53	\$ 29,777.38	\$ -	\$ 771,492.89	\$ 4,071,147.19
TOTAL	\$ 15,086.43	\$ 30,943,044.61	\$ 2,653,401.32	\$ 338,834.25	\$ -	\$ 7,997,154.28	\$ 41,947,520.89

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 and 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 ASPIRATIONS

Performance - We will deliver excellent governance, service & value for everyone.

Outcome 12 - A well informed and engaged community

Objective 12.1 Provide the community with relevant, timely information and effective engagement.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:
 That Council:

1. Receives the list of payments made from the Municipal and Trust Accounts in April 2024 totalling in \$4,071,147.19 (Attachment 1) per the requirements of Regulation 12 of the *Local Government (Financial Management) Regulations 1996* covering:
 - a) EFT Vouchers EFT74289 – EFT74813 totalling \$3,056,940.88;
 - b) Municipal Cheque Vouchers 57830 - 57831 totalling \$7,759.51;
 - c) Trust Cheque Vouchers 00000 - 00000 totalling \$0.00; and

d) *Municipal Direct Debits DD33237 – DD33270 including payroll totalling \$976,669.42.*

2. *Receives the list of payments made by credit cards in April 2024 totalling \$29,777.38 (contained within Attachment 1) per the requirements of Regulation 13A of the Local Government (Financial Management) Regulations 1996 covering EFT Vouchers EFT74870 – EFT74896.*
3. *Notes the local spend of \$1,504,449.33 included in the amount above, equating to 57% of total payments excluding personnel, utility and other external sole supplier costs.*

Attachments

1. MONTHLY PAYMENT LISTING - APRIL 2024

9.4.2 MONTHLY FINANCIAL REPORT - APRIL 2024

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

SUMMARY:

Council is required under Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996 (FMR)* to consider and adopt the Monthly Financial Report for the period ended 30 April 2024.

BACKGROUND

Council is provided with the Monthly Financial Report, which has been prepared in line with statutory reporting obligations and includes the:

- Statement of Financial Activity by nature classifications (satisfying Regulation 34 of the *FMR*);
- Statement of Financial Position (satisfying Regulation 35 of the *FMR*);
- Basis of Preparation;
- Statement of Financial Activity Information - the adjustments to the Statement of Financial Activity and Net Current Assets Position which agree to the surplus/deficit position (satisfying Regulation 32 of the *FMR*), and
- Explanation of material variances to year-to-date budget (satisfying Regulation 34 of the *FMR*);

Supplementary information has been provided per Regulation 34(2) of the *FMR* to provide Council with a holistic overview of the operations of the Shire of Broome. The Supplementary Information notes include:

- Cash and financial assets;
- Reserve accounts;
- Capital acquisitions – summarised by asset class, detailed to project, plant disposals;
- Aged payables;
- Borrowings;
- Grants – detailed listing of operating grants, capital grants and contributions;
- Detailed list of Council adopted Budget amendments – by nature classification.

COMMENT

The 2023/24 Annual Budget was adopted at the Special Meeting of Council on 11 July 2023. The following are key indicators supporting the year to-date budget position with respect to the Annual Forecast Budget:

Budget Year elapsed	83.33%
Total Rates Raised Revenue	100% (of which 95.55% has been collected)
Total Other Operating Revenue	83%

Total Operating Expenditure	76%
Total Capital Revenue	32%
Total Capital Expenditure	32%
Total Sale of Assets Revenue	60%

More detailed explanations of variances are contained in Note 3 of the Monthly Financial Report. The commentary identifies material variations between the expected year-to-date budget position and the position at the reporting date.

Based on the 2023/24 Annual Budget presented at the Special Meeting of Council on 11 July 2023, Council adopted a balanced budget to 30 June 2024. The 2022/23 final end-of-year position was adopted by Council at the SMC on 21 December 2023, through the 2022/23 Annual Financial Statements.

The Amended Annual Budget reflects all Council adopted budget amendments to date, including quarter 1, 2 and quarter 3 reviews, and budget amendments adopted by Council through individual agenda items. The amended budget forecasts a deficit position at 30 June 2023 of \$256,013 as presented through the quarter 3 Finance and Costing Review. It is noted that this is a forecast, and the true final closing position for 2023/24 will be arrived at following end of year adjustments and the conclusion of the external audit process.

The structure and format of the April 2024 Monthly Financial Report and upcoming monthly reports has been prepared to comply with the current FMR standards. The layout of the report and supporting notes is intended to be consistent with other statutory reporting requirements including the annual budget, budget review and annual report. The statutory reporting requirements are presented at the beginning of the report, followed by supporting notes, and is intended to provide an easy to read snapshot of the operations of the Shire and monthly progress against the annual budget. Officers will review the reporting layout periodically as industry and regulatory changes evolve.

Budget Amendments

A contract appointment has been engaged to cover the Director of Corporate Services' long service leave, which spans both the 2023/24 and 2024/25 financial years. Council are requested to approve the transfer of \$23,566 from the leave reserve to fund the cost of the contractor appointment, for the 2023/24 portion of this contract. This requires an absolute majority as these are budget amendments:

Transfer \$23,566 from account GL 101423200 Transfer From Leave Reserve to account GL 101422310 \$23,566 Consultants Corporate Services.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

The *Local Government (Financial Management) Regulations 1996* were amended (SL2023/106) and published on 30 June 2023. The changes, effective from 1 July 2023, have an impact on the reporting of the financial activity statement required each month (Section 34). The below outlines the new reporting requirement under Section 34:

34(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under

regulation 22 (1)(d), for the previous month (the “relevant 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); and
- (b) budget estimates to the end of the relevant month; and
- (c) actual amounts of expenditure, revenue and income to the end of the relevant month; and
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the relevant month and a note containing a summary explaining the composition of the net current assets.

34(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).

34(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.

34(2) Each statement of financial activity is to be accompanied by documents containing-

- (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.

34(3) The information in a statement of financial activity may be shown according to nature classification.

34(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 relevant month; and
- (b) recorded in the minutes of the meeting at which it is presented.

34(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.

An amendment to the *Local Government (Financial Management) Regulations 1996*, effective from 1 August 2023, is the addition of Regulation 35, with Local Governments now required to report a financial position statement each month. The additional Regulation 35 is as follows:

35(1) A local government must prepare each month a statement of financial position showing the financial position of the local government as at the last day of the previous month (the previous month) and —

- (a) the financial position of the local government as at the last day of the previous financial year; or
- (b) if the previous month is June, the financial position of the local government as at the last day of the financial year before the previous financial year.

35(2) A statement of financial position must be —

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

Local Government Act 1995

Section 6.4 – Financial report

Section 6.8 – Expenditure from municipal fund not included in the budget.

The attached report aligns to the statutory requirements of monthly reporting to Council, including the presentation of the statement of financial position.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Monthly Financial Report is a retrospective summary of the Shire's operations to the end of the preceding month, presenting the current budget adopted by Council and actual results. The financial implications associated with adopting the Monthly Financial Report are therefore nil.

All budget amendments are approved through Council by absolute majority, and the full list of adopted budget amendments for the financial year are contained within Supplementary Information Note 15 of the Monthly Financial Report.

The audited opening position for the 2023/24 financial year is presented in the attachment as adopted by Council at the SMC on 21 December 2023.

The two proposed budget amendments will increase materials and contracts (operating expenditure) and increase transfers from reserve (inflow from financing activities).

RISK

The Monthly Financial 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 (CEO) has implemented internal control measures such as regular Council and management reporting and the quarterly Finance and Costing Review (FACR) process 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 an inherent level of risk of misrepresentation of the financials through either human error or potential fraud. 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 Regulations) 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 ASPIRATIONS

Performance - We will deliver excellent governance, service & value for everyone.

Outcome 11 - Effective leadership, advocacy and governance

Objective 11.2 Deliver best practice governance and risk management.

Outcome 12 - A well informed and engaged community

Objective 12.1 Provide the community with relevant, timely information and effective engagement.

Outcome 13 - Value for money from rates and long term financial sustainability

Objective 13.1 Plan effectively for short- and long-term financial sustainability

Objective 13.2 Improve real and perceived value for money from rates.

Outcome 14 - Excellence in organisational performance and service delivery

Objective 14.3 Monitor and continuously improve performance levels.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION:

That Council:

- 1. Receives the Monthly Financial Report for the period ended 30 April 2024 as attached; and*
- 2. Approves budget amendments of \$23,566 from Account 101423200.26 Transfer From Leave Reserve to Account 101422310.34 Consultants Corporate Services, to support the contract appointment covering employee long service leave.*

Attachments

1. Monthly Financial Report - April 2024

9.4.3 ANNUAL REVIEW OF DELEGATION OF AUTHORITY REGISTER

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	ARE02
AUTHOR:	Senior Administration & Governance Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

The purpose of this report is for Council to consider the 2023/24 annual review of delegations across various legislations.

BACKGROUNDPrevious Considerations

OMC 30 March 2023	Item 9.4.2
OMC 28 September 2023	Item 9.2.3

The Register of Delegated Authority was last presented to Council for a full review on 30 March 2023. Minor amendments were adopted by Council on the 28 September 2023 relating to Delegation 9.2 Local Planning Scheme No.7.

Section 5.46(2) of the *Local Government Act 1995* (the Act) requires that a local government keep a register of delegations of authority made under the Act and that these are reviewed at least once every financial year.

In simple terms the need for a delegation occurs where the legislation refers to “**the local government may**” do something. In the absence of a delegation from Council, a Council decision would be required each time. Functions able to be delegated are administrative in nature and a function of the Chief Executive Officer (CEO) in accordance with section 5.41(d) of the Act.

Delegations are also required for other legislation such as the *Building Act 2011*, *Bushfires Act 1954*, *Cat Act 2011*, *Dog Act 1974*, *Food Act 2008*, *Graffiti Vandalism Act 2016*, *Public Health Act 2016* and *Planning and Development Act 2005*.

COMMENT

Due to the work done in updating the Register of Delegated Authority over the past 2 – 3 years and transitioning to the Attain Governance system to administer the delegation register there is one minor administrative update recommended as detailed below.

It is noted that some changes have occurred to sub-delegations however these are not required to be approved by Council. These changes are track changed in Attachment1 for Council's information.

Delegation	Local Government Act 1995	Comments
1.2.21	Defer, Grant Discounts, Waive or Write Off Debts	Administrative update removing CEO Adhoc Sponsorship and replacing with Quick Response Grants.

CONSULTATION

WALGA

STATUTORY ENVIRONMENT

5.42 *Delegation of some powers and duties to CEO*

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under –
- (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).
- * *Absolute majority required.*

5.46. *Register of, and records relevant to, delegations to CEO and employees*

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

POLICY IMPLICATIONS

Relevant policies are cross referenced throughout the Instrument of Delegation Register.

FINANCIAL IMPLICATIONS

Nil.

RISK

The Register of Delegated Authority is an important governance tool that provides the Chief Executive Officer with the authority to manage the day-to-day operations of the Shire in accordance with section 5.41 of the Act.

The annual review of delegations provides the opportunity for Elected Members to ensure that sufficient controls are in place to meet fiduciary duties whilst being cognisant of the need for operational efficiency.

From a compliance risk perspective, this item will meet the requirements for a review of delegations in the 2023/24 financial year.

STRATEGIC ASPIRATIONS

Performance - We will deliver excellent governance, service & value for everyone.

Outcome 11 - Effective leadership, advocacy and governance

Objective 11.2 Deliver best practice governance and risk management.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION:

That Council:

- 1. Notes the review of delegations; and*
- 2. Adopts the Register of Delegated Authority 2023/24 as contained in Attachment 1 inclusive of the amendment outlined within this report.*

Attachments

1. DRAFT - DELEGATION OF AUTHORITY REGISTER

10. REPORTS OF COMMITTEES

10.1 MINUTES AND RECOMMENDATIONS FROM THE JOINT MEETING OF KIMBERLEY ZONE OF WALGA AND KIMBERLEY REGIONAL GROUP HELD ON 19 APRIL 2024

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	KRG01
AUTHOR:	Executive Assistant to Chief Executive Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

This report presents for Council endorsement the Minutes from the joint meeting of the Kimberley Zone of the Western Australian Local Government Association (WALGA) and Kimberley Regional Group held on 19 April 2024.

BACKGROUND

A copy of the minutes from the Kimberley Zone of WALGA (Kimberley Zone) and the Kimberley Regional Group (KRG) meeting held 19 April 2024 are attached for Council consideration (**Attachments 1 and 2**).

As a result of a past decision of the group, both the Kimberley Zone and KRG meetings occur consecutively.

It should be remembered that the Kimberley Zone is a group established to represent regional issues to the State Council of WALGA. This group includes the four Kimberley Shires in addition to the Shires of Christmas Island and Cocos Keeling Islands.

The KRG is a group defined through a deed of agreement between the four Kimberley local governments with the Minister for Local Government.

The Shire of Wyndham East Kimberley accepted the Secretariat role for the Kimberley Zone / KRG late in 2021.

COMMENT

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

Kimberley Zone Meeting Minutes – 19 April 2024

Reports from Representatives

- WALGA –
 - Karen Chappel, President,
 - Nick Sloan, CEO
 - Emma Heys, Governance Specialist
- Department of Communities, Renee Gioffre, Kimberley Executive Director

- RDA Kimberley – Janine Hatch, Director
- Australia’s North West Tourism – Bill Tatchell, CEO
- Department of Local Govt, Sport and Cultural Industries – Tom Chapman, Regional Manager Kimberley (Written report attached)
- Kimberley Development Commission - Chuck Berger, CEO

Reports from Kimberley Country Zone

The following table provides a summary of Matters for Decision that will be considered at the WALGA State Meeting on 1 May 2024, and provides an update on Matters for Noting.

	Matters for Decision	WALGA Recommendation
7.1	Waste Levy Advocacy Position	<p>That State Council:</p> <ol style="list-style-type: none"> 1. Replace the existing WALGA Waste Levy Policy Statement and Advocacy Position 7.4 Waste Management Funding: <p>Local Government considers that:</p> <ol style="list-style-type: none"> 1. Waste Avoidance and Resource Recovery Levy funds should be hypothecated to strategic waste management activities in line with the State Waste Strategy and strongly opposes the application of the Levy to non-waste management related activities, such as funding State Government core activities; and 2. The Levy should not be applied to licensed landfills outside the metropolitan area. <p>2. Endorse a new Waste Levy Advocacy Position as follows:</p> <p>The Waste Avoidance and Resource Recovery Levy (the Levy) was established in WA to fund programs relating to the management, reduction, reuse, recycling, monitoring or measurement of waste and administering the fund. The current Levy is applied to waste generated, or landfilled, in the Perth metropolitan area. Currently, only 25% of the collected funds are retained for strategic waste management activities, 75% are allocated to the ongoing operations of the Department responsible for administration of the Levy.</p> <p>Local Government considers that:</p> <ol style="list-style-type: none"> 1. The Waste Avoidance and Resource Recovery Levy funds must be fully hypothecated to strategic waste management activities in line with the State Waste Strategy and not be used for non-waste management related activities, such as funding State Government core activities. 2. Strategic waste management activities funded by the State Government should:

		<p>a. Provide adequate funding and support for Regional Councils, non-metropolitan and metropolitan Local Governments;</p> <p>b. Reflect the targets and priorities within the Waste Strategy;</p> <p>c. Fully fund and acknowledge the life cycle costs of infrastructure and services; and</p> <p>d. Facilitate the development, implementation and ongoing operation of Product Stewardship Schemes.</p> <p>3. The Levy should not be applied to waste generated in the non-metropolitan area as it is not feasible, or appropriate, to implement the Levy in areas with a limited rate base, access to markets for recycled materials, economic growth and resources to manage such a change.</p> <p>4. The Levy should not be applied to waste received at premises undertaking licensed activities whose primary purpose is resource recovery.</p> <p>5. The Levy must be supported by a clear, evidence-based rationale to demonstrate the suitability of how charges are set, how and where funds are allocated, and the extent to which it is delivering on its objectives.</p> <p>EXECUTIVE SUMMARY</p> <ul style="list-style-type: none"> • The Waste Levy and Strategic Waste Funding Policy Statement was first endorsed in 2008 and was amended in 2018. • The Statement outlines the Local Government position on levies charged on the weight or volume of waste received at licensed premises and the application of those funds to waste management activities. • In 2023, the WA Government published the findings of a Review of the Waste Avoidance and Resource Recovery (WARR) Levy. The consultation summary report and supporting consultant report can be accessed on the Department of Water and Environmental Regulation (DWER) website. • Key outcomes of the Levy Review included a five-year schedule of increases and a commitment to investigate extending the levy boundary to regional areas. <ul style="list-style-type: none"> - The new Waste Levy Advocacy Position uses contemporary language emphasises: Full hypothecation of the Levy; - The key areas of expenditure for the Levy; - Opposition to the expansion of the Levy's geographic application;
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		<p>- Opposition to the application of the Levy to resource recovery activities; and</p> <p>- The need for a clear evidence-based rationale for setting and expending the Levy.</p> <p>The Municipal Waste Advisory Council (MWAC) endorsed the new Advocacy Position in February 2024.</p> <p>ATTACHMENT</p> <ul style="list-style-type: none"> Waste Levy Policy Statement
8.1	Environment Policy Team Report	<p>That State Council note the matters considered by the Environment Policy Team at its meeting on 6 March 2024.</p> <p>1. PORTFOLIO UPDATES</p> <p>The Policy Team was provided with updates on:</p> <ul style="list-style-type: none"> Urban Forests o The release of WALGA's model Tree Retention Local Planning Policy (LPP); Round One of the Local Government Urban Greening Grant Program; and The State Government's announcement of the development of a Perth and Peel Urban Forest Strategy. Polyphagous Shot Hole Borer; The State Government's consideration of the Report of the Independent Panel's Review of the Biosecurity and Agriculture Management Act 2007 ; Local Government planning fees and charges – the Minister for Planning; Lands; Housing; Homelessness has agreed to a comprehensive review; and Native vegetation clearing permit assessment timeframes.
8.2	Governance Policy Team Report	<p>That State Council note the report from the Governance Policy Team.</p> <p>The Governance Policy Team have not held a meeting since the last State Council meeting in March.</p> <p>A meeting of the Governance Policy Team will be scheduled to occur in May, where the following key items of business will be presented:</p> <ul style="list-style-type: none"> Standardised Meeting Procedures Submission Elections Review Report
8.3	Infrastructure Policy Team Report	<p>That State Council note the matters considered by the Infrastructure Policy Team at its meeting on 6 March 2024.</p> <p>1. MATTERS FOR STATE COUNCIL DECISION</p> <p>Nil</p> <p>2. MATTERS FOR STATE COUNCIL NOTING</p>

		<p>The Policy Team noted the Zone Resolutions and Composite resolution for the item on the 6 March 2024 State Council agenda for decision – Separation and Edge Line Markings by Local Government on Low Volume Rural Roads.</p> <p>The Policy Team progressed actions and advocacy in relation to:</p> <ul style="list-style-type: none"> • Regulating heavy vehicle road access conditions; Extended lead time for quotes from Western Power for headworks and changes to infrastructure; • Royalty payments for mine site materials used in road construction and maintenance; • Regional Telecommunication Independent Review; • Review of Main Road Cross over Policy; • Required changes to the Disaster Recovery Funding Arrangements; and • Local Government Active Transport Working Group <p>The team noted that ALGA has accepted the invitation to hold the National Local Roads, Transport and Infrastructure Congress in Western Australia in December 2024.</p> <p>3. PORTFOLIO UPDATES</p> <p>The Policy Team</p>
<p>8.4</p>	<p>People and Place Policy Team Report</p>	<p>That State Council note the matters considered by the People and Place Policy Team at its meeting on 6 March 2024.</p> <p>1. MATTERS FOR STATE COUNCIL DECISION</p> <p>Nil</p> <p>2. MATTERS FOR STATE COUNCIL NOTING</p> <p>The Policy Team discussed the following items for noting on the 6 March 2024 State Council agenda: • 2024-25 Federal Budget Submission; and • Emergency Management Sector Adaptation Plan (EM-SAP) Local Government Consultation Project.</p> <p>3. MATTERS REFERRED BY ZONES</p> <p>Murchison Country Zone: Improving the Patient Assisted Travel Scheme (PATS)</p> <p>At the People and Place Policy Team Meeting on 7 February 2024, the Policy Team considered the following resolution of the Murchison Country Zone:</p>

		<p>That WALGA advocate for improvements to the Patient Assisted Travel Scheme (PATS) for regional Western Australia particularly around fuel and accommodation subsidies.</p> <p>The People and Place Policy Team resolved to:</p> <ol style="list-style-type: none"> 1. Note the request from the Murchison Country Zone. 2. Request that WALGA write to the Minister for Health to seek a review of the Patient Assisted Travel Scheme. <p>At the People and Place Policy Team Meeting on 6 March 2024, the Policy Team amended to the recommendation to:</p> <ol style="list-style-type: none"> 1. Note the request from the Murchison Country Zone. 2. Request that WALGA write to the Minister for Health to seek a review of the current level of the Patient Assisted Travel Scheme with the intention to increase it to reflect current costs, including an annual CPI increase. <p>South East Metropolitan Zone: Mitigating public health implications of increasing temperatures, frequent heatwaves coupled with accelerated depletion of tree canopy.</p> <p>East Metropolitan Zone: Public health planning for climate change (heat) risks</p> <p>The People and Place Policy team considered the following resolutions of the East and South East Metropolitan Zones:</p> <p>The South East Metropolitan Zone is seeking WALGA:</p> <ul style="list-style-type: none"> • Develop Model Text Provisions for the sector to address increasing risks to community public health generated by escalating heat wave conditions and Urban Heat Island effects coupled with accelerated loss of tree canopy; and • As a matter of urgency, advocates to the state government to establish additional funding to enable local governments to implement intensive, widespread measures to mitigate the major public health implications of increasing temperatures, frequent heatwaves coupled with accelerated depletion of tree canopy, particularly in urban areas. <p>The East Metropolitan Zone is seeking WALGA:</p> <ul style="list-style-type: none"> • Develop draft model actions to guide Public Health Plans to address increasing risks to community public health generated by escalating heat wave conditions and Urban Heat Island effects coupled with accelerated loss of tree canopy; and
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		<ul style="list-style-type: none"> As a matter of urgency, advocates to the state government to establish additional funding to enable local governments to implement intensive, widespread measures to mitigate the major public health implications of increasing temperatures, frequent heatwaves coupled with accelerated depletion of tree canopy, particularly in urban areas. <p>The People and Place Policy Team resolved:</p> <ol style="list-style-type: none"> To note the resolutions of the South East and the East Metropolitan Zones. The ongoing WALGA advocacy regarding the implementation of Stage 5 of the Public Health Act 2016, as stated in Advocacy Position 3.2.1. That WALGA will continue to advocate for sector support, advice and funding for Public Health Plan drafting and implementation. <p>Gascoyne Zone: Challenges with Aboriginal Heritage Matters</p> <p>The People and Place Policy Team was provided with an update on action arising from the resolution of the Gascoyne Country Zone:</p> <p>That the Gascoyne Country Zone requests that WALGA schedules a Teams meeting between the Gascoyne Zone delegates and the relevant Policy Team to discuss the issues the Zone faces in complying with Aboriginal Heritage Legislation and establishing indigenous Land Use Agreements.</p> <p>On 22 February 2024, WALGA convened an Aboriginal Cultural Heritage Roundtable for the Gascoyne Zone in Carnarvon. The aim of the roundtable was to gain a shared understanding of the requirements under the amended Aboriginal Heritage Act 1972 and its interaction with heritage surveys, Standard Heritage Agreements, and Indigenous Land Use Agreements; and to share Local Government feedback and progress implementation solutions applicable across the Local Government Sector in partnership with the Department of Planning, Lands and Heritage (DPLH). The discussion provided some practical solutions and proposals which WALGA is seeking to progress with DPLH, aligned to the State Government's commitment to guidance and support for the sector.</p> <p>President Eddie Smith hosted the Roundtable in Carnarvon and informed the Policy Team that it was very informative and worthwhile. The People and Place Policy Team resolved to encourage zones that are inclined to host a roundtable on the Aboriginal Heritage Act with involvement from DWER and DPLH.</p>
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		<p>4. PORTFOLIO UPDATE</p> <p>The Policy Team was provided with updates on the:</p> <ul style="list-style-type: none"> • WALGA Emergency Management Survey; • Power and Telecommunications Roundtable held on 20 February; and • LEMA Improvement Project.
<p>8.5</p>	<p>Municipal Waste Advisory Council (MWAC) Report</p>	<p>That State Council note the resolutions of the 21 February 2024 Municipal Waste Advisory Council Meeting.</p> <p>1. MATTERS FOR DECISION</p> <p>Waste Levy Advocacy Position MWAC resolved to rescind the existing Waste Levy Policy Statement and Advocacy Position 7.4 Waste Management Funding and endorse a new Waste Levy Advocacy Position (State Council Item 7.1 for Decision refers).</p> <p>Waste Levy Advocacy Position MWAC, through WALGA, resolved to write to the Minister for Energy; Environment and Climate Action:</p> <ul style="list-style-type: none"> • Expressing Local Governments' concern about the impacts of the e-waste to landfill ban regarding the e-waste to Landfill Band the need for further funding and effective product stewardship in line with WALGA's advocacy position on Landfill Bans; and • Seeking an update on the outcomes of the consultation on the Container Deposit Scheme expansion, timeframe for the expansion and reiterating Local Governments' strong support for the expansion of the Scheme to include wine and spirit bottles as a minimum. <p>2. MATTERS FOR DISCUSSION</p> <p>MWAC considered Waste Advocacy Priorities for 2024:</p> <ul style="list-style-type: none"> • Increase the proportion of the Waste Levy being provided to Local Government to assist the sector in meeting the State Waste Strategy targets and provide investment certainty; • Achieve regulatory certainty through provision of the Waste Derived Materials Framework, new DWER Regulatory Framework in place providing a risk-based approach to regulation, and the completion of the WARR Strategy Review and revised State Waste Strategy; • Ensure the State Waste Infrastructure Plan is fit for purpose across WA, with a specific focus on ensuring sufficient regional infrastructure; • The implementation of effective product stewardship schemes for electrical and electronic waste, packaging, tyres and mattresses which

		<p>address WALGA's 10 Principles for Product Stewardship.</p> <ul style="list-style-type: none"> • Development of a WALGA Circular Economy Policy Position; and • Research and engagement with Local Government on key issues with asbestos, including illegal dumping, Local Government infrastructure, emergency management and community need to identify priority action areas and funding required. <p>MWAC also discussed the importance of ensuring high quality services were in place and ensuring different community needs were met, particularly for CALD communities and different types of development (e.g. multi-residential vs single unit dwellings).</p>
<p>9.1</p>	<p>WALGA 2023 Emergency Management Survey</p>	<p>That State Council note the results of the 2023 Local Government Emergency Management Survey.</p> <p>EXECUTIVE SUMMARY</p> <ul style="list-style-type: none"> • 102 (75%) of the 137 mainland WA Local Governments responded to WALGA's 2023 Emergency Management Survey. • Key issues raised by Local Governments included: community preparedness and resilience; capacity to respond to and manage recovery; management of Bush Fire Brigades; inadequate LGGs funding; lack of emergency management resources; and challenges accessing grant funding. • The survey demonstrates the importance of Community Emergency Services Managers (CESMs) to Local Governments that have one and that many regional Local Governments without a CESM would like one. • The survey identified several issues with the Bush Fires Act 1954 that Local Governments would like to see resolved in the proposed Consolidated Emergency Services Legislation. • The survey results will inform WALGA's policy development and advocacy on behalf of the sector, including the WALGA 2024-25 State Budget Submission, and in the lead up to the next State and Federal elections. • A summary of the survey results was presented at the State Council Information Forum on 3 April, and in a Sector webinar was held on 11 April 2024.
<p>9.2</p>	<p>Tree Retention Model Local Planning Policy</p>	<p>That State Council note the Tree Retention Model Local Planning Policy.</p> <p>EXECUTIVE SUMMARY</p> <ul style="list-style-type: none"> • WALGA's model Tree Retention Local Planning Policy (LPP) was released in March 2024. • The LPP aims to create a consistent regulatory framework for tree protection across WA.

		<ul style="list-style-type: none"> The LPP stipulates the circumstances in which a development approval is required to remove a tree and guides the assessment of these applications and other planning proposals.
9.3	<p>Local Emergency Management Arrangements (LEMA) Improvement Plan Implementation</p>	<p>That State Council note the Local Emergency Management Arrangement Improvement Project update.</p> <p>EXECUTIVE SUMMARY</p> <ul style="list-style-type: none"> In December 2023, the State Emergency Management Committee (SEMC) endorsed a Local Emergency Management Arrangements (LEMA) Improvement Plan, including funding to deliver the first phase of the Plan. The LEMA Improvement Plan aims to progress the local emergency management reforms recommended by Local Governments in the LEMA Review and will be delivered as a partnership between WALGA and the Department of Fire and Emergency Services (DFES). WALGA has been allocated \$356,000 to employ a LEMA Project Lead to work directly with Local Governments to develop and pilot new LEMA approaches over an 18-month period.
9.4	<p>Planning and Building Performance Monitoring Project</p>	<p>That State Council note the results of the 2022-23 Local Government Performance Monitoring Project.</p> <p>EXECUTIVE SUMMARY</p> <ul style="list-style-type: none"> WALGA's Local Government Performance Monitoring Project has been undertaken annually since 2017. WALGA uses the findings of the project to support advocacy and policy development, particularly around planning and building regulation reform. 42 Local Governments participated in the 2022-23 Project, representing approximately 90% of Western Australia's population and 94% of the State's total population growth between 2021 and 2022. The 2022-23 data shows that Local Governments have maintained high levels of performance in undertaking their strategic and statutory planning and building functions. The findings of the Project are incorporated into an online interactive dashboard publicly available through the WALGA website.
9.5	<p>2024 WALGA Aboriginal Engagement Forum</p>	<p>That State Council note the report on the 2024 Aboriginal Engagement Forum.</p> <p>EXECUTIVE SUMMARY</p> <p>The WALGA Aboriginal Engagement Forum was held on 20 March 2024 at the State Reception Centre in Kaarta Gar-up (Kings Park).</p>

		<p>The Forum provides an opportunity for the WA Local Government sector and partners to embrace the principles of reconciliation, through respectful Aboriginal and community engagement.</p> <p>Feedback from speakers, attendees, WALGA Executive and State Councillors has been overwhelmingly positive, with 93 per cent of survey respondents saying they would attend future Forums.</p>
<p>10.1.1</p>	<p>Report on Key Activities, Infrastructure Portfolio</p>	<p>That State Council note the Key Activity Report from the Infrastructure Portfolio for May 2024.</p> <p>Activities:</p> <p>Roads:</p> <ul style="list-style-type: none"> • Local Government Transport and Roads Research and Innovation Program (LGTRRIP) • Condition Assessment of Roads of Regional Significance • Road Rail Interface Agreements • Update of User Guides for calculating the cost of road wear for defined freight tasks <p>Funding:</p> <ul style="list-style-type: none"> • State Road Funds to Local Government Agreement 2023/24 – 2027/28 • Multi-Criteria Assessment (MCA) Model Revisions <p>Transport:</p> <ul style="list-style-type: none"> • Regional Freight Strategy • Bus Stop Infrastructure <p>Utilities:</p> <ul style="list-style-type: none"> • Underground Power • Streetlighting <p>Road Safety:</p> <ul style="list-style-type: none"> • Road Safety Council Update • RoadWise Councils • RoadWise Recognised <p>Asset Management:</p> <ul style="list-style-type: none"> • 2022/23 Road Assets and Expenditure Report
<p>10.1.3</p>	<p>Report on Key Activities, Member Services Portfolio</p>	<p>That State Council note the Key Activity Report from the Member Services Portfolio to the 1 May 2024 State Council meeting.</p> <p>Activities:</p> <p>Governance and Procurement:</p> <ul style="list-style-type: none"> • Standardised Meeting Procedures Discussion Paper <p>Commercial:</p> <ul style="list-style-type: none"> • Preferred Supplier Program (PSP) Development • Sustainable Energy Project

		<p>Employee Relations:</p> <ul style="list-style-type: none"> • WA Industrial Relations Commission applications • WALGA Salary and Workforce Survey 2023 • People and Culture Seminar <p>Training:</p> <ul style="list-style-type: none"> • LGA30120 Certificate III in Local Government <p>Course offerings:</p> <ul style="list-style-type: none"> • Report Writing for Informed Decision Making • Delegation and Authorisation – Essentials • Prevent Sexual Harassment & Psychosocial Hazards in the Workplace (Senior Leaders' Workshop) • Active Bystanders (Train the Trainer)
<p>10.1.4</p>	<p>Report on Key Activities, Policy Portfolio</p>	<p>That State Council note the Key Activity Report from the Policy Portfolio to the May 2024 State Council meeting.</p> <ul style="list-style-type: none"> • Activities: • Economics: • March Economic Briefing • Updated Economic Development Framework and New templates Released • WALGA Presentation at the Regional Development Australia WA Conference <p>Environment and Waste:</p> <ul style="list-style-type: none"> • New Climate Change Declarations • Regional Local Government Environmental Regulation Roundtable <p>Planning and Building:</p> <ul style="list-style-type: none"> • Planning Fees and Charges • Planning Information Sessions; State Planning Policy 7.3 Residential Design Codes (SPP7.3); Environmental Protection Amendment Regulations • Urban Forests; Tree Retention model Local Planning Policy Released; Urban Greening Grants; Urban Forest Working Group Meeting <p>Emergency Management:</p> <ul style="list-style-type: none"> • Emergency management Roundtable • State Emergency Management Committee • Emergency Management Sector Adaptation Plan <p>Community</p> <ul style="list-style-type: none"> • Aboriginal Affairs; Local Government Reconciliation Resource Hub; Aboriginal Cultural Heritage; National Reconciliation Week Webinar <p>Commencement of Part 5 of the Public Health Act 2016 In March, the State Government announced that Part 5 of the Public Health Act 2016 will be phased in from 4</p>

		<p>June 2024. Under Part 5 the Department of Health must finalise and publish a new State Public Health Plan by 4 June 2025 and Local governments are required to create local public health plans that are consistent with the State Public Health Plan by 4 June 2026. In addition, some low-risk public health regulations will be replaced with guidelines and improvement notices and enforcement orders will be introduced.</p> <p>The Department of Health has committed to provide updates and engage with Local Governments to ensure a collaborative and informed approach to implementation. WALGA is working with the State Government to secure support and guidance for the sector.</p> <p>Town Team Training WALGA is delivering a free workshop for Local Governments to learn about the establishment and facilitation of resilient places through the Town Team Movement on Monday, 20 May at WALGA. Attendees will learn how to find innovative opportunities in a Local Government context, reduce risks in place improvement and community development projects, and better engage local businesses and residents.</p>
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CONCLUSION OF ZONE MATTERS

The Zone noted the report from the WALGA President and the circulated State Council Agenda Items and supported the recommendations in the Matters for Decision contained with the State Council Agenda and acknowledged the items for noting above and the Status Report on State Council Resolutions.

The Kimberley Zone noted the Status Report and requested the Executive Officer to keep WALGA Executive up to date on the status of KRG's Financial Assistant Grant review and submission and the Community Safety and Crime Prevention strategy development.

ADOPTION OF POLICY AND ADVOCAY PRIORITISATION FRAMEWORK

The Kimberley Country Zone adopted the Policy and Advocacy Prioritisation Framework to determine the priority of a particular policy or advocacy issue, and guide future decision making. Any papers submitted by the Kimberley Zone to State Council is to reflect the Policy and Advocacy Prioritisation Framework.

IMPORTANCE OF WALGA BECOMING A REGISTERED EMPLOYER ORGANISATION

The Zone noted the importance of WALGA becoming a registered employer organisation.

ENHANCED AND ALTERNATIVE EDUCATION OPPORTUNITIES FOR REGIONAL WA

The Zone supported the call to action to reduce regional disadvantage in educational opportunities and request the WALGA Secretariat to advocate to State Government on this matter.

The following items from the Kimberley Regional Group Meeting held 19 April 2024 should be noted by Council:

Correspondence

The KRG noted that the correspondence was received and noted that the Chief Executive Officer could be directed on a response if required.

Correspondence in:

Date: 6 March 2024

From: Chuck Berger, CEO, Kimberley Development Commission

Topic: Kimberley Housing Roundtable

Date: 6 March 2024

From: Luke Boshier, Head of Program, Strategy and Impact Housing Australia

Topic: Kimberley Housing Roundtable

Date: 10 April 2024

From: The Hon Hannah Beazley MLA, Minister for Local Government

Topic: Key issues and actions raised at the meeting

Correspondence out:

Date: 26 February 2024

From: Michelle Mackenzie, Executive Support, Kimberley Regional Group

To: Mr Chuck Berger, Chief Executive Officer, Kimberley Development Commission

Topic: Kimberley Housing Roundtable

Date: 26 February 2024

From: Michelle Mackenzie, Executive Support, Kimberley Regional Group

To: Ms Janine Hatch; Director; Regional Development Australia Kimberley

Topic: Kimberley Housing Roundtable

Date: 26 February 2024

From: Michelle Mackenzie, Executive Support, Kimberley Regional Group

To: Luke Boshier: Head of Program, Strategy and Impact Housing Australia

Topic: Kimberley Housing Roundtable

Date: 14 March 2024

From: Paul Rosair, Executive Officer, Kimberley Regional Group

To: The Hon Don Punch MLA, Minister for Regional Development

Topic: Key issues and actions raised at the meeting

Date: 14 March 2024

From: Paul Rosair, Executive Officer, Kimberley Regional Group

To: The Hon Hannah Beazley MLA, Minister for Local Government

Topic: Key issues and actions raised at the meeting

Date: 10 April 2024

From: David Menzel, Chair, Kimberley Regional Group

To: Hon Richard Maries, Hon Clare O'Neil, Hon Pat Conroy, Hon Matt Keogh, Hon Madeleine King, Hon Kristy McBain, Hon Paul Papalia, Ms Divina D'Anna MLA

Topic: Kimberley Defence and Border Force Response

Presentations

The following presentations were received from key stakeholders:

- Dr Allen Dale, Professor of Tropical Regional Development, CRC Northern Aust, James Cook University
- Christy Hawker, CEO Binarri Binyja Yarrowoo (BBY)
- Hon Louise Kingston, Member for the S/W Region. Shadow Minister for Regional Cities, Climate, Action, Tourism, WA National Party Opposition.

2024/2025 Investment Prospectus

The KRG members discussed the draft Investment Prospectus and advised changes required to the document. SDWK CEO required to provide the Executive Team their updated project information as a priority.

Kimberley Housing Roundtable

The KRG noted the progress of the Kimberley Housing RoundTable and agreed to discuss the possible dates and location out of session. Executive will liaise with members and decide on the date and location and report back to the KRG.

Co-operative Research Centre Northern Australia

KRG supported the Cooperative Research Centre for Northern Australia's work for activating the White Paper for Developing Northern Australia. Executive Officer to work with Alan Dale on progressing KRG's involvement in developing the White Paper.

Advocacy Strategy Management and Maintenance of Social Housing

The KRG supports the proposed advocacy strategy to support the better management and maintenance of social housing in the Kimberley. SDWK will provide the Executive Team with the work that they have progressed. A template will be developed and circulated to members to populate to support the advocacy strategy.

Inquiry into Local Government Sustainability

The KRG supports the framework for the submission in the Federal Inquiry into Local Government Sustainability.

Members are asked to send through case studies to illustrate the points made in the framework for the submission to the Executive Officer. The Draft submission will be circulated to members out of session for feedback prior to finalising the submission by the 31 May 2024.

Kimberley Regional Group Priority Action List

KRG provided an update on the progression of action items, as listed in the minutes.

Around the Grounds

The Group

KRG Position Papers

KRG noted the refreshed Position Papers and the \$720 allocated for graphic design and printing costs. The refreshed Papers will be uploaded onto the KRG website.

Election Strategy

The Group noted the progress on the KRG State and Federal government election strategy, with an allocation of \$7,600 plus GST allocated towards the documents.

Executive Officer Report

The Executive Officer Report was received and endorsed.

General Business

KRG confirmed responsible officers and updated comments for upcoming KRG meetings, lobbying and upcoming events.

CONSULTATION

WALGA
Kimberley Development Commission
Kimberley Regional Development Australia

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK

Nil

STRATEGIC ASPIRATIONS

Place - We will grow and develop responsibly, caring for our natural, cultural and built heritage, for everyone.

Outcome 7 - Safe, well connected, affordable transport options

Objective 7.1 Provide safe and efficient roads and parking.

Performance - We will deliver excellent governance, service & value for everyone.

Outcome 11 - Effective leadership, advocacy and governance

Objective 11.1 Strengthen leadership, advocacy and governance capabilities.

Prosperity - Together, we will build a strong, diversified and growing economy with work opportunities for everyone.

Outcome 9 - A strong, diverse and inclusive economy where all can participate

Objective 9.5 Grow the size and depth of Broome's labour market with improved access to training and development opportunities.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council receives and endorses the resolutions of the Kimberley Zone of WALGA and the Kimberley Regional Group as attached in the Kimberley Zone of WALGA and Kimberley Regional Group Joint Meeting Minutes of 19 April 2024 en bloc

Attachments

1. KIMBERLEY ZONE MINUTES 19 APRIL 2024
2. KRG MINUTES 19 APRIL 2024

11. NOTICES OF MOTION WITH NOTICE

12. NOTICES OF MOTION WITHOUT NOTICE

13. BUSINESS OF AN URGENT NATURE

14. MEETING CLOSED TO PUBLIC

15. MEETING CLOSURE