

# SHIRE OF BROOME



## LOCAL PLANNING SCHEME NO.4

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### AMENDMENT NO. 37

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Carrying out of works within a Local Road Reserve by a Public Authority

### SCHEME AMENDMENT REPORT

APRIL 2007

**PLANNING AND DEVELOPMENT ACT, 2005**  
**RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**

**SHIRE OF BROOME**

**TOWN PLANNING SCHEME NO.4**

**AMENDMENT NO.37**

That the Council, pursuant to Section 75 of the Planning and Development Act, 2005, amends the Shire of Broome Local Planning Scheme No.4 by adding a sub-clause to Clause 8.2 to make provision for certain works to be carried out in road reserves without planning approval.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

FILE NO. \_\_\_\_\_  
PART OF AGENDA. \_\_\_\_\_

**Minister for Planning and Infrastructure**

**PROPOSAL TO AMEND A LOCAL PLANNING SCHEME.**

- 1) **LOCAL AUTHORITY** : SHIRE OF BROOME
- 2) **DESCRIPTION OF LOCAL:  
PLANNING SCHEME** : LOCAL PLANNING SCHEME NO.4
- 3) **TYPE OF SCHEME** : DISTRICT ZONING SCHEME
- 4) **SERIAL NUMBER OF  
AMENDMENT** : AMENDMENT NO 37
- 5) **PURPOSE** : Inserting a clause into the Local Planning Scheme relating to the carrying out of works within the various road Reserves by a public authority

## **OVERVIEW**

This amendment seeks to...

## **COMMENT**

### *Background*

Scheme Amendment 29, an Omnibus Amendment to the Scheme, was gazetted on 30 June 2006. Parts 1 and 2 of this Amendment incorporated 'Local Roads' into Clause 3.2 – Scheme Reserves and amended the Scheme Map and Legend accordingly.

The intent behind this section of the Amendment was to overcome the failure of the Scheme to recognise the local road network as one of the uses listed within the Scheme Reserves. These areas therefore had no formalised planning status within the Broome planning framework and were not subject to the subsequent use and development requirements that are bestowed upon other reserved lands such as Highways and Major Roads, Important Roads, Cultural Corridors and the like.

The implications were that local roads may not be subject to the planning requirements of the Scheme that relate to the use and development, acquisition and compensation issues that may arise in association with these areas.

ADD SOMETHING HERE ABOUT ANY BACKGROUND INFO RE CARRYING OUT OF WORKS BY A PUBLIC AUTHORITY WITHIN LOCAL ROAD RESERVES..

### *The Proposal*

It is proposed to add a new sub-clause into Clause 8.2 (Permitted Development) of the Scheme, ..

### *Implementation??*

**PLANNING AND DEVELOPMENT ACT, 2005**

**SHIRE OF BROOME**

**LOCAL PLANNING SCHEME NO.4**

**AMENDMENT NO.36**

The Shire of Broome under and by virtue of the powers conferred upon it in that behalf of the Planning and Development Act, 2005 hereby amends the above Local Planning Scheme by adding the following new sub-clause into Clause 8.2 of the Scheme text:

- i) The carrying out of any works on, in, over or under a Highways and Major Roads reserve, an Important Roads reserve or a Local Roads reserves by a public authority acting pursuant to the provisions of any Act.

**Adoption**

Adopted by Resolution of the Council of the Shire of Broome at the \_\_\_\_\_  
Meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**

**Final Approval**

Adopted for Final Approval by Resolution of the Shire of Broome at the \_\_\_\_\_  
Meeting of Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
The Common seal of the Shire of Broome was hereunto affixed in the presence of:

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**

\_\_\_\_\_  
**SHIRE PRESIDENT**

**Recommended/ Submitted for Final Approval**

\_\_\_\_\_  
**DELEGATED UNDER S.16 OF PLANNING AND DEVELOPMENT ACT 2005**

Date: \_\_\_\_\_

**Final Approval Granted**

\_\_\_\_\_  
**MINISTER FOR PLANNING AND INFRASTRUCTURE**

Date: \_\_\_\_\_