



TOWN PLANNING SCHEME NO.4

AMENDMENT NO. 62

SCHEME AMENDMENT REPORT

October 2011

PLANNING AND DEVELOPMENT ACT, 2005

RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME

SHIRE OF BROOME

TOWN PLANNING SCHEME NO. 4

AMENDMENT NO. 62

At its Ordinary Council Meeting on 15 December 2010 the Council of the Shire of Broome determined that the resolution to Item 9.3.1, pertaining to scheme amendment 62, was in part:

"That Council:

- A. *Pursuant to section 75 of the Planning and Development Act 2005, amends the Shire of Broome Town Planning Scheme No.4 to rezone:*
- 1. Lot 502 DP 616563, Djugun (Roebuck Estate West) from 'Environment Cultural Corridor' to 'Development' zone.*
 - 2. Lots 145, 146 and 150 DP 222187; Lot 3000 DP 44068 and Part Lot 1219 DP 14357, Broome (Kennedy Hill) from 'Public Purposes' and 'Public Purposes (Water Supply)' to 'Mixed Use' zone.*
 - 3. UCL adjacent to the Wastewater Treatment Plant, Minyirr (Demco) from 'Coastal Park' to 'Development' zone.*
 - 4. The rezoning of Lots 2790 & 2791 DP 217781, Cable Beach (Cable Beach Triangle), from 'Coastal Park' to 'Tourist' zone.*
 - 5. Part Lot 350 DP 59870, Minyirr (Gubinge Road) from 'Environmental Cultural Corridor' to 'Industry'.*
 - 6. Lot 81 DP 211926, Roebuck (Wattle Downs - South) from 'General Rural' to 'Development' zone."*

At its Ordinary Council Meeting on 29 September 2011 the Council of the Shire of Broome determined that the resolution to Item 9.4.1, pertaining to scheme amendment 62, was in part:

"That Council;

- 1. Rescinds Paragraph A (6) of Ordinary Council Meeting 15 December 2010 Item 9.3.1 Lot 81 DP 211926, Roebuck (Wattle Downs - South) from 'General Rural' to 'Development' zone in accordance with the Local Government (Administration) Regulations 1996.*

KENN DONOHOE
CHIEF EXECUTIVE OFFICER

DATE

PROPOSAL TO AMEND A TOWN PLANNING SCHEME.

- 1) **LOCAL AUTHORITY :** SHIRE OF BROOME
- 2) **DESCRIPTION OF TOWN: TOWN PLANNING SCHEME NO.4
PLANNING SCHEME**
- 3) **TYPE OF SCHEME :** DISTRICT ZONING SCHEME
- 4) **SERIAL NUMBER OF:
AMENDMENT** AMENDMENT NO 62
- 5) **PURPOSE :** REZONING THE LAND DEPICTED ON THE
SCHEME AMENDMENT PLAN AS FOLLOWS
 1. LOT 502 DP 616563, DJUGUN (ROEBUCK ESTATE WEST) FROM 'ENVIRONMENT CULTURAL CORRIDOR' TO 'DEVELOPMENT' ZONE.
 2. LOTS 145, 146 AND 150 DP 222187; LOT 3000 DP 44068 AND PART LOT 1219 DP 14357, BROOME (KENNEDY HILL) FROM 'PUBLIC PURPOSES' AND 'PUBLIC PURPOSES (WATER SUPPLY)' TO 'MIXED USE' ZONE.
 3. UCL ADJACENT TO THE WASTEWATER TREATMENT PLANT, MINYIRR (DEMCO) FROM 'COASTAL PARK' TO 'DEVELOPMENT' ZONE.
 4. LOTS 2790 AND 2791 DP 217781, CABLE BEACH (CABLE BEACH TRIANGLE), FROM 'COASTAL PARK' TO 'TOURIST' ZONE.
 5. PART LOT 350 DP59870, MINYIRR (GUBINGE ROAD), FROM 'ENVIRONMENTAL CULTURAL CORRIDOR' TO 'INDUSTRY' ZONE

AMENDING THE SCHEME MAPS
ACCORDINGLY

AMENDMENT REPORT

1.0 INTRODUCTION

This report is prepared by MacroPlan Australia on behalf of Nyamba Buru Yawuru Ltd (NBY) in support of a proposal to rezone the subject land for future urban purposes.

The rezoning is being progressed in light of the registration of the indigenous lands use agreements (ILUAs) which resolves a number of native title claims over several sites in and around Broome. With native title now determined, these sites can significantly contribute to the future economic and social prosperity of the Yawuru people and assist the Shire in providing housing and employment land to meet the needs of the Broome community.

2.0 BACKGROUND

The Yawuru people's native title claim began in 1994 when they submitted their Rubibi 1 application. There were determinations of native title for the Rubibi 6 (2001) and Rubibi Community (2006) applications, with a final resolution achieved on 25 February 2010 with the signing of two Indigenous Land Use Agreements (ILUAs). The Prescribed Body Corporate ILUA was registered in May 2010 and the Yawuru Area Agreement ILUA was registered on 6 August 2010.

The ILUAs cover approximately 530,000 hectares of land in and around Broome, as determined by the Federal Court in 2006. As a result of the negotiated agreement about 1,437 ha of freehold and leasehold land, (worth approximately \$140 million), was transferred to Yawuru. In addition, the Yawuru community will receive around \$56 million for capacity building for the local indigenous community, culture and heritage preservation, economic development, social housing and joint management of proposed conservation estates with the Department of Environment and Conservation.

The proposed rezoning is intended to rationalise the land uses of these sites and provide for the realisation of the social, economic and environmental opportunities for the Yawuru people.

2.1 Location and Ownership

The lands subject to this Amendment are identified on the following table:

Name	Lot/s	DP	Volume/Folio	Locality
Roebuck Estate West	502	61563	3156/219	Djugan
Kennedy Hill	145 146 150 3000 Part 1219	222187 222187 222187 44068 214357	2575/882 2575/883 2575/885 2575/879 2575/880	Broome
Demco	UCL adjacent to Broome STP	-	-	Minyirr
Cable Beach Triangle	2790 2791	217781 217781	3004/144 3004/145	Cable Beach
Gubinge Road	Part 350	59870	3151/420	Minyirr

2.2 Site Analysis

The lands subject to this rezoning were transferred into the ownership of the Yawuru following the determination of Rubibi 6 (2001) and Rubibi Community (2006) native title applications and the registration of the Yawuru Area Agreement ILUA and the Yawuru Prescribed Body Corporate ILUA on 6 August 2010.

Of the six sites being rezoned, Development Plans will be required to be prepared for four sites. Such plans are required to be approved by the Shire of Broome and the West Australian Planning Commission prior to a development application or subdivision application being lodged.

2.2.1 Roebuck Estate West

The Roebuck Estate West site is 75 hectares in size and is bordered by Gubinge Road to the west, Djaigween Road to the south and Jigal Drive to the east. It is located approximately 2.2 kilometres north-west of the Broome town centre, 400 metres north of the airport and 700 metres west of Cable Beach

The site is densely-vegetated with no man-made structures and informal trails located throughout the site. The surrounding uses are large lot residential to the south of the site off Djaigween Road, detached dwellings to the east and north-west. There are large tracts of vacant, heavily vegetated land to the north, which will eventually form part of the Broome North land release. South east of the site, the Western Triangle Development Plan area will be developed for residential purposes. Further west of the site is the Cable Beach resort area which features a range of tourist accommodation facilities, bars, cafes and eateries.

2.2.2 Kennedy Hill

The Kennedy Hill site is a combination of six different lots, with a total site area of 3.1 hectares comprising numbers 30, 32-34, 36, 45 and 45a Carnarvon Street and 2 Haas Street. It is located approximately 550 metres south of the Broome town centre, one kilometre south east of Broome International Airport on the western shore of Roebuck Bay. The site is dissected by Carnarvon Street and is generally bound by Haas Street to the south, Hamersley Street to the west and Frederick Street to the North.

Areas of Spinifex and shrubs occur over parts of the subject site. Much of the site on both sides of Carnarvon Street are characterised by a higher proportion of deep loose sand with limited areas of more stable Pindan soil which is mainly confined to the area immediately adjacent to the Mangrove Hotel.

This site is culturally significant to the local indigenous community and through a more detailed assessment undertaken as part of the preparation of a planning proposal for the site culturally significant and sensitive areas will be protected.

2.2.3 Demco

The site is adjacent to established urban areas and main roads. Approximately 12.6 hectares in size it is located approximately 2.5 kilometre south-west of the Broome town centre 2.2 kilometres south of the airport terminal and less than 200 metres north of Roebuck Bay.

The site is in a large irregular rectangle shape approximately 360 metres in width and 430 metres in length, and is bound by Clementson Street to the north and an unnamed road to the east.

The site is characterised by scattered scrubs consisting of Gubinge woodlands with a number of clearings and informal walking trails. A coastal dune system is located to the south of the site on the Roebuck Bay foreshore.

2.2.3 Cable Beach Triangle

The site is approximately 6 hectares in size, located approximately 3.7 kilometres north-west of the Broome town centre, 2.7 kilometres west of the airport terminal. The site has a flat elongated wedge shaped form and is situated along the eastern fringe of the coastal dune system of Cable Beach. Along the western boundary of the site is a deep drainage line which the site slopes gently towards and drains into.

The following general environmental characteristics apply to the site

- Acacias and Spinifex occur on coastal dunes before sensitive vine thickets, which only occur within a narrow band at the landward base of the Cable Beach dunes.
- The most common soil type in Broome is Pindan, fine red sand which when dry becomes compact, hard and impervious. During heavy rains pooling often occurs and takes some time to either soak into the soil or evaporate. In some parts of Broome the Pindan is covered with a coarser, sandier soil which drains more freely.

The site is central to all current tourism activity in the Cable Beach Resort Precinct.

2.2.4 Gubinge Road

The site is approximately 40 hectares and is unallocated Crown Land. It has an irregular triangular shape having a width of up to 780 metres and a length of 870 metres. Port Drive abuts the eastern boundary. It is approximately 4.3 kilometres south-west of the Broome town centre, 3.6 kilometres south-west of the airport and 2.3 kilometres to the Port.

The site is densely vegetated with few scattered informal walking trails throughout the site and no significant clearings. The vegetation can be best described as a dense low forest with thick undergrowth.

2.3 Environmental Considerations

The matters set out below deals with the environmental attributes of the sites as a whole; this demonstrates the sites are suitable for urban development.

2.3.1 Flora and Fauna

A search of DEC's native vegetation GIS indicates that Broome and its surrounds (including sites subject to this rezoning) are located within an Environmentally Sensitive Area (ESA). Clearing of native vegetation is prohibited, unless a clearing permit is granted by the Department of Environment and Conservation. Exemptions do not apply in ESAs.

The amendment will result in the need for clearing of vegetation and relevant permits will be obtained by the landowner prior to any clearing being undertaken. In any event ecological surveys will be undertaken prior to development approval or a permit being sought.

There a number of conservation significant flora and fauna species that have been identified as occurring, or potentially occurring within Broome area, including: 17 rare and threatened flora species 45 rare and threatened vertebrate fauna species, including 30 migratory bird species. In addition, there are 34 plants occurring in the Broome area that are identified by the Traditional Owners as being culturally significant to the Aboriginal people.

Two Threatened Ecological Communities (TECs), one Priority Ecological Community (PEC) and one Wetland of International Significance (RAMSAR wetland) occur in and around Broome: The 'Roebuck Bay Mudflats' and the 'Monsoon Vine Thickets' are both listed as Vulnerable on the WA TEC list (DEC 2010, DEC 2011). The 'Corymbia paractia dominated community on dunes' is listed as a Priority 1 PEC on the State PEC list (DEC 2010).

Roebuck Bay is also listed as a RAMSAR wetland because of its highly biodiverse intertidal mudflats. It is used by over 20 species of international migratory shorebirds making it one of the most important sites for shorebird conservation in the southern hemisphere (DEWHA 2011).

The Cable Beach Triangle site is located within the buffer zone of one 'Vulnerable' Threatened Ecological Community (TEC); 'vine thickets on the coastal sand dunes of Dampier Peninsula'. This site will require a Development Plan to be prepared by the proponent and approved by the Shire of Broome and the WAPC prior to a development application or subdivision application being lodged.

2.3.2 Water and Drainage

The Broome Peninsula's dominant landforms are characterized by extensive gently undulating quaternary sandplains and alluvium having little organized surface drainage.

Cable Beach Triangle is bordered by a drainage line which runs along the back of the coastal dune system. Council has resolved that a Development Plan is to be prepared by the proponent. A Development Plan needs to be approved by the Shire of Broome and the WAPC prior to a development application or subdivision application being lodged.

No wetlands or watercourses are located within any of the subject sites. Roebuck Bay, an internationally significant wetland (Ramsar listed site) is located within close proximity to the subject sites, but will not be adversely impacted by the proposed rezonings.

None of the subject sites are located within a Public Drinking Water Source Area (PDWSA).

2.3.3 Site Contamination and Acid Sulphate Soils

A Preliminary Site Investigation for contaminated sites has not been undertaken. Any future development proposal will require soil testing.

2.3.4 Aboriginal Heritage Considerations

The sites are subject to a native title determination and have been transferred to the Yawuru Prescribed Body Corporate. NBY's cultural monitors have cleared these sites for the proposed land uses.

A desktop study indicated that some of the subject sites intersect the buffer zones of a number of Aboriginal Heritage sites which are protected under the *Aboriginal Heritage Act (1972)*.

A number of the sites subject to the amendment have aboriginal cultural significance. NBY, as representatives of the traditional owners will assess specific development proposals and ensure that the unique cultural value of these lands is protected.

Aboriginal heritage issues have been dealt with as a part of the Broome Global Negotiations.

2.3.5 Conclusions

On the basis of the forgoing, formal referral of this proposal to the Department of Environment, Water, Heritage and the Arts (DEWHA) under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) is not considered warranted.

2.4 Servicing and Infrastructure

All subject are located within areas with access to reticulated water and sewerage service and power.

Cable Beach Triangle is proposed to be rezoned to Tourism which as with all other sites proposed to be rezoned to Development Zone triggers the need for Development Plans to be prepared prior to subdivision and development applications being lodged. Detailed servicing plans will be prepared at that time.

3.0 PLANNING CONTEXT

3.1 Shire of Broome Town Planning Scheme No. 4

The Shire of Broome Town Planning Scheme 4 was gazetted in 1999. Under this scheme the subject sites are zoned as set out in the table below.

Name	Current Use/s
<i>Roebuck Estate West</i>	<i>Environmental Cultural Corridor</i>
<i>Kennedy Hill</i>	<i>Public Purposes (Water Supply)</i>
<i>Demco</i>	<i>Coastal Park</i>
<i>Cable Beach Triangle</i>	<i>Coastal Park</i>
<i>Gubinge Road</i>	<i>Environmental Cultural Corridor</i>

3.2 Report of the Broome Planning Steering Committee (2005)

In 2005 the then Minister for Planning and Infrastructure, convened the Broome Planning Steering Committee (BPSC) to assist the Shire of Broome with planning decisions and growth for the next 10 to 15 years. The BPSC was comprised of The Shire of Broome, the Department for Planning and Infrastructure, the Kimberley Development Commission, the Kimberley Land Council, LandCorp, Main Roads and the Water Corporation. The Committee worked identify what land might be available to accommodate housing, tourism, commercial and industrial uses while maintaining Broome's important and unique cultural, natural resource and lifestyle elements.

The committee concluded its work with the preparation of a Report released in May 2005, which provided a discussion of a range of issues relating to managing the growth of Broome while strengthening its human, cultural and environmental assets.

The primary recommendation of the BPSC 2005 Report (the Report) was that the Shire prepare a new local planning strategy and update the existing planning scheme, in collaboration with traditional owners and other stakeholders, and the community. The Report also identified requirements for residential, commercial and industrial lands which the local planning strategy would need to address, there are outlined below.

Residential Land - Specifically, the Report recommended the following:

"Residential land demand will be met over the next five years through remaining areas of Roebuck Estate and Sunset Rise, together with lot release in the approved Herbert Street development and the planned release of Cable Beach 5B/5C residential neighbourhoods..... Beyond the next five years, the community's needs will be met through the Cable Beach 5D/5E residential neighbourhoods; the area to the west of Roebuck Estate; sections of lot 833; the area north of Fairway Drive; and eventually through the relocation of the Broome airport".

Council has, since the release of the Report recognised that Roebuck Estate, Sunset Rise, and Januburu alone will not satisfy residential demand in Broome for the next five years making it necessary to progress the planning for the next stage of residential development. This has resulted in the recent development of LandCorp's Waranyjarri Estate (Broome North) and the WAPC approval of the Western Triangle (Roebuck Estate extension) .

Commercial Land - The Report identified three areas which would be expected to cater for additional commercial needs: Frederick Street, Lot 833, and Hunter Street.

- Mixed-use commercial activities should extend along the south side of Fredrick Street and south down Hamersley Street radiating away from the town centre. A number of civic, commercial and tourism activities are already occurring along Hamersley Street with remaining residential properties suitable for redevelopment.
- An additional district centre will be required to cater for the weekly shopping needs of new residential communities emerging to the north. As the community develops to the north it will be important to provide for the local and district shopping needs of this northern community. The location of retail activity within lot 833 would provide for a catchment from Roebuck Estate, the area west of there, Sunset Park and development within lot 833.
- The Hunter Street light industrial area should be rezoned to allow for a greater diversity of activities. This is in keeping with many of the existing uses in the precinct, and will provide for alternative cheaper land for local businesses within a defined precinct. Further consideration will need to be given to permissible uses within the wastewater treatment buffer area and appropriate development standards.

The Broome North District Development Plan and Broome North Local Development Plan (Stage 1) have identified the location of two Local Centres to the north of Gubinge Road. LandCorp through its development of the Waranyjarri Estate is currently planning for the release of a Local Activity Centre at the junction of Magabala Road and Tanami Drive.

Industrial Land - The Report suggested that in the short term, Broome's general industrial land needs will continue to be met by the Port Drive industrial area. However, it also acknowledged the need for the establishment of an industrial estate on existing industrial zoned land on Broome Road to provide an alternative location for industrial land to the north of town. This was expected to provide opportunities to reassess the long-term role for the Port Drive industrial area and opportunities for relocation of non-port related heavy transport and noxious industries outside of town.

LandCorp recently released a Master Plan for the Broome Road Industrial Estate. This is a 400 hectare site located eight kilometres northeast of Broome on the Broome Highway. The 122 lots vary in size from 200,000sqm to 6,000sqm and are intended to "*meet the medium and long term needs of industrial development in Broome and assist in the wider economic activity that is occurring within the Kimberley and the State as a whole*".

The Broome Shire Council, on 30 September 2010, considered a draft Local Planning Strategy and resolved, subject to modifications, to forward the document to the WAPC for certification for consultation.

4.0 THE PROPOSAL

It is proposed by way of this amendment to include the subject land within the 'Development' zone, 'Mixed Use' zone, 'Industry' zone and 'Tourist' zone.

This is a significant amendment which will provide land for future residential subdivision, industrial subdivision, mixed use development and tourism development.

The specific proposals for each of the sites are discussed in detail below:

TPS4 states that the *"aim of the (Development) zone is to provide for general urban development including residential, commercial and/or tourist development or rural development in accordance with a Development Plan prepared under this Scheme."* Specifically, the Scheme provides that development will not be permitted and subdivision will not be supported unless in accordance with an adopted Development Plan.

TPS4 provides for the Shire of Broome to require that a Development Plan be prepared for land within the Tourism zone. Council has resolved that a Development Plan shall be required prior to development proceeding on the Cable Beach Triangle site.

Clause 4.25 of the Shire's TPS No. 4 describes the requirements and procedures for the development and approval of a Development Plan, including those matters which it is required to address:

- a) the topography and vegetation of the area and distinctive features;
- b) the existing major road system;
- c) the location and width of proposed roads;
- d) the location of pedestrian and bicycle routes;
- e) the approximate location and area of the recreation and open space areas proposed;
- f) the population, lot layout and the location of appropriate "Residential Planning Code" densities;
- g) all existing and proposed land uses;
- h) provision for water supply, sewerage, drainage and public utilities;
- i) the development proposed, the method of carrying out the development and the projected times of completion of each stage of development;
- j) community facilities and commercial centres;
- k) consideration of Aboriginal heritage and cultural sites and matters and how these aspects are incorporated into the development plan;
- l) Environmental Cultural Corridors within the area and/or the allocation of land for conservation purposes in the area;
- m) environmental protection consideration and pollution prevention measures; and

n) such other matter or information as is required by Council.

A Development Plan is required to be advertised for public comment and submissions prior to its consideration and adoption by both Council and the Western Australian Planning Commission.

4.1 Roebuck Estate West

It is proposed that Roebuck Estate West be rezoned from 'Environmental Cultural Corridor' to 'Development' zone.

Preliminary investigations undertaken by the consultants representing the applicant have indicated that this site might yield as much as 700 lots for residential development at a nominal R Code of 12.5.

Release of this site for urban development has long been foreshadowed. The Report of the Broome Planning Steering Committee (2005) identified the site as one of three areas for 'future urban expansion' to provide housing to cater for short, medium and long-term residential growth.

The Broome Local Housing Strategy (2009) echoed the designation of Roebuck Estate West as a 'future residential area' to address the identified issues of land demand and undersupply, housing affordability, higher population growth than anywhere in the State, and housing choice.

4.2 Kennedy Hill

It is proposed that the Kennedy Hill site be rezoned from 'Public Purposes (Water Supply)' to 'Mixed Use' zone.

NBY wish to develop the site for a mixed use development which would comprise of a cultural facility, restaurant, function rooms, art gallery and potential office spaces and NBY Administrative Centre.

The Report of the Broome Planning Steering Committee (2005) identified a number of opportunities for traditional owners these included tourism attractions or activities that can easily be accommodated within the townsite, including an indigenous tourism enterprise, artisan village showcasing local art in a gallery with attached work space and studios; a caravan park; and horticultural produce outlets and (farmers) markets.

The Broome Local Housing Strategy (2009) specifically identifies the site as an investigation area for tourism / mixed uses, similar to that intended by NBY. This scheme amendment is consistent with the findings of the Housing Strategy as it will enable development of the site for a cultural facility featuring a potential indigenous art gallery, restaurant, conference room and office spaces. Such a development would complement the locality and achieve the strategic direction contained in the Housing Strategy.

4.3 Demco

It is proposed that the Demco site be rezoned from 'Coastal Park' to 'Development' Zone.

The subject site is located within the wastewater treatment plant buffer area. Under Clause 6.1.5 of TPS4 residential development and caretakers dwellings are prohibited. Uses that are generally compatible in buffer areas include open space, recreation, rural uses and industrial and commercial uses.

The rezoning application seeks to rezone the site to 'Development Zone' to enable detailed planning and investigation to commence. The intended use of the site is for light and service industrial purposes and recreation. The Development Plan preparation process will involve assessment of the overall environmental quality of the site, physical constraints and inform the quantum of land suitable for development purposes.

Under the terms of the ILUA, Nyamba Buru Yawuru Ltd also have a right to the title of the Clementson Street Development Zone site opposite and are negotiating with the Kimberley Aboriginal Medical Services Council (KAMSC) to provide 1.4 hectares of land in the south western corner of the Clementson Street site for a new facility. This is proposed to include consulting rooms and administrative offices opposite this site although this has not yet been considered by Council.

Council and relevant stakeholders must be consulted throughout the Development Plan preparation process and are therefore able to direct planning to ensure that the Coastal Park area along the shoreline is not compromised.

4.4 Cable Beach Triangle

It is proposed that the Cable Beach Triangle site be rezoned from 'Coastal Park' to 'Tourist Zone'.

The vision under the Broome Local Planning Strategy (1999) is to promote Broome as major tourism destination and to balance tourist development and community requirements. The proposed scheme amendment will assist the Shire in realising this vision by providing a new tourism site in the Cable Beach Tourist Precinct.

The Shire has prepared a draft Local Tourism Planning Strategy but did not proceed to adopt a strategy as a separate document because it would have coincided with the preparation of the new Draft Local Planning Strategy 2010.

The Draft Local Planning Strategy (2010) identified the intersection of Murray Road and Cable Beach Road West as a 'local activity centre'. This local activity centre would be directly opposite the subject site.

The aims of local activity centres are to provide for convenient, lively and attractive local activity centres which serve the community needs and where people meet, shop, work, relax and live and are accessible to pedestrians, cyclists and public transport users as well as motorists.

The rezoning application seeks to support this strategic direction by providing an additional 5 hectare site in the centre of Cable Beach Tourist Precinct for additional tourism facilities including bars, restaurants, cafes and short term accommodation. The subject site presents an opportunity to create a second anchor of tourism activity away from the Cable Beach Resort, Zanders and Surf Club area further north. The development of this site is considered to be a logical southern extension of the existing tourism precinct.

4.5 Gubinge Road

It is proposed that the Gubinge Road site be rezoned from 'Environmental Cultural Corridor' to 'Industry'.

The Report of the Broome Planning Steering Committee (2005) found that Broome's short term general industrial land needs will be met by the Port Drive industrial area and advanced planning for the Broome Road Industrial area will allow for relocation of non-Port related uses out of the Port Industrial area.

The proposed scheme amendment is consistent with the general direction contained in the BPSC report as it will provide for the potential addition of a further 40 hectares of industrial land at the Port Drive Industrial area.

It is considered that the rezoning of the subject site to enable development for the purpose of industrial uses is consistent with the strategic direction contained with the BPSC Report and constitutes a logical extension to an existing key industrial precinct and should be supported.

5.0 PLANNING RATIONALE

5.1 Native Title

The registration of the second and final ILUA in August 2010 marked the culmination of a native title claim that was initiated approximately 15 years prior. Accordingly, a number of local and State planning strategies and studies produced over the past 10 years have anticipated the development opportunities that would be provided once this claim was determined.

Under the ILUA, 1,437 hectares of developable land has been transferred to NBY to provide for economic development opportunities and to provide a range of benefits to the Yawuru people.

NBY put forward the ILUA has imposed an indisputable recognition of the commercial development potential of these and other sites as a platform for future income generation for the Yawuru people.

A strategic assessment of the lands transferred to NBY was undertaken in order to identify each site's suitability for NBY's purposes. This process resulted in the identification of the sites subject to this scheme amendment having the potential to realise the positive economic, cultural and social benefits intended under the ILUA for Yawuru and the people of Broome.

A number of previous planning strategies and studies undertaken over the past 10 years have acknowledged the impact that unresolved Native Title claims had on strategic land use planning. With the resolution of these claims the Shire is now able to ease the burden of land supply on the Broome community and provide a range of employment, mixed use and tourism opportunities while allowing the Yawuru community to again connect to their traditional lands.

5.2 Housing Supply and Affordability

The Broome Planning Steering Committee (BPSC) and the Broome Local Housing Strategy (February 2009) broadly recognises that an increasing population, coupled with issues of housing availability and affordability (from both rental and purchasing standpoints) is affecting the Broome community's access to housing. A lack of available housing leads to, amongst other things, issues with overcrowding and associated social implications. This is especially pronounced amongst the indigenous population.

This amendment to rezone land for residential development at Roebuck Estate West will potentially increase housing supply to meet the immediate needs within Broome's housing sector. The rezoning of land at Wattle Downs will allow the Yawuru people to live on their culturally significant traditional lands.

5.3 Commercial/Retail Development

The Broome Planning Steering Committee (2005) identified opportunities for Mixed-use commercial activities extending along the south side of Fredrick Street and south down Hamersley Street radiating away from the town centre.

The Broome Local Housing Strategy (2009) specifically identifies Kennedy Hill as a potential tourism/mixed use precinct. This amendment is consistent with both these strategies as it will allow the site to be developed for mixed use

purposes and a cultural facility for the Yawuru. This is will increase the supply of commercial and retail space within Broome and provide a unique cultural facility which will add to the tourism offer in Broome.

A number of civic, commercial and tourism activities are already occurring along Hamersley Street. This amendment will further build upon this emerging mixed use/tourism precinct.

5.4 Employment Lands

The Broome Planning Steering Committee (2005) suggested that in the short term, Broome's general industrial land needs will continue to be met by the Port Drive industrial area. However, it also acknowledged the need for the establishment of an industrial estate on existing industrial zoned land on Broome Road to provide an alternative location for industrial land to the north of town. This was expected to provide opportunities to reassess the long-term role for the Port Drive industrial area and opportunities for relocation of non-port related heavy transport and noxious industries outside of town.

This amendment is consistent with the BPSC as it will provide for additional zoning of general industrial land adjacent to the existing Port Drive industrial area and light industrial adjacent to existing light industrial land at Clementson Street (Demco Estate).

5.5 Tourism

The Broome Planning Steering Committee (2005) found that approximately 57 hectares of land, appropriately zoned for tourism uses within the Cable Beach tourist node, is not currently used for tourism purposes. Only a limited amount of this land is likely to be available in the short term to meet the needs of tourism, as it is occupied by other (non-conforming) uses. An additional 22 hectares has been identified adjacent to the Cable Beach tourist node.

This amendment will provide an additional 6 hectares of tourism land in Cable Beach in a location recognised in a strategic tourism node in the Draft Broome Shire Local Strategy (2010).

6.0 CONCLUSION

The rezoning of these lots will facilitate the inclusion of a number of large sites within the 'Industry', 'Tourist', 'Development' and 'Mixed Use' zones. This will enable appropriate long term planning to be undertaken consistent with the recommendations of the Broome Steering Committee Report 2005 and the future needs of the Broome community. The preparation of Development Plans as required by the new zoning, will ensure comprehensive planning occurs that considers all relevant social, economic and environmental factors.

The rezoning supports the aims of the Indigenous Land Use Agreement reached by the WA Government, the Shire of Broome and the Yawuru community.

The Scheme Amendment will enable forward planning to occur for land that is urgently required for future residential, commercial and industrial development.

Maps – one per page

Existing zoning

Proposed zoning

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF BROOME

TOWN PLANNING SCHEME NO. 4

AMENDMENT NO. 62

The Shire of Broome under and by virtue of the powers conferred upon it in that behalf of the Town Planning and Development Act, 2005 hereby amends the above Local Planning Scheme by:

1. Rezoning of Lot 502 DP 616563, Djugun (Roebuck Estate West) from 'Environment Cultural Corridor' to 'Development' zone.
2. Rezoning of Lots 145, 146 and 150 DP 222187; Lot 3000 DP 44068 and Part Lot 1219 DP 14357, Broome (Kennedy Hill) from 'Public Purposes' and 'Public Purposes (Water Supply)' to 'Mixed Use' zone.
3. Rezoning of UCL adjacent to the Wastewater Treatment Plant, Minyirr (Demco) from 'Coastal Park' to 'Development' zone.
4. Rezoning of Lots 2790 & 2791 DP 217781, Cable Beach (Cable Beach Triangle), from 'Coastal Park' to 'Tourist' zone.
5. Rezoning of Part Lot 350 DP 59870, Minyirr (Gubinge Road) from 'Environmental Cultural Corridor' to 'Industry'.
6. Amending the Scheme Maps accordingly.

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____ and the
Common Seal of the Shire of Broome was hereunto affixed by the authority of a resolution of
the Council in the presence of:

SHIRE PRESIDENT

CHIEF EXECUTIVE OFFICER

Recommended/ Submitted for Final Approval

DELEGATED UNDER S.16 OF THE PLANNING AND DEVELOPMENT ACT 2005.

Date: _____

Final Approval Granted

MINISTER FOR PLANNING

Date: _____