

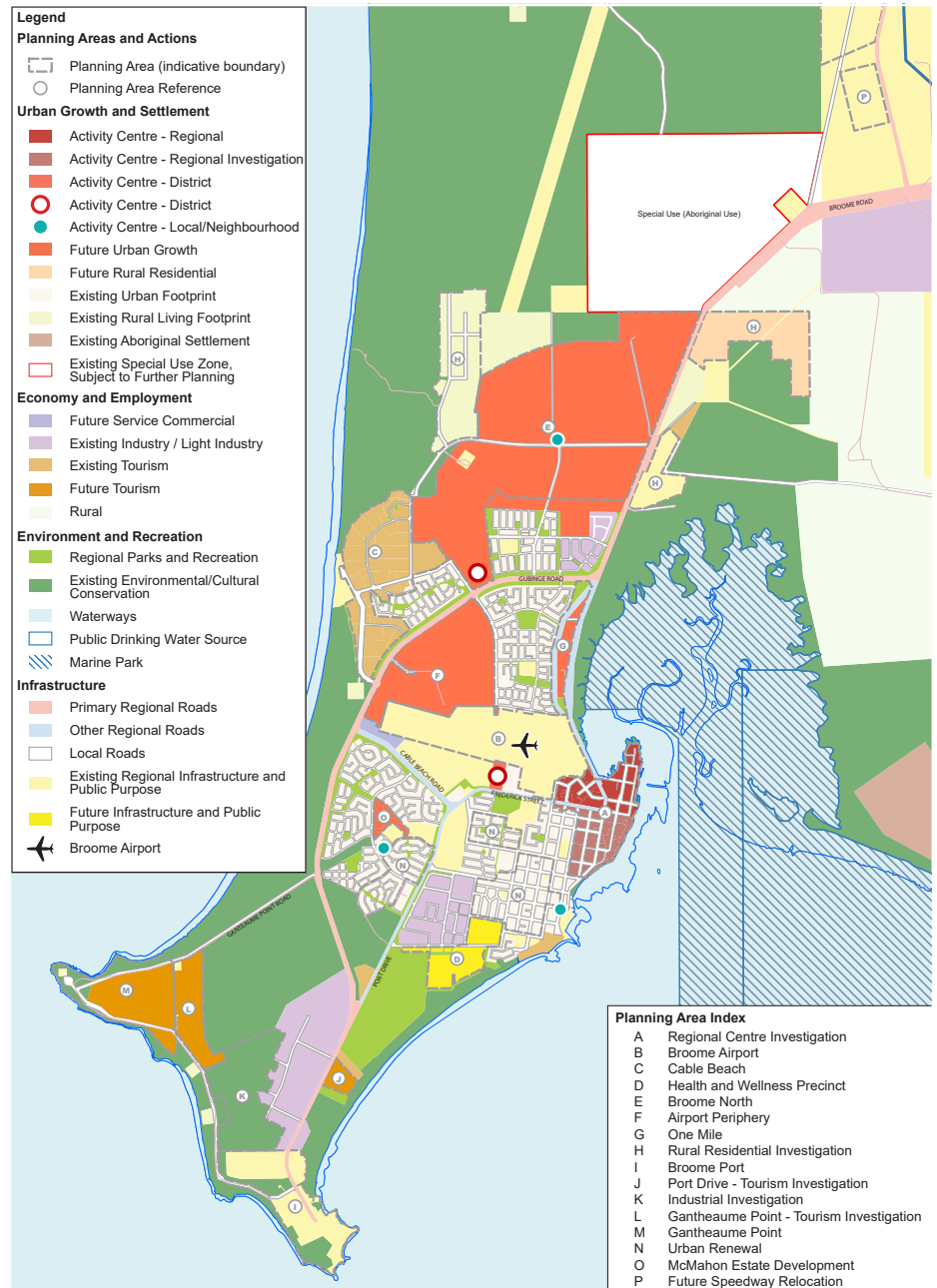
## Local Planning Strategy and Local Planning Scheme 7

### PUBLIC ADVERTISING SUMMARY PAPER - DECEMBER 2021

Throughout 2021 the Shire of Broome have been busy working on its planning framework, which includes preparation of a Local Planning Strategy (LPS) and Local Planning Scheme No 7 (LPS7). These documents were informed by community and stakeholder engagement undertaken in 2020 and we are excited to share these documents with you.

This summary paper provides a brief overview of the key changes that have been made to both the Local Planning Strategy and Scheme, they generally include:

- + Alignment with State Government Planning Reform initiatives;
- + Alignment with new State Planning Policies; and
- + Changes in strategic direction (informed by Strategic Community Plan and Broome Growth Plan); and
- + Response to local issues (informed by the community and stakeholder engagement process).



**BROOME TOWNSITE STRATEGY MAP**



We are keen to hear your thoughts on the draft documents during the public advertising period, which will be open until 31 March 2022.

All documents, maps and plans can be accessed [here](#).

## Aligning with Planning Reform

In 2019, the State Government released its Action Plan for Planning Reform. A major part of this reform is to achieve greater consistency in local planning frameworks, across jurisdictions. This has resulted in changes to the Planning and Development (Local Planning Schemes) Regulations 2015 which ultimately govern how Local Planning Strategies and Local Planning Schemes are prepared.

### LOCAL PLANNING STRATEGY

When reviewing the LPS, you will notice that it looks a bit different. The primary reason is that the State Government have now prepared 'Local Planning Strategy Guidelines' (LPS Guidelines) which were released in October 2021. Under planning legislation, the Strategy is required to align with the manner and form set out in these guidelines.

Key points are summarised below.

**Document Structure** – The structure of the existing Strategy made it difficult to follow, the link between the key issues and opportunities in Part 2, did not always correspond with the planning actions in Part 1, meaning the links between strategic direction and evidence base were unclear.

The LPS Guidelines emphasise a strong desire to create a defined link between the Part 2 evidence base and Part 1 strategic direction. This is achieved in the following ways:

- + Part 1 of the LPS contains actions organised into four themes with the rationale for each linked to the background analysis and evidence base provided in Part 2. The previous Strategy lacked this concise and readable, table based format with cross-referencing between the 'why' and the future planning direction.
- + Within Part 1 of the LPS, the following terms are used:
  - Planning Direction: These are succinct statements that specify what is to be achieved / is desired for the issue /opportunity or planning area.
  - Actions: Are statements which outline what is proposed and how it is to be undertaken. Actions should be relevant to land use planning.
  - Rationale: Provides the strategic justification and evidence base to support the planning direction and action. In most cases, this is informed by the pre-lodgement engagement or research included in Part 2.
  - Timing: The timeframe in which the action should be achieved or progressed.

**Mapping Standards** – The LPS Guidelines provide clear guidance on the styles and standards in which Strategy maps should be prepared. The LPS aligns with these standards and improves readability by reducing the number of maps. The focus is on a consolidated mapping set that is future focused. The maps relate closely to the planning actions table in Part 1, clearly indicating where change is proposed, or future planning is required.

The new Strategy contains a single overarching map rather than several single issue / layer of existing information maps.

**Planning Areas** – The LPS Guidelines also introduce a new term referred to as 'planning areas'. These are areas where the Shire has identified individual areas that warrant recognition in the LPS. All planning areas are spatially defined on the LPS Maps and include planning direction and actions which guide where change is anticipated, and/or more detailed planning is required.

These 'planning areas' replace the 'precincts', 'development investigation areas' and 'future development areas' used in the previous Strategy. It provides a consistent terminology which improves the document's legibility.

The majority of Planning Areas have been carried forward from the previous Strategy, those which are new or reflect a change in strategic direction are summarised in the following table.

### LOCAL PLANNING SCHEME NO.7

As previously mentioned, a key recommendation of the State's planning reform is to improve consistency of Schemes across WA local governments. The Shire's existing Scheme is considered fit for purpose and therefore LPS7 does not represent wholesale change, rather a fine tuning that directly relates to the new LPS.

Some of the key changes are summarised below:

- + Scheme Maps have been streamlined by reducing the amount of maps from 20 to 13, and legibility has been improved by ensuring consistency of map scales.
- + Key changes to the Scheme include updated zoning names, land use definitions and land use applicability.
- + The new Scheme removes or re-words overly prescriptive clauses and repetition, with a greater emphasis on performance-based planning (Design WA). It is now in a 'user friendly' format with all development standards consolidated into one schedule.
- + The Scheme review process provides opportunities to vary the Scheme through structure (precinct plans), local development plans and policies. It introduces responsive built form and urban design provisions and enables the setting up of a local Design Review Panel to provide independent design review and technical support.

Changes to the Local Planning Strategy

<b>Unlocking Key Precincts within the Broome Townsite (Planning Areas A and C)</b>
<p>Key strategic documents such as the Strategic Community Plan 2021–2031 and Broome Growth Plan identify a need to support greater activation of existing precincts (Cable Beach, Chinatown and Old Broome).</p> <p>The draft Strategy identifies Precinct Structure Plans as the most appropriate mechanism to coordinate future development in these areas. The Precinct (Structure) Planning approach aligns with changes in the State Planning Framework (SPF 7.2), which provides significantly more guidance on delivery of land use and built form outcomes at the precinct scale, including the potential for improved housing diversity.</p> <p>As part of this process, the draft Strategy recommends a review of the existing development strategies (Cable Beach, Chinatown and Old Broome). The proposed Precinct Structure Plans will address key design elements including urban structure, public realm, zoning and land use, the movement network and built form.</p>
<b>Relocation of Broome Prison (Planning Area A)</b>
<p>It has been confirmed by the Department of Justice (DoJ) that the Broome Regional Prison will be relocating outside of the Broome Townsite.</p> <p>The Strategy recommends that the Shire supports the DoJ in facilitating the decommissioning of the existing Broome Regional Prison.</p> <p>In terms of the existing prison site, the Strategy recommends incorporating the site into the proposed Chinatown / Old Broome Precinct Structure Plan. The precinct planning process will provide a coordinated planning approach to the prison site, ensuring it is integrated into the broader planning area. The precinct structure plan process will be informed by significant public engagement.</p>
<b>Sealing of Cape Leveque Road / opening up the Peninsula for tourism/associated activity</b>
<p>Early engagement identified the ongoing management of the Broome – Cape Leveque Road as a major concern, given the increased visitor activity it is likely to generate throughout the Dampier Peninsula. Engagement identified a strong desire to ensure the environment and natural heritage is preserved.</p> <p>The Strategy recommends preparing for the impacts of tourism activity in the Dampier Peninsula as a result of sealing of the Broome – Cape Leveque Road, including continued engagement with the Dampier Peninsula Working group to help manage impact of visitor activity. It also recommends supporting State government in exploring opportunities to seal secondary access roads subject to tenure and native title constraints.</p>
<b>Wastewater Treatment Plant Relocation (Planning Area D)</b>
<p>The relocation of the existing Wastewater Treatment Plant (WWTP) south of Clementson Street will unlock approximately 12.8 ha of land for redevelopment. This land combined with Lot 604 (state owned) and Lot 3144 (Nyamba Buru Yawuru owned) will enable creation of a defined health and wellness precinct and other compatible uses. The Strategy recommends a coordinated approach to future development of this land via a Structure Plan or Local Development Plan, depending on the size and scale of the proposed development.</p>
<b>Airport Relocation (Planning Area B)</b>
<p>This Strategy strongly advocates for the need to relocate Broome International Airport; however, it acknowledges that the timing of this could extend beyond the timeframe of this Strategy. Therefore, planning on the periphery of the airport and protection of the future airport site are viewed as essential.</p> <p>In terms of actions, the Strategy recommends the development of an Implementation strategy and Memorandum of Understanding (MOU) to be developed by the State Government, Shire of Broome, and Broome International Airport. The MOU is proposed to outline and establish common goals relating to the future relocation such as estimated timing and establishing a process that supports resolution of tenure for the new location.</p>

<p>It is also acknowledged the existing Structure Plan over the airport site is set to lapse in 2025. A new plan will need to be prepared. This plan will need to establish a clear vision and framework for the site that begins to strongly consider what happens on the airport site post-relocation. The Structure Plan would also need to consider interim planning considerations, acknowledging airport operations, as well as longer-term considerations post-relocation.</p>
<b>Dinosaur footprints and natural assets</b>
<p>The Strategy recommends protection of dinosaur tracks along the Kimberley Coast to ensure this unique feature of natural and cultural environment is preserved for current and future generations. The draft Strategy recommends supporting government agencies in mapping and protection of dinosaur footprints (where possible) in recognition of their importance.</p>
<b>Renewable Energy</b>
<p>The Strategy seeks to encourage and facilitate the adoption of renewable energy across the Shire. It recognises that the regional cost of living could be eased through adoption of renewable energy in households and businesses and notes the significant opportunity for solar and wind energy to replace current forms of electricity generation. The Strategy also references the Department of Planning Lands and Heritages’ recommendation to make renewable energy facilities a permissible use in all zones. This recommendation has been incorporated into the draft Local Planning Scheme No.7.</p>
<b>Remote Service Centres</b>
<p>The strategy identifies a number of opportunities and challenges associated with future growth and development of Remote Service Centres in the Dampier Peninsula. This also aligns with the Broome Growth Plan which identifies a strong desire to unlock the potential of its Aboriginal Communities / activate the Dampier Peninsula.</p> <p>The strategy seeks to support State Government to ensure that Layout Plans for Ardyaloon, Beagle Bay and Djarindjin / Lombadina are up to date in accordance with SPF 3.2- Aboriginal Settlements. It also identifies the importance of ensuring that adequate land is available for housing, economic development and essential services / community infrastructure to support increased population and tourist growth, particularly in the context of increased pressures due to the sealing of the Broome – Cape Leveque Road.</p>
<b>Bidyadanga Land Activation Project</b>
<p>The State Government committed \$7.3 million towards a pilot ‘Land Activation Project’ in Bidyadanga. This pilot project is based around land tenure reform to set the stage for improved economic development outcomes, community governance, upgrade of essential services and to provide additional housing within the Shire’s and WA’s largest remote community.</p> <p>Land tenure change is considered a fundamental first step to ensure remote sustainable and economically thriving community. The project seeks to attract new forms of investment, creating opportunities for home ownership and improving services.</p> <p>The draft Local Planning Strategy sets out to support State Government in implementation of Bidyadanga Land Activation Project to support future gazettal of Bidyadanga as a townsite.</p>
<b>Short-term Rental Accommodation</b>
<p>The Strategy sets out a preference to regulate and manage, rather than prohibit Short Term Rental Accommodation (STRA). This position is also reflected in the draft Local Planning Scheme No.7 which identifies ‘holiday house’ as a discretionary use in residential zones. To enable appropriate regulation of these uses, the Strategy recommends a Local Planning Policy be developed to establish how issues are to be assessed and regulated. It is noted that the state government is currently preparing a position statement on STRA, however, this has not yet been released.</p>



Changes to the Local Planning Scheme

Short Stay Accommodation in Residential Zones
<p>The issue of short stay accommodation in residential zones was a key theme during the preliminary engagement process, with differing views received on how this should be approached.</p> <p>The current LPS6 currently limits short stay accommodation in the Residential Zone to ‘Bed and Breakfast’, identifying both ‘Holiday Home (Large)’ and ‘Holiday Home (Standard)’ as prohibited land uses. This means that only hosted short stay accommodation is permitted residential zones, whereas un-hosted accommodation (i.e. a Holiday Homes) is not permitted.</p> <p>Despite Holiday Homes being a prohibited use, a number of Broome landowners are renting out their dwellings for short stay accommodation on online booking platforms.</p> <p>In the 2018 Council endorsed submission to the ‘Inquiry into Short Stay Accommodation in WA’ it was noted that these unregulated uses result in an uneven playing field for operators who have gone through the appropriate approval process and are required to comply with the associated planning and building laws prior to, and during, operation. Similar views were reflected during the engagement process for the Scheme and Strategy process, with other issues such as impact on amenity also highlighted.</p> <p>A draft State Government Planning for Tourism Position Statement has been finalised and Government is considering a proposed registration scheme for short-term rental accommodation.</p> <p>Many of the issues associated with un-hosted accommodation could be addressed by developing a Local Planning Policy to guide management and regulation of the land use rather than simply prohibiting it. This is what the Strategy recommends.</p> <p>In developing the draft Scheme, and further to feedback received through Council workshops, Holiday Homes have been included as discretionary uses in all areas excluding Industrial and Service Commercial Zones. This means that the use is not permitted unless the local government exercises it discretion to approve the use.</p> <p>To enable clear guidance to applicants, and to ensure potential amenity issues are mitigated, a draft Local Planning Policy has been prepared to provide guidance on how discretion may be applied. The policy could also identify instances where public advertising to adjoining neighbours will be required. Public comments are currently also being sought on the draft Local Planning Policy and this can be performed through the ‘Have your say’ section on the Shire’s website.</p>
Diversity in Built Form through Density and Height
<p>Density and design of built form were raised as issues during the early engagement process and workshops with Councillors and the community. Feedback received noted that key nodes within the townsite, such as the Cable Beach precinct, were not reaching their full potential as they were limited by the existing Local Planning Framework.</p> <p>It should be noted that the draft Local Planning Strategy provides further detail on responding to activation of key areas of Broome, such as Cable Beach, Chinatown and Old Broome (see summary on page above).</p> <p>The Scheme review process included an assessment of existing development standards, benchmarking these against other local government schemes and considering State Government Policies and guidelines. The review found that the Scheme currently places a significant emphasis on preservation and control of the built environment, rather than being forward looking and providing opportunities for enhancement through innovative design. It also found development standards to be overly prescriptive.</p> <p>The Scheme review process has taken on board feedback during the early engagement process and has made changes to the built form requirements to ensure development standards are more flexible and performance based.</p>
Building Height Provisions
<p>LPS6 currently provides for a maximum building wall height for non-residential development of ten (10) metres and a building ridge height of fourteen (14) metres. LPS6 provides discretion to vary the maximum permitted height, however discretion is limited with little emphasis upon the quality of the design outcome.</p>

<p>LPS6 includes special applications to the Residential Design Codes (R Codes), including a building ridge height of 10.5m (replacing the Deemed to Comply provisions in Category B of Table 3 in the R Codes, which is 9m). This provision is retained in draft LPS7.</p> <p>The Scheme review process does not propose any changes to the maximum permitted building heights, however it does propose amendments to where a variation may be considered. Building on recent work undertaken by the Department of Planning Lands and Heritage, the draft Scheme requires any proponents proposing a variation to the maximum building height to demonstrate good design against the design principles set out in State Planning Policy 7.0 Design of the Built Environment, and where relevant, State Planning Policy 7.2 – Precinct Design and State Planning Policy 7.3- Residential Design Codes WA.</p> <p>In referencing the State Planning Policies, any variation would be required to demonstrate performance in terms of 10 principles of good design: – context and character; landscape quality; built form and scale; functionality and build quality; sustainability; amenity; legibility; safety; community; and aesthetics.</p> <p>In referring variations to state design policy, it is considered that the Scheme maintains the rigour of contemporary planning practice, and provides a more holistic, performance-based approach to design.</p>
Broome-style Architecture
<p>The new Scheme has been designed to remove some of the overly prescriptive elements of LPS6. Instead of prescribing the types of building materials to be used, as is the case in the current Scheme, the revised Scheme simply notes that the built form is to have regard to local climatic conditions and traditional architecture. This is a nuanced difference to the current Scheme which, for example, requires all new walls are to be Colorbond or timber. It is considered that such change will ensure that the local character is maintained whilst providing the opportunity for improved architectural innovation and expression. The Scheme maintains its emphasis on climate responsive design.</p>
Consolidating Commercial Activity
<p>Feedback received identified the need to consolidate commercial uses, noting the need for a single concentrated centre for business, retail and commercial functions.</p> <p>It should be noted there is limited opportunity for the Scheme review process to change existing land uses, due to non-conforming use rights, however, the Scheme review does propose the rezoning of Chinatown from ‘Town Centre’ zone to ‘Centre (Regional)’ zone to reflect the centre’s regional significance and reflect the recommendations of the Shire’s 2017 Local Commercial Strategy.</p> <p>The Scheme also introduces an ‘I’ use, which seeks to limit incidental uses to their association with a predominant use on a site. For example, a ‘shop’ is currently a discretionary use in Light and Service Industry zone, whereas the draft Scheme identifies it as an ‘I’ use. This change will enable light industry to incorporate a shop front on the proviso that it is incidental to the predominant use, such as a garden centre. It is considered that this will help refocus retail back to the Centre and Service Commercial Zones.</p>
Industry and Infrastructure
<p>A Special Control Area buffer has been included to reflect the position of the proposed Regional Resource Recovery Park (RRRP). The site itself will remain as a Public Purpose Reserve with the notation of Infrastructure Services applied to it. This will ensure the future development is consistent with the intent of the Scheme.</p>