



**SHIRE OF BROOME  
LOCAL PLANNING SCHEME NO.7  
AMENDMENT NO. 1**

A local scheme amendment to facilitate the implementation of  
Precinct Structure Plan(s) for  
Chinatown-Old Broome (COBPSP): Planning Area (A) and  
Cable Beach (CBPSP): Planning Area (C).

*PLANNING AND DEVELOPMENT ACT 2005*

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

SHIRE OF BROOME

LOCAL PLANNING SCHEME NO.7

AMENDMENT NO. 1

RESOLVED that the local government, pursuant of section 75 of *the Planning & Development Act 2005*, amend the above local planning scheme by:

1. Rezone the Cable Beach Precinct Structure Plan Area to 'Urban Development' and update maps accordingly.
2. Amend Clause 33 Additional site and development requirements for areas covered by structure plan or local development plan and insert Table 4: as follows.
  - (a) Table 4 sets out requirements relating to development that are included in Additional site and development requirements for areas covered by structure plan or local development plans that apply in the scheme area.
  - (b) The specific development standards set out under this Clause and the associated Table 4 prevail to the extent of any inconsistencies with any other standard or provision of the Scheme.

**Table 4: Additional site and development requirements for areas covered by (precinct) structure plan, local development plan.**

No.	Description of Land	Requirement
1.	Chinatown - Old Broome Precinct Structure Plan (PSP) Area as shown in the Precinct Structure Plan.	<ol style="list-style-type: none"><li>(1) Subdivision and development of land is to be generally in accordance with an approved structure plan with the residential density coding as set out in the Chinatown - Old Broome Precinct Structure Plan (PSP) - Residential Density Plan.</li><li>(2) For land zoned Mixed Use, the site and development standards set out in Schedule 4 Clause 14 are replaced by the Chinatown-Old Broome Precinct Structure Plan.</li><li>(3) In considering applications for development approval, the local government shall have regard to the Obstacle Limitation Surfaces (Schedule 7) and Australian Noise Exposure Forecast (ANEF) contours</li></ol>

No.	Description of Land	Requirement
		for the Broome International Airport (Schedule 6).
2.	Cable Beach Precinct Structure Plan (PSP) Area as shown in the Precinct Structure Plan.	<p>(1) Subdivision and development of land is to be generally in accordance with an approved structure plan with residential density coding as set out in the Cable Beach Precinct Structure Plan (PSP) - Residential Density Plan.</p> <p>(2) The local government will not support subdivision within the Cable Beach Precinct Structure Plan (PSP) Area to create lots less than 1 hectare in area, unless it is in accordance with an approved (precinct) structure plan.</p>

3. Amend Part 6 - Terms Referred to in Scheme Division 1 - General definitions used in Scheme. Insert the following:

Chinatown - Old Broome Precinct Structure Plan (PSP) means - the Precinct Structure Plan for the Chinatown - Old Broome Precinct approved by the Western Australian Planning Commission under Part 4 of the Deemed Provisions.

Cable Beach Precinct Structure Plan (CBPSP) means - the Precinct Structure Plan for the Cable Beach Precinct approved by the Western Australian Planning Commission under Part 4 of the Deemed Provisions.

4. Rezoning various land holdings and public purpose reserves within the Chinatown - Old Broome Precinct Structure Plan (PSP) Area, as follows:
- (a) Rezone Lots 3092, 560, 622, 470, Lots 2074-2076, 448-447, 435 Chapple Street from Regional Centre (R50) zone to Foreshore reserve.
  - (b) Rezone Lots 2077-2078, 100, 349, 474, 484, 2079 Chapple Street from Regional Centre (R50) to Residential (R10) zone.
  - (c) Rezone Lots 2080 and Lot 2213 Gray Street from Regional Centre (R50) to Residential (R10) zone.
  - (d) Rezone Lots 510 Napier Terrace, Lots 200 and 25 Hamersley Street, and Lots 2, 27 and 29 Frederick Street from Regional Centre to Regional Centre (R50).

- (e) Rezone Lot 3061 Frederick Street and Lot 52 Dampier Street from Urban Development to Mixed Use (R50) zone.
- (f) Rezone Lot 834, Lots 59-60 Frederick Street and Lot 1 (SN 1) Robinson Street from Mixed Use (R40) to Mixed Use (R50) zone.
- (g) Rezone Lot 57, Lots 170-171 Weld Street, Lots 172, 402, 401,3 Stewart Street and Lot 2 Robinson Street from Mixed Use (R10) to Residential (R50) zone.
- (h) Rezone Lot 67 (SN 43) and Lot 102 (SN39) Frederick Street, from Mixed Use (R40) to Mixed Use (R50) zone.
- (i) Rezone Lots 68, 100-101 Stewart Street, and Lot 74 Herbert Street from Residential (R10) to Residential (R50) zone.
- (j) Rezone Lots 71-73 Frederick Street from Mixed Use / Residential (R40) to Mixed Use/Residential (R50) zone.
- (k) Rezone Lot 5 Stewart Street from Mixed Use (R40) to Mixed Use (R50) zone.
- (l) Rezone Lots 1 (SN 10) and 4 (SN 8) Stewart Street, Lots 2 (SN 19) Weld Street and Lots 94 and 3 Barker Street from Mixed Use (R40) to Residential (R50) zone.
- (m) Rezone Lot 91 Weld Street from Mixed Use (R50) to Residential (R50) zone.
- (n) Rezone Lots 192, 190 Stewart Street, Lots 87, 102 and 101 Robinson Street, Lots 191,193 Barker Street and Lot 92 Weld Street from Mixed Use (R10) to Residential (R30) zone.
- (o) Rezone Lots 111-112, Lots 180-181 Walcott Street, Lot 182 Barker Street, Lot 10 (SN 18) Barker Steet, Lot 86 Robinson Street and Lot 1 (SN 24) Stewart Street From Residential (R10) to Residential (R30) zone.
- (p) Rezone Lots 131, 270, 271, 272 Robinson Street, Lots 133, 134, 130, 304 Weld Street, and Lots 127, 301 and 305 Barker Street from Mixed Use (R 10) to Residential (R30) zone.
- (q) Rezone Lots 121, 122, 502, 503 Robinson Street, Lots 240-241 Barker Street, and Lots 1 (SN 13), 2 (SN 15), 3 (SN 17), 250, 251, 252, 124 Walcott Street from Residential (R10) to Residential (R30) zone.
- (r) Rezone Lot 137 Barker Street from Mixed Use (R40) to Mixed Use (R50) zone.
- (s) Rezone Lots 143, 147, Lot 2 (SN 19) and Lot 1 (SN 21) Hamersley Street, and Lot 149 Haas Street from Mixed Use (R40) to Mixed Use (R50) zone.
- (t) Rezone Lots 947, Lot 20 (SN 49), and Lot 21 (SN 51), Carnarvon Street from Mixed Use (R40) to Mixed Use(R50) zone.
- (u) Rezone Lots 1028-1031 and Lot 2 Carnarvon Street, and Lots 1 (SN 29), 682, 31, 32 Hamersley Street from Mixed Use (R40) to Mixed Use(R50) zone.
- (v) Rezone Lots 2 (SN 20), 280-281 Hamersley Street, Lots 3 (SN 2), 1 (SN 6), 4 (SN 8) Anne Street, and Lot 5 (SN 35) Weld Street from Mixed Use (R40) to Mixed Use (R50) zone.
- (w) Rezone Lot 160 Weld Street from Mixed Use (R40) to Residential (R50) zone.
- (x) Rezone Lot 3 (SN 7) Haas Street, and Lots 10-11 Weld Street from Mixed Use (R50) to Residential (R50) zone.

- (y) Rezone Lot 2 (SN 2) Louis Street and Lots 213, 214, 216 Hamersley Street and Lots 215, 40-41, 22 Robinson Street from Mixed Use (R40) to Mixed Use (R50) zone.
- (z) Rezone Lots 197-199 Anne Street, Lots 651, 310, Lot 311 Robinson Street, Lot 203 Louis Street, and Lots 3, 4, 650 Walcott Street from Residential (R10) to Residential (R30) zone.
- (aa) Rezone Lots 6 and 2 (SN 51) Walcott Street, Lot 5 Louis Street from Residential (R10) to Residential (R30) zone.
- (bb) Rezone Lots 221, 11, 12 Walcott Street, Lots 13 and 1 (SN 4) Guy Street, Lots 2, 222, 321 and 320 Robinson Street and Lot 50 Louis Street from Residential (R10) to Residential (R50) zone.
- (cc) Rezone Lot 227 Louis Street from Public Purpose reserve to Residential (R10) zone and rezone Lot 977 Walcott Street and Lot 3151 Herbert Street from Public Purpose reserve to Residential (R50) zone.
- (dd) Rezone Lot 546 Hamersley Street from Residential (R20) to Residential (R50) zone.
- (ee) Rezone Lots 70, 101-105, and 1323 Hamersley Street from Residential (R40) to Residential (R50).
- (ff) Rezone Lot 1 (SN 1) Guy Street from Residential (R20) to Residential (R50); and rezone Lot 2 Walcott Street from Residential (R10) to Residential (R50).
- (gg) Rezone Lots 30, 31 and 32 Walcott Street, and Lots 266, 3068 106, 51 Robinson Street from Mixed Use (R40) to Mixed Use (R50) zone.
- (hh) Rezone Lots 240, 4, 3146 and 3147 from Public Purpose reserve to Mixed Use (R50) zone.
- (ii) Rezone Lot 3 (SN 69) Robinson Street from Residential (R10) zone to Mixed Use (R50) zone.
- (jj) Rezone Lot 275 Saville Street from Residential (R50) to Mixed Use (R50) zone.
- (kk) Rezone Lot 279 (SN 76) Robinson Street from Residential (R30) to Mixed Use (R50) zone.
- (ll) Rezone Lots 7 (SN 78), 8 (SN 80) Robinson Street, and Lot 6 Hopton Street from Residential (R10) to Mixed Use (R50) zone.
- (mm) Rezone Lots 18-19 Saville Street, Lots 11 (SN 71), 12 (SN 75), Lot 4 (SN 79) Walcott Street, and Lot 5 (SN 8), 13, and 14 Hopton Street from Residential (R10) to Residential (R50) zone.
- (nn) Rezone Lot 3 (SN 3) Hopton Street, and Lots 4 (SN 84), Lot 5 (SN 86) Robinson Street from Mixed Use (R40) to Mixed Use (R50) zone.
- (oo) Rezone Lots 30-31 Robinson Street from Residential (R10) to Mixed Use (R50) zone.
- (pp) Rezone Lot 332 Hopton Street and Lot 335 Walcott Street from Residential (R10) to Residential (R50) zone.
- (qq) Rezone Lot 26 Herbert Street, and Lots 1 (SN 2), 1226 Robert Street from Residential (R40) to Residential (R50) zone.
- (rr) Rezone Lots 3, 360 Hopton Street, and 361-362 Walcott Street from Mixed Use (R40) to Residential (R50) zone.

- (ss) Rezone Lot 440 (SN 1) Robert Street from Public Purpose reserve to Tourism zone.
  - (ii) amend the Scheme Map accordingly.
5. Amend Schedule 4: Additional site and development requirements that apply to the scheme area, No. 13, Regional Centre zone; as follows:
- (i) Delete subclause (1) and the heading “Structure and / or Local Development Plan”;
  - (ii) Amend subclause (2) to insert “, including any approved (precinct) structure plan” after local planning framework.
  - (iii) Delete subclause (3) and replace with the following text “The residential component of a development including mixed use is to be assessed under the applicable residential density coding.
  - (iv) Delete subclause (5) and accompanying table, sub-heading Subdivision and subclauses (6) and (7); and renumber accordingly.
6. Amend Schedule 4: Additional site and development requirements that apply to the scheme area, No. 15 Mixed Use zone; as follows:
- (i) Amend the Description of Land Use column reference Clause 15 to state ‘Mixed Use zone’ (excluding landholdings within the approved Chinatown - Old Broome Precinct structure plan (PSP) Area’.

7. The Amendment is **standard** under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):
- (i) It is generally consistent with the objectives of the relevant zone or reserve;
  - (ii) It is generally consistent with a local planning strategy that has been endorsed by WAPC;
  - (iii) It does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area; and
  - (iv) the amendment is not a complex or basic amendment.

Dated this            day of xxxxxx    2023

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(Chief Executive Officer)

# **SCHEME AMENDMENT REPORT**

- 1. Introduction**
- 2. Amendment Area and Context**
- 3. Planning Considerations**
- 4. Proposed Scheme Amendment**
- 5. Planning Justification**
- 6. Conclusion**

## 1. INTRODUCTION

The Shire of Broome Local Planning Strategy (Strategy) was recently endorsed by the WAPC on 10 October 2023 with the gazettal of Local Planning Scheme No.7 (LPS7) on 28 September 2023. The Strategy identified two planning areas; Chinatown and Old Broome: Planning Area A and Cable Beach - Planning Area C and recommended that the existing development strategies for these areas be reviewed in the short term and that precinct structure plan be prepared for each planning area. The Shire with its consultants, Hames Sharley, has prepared the precinct structure plans to ensure an up-to-date planning framework that enables appropriate development and activation in these key precincts. The Strategy's focus on delivering quality built form outcomes is well supported by recent policy changes at State level, with the Design WA suite of policies (SPP 7.0, SPP 7.2 and SPP 7.3 Volume 2) providing contemporary guidance on design quality.

Amendment No. 1 to LPS7 has been prepared to facilitate the implementation of these new precinct structure plans (which are being concurrently advertised with the Amendment) for:

- Chinatown - Old Broome Precinct Structure Plan (COBPSP): Planning Area (A); and
- Cable Beach Precinct Structure Plan (CBPSP): Planning Area (C); respectively.

Refer to **Figure 1**: Location Plan.

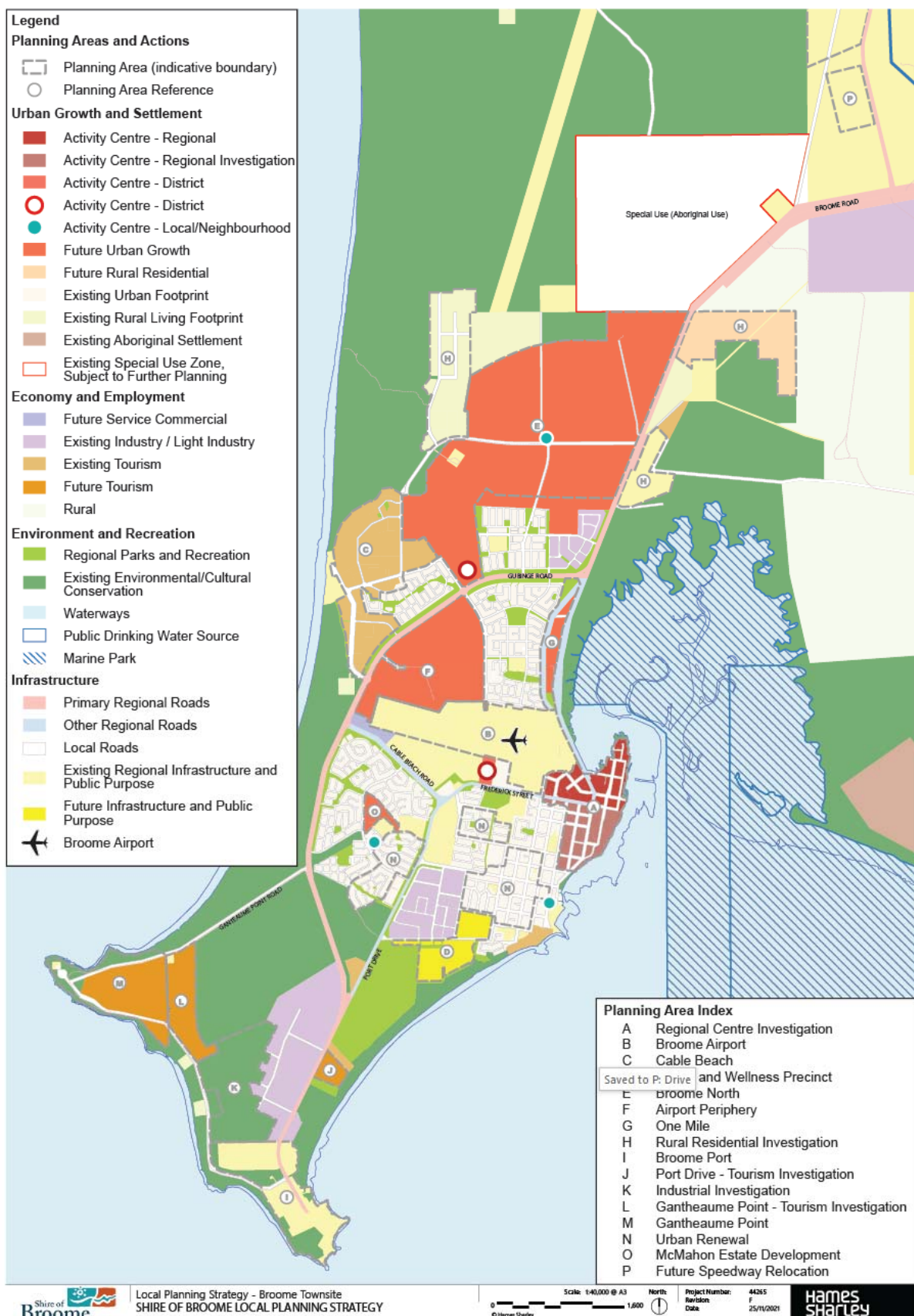
This amendment report primarily relates to the required scheme text and land use zoning changes proposed to LPS No.7 to implement these precinct structure plans (PSPs) and summarises the planning rationale (set out in Part 1 of each PSP) for these changes. Amendment 1 should be read in conjunction with the PSP. It should be noted that the Deemed provisions related to (precinct) structure plans also apply to LPS No. 7.

Further background and technical information can be found in the accompanying Precinct Structure Plan suite of documents. Each precinct structure plan comprises:

- a precinct structure plan report:
  - Part 1- Implementation
  - Part 2 - Explanatory and Technical Appendices
- a precinct structure plan map and supporting plans, and
- technical investigations and studies.

Refer **Appendices 1 & 2** – Proposed Precinct Structure Plans.

**Figure 1: Location Plan: Planning Areas Broome Townsite (LPS 2023)**



## **2. AMENDMENT AREA AND CONTEXT**

### **2.1. Location**

The subject land is located within the Broome Townsite, comprising two key precincts within the Shire Broome local government area. As Broome has matured, several key precincts or key activity nodes have emerged, namely:

- Chinatown/Old Broome: Planning Area (A); and
- Cable Beach: Planning Area (C).

These precincts were generally identified in the Shire's recently endorsed Local Planning Strategy with the boundaries being refined as part of the precinct structure plan preparation in accordance with the methodology set out within SPP 7.2 Precinct Design Guidelines.

The Planning Areas (A) and (C) are shown in Figure 1 in the context of the Broome Townsite.

### **2.2. Precinct Context**

#### **(a) The Chinatown-Old Broome Precinct (COBPSP): Planning Area (A).**

The Chinatown-Old Broome Precinct Structure Plan (COBPSP) applies to the land contained within the inner edge of the line denoting the precinct boundary as shown on P1 - Figure 1. Chinatown-Old Broome is located on the eastern side of the peninsular overlooking Roebuck Bay. The precinct is bounded by the Broome International Airport to the north-west, Herbert Street to the west, Robert Street to the south, and the shoreline of Roebuck Bay and the Yawuru Minyirr Buru Conservation Park to the east and north.

The Chinatown-Old Broome Precinct (COBP) totals an area of 133 ha and encompasses historic sub-precincts of Chinatown and Old Broome.

#### Chinatown

Chinatown is the historic centre of Broome, it is zoned 'Regional Centre' in LPS No. 7 and is the primary retail and commercial activity node with significant upgrades being delivered recently as part of the Chinatown Revitalisation Project. The future vision is for the precinct to provide a diversity of land uses which include offices, retail, community services and hotels whilst maintaining and celebrating the cultural heritage, recreational and tourism values of the precinct.

There are a number of constraints which limit development opportunities in Chinatown, these include:

- The eastern portion of the precinct is included within the Chinatown Conservation Area which is listed on the State Heritage Register and includes a number of State Heritage listed places.
- The precinct's location next to Broome Airport has a major impact on building heights due to the Obstacle Limitation Surface (OLS) which limits the height of obstacles which may impact flight operations. The result is a maximum height that ranges from 6.8m to 14m dependent on proximity to the runway.

- The Chinatown precinct has been identified as an area at significant risk of future coastal hazards associated with erosion and inundation. Due to the significance of the area the Broome Townsite CHRMAP seeks to protect and preserve as much of the precinct as possible although future use and development north of Gray Street needs to address this constraint.
- In the north-west portion of the regional centre is Male Oval which is the primary recreation open space in Chinatown. In tandem with the COPSP, a master plan is recommended to be prepared for the Oval to improve its amenity and enhancing its integration with surrounding development.

### Old Broome

Old Broome is rich in cultural heritage, relating to both pre- and post-colonial settlement. The heritage (cultural, built and natural environment) helps define what is unique about Old Broome and its place in Broome's history. The vision for Old Broome is to become a vibrant, accessible and mixed-use precinct. One that meets the needs of residents and visitors through development that is respectful of the rich cultural heritage and natural environment.

One of the primary development opportunities in Old Broome is the proposed relocation of the Broome Regional Prison (1.7ha). The preparation of the COPSP provides an opportunity to enhance integration between major activity nodes such as Chinatown and Town Beach-Guwarri.

### **(b) The Cable Beach Precinct (CBPSP): Planning Area (C).**

The Cable Beach (CBPSP) applies to the land contained within the inner edge of the line denoting the precinct boundary as shown on P2 - **Figure 1**. Cable Beach is located to the north-west of the Broome Townsite, fronting the Indian Ocean (Cable Beach foreshore) to the west. It is approximately 6km from the town centre of Chinatown/Old Broome and is accessed by Sanctuary Rd and Cable Beach Road West.

The Cable Beach Precinct (CBP) totals an area of 132.5ha.

Cable Beach is a strategic tourism node. It includes several large hotel and resort complexes and other forms of short-stay accommodation with limited residential subdivisions in the northern portion. Extensive landholdings remain undeveloped with some key sites subject to Yawuru Indigenous Land Use Agreements (ILUAs) Major upgrades are currently being undertaken to the foreshore area and community infrastructure, as part of the Cable Beach Foreshore Master Plan.

Established in the 1970s, Cable Beach was the last of the key precincts to be developed in the Broome townsite. The natural environment surrounding Cable Beach remained largely undeveloped until a caravan park had been developed on the land that would one day become the Cable Beach Club Resort, bringing formalised tourism to the area.

The Cable Beach Precinct has historically been geographically separated from the rest of Broome. Connectivity is limited, primarily due to the location of Broome Airport. Given its focus on tourism, the precinct lacks yearlong activation. There is a desire to explore how private development can be stimulated in the area including residential development, though implementation of a more flexible planning framework.

### 3. PLANNING CONSIDERATIONS

#### 3.1. Planning Context

The Commission's State Planning Policy 1 (SPP 1) State Planning Framework Policy brings together existing State and regional policies, strategies, plans and guidelines within a central State Planning Framework. It sets the context for decision-making on land use and development in Western Australia. The framework informs the Commission, local government and others involved in the planning process on State level planning policy which is to be taken into consideration, and given effect to, in order to ensure integrated decision-making across all spheres of planning. Planning instruments (provisions) which comprise the State Planning Framework (refer Figure 2) include:

- The Planning and Development Act 2005 (PD Act) and associated LPS Regulations
- State Planning Policies;
- Regional and Sub-regional strategies;
- WAPC Operational policies; and
- WAPC Position statements and Guidelines

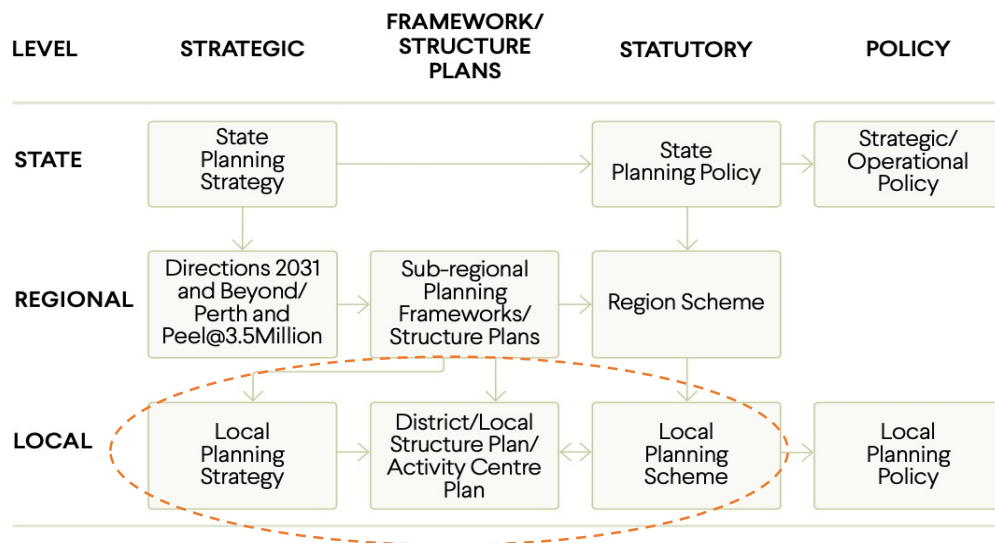


Figure 2: Western Australian Planning Framework

### **3.2. State and Regional Planning Context**

In August 2019, the State Government released its Action Plan for Reform of the Western Australian Planning System which has subsequently been implemented via a program of legislative, regulatory and policy changes creating a more contemporary planning system. Both the Shire's Local Planning Strategy and LPS No. 7 have been prepared in the manner and form of contemporary practice set out in the updated planning framework.

For the purposes of this scheme amendment report, only the relevant state planning policies related to the preparation/implementation of the amendment are referred to. For a more thorough overview of the state and regional planning context as it relates to each PSP can be found in the Local Planning Strategy (2023) and Part 2 - explanatory and technical appendices of the PSP suite of documents.

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

The Planning and Development (Local Planning Schemes) Regulations 2015 (the LPS Regulations) were gazetted on 25 August 2015. The LPS Regulations set out the procedures by which local planning strategies, local planning schemes and amendments to local planning schemes must be prepared and adopted by local government, the WAPC and the Minister for Planning; and establish model provisions for local planning schemes. The recently gazetted LPS No.7 complies with these model provisions.

The LPS Regulations are a major implementation tool to facilitate the State's current planning reform agenda, setting out provisions for local planning strategies, schemes and amendments. In addition to the model provision, the LPS Regulations introduce a set of deemed provisions that form part of every local planning scheme in the State including provisions related to the preparation and administration of (precinct) structure plans such as PSPs being prepared for Broome.

#### **State Planning Policy 7.0 - Design of the Built Environment**

SPP 7.0 is the foundation of the Design WA initiative and became operational following publication in the Government Gazette on 24 May 2019.

It is the lead policy that elevates the importance of design quality across the whole built environment in Western Australia. It seeks to deliver the broad economic, environmental, social, and cultural benefits that derive from good design outcomes.

The policy includes 10 principles of good design, which are the foundation of the policy framework and are 'Context and Character, Landscape quality, Built form and scale, Functionality and build quality, Sustainability, Amenity, Legibility, Safety, Community and Amenity'. SPP 7.0 establishes the overarching framework for good design practice in planning and has directly informed preparation of SPP 7.2.

#### **State Planning Policy 7.2 Precinct Design (SPP 7.2).**

SPP 7.2 was released in its final form in December 2020. The overall policy intent is to enable the ten principles of good design (identified in SPP 7.0) to be applied to precinct planning. This is the lead policy to guide the preparation and evaluation of planning proposals for areas that require a high level of planning and design focus due to their complexity - such as planned infill development, activity centre designation or areas

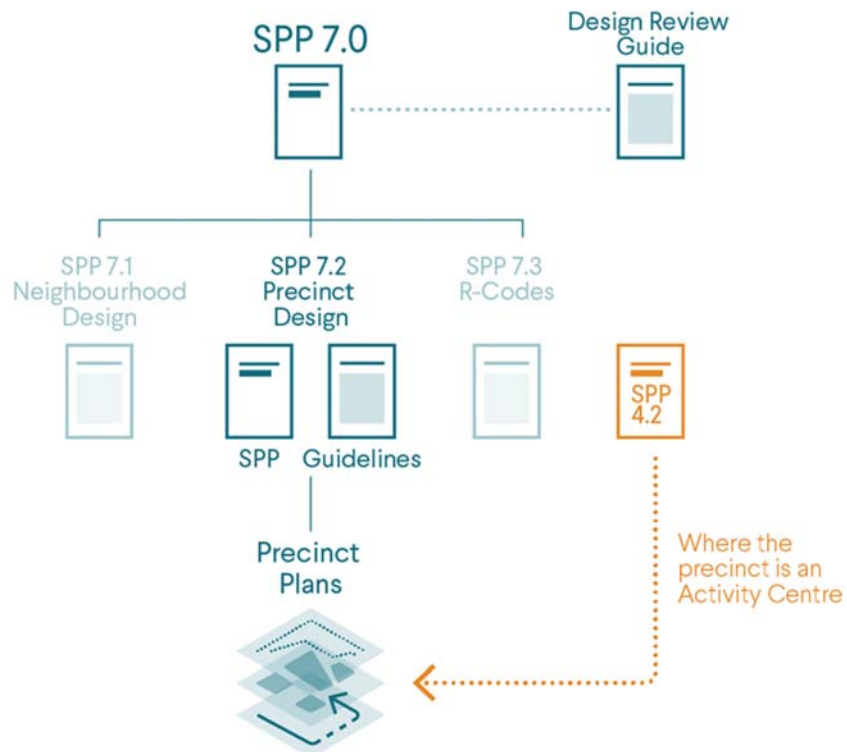
with certain values such as heritage or local character. This policy and its guidelines applies to precincts throughout Western Australia and guides the preparation, assessment, determination and implementation of precinct structure plans, local development plans, and subdivision and development applications.

The objectives of the policy include ensuring that precinct planning, and design processes deliver good-quality built environment outcomes that provide social, economic and environmental benefit to those who use them. The policy also introducing the concept of design review into precinct planning through six performance-based design elements and the use of design review panels.

The accompanying precinct plans have been prepared in accordance with SPP 7.2. Precinct Design Guidelines and generally in accordance with the precinct plan manner and form guidance.

This policy and associated Guidelines, along with State Planning Policy 7.0 Design of the Built Environment (SPP 7.0), State Planning Policy 4.2 Activity Centres (SPP 4.2), and the local planning framework, are the predominant planning instruments for precinct design for decision-making authorities and referral agencies when considering strategic and statutory planning proposals, subdivisions and development applications. The way precinct design interrelates with the wider planning framework is illustrated in Figure 3.

**Figure 3. Precinct design in policy context**



### **Residential Design Codes (R-Codes Volume 1 and 2) and Explanatory Guidelines**

This Planning Code is made under Part 3A of the Planning and Development Act 2005 and is cited as Residential Design Codes Volume 1 (R-Codes Volume 1) and Residential Design Codes Volume 2 (R-Codes Volume 2) respectively. The R-Codes aim to address emerging design trends, promote sustainability, improve clarity and highlight assessment pathways to facilitate better outcomes for residents. They are also used for the assessment of residential subdivision proposals and should be read with Development Control Policy 2.2 Residential Subdivision for this purpose. The R-Codes are introduced by reference into a local scheme and it is a requirement for all residential development to comply with the R-Codes. The R-Codes outline standards for residential development in Western Australia; and, with the exception of precinct-specific circumstances, they form the basis for the design and assessment of most residential development in Western Australia.

The R-Codes are to be applied in the following ways.

- R-Codes Volume 1 applies for all single house(s) and grouped dwellings; and ! multiple dwellings (includes dwelling components of mixed-use developments) in areas coded R60 and below.
- R-Codes Volume 2 applies for multiple dwellings (includes dwelling components of mixed-use developments) in areas coded R80 and above. Acceptable Outcome provisions of the R-Codes that are amended or replaced by the PSP are done so in accordance with Part 1 provisions of the PSP.

*Note: Neither precinct includes any land coded R80 or above, therefore the R-Codes Volume 2 do not apply.*

A precinct structure plan may amend, replace and/or augment any deemed-to-comply provision of the R-Codes, and provide additional requirements relating to residential development in order to achieve the objectives and outcomes of State Planning Policy 7.2 Precinct Design (SPP 7.2). The Explanatory Guidelines provide further detail for additional considerations when modifying deemed-to comply provisions of the R-Codes through a local planning framework.

Proposed modifications are detailed in each precinct structure plan.

### **Planning for Tourism and Short Term Rental Accommodation Guidelines (Nov 2023)**

These Guidelines should be read in conjunction with the *Position Statement: Planning for Tourism and Short-term Rental Accommodation (2023)*. They provide guidance on the Policy Statement's implementation and aim to:

- provide context for planning and decision making on tourism and short-term rental accommodation development and land use;
- encourage strategic planning that considers local tourism and its wider context;
- assist local government in planning for tourism and short-term rental accommodation in its local planning strategy and local planning scheme;
- encourage a consistent approach to tourism and short-term rental accommodation in local planning frameworks; and
- encourage flexible and adaptive design of tourism and mixed use development suited to each local government area.

As outlined in the Guidelines, the Shire's recently endorsed Strategy (2023) has responded to the State Planning Strategy 2050, the State Government Strategy for Tourism in Western Australia 2020 (as amended), and its regional planning context. The Strategy has acknowledged the role and importance of tourism and short-term rental accommodation in the Shire. As such, the Strategy has identified tourism precinct(s) at a strategic level, prioritising the need for the preparation of precinct structure plans to enable detailed planning for specific tourist accommodation sites, complementary and supporting land uses, and the integration of tourism infrastructure.

### **Position Statement: Planning for Tourism and Short-term Rental Accommodation (Nov 2023)**

The intent of this Position Statement is to guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework and:

- facilitate acceptable development of new and evolving tourism opportunities;
- provide a high-level of amenity in tourism areas; and
- deliver quality land use planning outcomes.

This Position Statement applies to all tourism and short-term rental accommodation proposals within all regions of Western Australia and should be applied in conjunction with the Guidelines. The Position Statement: guides local governments on the preparation of tourism strategic planning and statutory proposals. The Position Paper is focused on providing renewed direction on appropriate responses which are linked to the information and context of tourism in a local government area as set out in the LPS. It is envisaged that the preparation/ implementation of the accompanying precinct structure plans will be informed by the position statement guidance in the determining the specific mix of tourism to residential and other uses, that will achieve the best results for the precincts. The WAPC is to consider the application of this Position Statement in the assessment of precinct structure plans on sites zoned for tourism purposes or where tourism or short-term rental accommodation uses can be considered.

In assessing proposals on land zoned for tourism purposes, the WAPC needs to consider whether the proposal will:

- Facilitate the development of quality, sustainable tourism facilities.
- Incorporate those facilities associated with tourist accommodation developments such as recreation, entertainment and integrated management.
- Provide for current and future tourism demand.
- Have the capacity to accommodate the necessary services, management and support facilities without compromising the character, development flexibility or tourism amenity of the site.
- Provide for the retention or enhancement of the strategic value of the site for tourism purposes, including the relationship between individual lots and areas of high tourism amenity and the potential to accommodate current and future tourism demand.
- Result in the subdivision of a large tourism lot (for example, to separate the residential component from the tourism). This may result in tourism lots remaining undeveloped and future pressure to approve further residential components to finance development.

### **3.3. Environmental Considerations**

The areas subject to this amendment are located adjacent to Roebuck Bay and the Indian Ocean. Roebuck Bay is RAMSAR and Directory of Important Wetlands Listed.

Further, the areas subject to this amendment contain and are adjacent to priority and threatened ecological communities listed under the Biodiversity Conservation Act 2016 (BC Act). The vegetation present includes Species-rich faunal community of the intertidal mudflats of Roebuck Bay; Kimberley Vegetation Association 73: Grasslands, short bunch grass savanna, grass; *Corymbia paractia* dominated community on dunes; and mangroves.

It is further recognised that the areas subject to this amendment are adjacent to marine fauna habitat and nesting areas for Flatback Turtles. Flatback turtles are listed as 'Vulnerable' under both the BC Act and the Environment Protection and Biodiversity Conservation Act 1999. The EPA has noted that the flatback turtles that nest on Cable Beach are likely to be part of a discrete genetic stock that has a small nesting distribution; all nesting habitat should be considered significant. The area subject to this amendment also contains and is adjacent to habitat for conservation significant species of migratory shore birds.

Flatback turtle nesting and hatchling behaviour can be affected by light spill and light glow on to nesting beaches and the adjacent sea. It is recognised that light spill and pollution will need to be considered and managed properly in accordance with the National Light Pollution Guidelines. It is considered that these potential impacts can be considered already through section 67. of the Deemed Provisions within the Planning and Development (Local Planning Schemes) Regulations 2015. However, in order to ensure that these impacts are adequately recognised at each level of the planning framework, guidance will be inserted into the Precinct Structure Plans advising of the need for line of sight modelling and a lighting management plan as per advice from the EPA."

### **3.4. Local Planning**

The Shires's local planning framework comprises all strategic, statutory and policy planning documents which collectively outline the planning for the local government area including the Broome townsite and include the Strategy, LPS 7 (as well as LPS Regulations deemed provisions), and other relevant Local Planning Policies.

#### Shire of Broome Local Planning Strategy 2023

The endorsed Local Planning Strategy (2023) is the framework for local planning and the strategic basis for the local planning scheme. It provides the interface between State and regional policies, strategies, and strategic development initiatives, and local planning. The Local Planning Strategy sets out medium-to-long-term planning directions for the Shire of Broome over the next 10 – 15 years.

The Strategy identified the following Planning Areas (A and C) within the Broome Town site which required review in the short term (1-5yrs) and recommended that the existing development strategies for these areas be reviewed as a priority and Precinct Structure Plans are prepared. These precinct structure plans have been prepared and an accompanying local scheme amendment (Amendment 1).

The Strategy sets out the high-level guidance on the preparation of Precinct Structure Plans for each area. Noting the boundaries of the Precinct Structure Plan have been further refined in accordance with the methodology established in the Precinct Design Guideline and the boundaries of Planning Area A were reviewed as part of consideration of submissions on the Local Planning Strategy.

#### **(a) The Chinatown-Old Broome Precinct (COBPSP):**

The endorsed Strategy (2023) identified Planning Area A within the Broome townsite as requiring a review in the short term (1-5yrs) (Refer Table 1) including the preparation of precinct structure plans in accordance with SPP 7.2 and an accompanying local scheme amendment. Further Precinct Structure Planning Guidance was set out in the LPS (refer Figure 4).

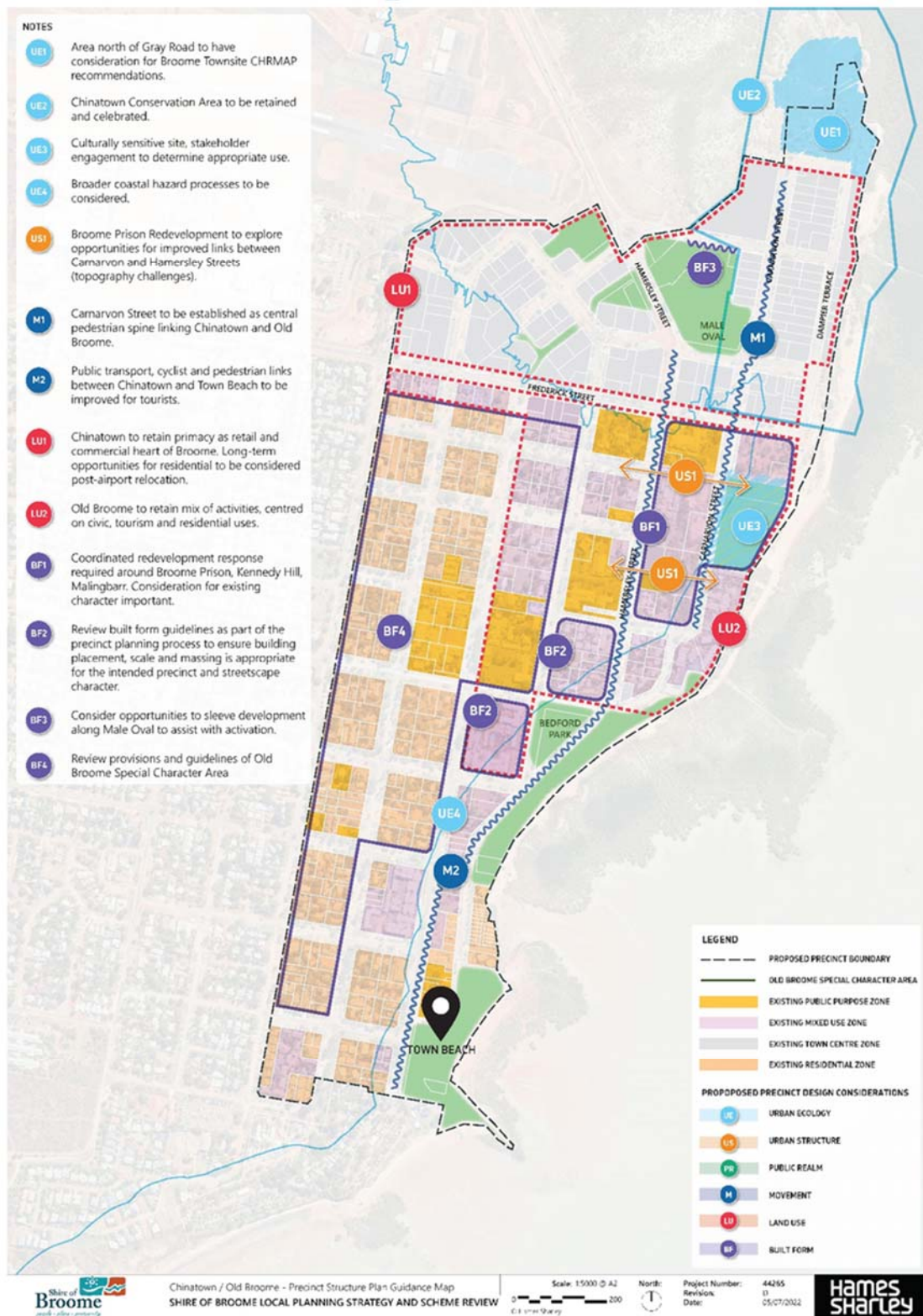
It is proposed that the COBPSP will supersede the following documents (Local planning framework) which will be rescinded upon WAPC approval of the PSP:

- Chinatown Development Strategy (2013)
- Chinatown Design Guidelines
- Old Broome Development Strategy (2014)
- Local Planning Policy 5.16 Old Broome Development Strategy

**Refer Table 1: Extract LPS Recommendations: Planning Area A**

AREA	PLANNING DIRECTION	ACTIONS	RATIONALE	TIMING
A	Creation of Regional Centre and investigations for long-term expansion.	<p>Review Chinatown and Old Broome Development Strategies and prepare combined Precinct Structure Plan (in accordance with SPP 7.2).</p> <p>Update planning framework to facilitate implementation of Precinct Structure Plan, likely to include:</p> <ul style="list-style-type: none"> <li>+ Scheme Amendment.</li> <li>+ Removal of LPP 5.13 – Town Centre Zone.</li> <li>+ Removal of LPP 5.16 – Old Broome Development Strategy.</li> </ul> <p>Refer Figure 6 for further guidance on Precinct Structure Plan considerations.</p>	<p>Section 4.2.2 (Part 2) and the local planning framework review suggest that preparation of a Precinct Structure Plan will enable planning in these areas to be aligned with the State Planning Framework and better reflect community's desire for improved urban consolidation by using the Broome Prison relocation as an opportunity to explore better integration of the Chinatown and Old Broome precincts.</p> <p>The process will also allow investigations into the expansion of the Regional Centre Boundary.</p> <p>The existing planning framework will need to be updated to enable implementation of the Precinct Structure Plan. This will enable a clearer and more streamlined framework for the Regional Centre.</p>	Short-term (1-5 years)
		<p>Ensure that redevelopment of existing prison site is incorporated into the broader precinct planning for Chinatown and Old Broome.</p>	<p>It has been confirmed that Broome Regional Prison will be relocating outside of the Broome Townsite. The Department of Justice are conducting investigations into an appropriate new site.</p>	Medium-term (5-10 years)

Figure 4: Planning Area A – LPS (2023) Precinct Structure Planning Guidance



**(b) The Cable Beach Precinct (CBPSP): Planning Area (C).**

The endorsed Strategy (2023) identified Planning Area C within the Broome townsite as requiring a review in the short term (1-5yrs)(Refer Table 2) including the preparation of precinct structure plans in accordance with SPP 7.2 and an accompanying local scheme amendment. Further Precinct Structure Planning Guidance was set out in the LPS (refer Figure 5).

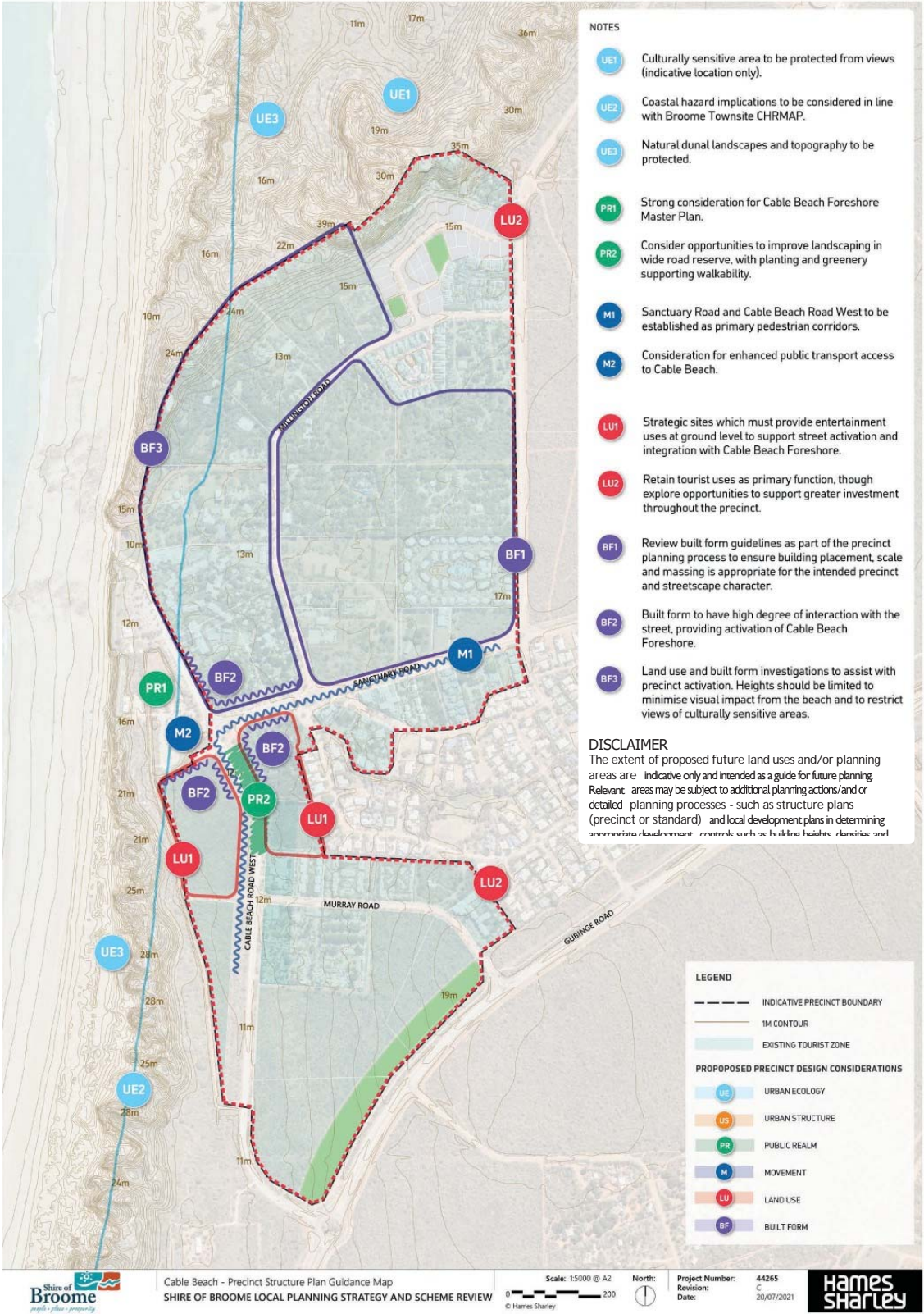
It is proposed that the CBPSP will supersede the following documents (Local planning framework) which will be rescinded upon WAPC approval of the PSP:

- Cable Beach Development Strategy (2016).
- Millington Road Development Plan (2009)

**Refer Table 2: Extract LPS Recommendations: Planning Area C**

AREA	PLANNING DIRECTION	ACTIONS	RATIONALE	TIMING
C	Precinct Planning in Cable Beach to promote development.	<div>Review Cable Beach Development Strategy and prepare Precinct Structure Plan (in accordance with SPP 7.2). Refer Figure 7 for further guidance on Precinct Structure Plan considerations.</div> <div>Facilitate implementation and delivery of the Cable Beach Foreshore Master Plan.</div>	<div>Key documents such as the Broome Growth Plan and Strategic Community Plan identify that there is a desire to activate key precincts in Broome to stimulate growth and development. Private investment in Cable Beach has stagnated over the last decade. It is therefore important to establish a planning framework that enables development.</div> <div>Additionally, the existing Cable Beach Development Strategy is not a recognisable planning instrument (endorsed by WAPC) it has also not been adopted as a LPP, it therefore has limited statutory weight. A Precinct Structure Plan has been identified as the best way forward.</div>	Short-term (1-5 years)

Figure 5: Planning Area C – LPS (2023) Precinct Structure Planning Guidance



## **4. PROPOSED SCHEME AMENDMENT**

Local Planning Scheme No.7 (LPS7) was gazetted on 28 September 2023 and is therefore a very contemporary scheme consistent with the model provisions set out under the LPS Regulations. The purpose of Amendment No.1 is to implement the Precinct Structure Plan(s) currently under preparation and will take effect upon the final gazettal of Amendment No. 1 to LPS No.7.

### **4.1. Shire of Broome Local Planning Scheme No.7 (LPS No. 7)**

In general term LSP No 7 sets out the way land is to be used and developed within the Scheme area including Planning Areas (A) and (B)

LPS No. 7 Scheme text is set out under the following parts:

- Part 1 – Preliminary
- Part 2 – Reserves
- Part 3 - Zones and the Use of Land
- Part 4 - General Development Requirements
- Part 5 - Special Control Areas
- Part 6 - Terms Referred to in Scheme

Amendment No. 1 facilitates the implementation of the Precinct Structure Plan(s) (PSPs) and proposes the following scheme text changes:

- Part 4 - Cl. 32, Schedule 4 Proposes changes to additional site and development requirements for the Regional Centre, Mixed Use zones.
- Part 4 Cl. 33, Introduce Additional site and development requirements for areas covered by structure plan or local development plan with the inclusion of new Table 4 setting out the PSPs.
- Part 6 - Terms Referred to in Scheme include definitions of the PSPs.
- Rezone the Cable Beach Precinct Structure Plan Area to 'Urban Development' and update scheme maps accordingly.
- Several rezoning proposals of landholdings and Public Purpose reserves to accord with PSP proposals (confined to COBPSP area).

As part of the preparation of this Amendment consideration has been given regarding consistency (and potential conflicts) of Scheme provisions to those development requirements set out in the PSPs and accompanying design guidance.

These considerations are set out under Section 5.2 to 5.4 of this report.

### **4.2 Application of Amendment Provisions to PSPs**

The provisions of LPS 7 are to be read in conjunction with the PSP (and any relevant local development plan). The PSPs are consistent with the 'Manner and Form' guidelines and comprises:

- Part One: Implementation Section;
- Part Two: Explanatory Section; and

- Appendices.

The provisions of Part One of the PSPs are to be given due regard in determining development applications. Part Two of the PSP functions as a strategic guide to the Part 1 of the PSP and this accompanying Scheme amendment and may provide additional context for applying discretion for development in the precinct.

The PSP forms the principal planning and urban design guidance document for each Planning Area. Any proposed variations prepared for Precinct/Local Development Plans and development applications for sites within the Precinct boundaries will be required to be assessed against the design principles of relevant State Planning Policies and the objectives and development standards set out in the PSP. This is in addition to the planning considerations set out in the LPS 7 and any other local planning policies.

Land use permissibility within the PSP shall be determined in accordance with LPS 7 Zoning Table. No changes to land use permissibilities are contemplated in this Amendment.

### 4.3 Application of the R Codes

R-Codes Volume 1 applies for all single house(s) and grouped dwellings; and multiple dwellings (includes dwelling components of mixed-use developments) in areas coded R60 and below. Deemed-to-comply provisions of the R-Codes Volume 1 that are amended or replaced by the respective PSPs are done so in accordance with Part 7 of that policy, and are as follows:

R-CODES VOLUME 1 ELEMENT	PSP SECTION	AMENDED OR REPLACED PROVISIONS
5.1.2 Street Setback	2.2.5 Setbacks	2.2.5(1) replaces C2.1(l) and C2.2
5.1.3 Lot Boundary Setback	2.2.5 Setbacks	2.2.5(2) replaces C3.1(l) 2.2.5(3) amends C3.1 2.2.5(4) replaces C3.2
5.1.4 Open Space	2.2.4 Site Cover	2.2.4(1) replaces C4
5.1.5 Building Height	2.2.3 Building Height	2.2.3(1-4) replaces C6
5.2.3 Street Surveillance	2.2.7 Streetscape	Additional requirements
5.2.4 Street walls and Fences	2.2.7 Streetscape	2.2.7(1) replaces C4.1
5.3.1 Outdoor Living Areas	2.2.11 Open Space and Outdoor Living Areas	2.2.11(1-3) amend C1.1
5.3.2 Landscaping	2.2.10 Landscape, Deep Soil and Tree Canopy	2.2.10(3) replaces C2.2 2.2.10 (1,2,4,5,6) Additional requirements
5.3.3 Parking	2.2.8 Car Parking and Vehicle Access	2.2.8(1-2) replaces C3.1
5.3.5 Vehicular Access	2.2.8 Car Parking and Vehicle Access	2.2.8(3) amends C5.1 2.2.8(4) amends C5.3
5.3.9 Stormwater Management	2.3.3 Urban Water Management	2.3.3(1-4) amends C9

5.4.4 External Fixtures, Utilities and Facilities	2.2.7 Streetscape	2.2.7(1) amends C4.3 and C4.4
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#### **4.4 SPP 7.2: Precinct Design Guidelines Elements**

Further background and technical information can be found in the accompanying Precinct Structure Plan suite of documents. In accordance with SPP 7.2: Precinct Design Guidelines Part 2 of each PSP provides an overview and design review in relation to the Guideline six performance-based design elements.

#### **4.5 SPP 2.6: State Coastal Planning Policy and Guidelines**

SPP 2.6 provides for the long-term sustainability of Western Australia's coast and is relevant to those local governments that contain coastal areas. The purpose of the policy is to provide guidance for decision-making within the coastal zone including managing development and land use change, establishment of foreshore reserves and protecting, conserving and enhancing coastal values. SPP 2.6 outlines criteria for the consideration of development and settlement arrangements, including building height limits within local planning frameworks and management of water resources. It further acknowledges the importance of coastal planning strategies, coastal hazard risk management approaches, coastal foreshore reserves and community participation in coastal planning. SPP 2.6 is supplemented by the State Coastal Planning Policy Guidelines and Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) Guidelines.

Section 77 of the Planning and Development Act 2005 requires local governments, when preparing or amending a local planning scheme, to have due regard to SPP 2.6 where it affects its local government area. Furthermore, the local government is to ensure that at structure planning stage, proposals for public purposes, residential, industrial, commercial, tourist, special rural and similar uses on the coast is only approved based on or in conjunction with a current detailed coastal planning strategy or foreshore management plan.

The Shire has prepared a CHRMAP for the Broome Townsite in accordance with the Guidelines. The adaptation responses identified within the Broome Townsite CHRMAP continue to be implemented through the Shire's local planning framework and are being addressed in LPS No. 7 (including SCAs), the informing Strategy and the preparation of Coastal protection and foreshore management strategies/plans for coastal precincts.

Specifically, the Chinatown-Old Broome Precinct Structure Plan helps to implement desired outcomes of the CHRMAP, by including planning / built form provisions and identifying the Chinatown Core erosion risk area on the structure plan map.

## **5. PLANNING JUSTIFICATION**

It is considered that early and continuous engagement in precinct planning undertaken by the Shire and its consultants is consistent with International Association of Public Participation (IAP2) principles advocated in the Precinct Guidelines. Feedback received as part of the early stakeholder engagement process assisted the Project Team in understanding the views of the community and helped shape future urban design concepts for the draft PSPs.

### **5.1. Engagement and Precinct Design Workshop**

The project team and Shire undertook a pre-lodgement engagement to provide the community with an opportunity to learn more about good design and collaborate on design outcomes that suit the local environment and community context. The engagement built on the information gained from community input into the informing Development Strategies, and the principles and vision established throughout the Shire's Strategy & LPS 7 process.

The engagement objectives were to:

- Understand the community values and vision for the areas.
- Seek feedback on the design concept options and draft precinct plans for the precincts.
- Raise awareness about the project and increase understanding of the complex layers considered in planning and design.
- Continue to build a strong relationship between the community and Shire.

#### **Preliminary Consultation**

The first phase of engagement provided the project team with the opportunity to understand local values, ideas for the future and how they may like to see the precincts develop. Engagement was undertaken primarily in September 2022 with additional engagement offered during November 2022.

Input from the community and key stakeholder was sought through a variety of methods which included:

- Four community workshops attended by 38 people.
- 169 comments made on the online mapping tool.
- 14 stakeholder meetings.
- Yawuru community presentation and separate workshop with Nyamba Buru Yawuru Limited.
- Three market stalls.
- Seven written submissions.

The feedback obtained during engagement highlights the community's love of Broome's unique character and their desire to maintain that whilst enabling opportunities to support the local community to develop and grow.

Some key areas of opportunity for the future included:

- Flexibility of land uses to enable greater activation of existing areas and adapt to seasonal variations;
- Importance of maintaining and enhancing the environmental assets of Broome;
- Improving the streetscape amenity to facilitate safer and more attractive pedestrian and cycle movement;
- Consideration of mechanisms to address housing shortage; and
- Encouraging development that responds to Broome's character, both the built and environmental.

### **Design Consultation**

The second phase of engagement provided the community with the opportunity to view the draft concept plans for each precinct and provide their feedback.

Input from the community and key stakeholders was sought through a variety of methods which included:

- Two community workshops attended by 45 people.
- 1,399 reactions made on the design ideas via the online mapping tool.
- 81 survey responses.
- One workshop with Nyamba Buru Yawuru Limited.
- One workshop with Shire staff.
- Six written comments.

Common themes that were raised during the engagement that apply to both precincts were:

- Building heights of three and five storeys requires careful consideration to ensure that there is no loss of character.
- Strong desire to see more native trees and shade trees.
- Greater desire for prioritisation of pedestrians and cyclists.
- Prioritisation of housing over tourist accommodation.
- Consideration of drainage.
- Not enough residential population to sustain retail and businesses, particularly in the wet season.
- Accommodation – not accessible to local community.
- Current planning provisions (not just the 60/40 tourism/residential split) identified as barriers for development.

## 5.2. Justification for Precinct Structure Plans Amendments: General

Precinct Structure Plan(s): General									
Scheme Text		Proposed Amendment	Planning Justification						
Cl.33		<p>2. Amend Clause 33 Additional site and development requirements for areas covered by structure plan, local development plan and insert Table 4: as follows.</p> <p>(a) Table 4 sets out requirements relating to development that are included in structure plans, activity centre plans, precinct local development plans and local development plans that apply in the scheme area.</p> <p>(b) The specific development standards set out under this Clause and the associated Table 4 prevail to the extent of any inconsistencies with any other standard or provision of the Scheme.</p>	<ul style="list-style-type: none"><li>• To implement the precinct structure plan(s).</li><li>• Ensures that no existing scheme provisions (including development requirements) conflict with the intent and provisions of the Precinct Structure Plan.</li></ul>						
Cl. 33 Table 4		<p><b>Table 4: Additional site and development requirements for areas covered by (precinct) structure plan, local development plan.</b></p> <table><tr><th>N o.</th><th>Description of Land</th><th>Requirement</th></tr><tr><td>1.</td><td>Chinatown - Old Broome PSP (COBPSP) Area as shown in the Precinct Structure Plan.</td><td>(1) Subdivision and development of land is to be generally in accordance with an approved structure plan with the residential density coding as set out in P1 – Chinatown and Old Broome PSP (COBPSP) Area Precinct Structure Plan - Residential Density Plan.</td></tr></table>	N o.	Description of Land	Requirement	1.	Chinatown - Old Broome PSP (COBPSP) Area as shown in the Precinct Structure Plan.	(1) Subdivision and development of land is to be generally in accordance with an approved structure plan with the residential density coding as set out in P1 – Chinatown and Old Broome PSP (COBPSP) Area Precinct Structure Plan - Residential Density Plan.	<ul style="list-style-type: none"><li>• To implement the precinct structure plan(s).</li><li>• To make direct reference to the PSPs in the scheme.</li><li>• Ensures that no existing scheme provisions (including development requirements) are not in conflict with the intent and provisions of the Precinct Structure Plan.</li></ul>
N o.	Description of Land	Requirement							
1.	Chinatown - Old Broome PSP (COBPSP) Area as shown in the Precinct Structure Plan.	(1) Subdivision and development of land is to be generally in accordance with an approved structure plan with the residential density coding as set out in P1 – Chinatown and Old Broome PSP (COBPSP) Area Precinct Structure Plan - Residential Density Plan.							

Precinct Structure Plan(s): General				
Scheme Text		Proposed Amendment		Planning Justification
			<p>(2) For land zoned Mixed Use, the site and development standards set out in Schedule 4 Clause 14 are replaced by the Chinatown-Old Broome Precinct Structure Plan.</p> <p>(3) In considering applications for development approval, the local government shall have regard to the Obstacle Limitation Surfaces (Schedule 7) and Australian Noise Exposure Forecast (ANEF) contours for the Broome International Airport (Schedule 6).</p>	
	2.	Cable Beach (CBPSP) Area as shown in the Precinct Structure Plan.	<p>(1) Subdivision and development of land is to be generally in accordance with an approved structure plan with residential density coding as set out in P1 – Cable Beach (CBPSP) Precinct Structure Plan -</p>	

Precinct Structure Plan(s): General				
Scheme Text		Proposed Amendment		Planning Justification
			<p>Residential Density Plan.</p> <p>(2) For land zoned Urban Development zone, the site and development standards set out in Schedule 4 Clause 17 (3) are replaced by the approved Cable Beach Precinct Structure Plan.</p> <p>(3) The local government will not support subdivision within the Cable Beach (CBPSP) Area to create lots less than 1 hectare in area, unless it is in accordance with an approved (precinct) structure plan.</p>	
Part 6 - Terms Referred to in Scheme Division 1 - General definitions		<p>3. Amend Part 6 - Terms Referred to in Scheme Division 1 - General definitions used in Scheme insert the following:</p> <p>Chinatown - Old Broome Precinct Structure Plan (COBPSP) means - the Precinct Structure Plan for the Chinatown - Old Broome Precinct approved by the Western Australian Planning Commission under Part 4 of the Deemed Provisions.</p> <p>Cable Beach Precinct Structure Plan (CBPSP) means - the Precinct Structure Plan for the Cable Beach Precinct approved by the Western Australian Planning Commission under Part 4 of the Deemed Provisions.</p>		<ul style="list-style-type: none"> <li>• To implement the precinct structure plan(s).</li> <li>• To make direct reference to the PSPs in the scheme.</li> <li>• Ensures that no existing scheme provisions (including development requirements) are not in conflict with the intent and provisions of the Precinct Structure Plan.</li> </ul>

### 5.3. Justification for Chinatown/Old Broome Precinct Structure Plan Amendments

Precinct Structure Plan for Chinatown/Old Broome (COBPSP): Planning Area (A)		
Sub-Precinct/Text	Proposed Amendment	Planning Justification
	4. Rezoning various land holdings and public purpose reserves within the Chinatown and Old Broome PSP (COBPSP) Area (Proposals (a) to (rr)) amend the Scheme Map accordingly .	<ul style="list-style-type: none"> <li>To implement the precinct structure plan.</li> </ul>
Chinatown Core	<ul style="list-style-type: none"> <li>To assist with implementation of the Shire's CHRMAP, the following changes are proposed in the erosion risk area north of Gray Street: <ul style="list-style-type: none"> <li>Numerous lots on Chapple Street are rezoned from Regional Centre (R50) to Foreshore reserve.</li> <li>Numerous lots on Chapple and Gray Streets are rezoned from Regional Centre (R50) to Residential (R10).</li> </ul> </li> <li>Numerous lots on Napier Terrace are rezoned from Regional Centre (R50) to Regional Centre.</li> </ul>	<ul style="list-style-type: none"> <li>To support Male Oval as one of the primary public open space nodes in the COBP, supports future designation as 'Public Open Space Reserve'.</li> <li>As per the Broome Townsite CHRMAP the areas north of Gray Street have not been identified for protection. As such, rezoning to a combination of Foreshore Reserve and low density Residential R10 is proposed (which reflects current land use).</li> <li>To support long-term transition of Male Oval to a Public Open Space Reserve the R50 density designation is removed. The existing Regional Centre zone to remain until detailed master planning occurs.</li> </ul>
Hamersley/Frederick Streets	<ul style="list-style-type: none"> <li>The proposed Kimberley Cultural Centre site (Lot 3061 (No. 1) Frederick Street) is rezoned from Urban Development to Mixed Use (R50) to provide greater flexibility and support its implementation.</li> <li>Numerous sites on Weld Street are rezoned from Mixed Use to Residential (R50) to consolidate mixed use development along the Hamersley / Robinson Street north-south spine.</li> <li>The Broome Regional Prison site is not proposed for rezoning until its eventual relocation is imminent. This will require a future structure plan amendment.</li> </ul>	<ul style="list-style-type: none"> <li>To facilitate implementation of the proposed Cultural Centre.</li> <li>To consolidate mixed use development on the Hamersley Street north-south spine.</li> </ul>

Precinct Structure Plan for Chinatown/Old Broome (COBPSP): Planning Area (A)		
Sub-Precinct/Text	Proposed Amendment	Planning Justification
Town beach/ Guwarri	<ul style="list-style-type: none"> <li>Numerous sites on Robinson Street are rezoned from Residential (R10-R50) to Mixed Use (R50) to consolidate mixed use development along the Hamersley / Robinson Street north-south spine.</li> <li>Numerous sites on Walcott Street are rezoned from Mixed Use to Residential (R50) to consolidate mixed use development along the Hamersley / Robinson Street north-south spine, and to promote infill development.</li> <li>Numerous existing Public Purpose reserve sites on Robinson Street are rezoned Mixed Use (R50).</li> <li>The existing DBCA offices are proposed to be rezoned Public Purpose reserve to Tourism zone to facilitate future redevelopment for tourism uses, complimentary to the Caravan Park.</li> </ul>	<ul style="list-style-type: none"> <li>To consolidate mixed use development on the Hamersley Street north-south spine / around Town Beach.</li> <li>To facilitate redevelopment of the DBCA offices.</li> </ul>
Commercial	<ul style="list-style-type: none"> <li>To help improve activation on Hamersley Street, numerous lots are rezoned from Regional Centre to Regional Centre (R50) to support more active uses, including opportunities for residential development to overlook Male Oval.</li> <li>To support increased development on Frederick Street a number of lots are rezoned Mixed Use (R40) to Mixed Use (R50) to provide improved development potential.</li> </ul>	<ul style="list-style-type: none"> <li>To provide a framework which enables more residential development to overlook and interface with Male Oval.</li> </ul>
Old Broome residential	<ul style="list-style-type: none"> <li>Numerous properties on Weld, Robinson, Barker and Stewart Streets are rezoned from Mixed Use to Residential (R30 and R50) to consolidate mixed use development along the Hamersley / Robinson Street north-south spine, and to promote infill development.</li> <li>Numerous properties rezoned from Residential (R10) to Residential (R30 and R50) to support future infill development.</li> </ul>	<ul style="list-style-type: none"> <li>To consolidate mixed use development on the Hamersley Street north-south spine / around Town Beach.</li> <li>To support coordinated delivery of infill housing in place of previous ad-hoc approaches.</li> </ul>

Precinct Structure Plan for Chinatown/Old Broome (COBPSP): Planning Area (A)		
Sub-Precinct/Text	Proposed Amendment	Planning Justification
Schedule 4: Additional site and development requirements that apply to the scheme area, No. 13, Regional Centre zone	<p>5. Amend Schedule 4: Additional site and development requirements that apply to the scheme area, No. 13, Regional Centre zone; as follows:</p> <p>(i) Delete subclause (1) and the heading "Structure and / or Local Development Plan"</p> <p>(ii) Amend subclause (2) to insert "including any approved (precinct) structure plan" after local planning framework.</p> <p>(iii) Delete subclause (3) and replace with the following text "The residential component of a development including mixed use is to be assessed under the residential density coding as set out in P1 – Chinatown and Old Broome PSP (COBPSP) Structure Plan - Residential Density Plan.</p> <p>(iv) Delete subclause (5) and accompanying table, sub-heading Subdivision and subclauses (6) and (7); and renumber accordingly.</p>	<ul style="list-style-type: none"> <li>act on the vision set out in the Shire's Local Planning Strategy through implementation of the Precinct Structure Plan.</li> <li>Ensures that existing scheme provisions (including development requirements) are not in conflict with the intent and provisions of the Precinct Structure Plan.</li> </ul>
Schedule 4: Additional site and development requirements that apply to the scheme area, No. 14, Mixed Use zone	<p>6. Amend Schedule 4: Additional site and development requirements that apply to the scheme area, No. 14, Mixed Use zone; as follows:</p> <p>(i) Amend reference Clause 14 to refer to Mixed Use (excluding landholdings within the approved Chinatown - Old Broome Precinct structure plan (COBPSP) Area;</p>	<ul style="list-style-type: none"> <li>To implement the precinct structure plan(s).</li> <li>Ensures that no existing scheme provisions (including development requirements) are not in conflict with the intent and provisions of the Precinct Structure Plan.</li> </ul>

#### 5.4. Justification for Cable Beach Precinct Structure Plan Amendments

Precinct Structure Plans Cable Beach: Planning Area (C).		
Scheme Text	Proposed Amendment	Planning Justification
Clause 16 Zones Table 1, Urban Development	1. Rezone Cable Beach Precinct Structure Plan Area to 'Urban Development' and update maps accordingly.	<ul style="list-style-type: none"> <li>To implement the precinct structure plan.</li> <li>Rezoning to an 'Urban Development' zone is the best option to provide future flexibility in the local planning framework, whilst being consistent with State Planning Policy.</li> <li>The Shire's Local Planning Strategy, will retain the Tourism designation over the precinct to provide the strategic direction that the area is to maintain tourism uses.</li> <li>This amendment together with the new precinct structure plan facilitates delivery of more housing options, activation of the precinct and improved commercial viability for new development.</li> <li>Ensures that no existing scheme provisions (including development requirements) are in conflict with the intent and provisions of the Precinct Structure Plan.</li> </ul>

#### 5.5. Variation to the LPS Regulations (Schedule 2) Model Scheme Provisions: Tourism Zone.

This Amendment under amending clause (1) proposes to rezone the Cable Beach Precinct area to 'Urban Development'.

The Shire considers that after the comprehensive structure planning, design review and stakeholder engagement undertaken for its major tourism precincts that this rezoning is warranted given the future intent for the area and limited contemporary development over the past decade.

Having regard to Planning Reform intent for standardised Zone objectives, the Shire considers that rezoning to an 'Urban Development' zone is the best option to provide future flexibility in the local planning framework, whilst being consistent with State Planning Policy. The proposed amendment together with the new precinct structure plan is likely to lead to delivery of more housing options, activation of the precinct and improved commercial viability for new development.

The accompanying PSP will provide the necessary guidance for the precinct's desired land use intent, this will be achieved through use of sub-precincts which will include further justification and commentary on the current provisions for tourism/residential development and implementation issues.

A review of the tourism land use within the CBPPSP has been undertaken with consideration for the policy objectives and measures outlined in the WAPC's ~~draft~~ Position Statement:

Planning for Tourism and Short-term Rental Accommodation (Nov 2023) ensuring the following:

- Tourism (and tourism related development) remains the primary function of the CBP and is located in areas of high amenity.
- Adequate separation and/or tourism/residential interfaces are appropriately managed to protect amenity for both land uses.
- Incorporate a mix of land uses appropriate to the tourism function of the precinct.
- Statutory controls both in the Scheme and the CBPSP work together to appropriately guide discretion.
- Ensure future capacity of tourism zoned land is maintained and able to respond to future tourism demand.

The tourism zone is applied to a large area of land in Cable Beach and the blanket application of development standards that require a predominate tourist land use has led to stagnated development. The Precinct Structure Plan is a contemporary planning document that proposes a performance-based approach to development in the precinct, which will facilitate tourist development (albeit in some cases it will not be the predominate land use) that would otherwise be unlikely to occur.

It should be noted that no other LPS 7 scheme provisions related to tourism and residential development ratios are proposed to be modified as part of this amendment.

## **5.6. Planning Justification**

In summary, it is considered appropriate and justified for the Amendment No. 1 to be granted final approval on the following basis:

- (i) The Amendment sets out clearly the local scheme relationship to SPP 7.3 R - Codes and any other applicable State Planning Policies that relate to the Planning Areas.
- (ii) Updated enabling provisions in LPS 7 scheme text to ensure legible and coherent implementation of the Precinct Structure Plans including development and process requirements.
- (iii) Sets out the relationship status of the Precinct Plans with LPS 7 and the local planning framework is clearly expressed and conforms with SPP 7.2 manner and form.
- (iv) Ensures that no existing scheme provisions (including development requirements) are in conflict with the intent and provisions of the Precinct Structure Plans.

## **5.6 Amendment type**

Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015, (the Regulations) sets out the various types of amendments. This Amendment is considered a standard amendment under the Regulations for the following reason(s):

- (i) It is generally consistent with the objectives of the relevant zone or reserve;
- (ii) Implements recommendations of the recently endorsed Strategy;
- (iii) It does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area; and
- (iv) the amendment is not a complex or basic amendment.

## **6. CONCLUSION**

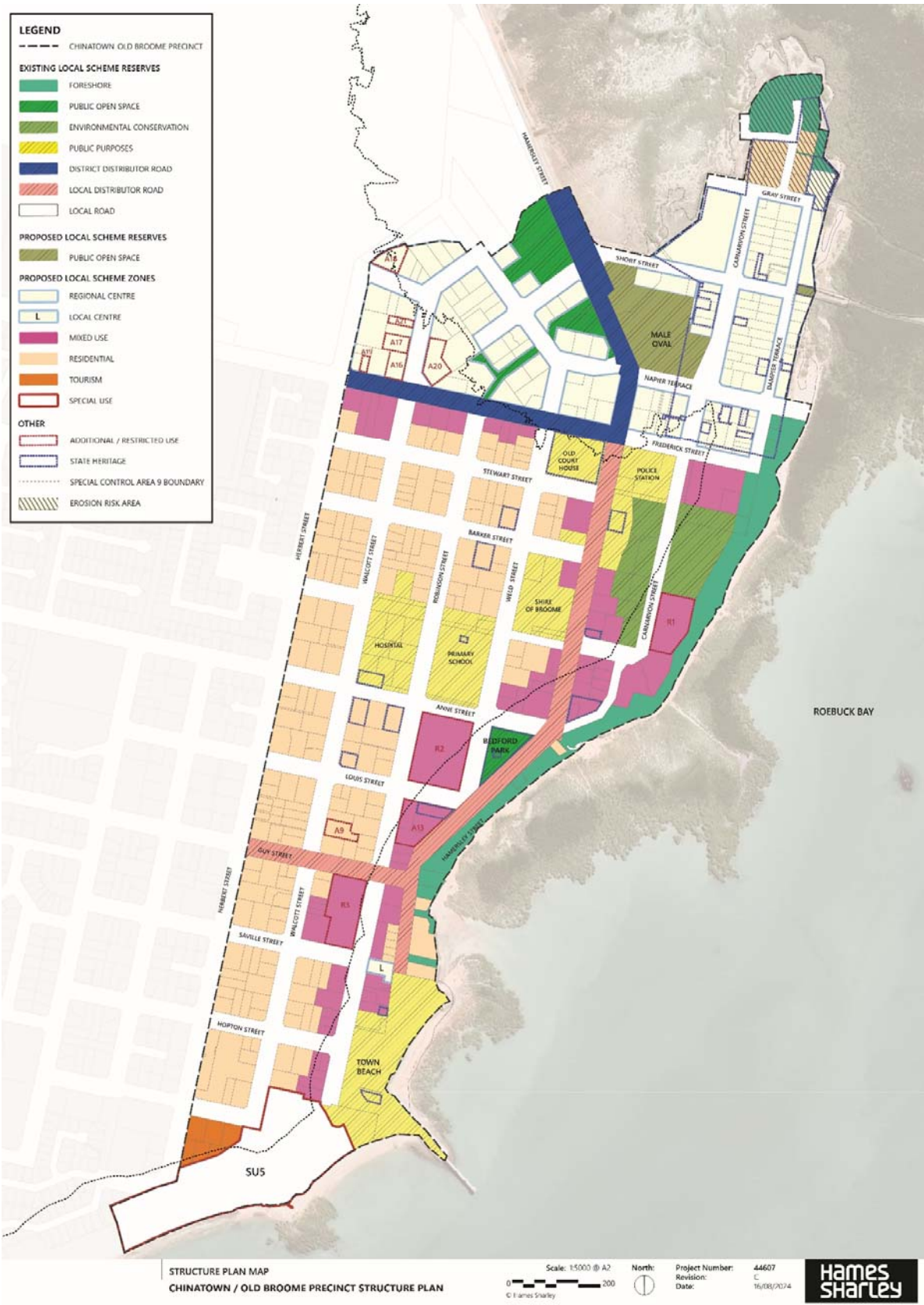
The Shire of Broome requests that the Western Australian Planning Commission and the Minister for Planning favourably consider the proposals described in this report and grant final approval to Amendment No.1, considered to be a 'Standard' amendment for the purpose of the LPS Regulations.

## **APPENDICES 1 & 2 – PRECINCT STRUCTURE PLANS**

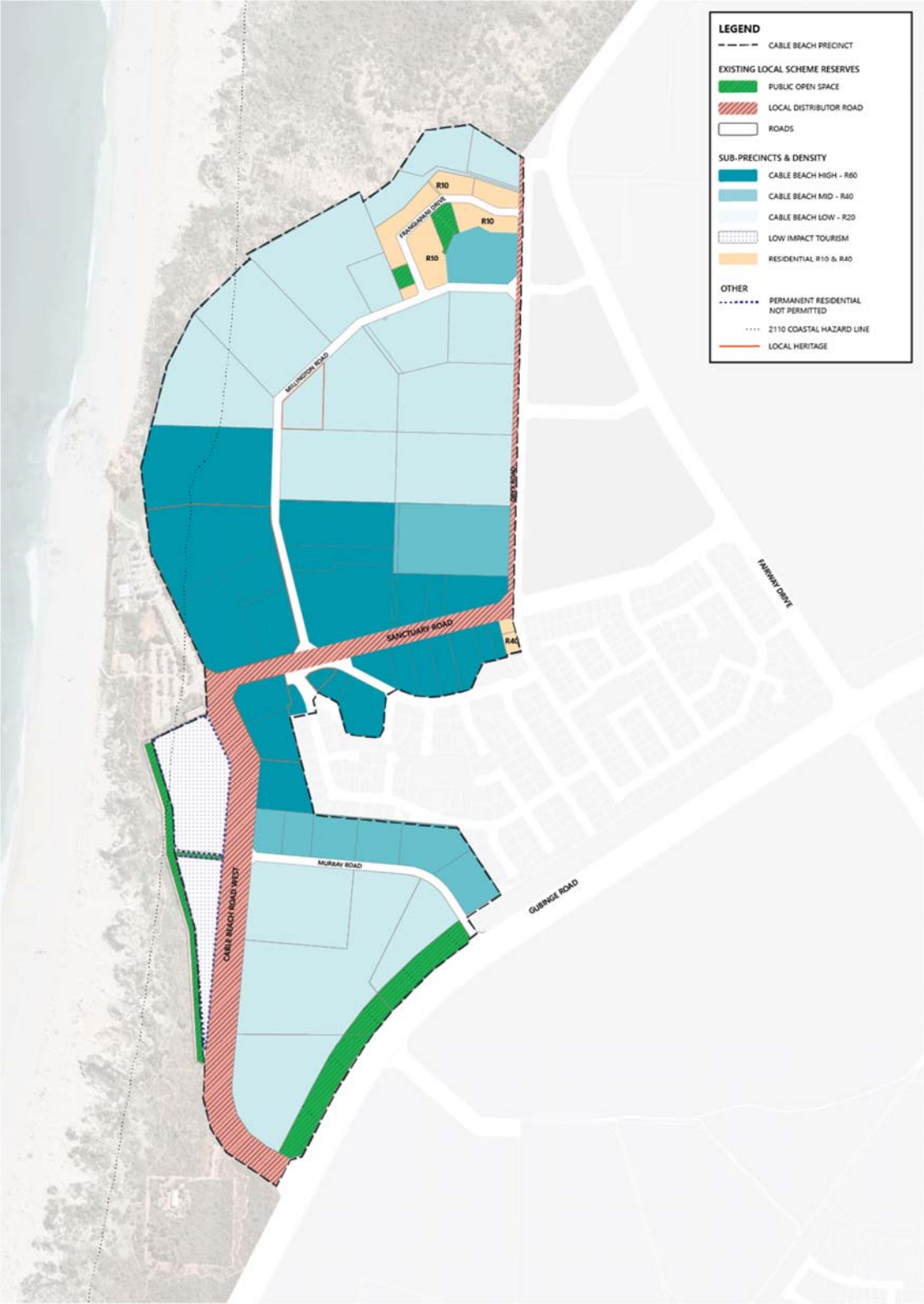
Appendix 1 – Chinatown-Old Broome Precinct Structure Plan (CTOBPSP)

Appendix 2 – Cable Beach Precinct Structure Plan (CBPSP)

APPENDIX 1 - Chinatown - Old Broome Precinct Structure Plan



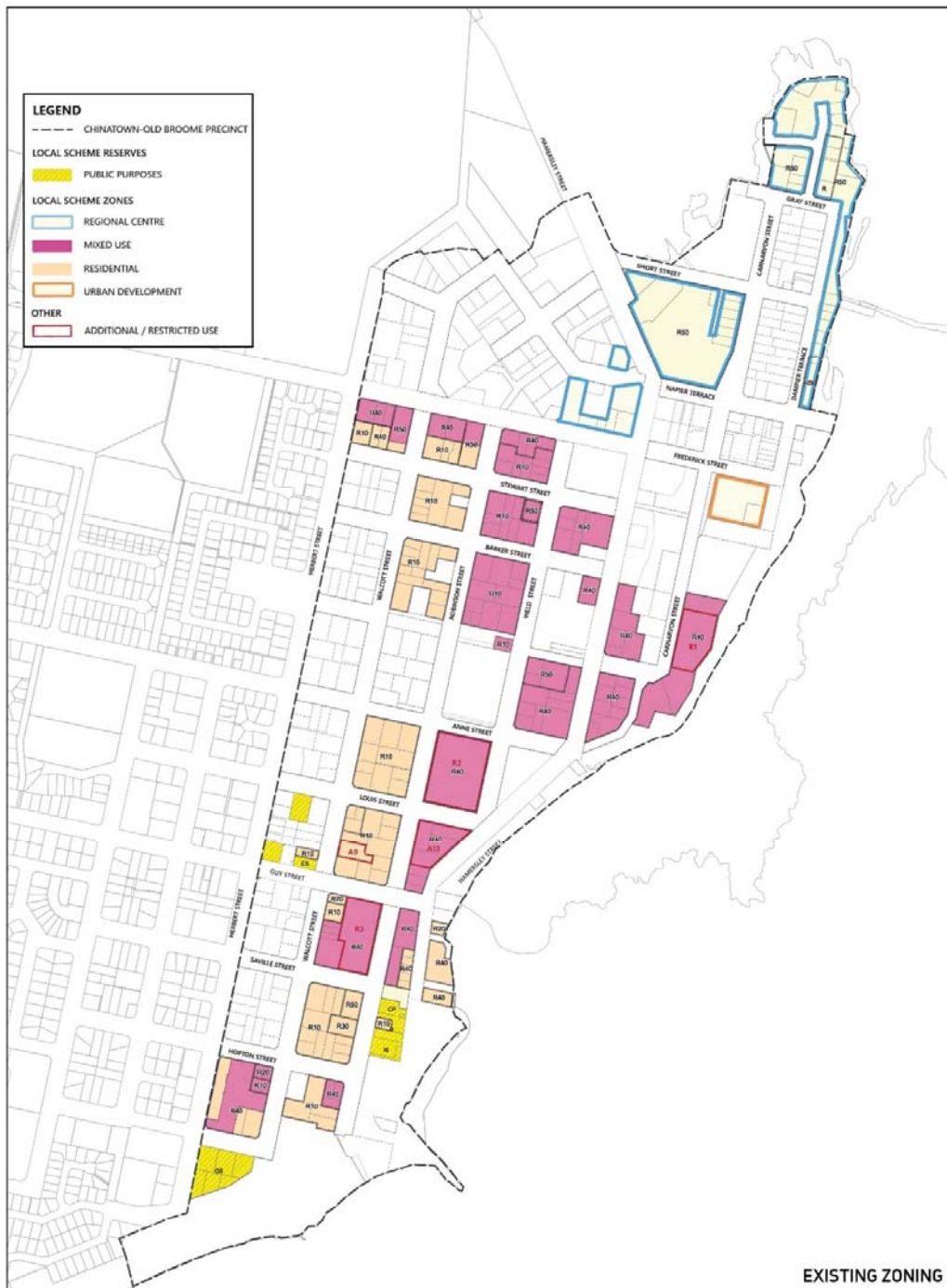
APPENDIX 2- CABLE BEACH PRECINCT STRUCTURE PLAN – LAND USE PLAN



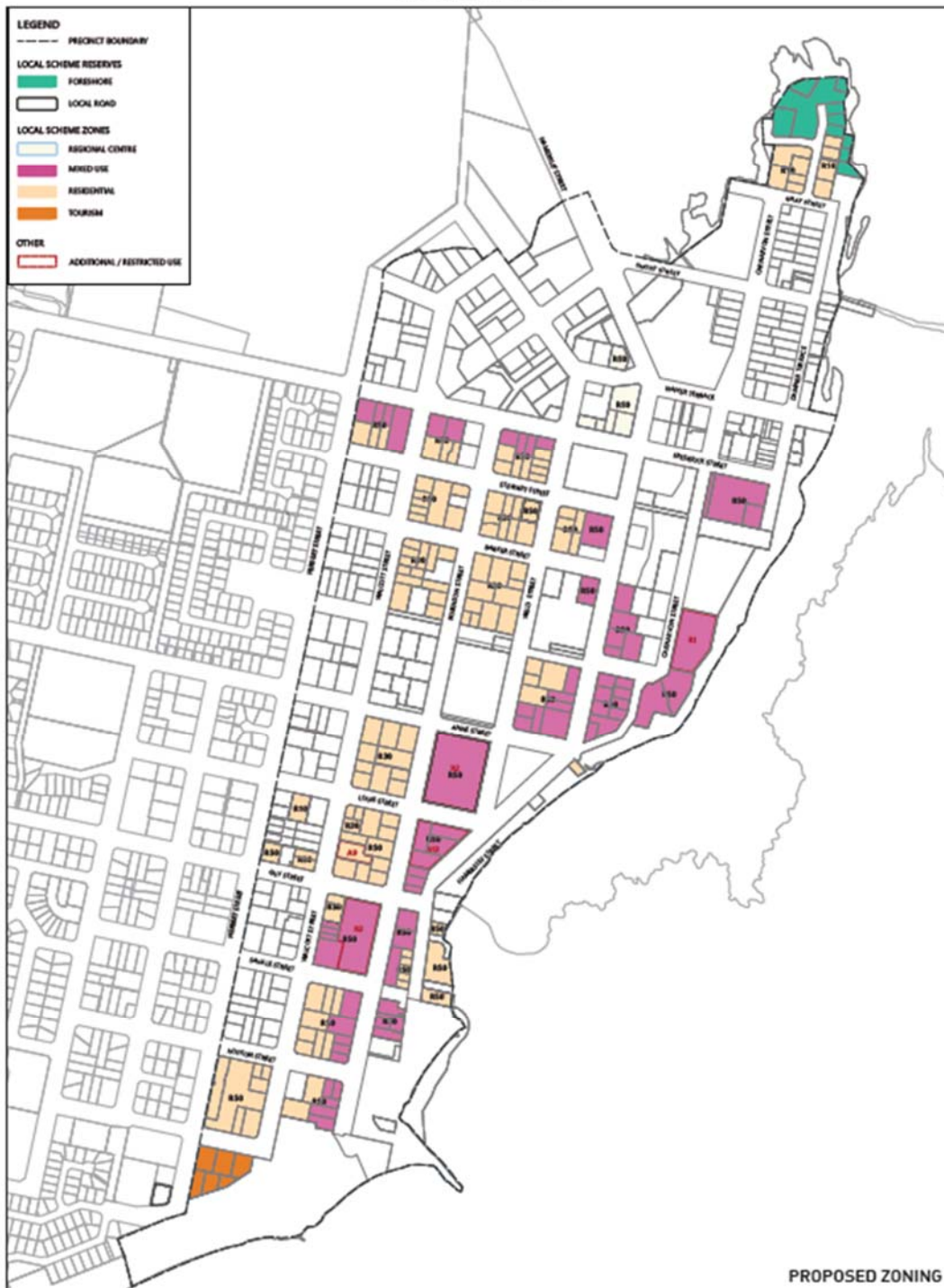
## **SCHEME AMENDMENT MAPS**

**Chinatown - Old Broome Precinct Structure Plan (COBPSP): Planning Area (A)**

**SHIRE OF BROOME**  
**Local Planning Scheme No. 7**  
**Amendment No. 1**



SHIRE OF BROOME  
Local Planning Scheme No. 7  
Amendment No. 1



The Cable Beach Precinct (CBPSP): Planning Area (C)

SHIRE OF BROOME  
Local Planning Scheme No. 7  
Amendment No. 1



**SHIRE OF BROOME**  
Local Planning Scheme No. 7  
Amendment No. 1



**COUNCIL ADOPTION**

This Standard Amendment was adopted by resolution of the Council of the Shire of Broome at the Ordinary meeting of the Council held on the xxth day of xxx, 202x.

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Chief Executive Officer

**COUNCIL RESOLUTION TO ADVERTISE**

by resolution of the Council of the Shire of Broome at the Ordinary meeting of the Council held on the xxth day of xxx, 202x, proceed to advertise this Amendment.

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Chief Executive Officer

**COUNCIL RECOMMENDATION**

This Amendment is recommended for support by resolution of the Shire of Broome at the Ordinary meeting of the 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:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive Officer

**WAPC ENDORSEMENT (r.63)**

\_\_\_\_\_  
DELEGATED under S 16 of the  
Planning and Development Act 2005

\_\_\_\_\_  
Date

**APPROVAL GRANTED**

\_\_\_\_\_  
Minister for Planning

\_\_\_\_\_  
  
Date