

# Omnibus Amendment 1

**PLANNING AND DEVELOPMENT ACT 2005**  
**RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**  
**SHIRE OF BROOME**  
**LOCAL PLANNING SCHEME NO. 6**  
**AMENDMENT NO. 7**

RESOLVED that the local government, pursuant to Section 75 of the *Planning and Development Act 2005*, amend the Shire of Broome Local Planning Scheme No 6 by:

**1. Correction of Minor Text Errors and Omissions**

- 1.1 Replace 'expect' in Clause 5.2.7.2 (a) with 'except'
- 1.2 Replace '*Commercial Arbitration Act 1985*' in Clause 5.3.8.7 (f) with '*Commercial Arbitration Act 2012*'
- 1.3 Replace '*Commercial Arbitration Act 1985*' in Clause 5.3.16 with '*Commercial Arbitration Act 2012*'
- 1.4 Replace '*Health Act of Western Australia 1990*' in the definition of 'lodging house' in Schedule 1 with '*Health Act 1911*'.
- 1.5 Remove the definition of 'fast food outlet' in Schedule 1.
- 1.6 Insert the definition of 'lunch bar' in Schedule 1, as 'means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.'

**2. Zoning Table**

Amend Clause 3.17 – Zoning Table to:

- 2.1 Change 'Industry-General' from a 'P' to a 'D' in the 'Light and Service Industry' zone
- 2.2 Change 'Staff Accommodation' from a 'D' to an 'X' in the 'Rural Residential' zone
- 2.3 Include the land use of 'Tavern' as a 'P' in the 'Town Centre' zone, a 'D' in the 'Tourist' and 'Low Impact Tourist Development' zones, an 'A' in the 'Mixed Use' and 'Local Centre' zones, and an 'X' in the 'Residential,' 'Rural Residential,' 'Service Commercial,' 'Industry,' 'Light and Service Industry,' 'General Agriculture,' 'Culture and Natural Resource Use' and 'Rural Smallholdings' zones.
- 2.4 Include the land use of 'lunch bar' as 'P' in the 'Town Centre,' 'Local Centre,' 'Tourist' and 'Low Impact Tourist Development' zones, 'D' in the 'Mixed Use' and 'Industry' zones and 'X' in the 'Residential,' 'Rural Residential,' 'Service Commercial' and 'Light and Service Industry' zones.
- 2.5 Change 'Club Premises' from a 'D' to an 'A' in the 'Residential' zone
- 2.6 Change 'Educational Establishment' from a 'D' to an 'A' in the 'Residential' and 'Rural Residential' zones
- 2.7 Change 'Plant Nursery' from a 'D' to an 'A' in the 'Rural Residential' zone
- 2.8 Change 'Agriculture Intensive' from an 'A' to a 'P' in the 'General Agriculture' zone and from an 'A' to a 'D' in the 'Culture and Natural Resource Use' zone.

### **3. Alignment with Strategic Framework**

#### *Cable Beach Development Strategy*

- 3.1 In Schedule 2, delete 'A7'.
- 3.2 Rezone Lots 4-23 and 57-70 Frangipani Drive from 'Tourist' to 'Residential' zone with a density of R10
- 3.3 Include a new subclause under Clause 4.3 – Special Application of Residential Design Codes to state: '4.3.8 The setbacks for Lots 4-23 and 57-70 Frangipani Drive under clause 5.1.2 and 5.1.3 of the Residential Design Codes are to be calculated at the R40 standards.'

#### *Old Broome Development Strategy*

- 3.4 Amend Clause 3.17 – Zoning Table within the 'Mixed Use' zone to:
  - a) Change 'Bed and Breakfast Accommodation' from 'P' to 'D'
  - b) Change 'Car Park' from 'P' to 'D'
  - c) Change 'Cinema/Theatre' from 'P' to 'D'
  - d) Change 'Civic Use' from 'P' to 'D'
  - e) Change 'Club Premises' from 'P' to 'D'
  - f) Change 'Community Purposes' from 'P' to 'D'
  - g) Change 'Dry Cleaning Premises' from 'D' to 'X'
  - h) Change 'Funeral Parlour' from 'D' to 'X'
  - i) Change 'Health Club' from 'P' to 'D'
  - j) Change 'Hotel' from 'P' to 'D'
  - k) Change 'Industry Cottage' from 'D' to 'P'
  - l) Change 'Liquor Store' from 'A' to 'X'
  - m) Change 'Motel' from 'P' to 'D'
  - n) Change 'Museum' from 'P' to 'D'
  - o) Change 'Office' from 'P' to 'D'
  - p) Change 'Place of Assembly and Worship' from 'P' to 'A'
  - q) Change 'Plant Nursery' from 'D' to 'X'
  - r) Change 'Recreation – Indoor' from 'P' to 'D'
  - s) Change 'Restaurant' from 'P' to 'D'
  - t) Change 'Tourist Development' from 'P' to 'D'
  - u) Change 'Vehicle Hire' from 'D' to 'X'

#### *Chinatown Development Strategy*

- 3.5 Amend Clause 3.17 – Zoning Table within the 'Town Centre' zone to:
  - a) Change 'Art and Craft Centre' from 'P' to 'D'
  - b) Change 'Nightclub' from 'P' to 'D'
  - c) Change 'Recreation – Indoor' from 'P' to 'D'
  - d) Change 'Recreation – Private' from 'P' to 'D'
  - e) Change 'Tourist Development' from 'P' to 'D'

### **4. Standards for Outbuildings in the Rural Residential Zone**

- 4.1 Replace all reference to 'shed' or 'sheds' with 'outbuilding' or 'outbuildings.'
- 4.2 Replace Clause 3.31(c) with:  
'The maximum aggregate floor area of outbuilding(s) on a lot should not exceed 200m<sup>2</sup> and an outbuilding shall not exceed a wall height of 4.5 metres and a ridge height of 6 metres.'

- 4.3 Replace 'An increase in the floor area of the shed and the number of sheds per lot' within 3.31.1(d) with 'An increase in the floor area or wall height and ridge height...'

## **5. Schedule 8 – Development Standards**

Amend Schedule 8 – Development Standards to:

- 5.1 Replace 'Clause 4.1' at the top of the table with 'Clause 3.29'
- 5.2 Insert '(metres)' in the table headings after 'Front,' 'Secondary Street,' 'Rear' and 'Side' setbacks
- 5.3 For the 'Rural Residential' zone, replace '\*' in the columns for rear and side setbacks with '10'.
- 5.4 For the 'Mixed Use' zone, replace '50%' in the column for Site Coverage with '55%'
- 5.5 For the 'Mixed Use' zone, replace '0.5' in the column for Plot Ratio with '0.6'
- 5.6 Insert a new Special Condition/Comment for the 'Mixed Use' zone to state 'For all development on properties identified with a density coding of R10 on the Scheme maps, site coverage and setbacks are to be as per the provisions of the Residential Design Codes that apply to a density of R10'
- 5.7 Insert a new Special Condition/Comment for the 'Mixed Use' zone to state 'Landscaping for all development shall be provided and maintained abutting the boundary of all street frontages to a minimum depth of 3 metres from the boundary. Where a nil setback is proposed landscaping is to be provided in the adjacent road reserve.'
- 5.8 For the 'Service Commercial' zone, replace '0.5' in the column for Plot Ratio with '0.75'
- 5.9 For the 'Service Commercial' zone, replace '\*' in the column for rear setback with 'nil'.
- 5.10 For the 'Local Centre' zone, replace '0.5' in the column for Plot Ratio with '1'
- 5.11 For the 'Industry' and 'Light and Service Industry' zones, replace '0.5' in the column for Plot Ratio with '0.75'
- 5.12 For the 'Tourist' zone, replace '50%' in the column for Site Coverage with '55%'
- 5.13 For the 'Tourist' zone, replace '0.5' in the column for Plot Ratio with '0.6'
- 5.14 For the 'Tourist' zone, replace the information in the columns for Setback with 'as per the provisions of the Residential Design Codes that apply to a density of R40.'
- 5.15 Insert a new Special Condition/Comment for the 'Tourist' zone to state 'Nil front setbacks may be provided where indicated supported in an endorsed development strategy.'

## **6. Schedule 9 – Car, Motorcycle and Bicycle Ratios**

Amend Table 1 in Schedule 9 – Car, Motorcycle and Bicycle Ratios to:

- 6.1 Replace 'Town Centre – Chinatown' zone with 'Town Centre' zone – (Chinatown)
- 6.2 Amend the 'minimum number of parking bays' for 'Residential (all types)' to add after 'below', 'with the exception of residential development which can be considered under the provisions of the Residential Design Codes'.
- 6.3 Replace all instances of 'gross floor area' or 'building area' with 'net lettable area.'
- 6.4 Include the following zones in the list of zones: 'Town Centre' (excluding Chinatown); 'Low Impact Tourist,' 'Service Commercial' and 'Culture and Natural Resource Use'
- 6.5 Replace 'General Rural' in the list of zones with 'General Agriculture,' 'Rural Agriculture' with 'Rural Smallholdings' and 'Rural Living' with 'Rural Residential'
- 6.6 Delete 'Port' and 'Waterbank Conservation' from the list of zones.

- 6.7 Delete the row for the use class 'Art Gallery'
- 6.8 Amend the use class 'Camping and Caravan Parks' to 'Caravan Park'
- 6.9 Replace the requirements for 'Child Care Centre' with '1 bay for every 10 children the centre is approved to accommodate, plus 1 bay per employee with a minimum of 5 bays required.'
- 6.10 Amend the use class 'Community Purposes/Clubs' to 'Community Purposes/Club Premises'
- 6.11 Amend the use class 'Consulting Room' to 'Consulting Room/Medical Centre' with the requirements '4 bays for each health consultant room.'
- 6.12 Amend the use class 'Education Centre' to 'Education Establishment.'
- 6.13 Include new row for the use class 'Exhibition Centre' with the requirements '1 bay per 40m<sup>2</sup> of net lettable area.'
- 6.14 Include new row for the use class 'Family Day Care' with the requirements '2 bays for the dwelling, plus 2 drop off/pick up bays'
- 6.15 Include new row for the use class 'Fast Food Outlet – Drive Through' with the requirements '2 bays per 2m<sup>2</sup> of counter area, plus 1 bay per employee. Where a drive through facility is provided, 4 stacking bays plus 1 waiting bay.'
- 6.16 Include new row for the use class 'Holiday Home – standard' with the requirements 'To be in accordance with the provisions of the Residential Design Codes'
- 6.17 Include new row for the use class 'Holiday Home – large' with the requirements 'To be in accordance with the provisions of the Residential Design Codes, plus 1 bay.'
- 6.18 Replace the requirements for 'Home Business' with 'To be in accordance with the provisions of the Residential Design Codes, plus 1 bay, plus 1 bay for each employee not resident in the dwelling'
- 6.19 Replace the requirements for 'Home Occupation' with 'To be in accordance with the provisions of the Residential Design Codes.'
- 6.20 Delete the row for the use class 'Library (use not listed)'
- 6.21 Include new row for the use class 'Lunch Bar' with the requirements '2 bays per 2m<sup>2</sup> of counter area, plus 1 bay per employee.'
- 6.22 Delete the row for the use class 'Motor Vehicle Hire'
- 6.23 Amend the use class 'Motor Vehicle Repairs and Wrecking' to 'Motor Vehicle and/or Marine Wrecking' and replace the requirements with '1 bay per 50m<sup>2</sup> of storage area used for vehicle wrecking.'
- 6.24 Include new row for the use class 'Motor Vehicle Repairs' with the requirements '1 bay per 30m<sup>2</sup> of sales/customer service area and office space, plus 2 bays per service bay'
- 6.25 Amend the use class 'Motor Vehicle Sales' to 'Motor Vehicle, Boat or Caravan Sales' and replace the requirements with '1 bay per 150m<sup>2</sup> of site area allocated to vehicle display, 1 bay per 30m<sup>2</sup> of sales/customer service area and office space, plus 2 bays per service bay, plus an additional 4 drop off bays if vehicle hire is provided.'
- 6.26 Delete the row for the use class 'Museum'
- 6.27 Replace 'for each two beds the building is designed to accommodate' with 'per bedroom' in the requirements for 'Residential Building'
- 6.28 Replace the requirements for 'Residential Development...' with 'To be in accordance with Clause 4.3.3 of LPS6 with the exception of grouped and multiple dwellings in Chinatown which is to be in accordance with the Residential Design Codes.'
- 6.29 Replace '4m<sup>2</sup>' with '6m<sup>2</sup>' in the requirements for 'Restaurant (including Alfresco dining areas)' and delete '1 bay for each 6m<sup>2</sup> of drinking or assembly area, where provided.'
- 6.30 Delete the row for the use class 'Retail Premises- Hire/Shop'

- 6.31 Replace the requirements for 'Service Station' with '2 vehicle standing points per fuel pump, 2 bays for every service bay and 1 bay for every employee, plus 1 bay per 20m<sup>2</sup> net lettable area of retail space'
- 6.32 Include new row for the use class 'Shop' with the requirements '1 bay per 20m<sup>2</sup> net lettable area.'
- 6.33 Delete the row for the use class 'Take Away/Fast Food Outlets (Use not Listed)'
- 6.34 Delete '(Use not listed)' from the use class 'Tavern'
- 6.35 For the use class 'Tourist Development':
- Replace the requirements for 'Long stay Units' with 'To be in accordance with Clause 4.3.3 of LPS6.'
  - Replace '6m<sup>2</sup>' with '12m<sup>2</sup>' in the requirements for 'Restaurants, cafes and bars'
  - Delete '1 boat/trailer bay for every 10 units except where tandem parking is provided or a management statement indicates how the parking of boats are going to be accommodated in an alternative way.'
- 6.36 Replace 'professional person' with 'treatment/consulting room' in the requirements for 'Veterinary Centre.'
- 6.37 Delete the row for the use class 'Other uses not listed'

Amend Table 2 in Schedule 9 – Car, Motorcycle and Bicycle Ratios to:

- 6.38 Replace 'Bicycle Racks' in the heading for 'Table 2' with 'Bicycle Parking'
- 6.39 Replace 'Bicycle racks' with 'Bicycle Parking'
- 6.40 Replace the requirements for 'Bicycle parking' with 'To be provided in accordance with categories of land use with all land uses not listed at the discretion of the local government:

Type of Land Use	Visitor Parking Spaces (Net Lettable Area)	Employee Parking Spaces (Net Lettable Area)
Shop	2 per 500m <sup>2</sup>	If over 500m <sup>2</sup> , 2 spaces and end of trip facilities for employee use.
Showroom	2 per 1,000m <sup>2</sup>	If over 1,000m <sup>2</sup> , 2 spaces and end of trip facilities for employee use.
Fast Food Outlet – Drive Through, Lunch Bar	2 per 50m <sup>2</sup>	If over 150m <sup>2</sup> , 2 spaces and end of trip facilities for employee use.
Restaurant, Tavern	2 per 100m <sup>2</sup> public area	If over 150m <sup>2</sup> , 2 spaces and end of trip facilities for employee use.
Office	2 per 750m <sup>2</sup>	If over 750m <sup>2</sup> 2 spaces and end of trip facilities for employee use.
Medical Centre	2 per 4 practitioners	If more than 8 practitioners 2 spaces and end of trip facilities for employee use.
Child Care Centre	2 per 8 employees	If more than 8 employees 2 spaces

		and end of trip facilities for employee use.
Tourist Development	2 per 8 accommodation units	N/A
Exhibition Centre, Recreation (Indoor), Health Club, Club Premises, Place of Assembly or Worship	2 per 200m <sup>2</sup>	N/A

Amend Table 3 (Dimensions of Parking Bays) in Schedule 9 – Car, Motorcycle and Bicycle Ratios to:

- 6.41 Delete table heading 'Table 3 – Dimensions of ACROD, Motorcycle Bays and Bicycle Racks' and replace with 'Table 3 – Car, Motorcycle and Bicycle Parking Dimensions'
- 6.42 Replace 'ACROD Parking Bays' with 'ACROD Car Parking Bays'
- 6.43 Replace the requirements for 'ACROD Parking Bays' with 'As per Australian Standard AS2890.6 2009'
- 6.44 Delete the row for 'Car Parking – Accessible'
- 6.45 Delete the row for 'Car parking – Public Car Parks'
- 6.46 Insert 'Car Parking – not short term parking\*', '\*refer to user class 1 and 1A in AS 2890' and include the following minimum dimensions:  
Width – 2.5metres, can be reduced to 2.4 metres if parallel parking proposed  
Length – parallel parking – 6 metres  
Length – angle parking -5.5 metres  
Aisle width/reversing space – minimum 6m.
- 6.47 Include new row for 'Car Parking – Public Car Park for short term parking, including parking in the Town Centre zone or parking bays in association with a hospital, consulting rooms/medical centre, shop and service stations land use' and include the following minimum dimensions:  
Width – 2.6 metres, can be reduced to 2.4 metres if parallel parking proposed  
Length – parallel parking – 6 metres  
Length angle parking – 5.5 metres  
Aisle width/reversing space – minimum 6 metres
- 6.48 Include new row for 'Car Parking – Public Car Park within road reserves' and include the following minimum dimensions:  
Width 2.7 metres, can be reduced to 2.4 metres if parallel parking proposed.  
Length – parallel parking – 6 metres  
Length – angle parking – 6 metres  
Aisle width – minimum 6m

## 7. Other Matters

- 7.1 In Clause 3.34.2(a), insert 'unless otherwise indicated on the Scheme Maps' after 'R40 Residential Design Code.'
- 7.2 In Schedule 4, amend the Conditions associated with Special Use 'PF' (Pearl Farm) for Lot 154 Willie Creek Road to state:
  - 1. Uses may include:
    - a. Pearl Farm and ancillary uses
    - b. Tourist Display
    - c. Office
    - d. Shop

- e. Caretaker's accommodation
  - 2. Site and development requirements – as determined by local government
- 7.3 Delete existing Clause 3.41.2 – Subdivision requirements in the 'Low Impact Tourism' zone' and replace with 'The local government will not support subdivision and strata titling of land within the Low Impact Tourist zone unless it is consistent with any relevant local development plan or any other relevant plan or strategy endorsed by the local government and, where necessary, the Commission.'

## 8. Correction of Minor Mapping Errors and Omissions

Amending the Scheme Maps as follows:

	Address	Proposed Modification
8.1	Entire Scheme Area	Amend all maps to reflect the updated colours for all zones and reserves, where applicable, as set out in Schedule 3 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
8.2	Lot 240 (No. 71) Robinson Street, Broome ( <i>Map 32</i> )	Amend from 'Parks Recreation and Drainage' reserve to 'Public Purposes' reserve with the notation 'M' (Museum)
8.3	Lot 3066 (No. 75) Reid Road, Cable Beach ( <i>Map 30</i> )	Amend from 'Parks Recreation and Drainage' reserve to 'Public Purposes' reserve with the notation 'T' (Telecom)
8.4	Portions of Shelduck Way and Dunnart Crescent, Djugun ( <i>Maps 27 and 30</i> )	Rezone from 'Residential' zone to 'Local Roads' reserve
8.5	Lot 728 (No. 2) Blick Drive, Broome ( <i>Map 32</i> )	Insert R-Coding 'R30'
8.6	Lot 45 (No. 14) and Lot 46 (No. 12) Mostyn Place, Broome ( <i>Map 32</i> )	Include entirety of lots within R-Coding 'R12.5'
8.7	Lot 616 (No. 1) Larja Link, Cable Beach ( <i>Map 32</i> )	Amend R-Coding from 'R17.5' to 'R30'
8.8	Lot 629 (No. 39) Woods Drive, Cable Beach ( <i>Map 32</i> )	Amend R-Coding from 'R40' to 'R30'
8.9	Lot 605 Clementson Street, Minyirr ( <i>Map 32</i> )	Amend from 'Local Road' to 'Parks Recreation and Drainage' reserve
8.10	Lots 501 and 502 Frangipani Drive, Cable Beach ( <i>Map 27</i> )	Amend from 'Tourist' zone to 'Parks Recreation and Drainage' reserve
8.10	Lots 4-23 and 57-70 Frangipani Drive ( <i>Map 27</i> )	Rezone Lots 4-23 and 57-70 Frangipani Drive from 'Tourist' to 'Residential' zone with a density of R10
8.11	Lot 366 Gwendoline Crossing, Bilingurr ( <i>Map 27</i> )	Amend from 'Local Road' to 'Parks Recreation and Drainage' reserve
8.12	Lots 360, 352, 2605, 2606 Fairway Drive, Pt. Lot 9007 Magabala Road and Lots 1024, 1776 and 1224	Amend from 'No Zone' to 'Development' zone



	Locke Street ( <i>Maps 23, 24, and 27</i> )	
8.13	Pt Lot 555 Old Broome Road, Djugun ( <i>Map 27</i> )	Rezone from 'Development' zone to 'Local Road' reserve
8.14	Pt Lot 2242 (No .147) Old Broome Road, Djugun ( <i>Map 27</i> )	Amend from 'Local Road' reserve to 'Development' zone
8.15	Pt. Lot 730 on Plan 71878 ( <i>Map 3</i> )	Amend location of the 'Low Impact Tourism' zone to the location of the Barn Hill Caravan Park.
8.16	Pt. Lot 591 Broome Road, Waterbank ( <i>Maps 10 and 16</i> )	Amend notation of 'Public Purpose' Reserve from 'WS' (Water Supply) to 'MS' (Motorsport)
8.17	Lot 3127 Coucal Street, Cable Beach ( <i>Map 27</i> )	Amend from 'Parks, Recreation and Drainage' reserve to 'Local Road' reserve.
8.18	Map Legend	Delete the following 'Special Use' notations: <ul style="list-style-type: none"> <li>• F Fisheries</li> <li>• H Hotel</li> <li>• M Motel</li> <li>• O Office</li> <li>• R Residential</li> <li>• O/R Office/Residential</li> <li>• H/M Hotel/Motel</li> <li>• F/R Fisheries/Residential</li> </ul>
8.19	Lot 6 (No. 5) Sanctuary Road, Cable Beach ( <i>Map 27</i> )	Remove the additional use designation for 'Service Station'.
8.20	Lot 241 (No. 73) and Reserve 39111 Robinson St, Broome	Rezone from 'Parks Recreation and Drainage' to 'Public Purposes' reserve with the notation 'S' for Sewerage.

This Amendment is a standard amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- a) It is consistent with the Shire's Local Planning Strategy
- b) It will have minimal impacts on land in the scheme area that is not subject to the amendment; and
- c) It will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2017

CHIEF EXECUTIVE OFFICER

**PROPOSAL TO AMEND A LOCAL PLANNING SCHEME**

- |    |  |                            |
|----|--|----------------------------|
| 1) | <b>LOCAL AUTHORITY</b>                         | SHIRE OF BROOME            |
| 2) | <b>DESCRIPTION OF TOWN<br/>PLANNING SCHEME</b> | LOCAL PLANNING SCHEME NO.6 |
| 3) | <b>TYPE OF SCHEME</b>                          | LOCAL PLANNING SCHEME      |
| 4) | <b>SERIAL NUMBER OF AMENDMENT</b>              | AMENDMENT NO. 7            |
| 5) | <b>PURPOSE</b>                                 | OMNIBUS AMENDMENT          |

## AMENDMENT REPORT

### 1.0 Purpose

On 30 January 2015 the Shire of Broome Local Planning Scheme No. 6 (LPS6) was published in the *Government Gazette* and came into operation. LPS6, which incorporates the Scheme text and Scheme maps, controls and guides development and growth within the Shire of Broome.

It is common practice to undertake a periodic, relatively minor review of local planning schemes. These reviews are usually undertaken as an 'omnibus amendment' to the scheme and in response to a number of matters which, amongst other things, include changes brought about by ongoing strategy and policy formulation, and/or to effect general improvements for administration purposes.

It is noted that the Shire has already undertaken a basic amendment to LPS6 to incorporate the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This was known as Amendment No. 4 to LPS6 and was published in the *Government Gazette* on 5 August 2016.

### 2.0 Background

This Amendment proposes a number of changes to the LPS6. The Shire is of the view that the various changes proposed are necessary for the more efficient and effective administration of the scheme, will reflect the Shire's identified strategic direction, and will provide rational guidance for land use and development within the Shire generally.

The intent and scope of the changes proposed in the amendment can be broadly grouped into the following categories:

- Correction of minor text errors and omissions that were not identified when LPS6 was first gazetted;
- Updating the zoning table to include additional land uses defined in Schedule 1 and review the permissibility of certain land uses;
- Updating provisions to reflect outcomes of the Chinatown Development Strategy, the Old Broome Development Strategy and the Cable Beach Development Strategy;
- Updating standards for the assessment of outbuildings in the 'Rural Residential' zone;
- Changes to Schedule 8 – Development Standards;
- Changes to Schedule 9 – Car, Motorcycle and Bicycle Ratios; and
- Address a number of mapping corrections that have been identified through the process of adopting LPS6 and other minor modifications to the Scheme maps.

This report has been structured to reflect the categories above and provides the rationale for each amendment.

## **3.0 Planning Considerations**

### **3.1 *Shire of Broome Local Planning Strategy***

The Shire's Local Planning Strategy (LPS) was endorsed by the Western Australian Planning Commission (WAPC) in August 2014. The Local Planning Strategy sets out medium to long term planning directions for the Shire over the next 10-15 years and provides the rationale for the zones and other provisions of LPS6. The majority of the changes proposed through this Amendment are minor in nature and do not impact any of the strategic recommendations in the LPS.

The LPS separates the Broome townsite into a number of precincts and anticipates that 'Development Strategies' may be prepared for each precinct. Section 3.3 of the LPS states that the Development Strategies will 'guide development in the Precincts and will assist Council in making recommendations to the WAPC on subdivisions.'

To date, three Development Strategies have been prepared and adopted by Council:

- Chinatown Development Strategy (Precinct 1), adopted February 2013;
- Old Broome Development Strategy (Precinct 2), adopted November 2014; and
- Cable Beach Development Strategy (Precinct 11), adopted July 2016.

Each Development Strategy contains recommendations for modifications to LPS6, which have been incorporated into this Amendment and are further discussed in Section 4.0 of this report.

Given the above, the Amendment is considered to be consistent with the Shire's strategic planning framework.

## **4.0 Planning Rationale for Proposed Scheme Amendment Changes**

The changes proposed in this Amendment fall into main categories as follows:

- Correction of minor text errors and omissions that were not identified when LPS6 was first gazetted;
- Update the zoning table to include additional land uses defined in Schedule 1 and review the permissibility of certain land uses;
- Update provisions of LPS6 to align with the strategic planning framework, including the Chinatown Development Strategy, the Old Broome Development Strategy and the Cable Beach Development Strategy;
- Update standards for the assessment of outbuildings in the 'Rural Residential' zone;
- Changes to Schedule 8 – Development Standards;
- Changes to Schedule 9 – Car, Motorcycle and Bicycle Ratios; and
- Addressing a number of mapping corrections that have been identified through the process of adopting LPS6 and other minor modifications to the Scheme maps.

The report has been structured to reflect each of these categories and the rationale for each amendment is provided under the headings below.

#### 4.1 Correction of Minor Text Errors and Omissions

The majority of these changes are either grammatical or updating the names of legislation. The table provided below sets out the proposed amendment and the rationale for the change proposed.

Proposed Amendment	Rationale
Replace 'expect' in Clause 5.2.7.2 (a) with 'except'	Administrative correction
Replace 'Commercial Arbitration Act 1985' in Clause 5.3.8.7 (f) with 'Commercial Arbitration Act 2012'	Updated Legislation
Replace 'Commercial Arbitration Act 1985' in Clause 5.3.16 with 'Commercial Arbitration Act 2012'	Updated Legislation
Replace 'Health Act of Western Australia 1990' in the definition of 'lodging house' in Schedule 1' with 'Health Act 1911'.	Administrative correction
Remove the definition of 'Fast Food Outlet' in Schedule 1.	The use class 'Fast Food Outlet' is defined in Schedule 1 but is not included within the LPS6 zoning table. The proposed scheme amendment recommends deleting fast food outlet and replacing it with a new land use 'lunch bar'.
Insert the definition of 'Lunch Bar' in Schedule 1, as 'means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.'	'Lunch Bar' is considered preferable to 'Fast Food Outlet' as it includes small, independently run take away outlets, whilst 'fast food' implies a particular group of chain restaurants, which usually take the form of a 'fast food outlet – drive through.' The proposed definition of 'lunch bar' is further aligned with the amendments currently proposed by the Department of Planning to Schedule 1 – Model Provisions for Local Planning Schemes

#### 4.2 Zoning Table

The table below sets out the proposed amendment and the rationale for the change proposed.

Proposed Amendment	Rationale
Change 'Industry-General' from a 'P' to a 'D' in the 'Light and Service Industry' zone	The 'Industry-General' land use differs from 'Industry-Light' in that it includes operations which cause injury and affect the amenity of a locality and includes heavy industry activities. Given that the purpose of the Light and Service Industry zone is to 'provide for industries and associated uses which are compatible with residential uses', 'Industry-General' land use should be a discretionary use rather than permitted by the Scheme. This will prevent potential conflict that could arise if heavy industry land uses was being proposed too close to a residential areas.

Change 'Staff Accommodation' from a 'D' to an 'X' in the 'Rural Residential' zone	Staff Accommodation allows for the accommodation of persons directly employed in an approved activity carried out on the lot. Given the size of the Rural Residential lots in the Shire of Broome and the type of land use activities that can be undertake in this zone, the need to accommodate employee's onsite in these zones is unlikely to arise. Note that Ancillary Dwelling (a granny flat) can still be approved in these zones and are not limited to be occupied by persons employed in an approved land use on the property.
Include the land use of 'Tavern' as a 'P' in the 'Town Centre' zone, a 'D' in the 'Tourist' and 'Low Impact Tourist Development' zones, an 'A' in the 'Mixed Use' and 'Local Centre' zones, and an 'X' in the 'Residential,' 'Rural Residential,' 'Service Commercial,' 'Industry,' 'Light and Service Industry,' 'General Agriculture,' 'Culture and Natural Resource Use' and 'Rural Smallholdings' zones.	<p>Tavern is currently a defined land use however is not incorporated into the zoning table.</p> <p>This amendment seeks to incorporate Tavern into the land use table and allocate land use permissibility's.</p>
Include the land use of 'Lunch Bar' as 'P' in the 'Town Centre,' 'Local Centre,' 'Tourist' and 'Low Impact Tourist Development' zones, 'D' in the 'Mixed Use' and 'Industry' zones and 'X' in the 'Residential,' 'Rural Residential,' 'Service Commercial' and 'Light and Service Industry' zones.	<p>As set out above, it is proposed to include a land use definition of 'Lunch Bar' in line with changes suggested by the Department of Planning to the Model Provisions.</p> <p>It is proposed to allocate land use permissibility through incorporating the land use into the zoning table</p>
Change 'Club Premises' from a 'D' to an 'A' in the 'Residential' zone	A Club Premises is where a premises can be used for the operations of a club or association or body of persons with common interests (examples could include CWA, Lions Club, a bikers club and so on). Such land uses can have the ability to impact upon the residential amenity (the hours the operation, additional car parking and vehicles attending the premises and so on). Given this, it is considered more appropriate that adjoining landowners are afforded the opportunity to provide comment on an application prior to a determination being made.
Change 'Educational Establishment' from a 'D' to an 'A' in the 'Residential' and 'Rural Residential' zones	As per the comment above, considering that this type of land use activity has the ability to impact upon the residential amenity of an area, it is considered more appropriate that comment is sought from adjoining landowner prior to an application being determined.
Change 'Plant Nursery' from a 'D' to an 'A' in the 'Rural Residential' zone	As per the comment above, considering that this type of land use activity has the ability to impact upon the residential amenity of an area, it is considered more appropriate that comment is sought from adjoining landowner prior to an application being determined

<p>Change 'Agriculture Intensive' from an 'A' to a 'P' in the 'General Agriculture' zone and from an 'A' to a 'D' in the 'Culture and Natural Resource Use' zones.</p>	<p>Agriculture Intensive is where land is used for the production of vegetables, flowers, plants or fruits and nuts, operation of plant or fruit nurseries or the development of land for irrigated fodder production or irrigated pasture development (including turf farms).</p> <p>While in some local government areas, Agriculture Intensive land use activities do have the potential to create land use conflict and therefore are discretionary uses under zoning tables, Broome is different.</p> <p>Firstly, the land that is zoned General Agriculture in the Shire is either a pastoral lease or Unallocated Crown Land. Therefore applicants seeking to undertake these types of land use activities must first obtain a diversification permit or other form of approval from the Department of Lands. As a part of the DoL assessment process consideration must be given to the whether the land can adequately accommodate the proposed activity.</p> <p>Further, given the Shire of Broome falls within a proclaimed groundwater area under the Rights and Water Act 1914 applicants must obtain a permit from the Department of Water for the abstraction of water. DoW in considering such proposals assess whether the abstraction of water is sustainable. Furthermore, an applicant must also obtain a clearing permit from the Department of Environment and Regulation (DER) where the environmental impact of a proposal is addressed.</p> <p>The only element that is not reasonable assessed by other government authorities through the above process that would be picked up through the planning assessment is suitable road access and separation of incompatible land uses.</p> <p>Given the following:</p> <ul style="list-style-type: none"> <li>• that all but one of the existing pastoral leases gain access off Main Roads, as opposed to Local Roads; and</li> <li>• The size of pastoral stations means that such developments are well separated from adjacent potential incompatible land uses</li> </ul> <p>the development approval/assessment process does not add value to the assessments undertaken by the other government departments. As such, it is recommended that the land use is permitted which will mean that an applicant will not need to seek approval from the Shire to use land for Agriculture Intensive land use on land zoned General Agriculture.</p> <p>Given that the Culture and Natural Resource Use zone has different tenure to that of the General Agriculture zone (land</p>
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	is either UCL or Reserve vested with the ALT), there is potential considerations that may arise with conflicting land uses (such as outstation development) and tourist development and road access is more problematic, it is proposed that this is a 'D' land use.
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### 4.3 Alignment with Strategic Framework

#### Cable Beach Development Strategy (2010)

Cable Beach Development Strategy was adopted by Council on 28 July 2016. The Strategy provides guidance for future development and land use in the Cable Beach, and identifies a number of actions for the Shire and relevant partners to progress. In relation to this amendment, the Cable Beach Development Strategy states the following:

- 5. Amend LPS6 to remove the additional use designation for 'Service Station' from Lot 6 Sanctuary Road.
- 6. Amend LPS6 to rezone properties along Frangipani Drive to 'Residential' as per Figure 3.

Proposed Amendment	Rationale
In Schedule 2, delete 'A7'.	<p>The proposed amendment incorporates the actions set out in the adopted Cable Beach Development Strategy into LPS6. The amendment ensures that LPS6 reflects the updated planning framework.</p> <p>The Strategy identifies that the Broome North Local Centre (as identified in the 2010 Broome North Development Plan) will be able to adequately cater for the day-to-day convenience needs of residents and visitors in the Cable Beach tourist precinct, without the need for another Local Centre within the Precinct.</p> <p>The risk of two Local Centres with similar functions in proximity to each other is that they will compete with each other to the extent that one or both become unviable. This is a concern particularly in light of the oversupply of retail floor space in Broome at present.</p>
Rezone Lots 4-23 and 57-70 Frangipani Drive from 'Tourist' to 'Residential' zone with a density of R10	<p>The proposed residential zoning is consistent with the adopted Cable Beach Development Strategy. The proposed density (R-Code) is consistent with the lot sizes and is in accordance with the approved subdivision.</p>
Include a new subclause under Clause 4.3 – Special Application of Residential Design Codes to state: 4.3.8 The setbacks for Lots 4-23 and 57-70 Frangipani Drive under clause 5.1.2 and 5.1.3 of the Residential Design Codes	<p>The Overall Development Plan (ODP) that guided this estate was adopted by Council at the Ordinary Meeting on the 29 May 2002. The ODP allocates a R10 density to the permanent/residential lots within the estate, yet allows for setbacks to be at the R40 Codes.</p> <p>Given it is now proposed to rezone these lots to Residential R10, the carry through the setback allowed</p>

are to be calculated at the R40 standards.	under the ODP, it is proposed to include this additional text provision within the Scheme.
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### Old Broome Development Strategy (2014)

The Old Broome Development Strategy (OBDS) was adopted by Council on 27 November 2014. This sets out medium – long term planning directions for Old Broome, including eight land use precincts and their associated land use permissibility. The Strategy was designed to build upon the recommendations of the Shire's Local Planning Strategy (LPS), which identifies the entirety of Old Broome as 'Mixed Use'.

The strategy notes that the underlying zones in LPS6 do not reflect the ultimate intention for Old Broome as described in the Local Planning Strategy. The LPS6 has a lifespan of 5 years as outlined in the Planning and Development Act 2005. This timeframe is considerably shorter than the Local Planning Strategy which has a 10-15 year lifespan.

It is intended that the majority of Old Broome will eventually be zoned Mixed Use; however in the short term, it is not appropriate to apply a blanket 'mixed use' zoning across the whole area as there is not sufficient demand for such land. There is also the risk that ad-hoc development driven by individual land owners' aspirations would not be consistent with the principles of orderly and proper planning. Instead, rezoning will take place over time in an orderly and spatially contiguous manner, not excessively in advance of demand.

The proposed omnibus will amend the zoning table to ensure that it reflects the desired land uses identified within the OBDS the short – medium term. This will ensure reduce the restrictions for preferred uses, whilst also providing the Shire greater control over those uses that could adversely impact the amenity.

Proposed Amendment	Rationale
Amend Clause 3.17 – Zoning Table within the 'Mixed Use' zone to : a) Change 'Bed and Breakfast Accommodation' from 'P' to 'D'	The amendment will ensure that a merit- based assessment can be undertaken to determine whether the site is suitable for the proposed land use.
b) Change 'Car Park' from 'P' to 'D'	The amendment will ensure that a merit- based assessment can be undertaken to determine whether the site is suitable for the proposed land use.
c) Change 'Cinema/Theatre' from 'P' to 'D'	The amendment will ensure that a merit- based assessment can be undertaken to determine whether the site is suitable for the proposed land use.
d) Change 'Civic Use' from 'P' to 'D'	The amendment will ensure that a merit- based assessment can be undertaken to determine whether the site is suitable for the proposed land use.
e) Change 'Club Premises' from 'P' to 'D'	The amendment will ensure that a merit- based assessment can be undertaken to determine whether the site is suitable for the proposed land use.

f) Change 'Community Purposes' from 'P' to 'D'	The amendment will ensure that a merit- based assessment can be undertaken to determine whether the site is suitable for the proposed land use.
g) Change 'Dry Cleaning Premises' from 'D' to 'X'	The use class is identified as inappropriate in the Strategy and has therefore been changed to an 'X' use.
h) Change 'Funeral Parlour' from 'D' to 'X'	The use class is identified as inappropriate in the Strategy and has therefore been changed to an 'X' use.
i) Change 'Health Club' from 'P' to 'D'	The amendment will ensure that a merit- based assessment can be undertaken to determine whether the site is suitable for the proposed land use.
j) Change 'Hotel' from 'P' to 'D'	The amendment will ensure that a merit- based assessment can be undertaken to determine whether the site is suitable for the proposed land use.
k) Change 'Industry Cottage' from 'D' to 'P'	The use class is identified as a preferred use class in the Strategy has therefore been amended to a permitted use
l) Change 'Liquor Store' from 'A' to 'X'	The use class is identified as inappropriate in the Strategy and has therefore been changed to an 'X' use
m) Change 'Motel' from 'P' to 'D'	The amendment will ensure that a merit- based assessment can be undertaken to determine whether the site is suitable for the proposed land use.
n) Change 'Museum' from 'P' to 'D'	The amendment will ensure that a merit- based assessment can be undertaken to determine whether the site is suitable for the proposed land use.
o) Change 'Office' from 'P' to 'D'	The amendment will ensure that a merit- based assessment can be undertaken to determine whether the site is suitable for the proposed land use.
p) Change 'Place of Assembly and Worship' from 'P' to 'A'	The amendment will ensure that a merit- based assessment can be undertaken to determine whether the site is suitable for the proposed land use.
q) Change 'Plant Nursery' from 'D' to 'X'	The use class is identified as inappropriate in the Strategy and has therefore been changed to an 'X' use
r) Change 'Recreation – Indoor' from 'P' to 'D'	The amendment will ensure that a merit- based assessment can be undertaken to determine whether the site is suitable for the proposed land use.
s) Change 'Restaurant' from 'P' to 'D'	The amendment will ensure that a merit- based assessment can be undertaken to determine whether the site is suitable for the proposed land use.
t) Change 'Tourist Development' from 'P' to 'D'	The amendment will ensure that a merit- based assessment can be undertaken to determine whether the site is suitable for the proposed land use.
u) Change 'Vehicle Hire' from 'D' to 'X'	The Old Broome Development Strategy identifies 'Vehicle Hire' as an inappropriate land use within strategy area that would be inconsistent with the desired vision. It has therefore been changed to an 'X' use

#### Chinatown Development Strategy (2013)

The Chinatown Development Strategy was adopted by Council on 21 February 2013. This document is referenced under clause 4.32.1 of the Scheme, which identifies:

- *All land use and development shall be consistent with the Chinatown Development Strategy and relevant design guidelines.*

The proposed amendment will ensure that the land use changes that are set out in the adopted Chinatown Development Strategy are consistent with the LPS6 zoning table.

Proposed Amendment	Rationale
Amend Clause 3.17 – Zoning Table within the ‘Town Centre’ zone to : a) Change ‘Art and Craft Centre’ from ‘P’ to ‘D’	It is considered that a shop-front type use with no potential negative impacts on amenity (noise, fumes, vibration, etc) would be acceptable in Chinatown but arts and crafts could also have a semi-industrial nature, which would may be appropriate in the Town Centre. The change in land use permissibility will enable the Shire to undertake a merits-based assessment to ensure there are no adverse impacts on the streetscape.
b) Change ‘Nightclub’ from ‘P’ to ‘D’	The proposed amendment will provide the Shire the discretion to determine whether a nightclub would adversely impact the amenity of surrounding land uses.
c) Change ‘Recreation – Indoor’ from ‘P’ to ‘D’	Depending on its nature, ‘Recreation- Indoor’ may be acceptable in a Town Centre, or not. The proposed amendment will provide the Shire discretion to differentiate between different types of recreation use.
d) Change Recreation – Private’ from ‘P’ to ‘D’	Depending on its nature, ‘Recreation-Private’ may be acceptable in a Town Centre, or not. The proposed amendment will provide the Shire discretion to differentiate between different types of recreation use.
e) Change ‘Tourist Development’ from ‘P’ to ‘D’	Tourist development could take any number of forms, some of which could be appropriate in the Town Centre and others not. The discretion to differentiate should be available.

#### 4.4 Standards for Outbuildings in the Rural Residential zone

Proposed Amendment	Rationale
Replace all reference to ‘shed’ or ‘sheds’ with ‘outbuilding’ or ‘outbuildings.’	The amendment will ensure consistency of terminology between LPS6, Residential Design Codes and Schedule 2 (Deemed Provisions for Local Planning Schemes) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Replace Clause 3.31.1(c) with: ‘The maximum aggregate floor area of outbuilding(s) on a lot should not exceed 200m <sup>2</sup> and an outbuilding shall not exceed a wall height of 4.5 metres and a ridge height of 6 metres.’	<p>The introduction of ‘aggregate’ floor area is considered to have limited impact on visual amenity as the combined floor area of multiple outbuildings would still be restricted to that of a single large outbuilding.</p> <p>The proposed increase in permissible floor area from ‘100m<sup>2</sup>’ to ‘200m<sup>2</sup>’ is more in keeping with the storage requirements for rural residential lots and is consistent with the approach of other local governments.</p> <p>Existing building setbacks and the introduction of maximum wall/ ridge heights will ensure that the visual impact of outbuildings is mitigated.</p> <p>The amendment will also facilitate a more streamlined development process for applicants.</p>

Replace 'An increase in the floor area of the shed and the number of sheds per lot' with in 3.31.1(d) with 'An increase in the floor area or wall height and ridge height...'	This is an administrative correction to reflect the proposed wall height and ridge height requirements to be inserted under clause 3.31.1(d).
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#### **4.5 Schedule 8 – Development Standards**

Proposed Amendment	Rationale
Replace 'Clause 4.1' at the top of the table with 'Clause 3.29'	Administrative correction
Insert '(metres)' in the table headings after 'Front,' 'Secondary Street,' 'Rear' and 'Side' setbacks	Administrative correction to provide clarity to applicants and provide for a more transparent decision making process.
For the 'Rural Residential' zone, replace '*' in the columns for rear and side setbacks with '10'.	The proposed amendment is considered to provide clarity to applicants and is consistent with the R2 R-Code setbacks requirements for lots greater than 5000m <sup>2</sup> .
For the 'Mixed Use' zone, replace '50%' in the column for Site Coverage with '55%'	This ensures consistency with the R40 requirements set out in Table 1 of the R-Codes and provides greater certainty to applicants.
For the 'Mixed Use' zone, replace '0.5' in the column for Plot Ratio with '0.6'	This ensures consistency with the R40 requirements set out in Table 4 of the R-Codes
Insert a new Special Condition/Comment for the 'Mixed Use' zone to state 'For all development on properties identified with a density coding of R10 on the Scheme maps, site coverage and setbacks are to be as per the provisions of the Residential Design Codes that apply to a density of R10'	The proposed amendment reflects the intent of the Old Broome Development Strategy and the Local Housing Strategy. The amendment will ensure consistency in design and improve the amenity of the streetscape.
Insert a new Special Condition/Comment for the 'Mixed Use' zone to state 'Landscaping for all development shall be provided and maintained abutting the boundary of all street frontages to a minimum depth of 3 metres from the boundary. Where a nil setback is proposed landscaping is to be provided in the adjacent road reserve.'	The proposed amendment will ensure that developments provide and maintain sufficient landscaping.

For the 'Service Commercial' zone, replace '0.5' in the column for Plot Ratio with '0.75'	The proposed amendment will address the current anomaly between site coverage and plot ratio, and provide more flexibility to applicants in terms of design.
For the 'Service Commercial' zone, replace '*' in the column for rear setback with 'nil'.	Administrative correction to provide clarity to applicants and provide for a more transparent decision making process. It will also ensure that design is in keeping with the desired built form as set out in Detailed Area Plan No.8.
For the 'Local Centre' zone, replace '0.5' in the column for Plot Ratio with '1'	The proposed amendment will ensure higher density in development is permitted within areas within key service nodes.
For the 'Industry' and 'Light and Service Industry' zones, replace '0.5' in the column for Plot Ratio with '0.75'	The proposed amendment will address the current anomaly between site coverage and plot ratio, and provide more flexibility to applicants in terms of design.
For the 'Tourist' zone, replace '50%' in the column for Site Coverage with '55%'	The proposed amendment ensures consistency between the development standards set out in Schedule 8 of LPS6 and the R40 requirements set out in clause 3.42.1 (e)
For the 'Tourist' zone, replace '0.5' in the column for Plot Ratio with '0.6'	The proposed amendment ensures consistency between the development standards set out in Schedule 8 of LPS6 and the R40 requirements set out in clause 3.42.1 (e)
For the 'Tourist' zone, replace the information in the columns for Setback with 'as per the provisions of the Residential Design Codes that apply to a density of R40.'	The proposed amendment ensures consistency between the development standards set out in Schedule 8 of LPS6 and the R40 requirements set out in clause 3.42.1 (e)
Insert a new Special Condition/Comment for the 'Tourist' zone to state 'Nil front setbacks may be provided where indicated supported in an endorsed development strategy.'	The proposed amendment ensures consistency between the provisions of LPS6 and the setbacks identified in endorsed development strategies.

#### **4.5 Schedule 9 – Car, Motorcycle and Bicycle Ratios**

Amend Table 1 in Schedule 9 – Car, Motorcycle and Bicycle Ratios to:

Proposed Amendment	Rationale
Replace 'Town Centre – Chinatown' zone with 'Town Centre' – (Chinatown)	Administrative correction to ensure consistency with the zones identified in LPS6. The 'Town Centre – Chinatown' zone formed part of LPS 4 but is now referred to as 'Town Centre'.
Amend the 'minimum number of parking bays' for 'Residential (all types) to add	The proposed amendment will ensure consistency with State Planning Policy 3.1 and will incentivise investment in the Town Centre. It is also considered that the Town

after 'below', 'with the exception of residential development which can be considered under the provisions of the Residential Design Codes'.	Centre is a service hub therefore residents are less dependent on cars than in suburban areas.
Replace all instances of 'gross floor area' or 'building area' with 'net lettable area.'	The proposed amendment will ensure that parking calculations better reflect the usable area of a business. This approach consistent with other local governments.
Include the following zones in the list of zones: 'Town Centre' (excluding Chinatown); 'Low Impact Tourist,' 'Service Commercial' and 'Culture and Natural Resource Use'	There are currently inconsistencies between the zones identified in Schedule 9 and Part 3 of LPS6. The amendment will ensure that Schedule 9 is updated to reflect correct zoning.
Replace 'General Rural' in the list of zones with 'General Agriculture,' 'Rural Agriculture' with 'Rural Smallholdings' and 'Rural Living' with 'Rural Residential'	There are currently inconsistencies between the zones identified in Schedule 9 and Part 3 of LPS6. The amendment will ensure that Schedule 9 is updated to reflect correct zoning.
Delete 'Port' and 'Waterbank Conservation' from the list of zones.	'Port' and 'Waterbank' are not zones defined in the LPS6 zoning table and are therefore to be removed.
Delete the row for the use class 'Art Gallery'	'Art Gallery' is not a defined use class in the zoning table and is therefore to be removed.
Amend the use class 'Camping and Caravan Parks' to 'Caravan Park'	'Camping and Caravan Parks' is not a defined use in Schedule 1 of LPS6. The proposed amendment will ensure consistent terminology between the Zoning Table, Schedule 1 and Schedule 9.
Replace the requirements for 'Child Care Centre' with '1 bay for every 10 children the centre is approved to accommodate, plus 1 bay per employee with a minimum of 5 bays required.'	The current parking requirements for 'Child Care Centre' would not be appropriate for a larger centre and have therefore been amended provide a more accurate representation of parking demand. The proposed requirements are consistent with the approaches of other local governments.
Amend the use class 'Community Purposes/Clubs' to 'Community Purposes/Club Premises'	'Clubs' is not a defined use in Schedule 1 of LPS6. The proposed amendment will ensure consistent terminology between the Zoning Table, Schedule 1 and Schedule 9.
Amend the use class 'Consulting Room' to 'Consulting Room/Medical Centre' with the requirements '4 bays for each health consultant room'.	<p>Consulting rooms is currently listed in Schedule 9, however Medical Centre is not. As the uses classes are similar it is proposed that 'Medical Centre' is incorporated into Schedule 9 with 'Consulting Room' land use.</p> <p>It is also proposed to amend the ratio of parking bays required to support such land uses. Currently the Scheme requires 'four bays for each professional person plus one bay for each other employee'. Defining the</p>

	number of bays based on each 'professional person' is not clear and it is proposed that this is replaced with 'each health consultant room'. It is also proposed that the need to provide further bays for each employee is removed from the calculation as four bays for each room is deemed adequate to cater for the parking likely to be required by such land uses and is also consistent with other local government areas,
Amend the use class 'Education Centre' to 'Education Establishment.'	'Education Centre' is not a defined use in Schedule 1 of LPS6. The proposed amendment will ensure consistent terminology between the Zoning Table, Schedule 1 and Schedule 9.
Include new row for the use class 'Exhibition Centre' with the requirements '1 bay per 40m <sup>2</sup> of net lettable area.'	There are currently no specific car parking standards for 'Exhibition Centre' other than the general provisions of 'other uses not listed'. The proposed parking requirements are consistent with similar uses, and will provide greater certainty to applicants.
Include new row for the use class 'Family Day Care' with the requirements '2 bays for the dwelling, plus 2 drop off/pick up bays'	There are currently no specific car parking standards for 'Family Day Care' other than the general provisions of 'other uses not listed'. The proposed amendment is considered to provide an accurate representation of parking demand, and is consistent with other local government requirements.
Include new row for the use class 'Fast Food Outlet – Drive Through' with the requirements '2 bays per 2m <sup>2</sup> of counter area, plus 1 bay per employee. Where a drive through facility is provided, 4 stacking bays plus 1 waiting bay.'	There are currently no specific car parking standards for 'Fast Food Outlet (Drive-through)' other than the general provisions of 'other uses not listed'. The proposed amendment is considered to provide a more accurate representation of parking demand, and is consistent with other local government requirements. It will provide greater certainty to applicants and ensure a more transparent decision making process.
Include new row for the use class 'Holiday Home – standard' with the requirements 'To be in accordance with the provisions of the Residential Design Codes'	The amendment will ensure consistency with State Planning Policy 3.1, providing greater certainty to applicants, and ensure a more transparent decision making process.
Include new row for the use class 'Holiday Home – large' with the requirements 'To be in accordance with the provisions of the Residential Design Codes, plus 1 bay.'	There are currently no prescribed parking standards for 'Holiday Home (Large)' in Schedule 9 other than the general provisions of 'other uses not listed'. The proposed amendment is considered to provide an accurate representation of potential parking demand, and ensure greater certainty for applicants.
Replace the requirements for 'Home Business' with 'To be in accordance with the provisions of the Residential Design Codes, plus 1 bay, plus 1 bay for each employee not resident in the dwelling'	The proposed amendment is considered to provide an accurate representation of potential parking demand, and ensure greater certainty for applicants. It is also consistent with other local governments across the state.



Replace the requirements for 'Home Occupation' with 'To be in accordance with the provisions of the Residential Design Codes.	A 'Home Occupation' does not involve any additional staff beyond the subject household, or require a car parking capacity beyond what would normally be expected in that zone. The car parking requirements are therefore considered to be consistent with the Residential Design Codes.
Delete the row for the use class 'Library (use not listed)'	Library is not a defined use class in the zoning table and has therefore been removed from Schedule 9.
Include new row for the use class 'Lunch Bar' with the requirements '2 bays per 2m2 of counter area, plus 1 bay per employee.'	There are currently no prescribed parking standards for 'Lunch Bar' in Schedule 9 other than the general provisions of 'other uses not listed'. The proposed amendment is considered to provide an accurate representation of potential parking demand, and ensure greater certainty for applicants.
Delete the row for the use class 'Motor Vehicle Hire'	'Motor Vehicle Hire' is not a defined use class in the zoning table and has therefore been deleted from Schedule 9.
Amend the use class 'Motor Vehicle Repairs and Wrecking' to 'Motor Vehicle and/or Marine Wrecking' and replace the requirements with '1 bay per 50m2 of storage area used for vehicle wrecking.'	The amendment ensures the land use is consistent with the zoning table. It is also considered to provide an accurate representation of potential parking demand, and ensure greater certainty for applicants.
Include new row for the use class 'Motor Vehicle Repairs' with the requirements '1 bay per 30m <sup>2</sup> of sales/customer service area and office space, plus 2 bays per service bay'	The amendment ensures the land use is consistent with the zoning table. It is also considered to provide an accurate representation of potential parking demand, and ensure greater certainty for applicants.
Amend the use class 'Motor Vehicle Sales' to 'Motor Vehicle, Boat or Caravan Sales' and replace the requirements with '1 bay per 150m2 of site area allocated to vehicle display, 1 bay per 30m2 of sales/customer service area and office space, plus 2 bays per service bay, plus an additional 4 drop off bays if vehicle hire is provided.'	The amendment ensures the land use is consistent with the definitions in the zoning table. It is also considered to provide a more accurate representation of potential parking demand, and ensure greater certainty for applicants.
Delete the row for the use class 'Museum'	The car parking requirements for an 'Exhibition Centre' are to be applied to a 'Museum' as they are both cross referenced in their respective land use definitions, and are likely to generate the similar parking demand.
Replace 'for each two beds the building is designed to accommodate' with 'per	The proposed amendment is considered to provide a more accurate representation of potential parking demand. It will also and ensure greater certainty for applicants and is consistent with the adopted Local

bedroom' in the requirements for 'Residential Building'	Planning Policy 8.24 – Forms of Residential Accommodation other than a Single House
Replace the requirements for 'Residential Development...' with 'To be in accordance with Clause 4.3.3 of LPS6 with the exception of grouped and multiple dwellings in Chinatown which is to be in accordance with the Residential Design Codes.'	The proposed amendment will provide an incentive for developers of grouped and multiple dwellings in Chinatown. It will also help achieve the desired residential density within the locality and help sustain the local centre economy.
Replace '4m <sup>2</sup> ' with '6m <sup>2</sup> ' in the requirements for 'Restaurant (including Alfresco dining areas)' and delete '1 bay for each 6m <sup>2</sup> of drinking or assembly area, where provided.'	The amendment is considered to provide a more accurate representation of potential parking demand. It is also consistent with the parking requirements for restaurants in 'Tourist Development' and other local governments.
Delete the row for the use class 'Retail Premises-Hire/Shop'	'Retail Premises- Hire/Shop' is not a defined use class in the zoning table and has therefore been removed.
Replace the requirements for 'Service Station' with '2 vehicle standing points per fuel pump, 2 bays for every service bay and 1 bay for every employee, plus 1 bay per 20m <sup>2</sup> net lettable area of retail space'	The amendment seeks to address the growing presence of convenience retail floor space within service stations. The proposed parking requirements are considered to provide a more accurate representation of potential parking demand and are consistent with other local governments.
Include new row for the use class 'Shop' with the requirements '1 bay per 20m <sup>2</sup> net lettable area.'	The amendment is considered to provide a more accurate representation of potential parking demand, and is consistent with other local government requirements.
Delete the row for the use class 'Take Away/Fast Food Outlets (Use not Listed)'	'Take Away/Fast Food Outlets (Use not Listed)' is not a defined use class in the zoning table and has therefore been removed.
Delete '(Use not listed)' from the use class 'Tavern'	The proposed amendment will ensure consistency with the proposed use class of 'Tavern'.
For the use class 'Tourist Development': a. Replace the requirements for 'Long stay Units' with 'To be in accordance with Clause 4.3.3 of LPS6.' b. Replace '6m <sup>2</sup> ' with '12m <sup>2</sup> ' in the requirements for 'Restaurants, cafes and bars' c. Delete '1 boat/trailer bay for every 10 units except where tandem parking is provided or a management statement indicates how	<p>The amendment is considered to provide a more accurate representation of potential parking demand.</p> <p>Over time most tourist development have been approved by Council varying the parking calculated for the 'restaurant, cafes and bars' land use component from one bay per 6m<sup>2</sup> to one bay per 12m<sup>2</sup>. In recognition that patrons attending the restaurants/cafes/bars will also come from the on-site accommodation and as this provision is often varied, it is recommended that the Scheme is updated to lessen the amount of bays required to be provided.</p> <p>With regard to boat parking, the need to allocate additional area on site to park boats is considered</p>

the parking of boats are going to be accommodated in an alternative way.'	onerous given that the majority of the patrons likely to attend such development would not bring boats. People travelling with boats are likely to make arrangements for parking prior to travelling to Broome or would stay in other forms of accommodation if parking was not available for boats.
Replace 'professional person' with 'treatment/consulting room' in the requirements for 'Veterinary Centre.'	The amendment is considered to provide a more accurate representation of potential parking demand. It also provides clarity in regards to the terminology as there were previously concerns regarding the definition of a 'professional person'.
Delete the row for the use class 'Other uses not listed'	Clause 3.18 of LPS6 already identifies assessment requirements for uses that are not specifically identified in the zoning table

Amend Table 2 in Schedule 9 – Car, Motorcycle and Bicycle Ratios to:

Proposed Amendment	Rationale
Replace 'Bicycle Racks' in the heading for 'Table 2' with 'Bicycle Parking'	The proposed amendment will provide the applicant with more flexibility when proposing bicycle parking
Replace 'Bicycle racks' with 'Bicycle Parking'	The proposed amendment will provide the applicant with more flexibility when proposing bicycle parking

Replace the requirements for 'Bicycle parking' with 'To be provided in accordance with categories of land use with all land uses not listed at the discretion of the local government:

Type of Land Use	Visitor Parking Spaces (Net Lettable Area)	Employee Parking Spaces (Net Lettable Area)
Shop	2 per 500m <sup>2</sup>	If over 500m <sup>2</sup> , 2 spaces and end of trip facilities for employee use.
Showroom	2 per 1,000m <sup>2</sup>	If over 1,000m <sup>2</sup> , 2 spaces and end of trip facilities for employee use.
Fast Food Outlet – Drive Through, Lunch Bar	2 per 50m <sup>2</sup>	If over 150m <sup>2</sup> , 2 spaces and end of trip facilities for employee use.
Restaurant, Tavern	2 per 100m <sup>2</sup> public area	If over 150m <sup>2</sup> , 2 spaces and end of trip facilities for employee use.
Office	2 per 750m <sup>2</sup>	If over 750m <sup>2</sup> 2 spaces and end of trip facilities for employee use.
Medical Centre	2 per 4 practitioners	If more than 8 practitioners 2 spaces and end of trip facilities for employee use.
Child Care Centre	2 per 8 employees	If more than 8 employees 2 spaces and end of trip facilities for employee use.
Tourist Development	2 per 8 accommodation units	N/A
Exhibition Centre, Recreation (Indoor), Health Club, Club Premises, Place of Assembly or Worship	3 per 200m <sup>2</sup>	N/A

Amend Table 3 (Dimensions of Parking Bays) in Schedule 9 – Car, Motorcycle and Bicycle Ratios to:

Proposed Amendment	Rationale
Delete table heading 'Table 3 – Dimensions of ACROD, Motorcycle Bays and Bicycle Racks' and replace with 'Table 3 – Car, Motorcycle and Bicycle Parking Dimensions'	Administrative correction to better reflect role of the Table (currently does not state 'car parking')
Replace 'ACROD Parking Bays' with 'ACROD Car Parking Bays'	Administrative correction to provide greater clarity.
Replace the requirements for 'ACROD Parking Bays' with 'As per Australian Standard AS2890.6 2009'	Administrative correction
Delete the row for 'Car Parking – Accessible'	The Scheme already defines ACROD parking standard. This is a repetition and is therefore proposed to be deleted.
Delete the row for 'Car parking – Public Car Parks'	This is to be amended to reflect the different types of public car parks.
<p>Insert 'Car Parking – not short term parking*', '*refer to user class 1 and 1A in AS 2890' and include the following minimum dimensions:</p> <ul style="list-style-type: none"> <li>Width – 2.5metres, can be reduced to 2.4 metres if parallel parking proposed</li> <li>Length – parallel parking – 6 metres</li> <li>Length – angle parking -5.5 metres</li> <li>Aisle width/reversing space – minimum 6m.</li> </ul>	<p>Currently the Scheme requires that all public parking bays are 2.7m in width regardless of the land use which they service. The Australian Standard designate parking bays widths based on user classes, with parking areas that have a higher frequency of vehicle movements requiring larger bays widths, which acknowledges that greater risk of conflict between vehicle movements.</p> <p>This amendment seeks to change the parking bay widths and clarify the required aisle/reversing space, which is based on the user classes under the Australian Standard.</p> <p>This category will apply to land uses such as offices and industrial development, where vehicle movements are less frequent and will result in a reduction of 0.2m to the bay width. This will allow for land to be used for other purposes whilst still maintaining the functionality of the parking areas.</p>
Include new row for 'Car Parking – Public Car Park for short term parking including parking in the Town Centre zone or parking bays in association with a hospital, consulting rooms/medical centre, shop and service stations land use' and include	As above, this amendment seeks to amend the parking bay width for short term parking areas from 2.7m to 2.6m. The amendment proposed are consistent with the Australian Standards. vehicles to undertake multiple manoeuvres within the parking aisles.

<p>the following minimum dimensions:</p> <ul style="list-style-type: none"> <li>• Width – 2.6 metres, can be reduced to 2.4 metres if parallel parking proposed</li> <li>• Length – parallel parking – 6 metres</li> <li>• Length angle parking – 5.5 metres</li> <li>• Aisle width/reversing space – minimum 6 metres</li> </ul>	
<p>Include new row for 'Car Parking – Public Car Park within road reserves' and include the following minimum dimensions:</p> <ul style="list-style-type: none"> <li>• Width 2.7 metres, can be reduced to 2.4 metres if parallel parking proposed.</li> <li>• Length – parallel parking – 6 metres</li> <li>• Length – angle parking – 6 metres</li> <li>• Aisle width – minimum 6m</li> </ul>	<p>This parking standard will apply to an applicant who is seeking to construct parking bays within the adjacent road reserve. A greater dimension is proposed to accommodate for the predominance of 4WD ownership in Broome and to avoid the need to vehicles to undertake multiple manoeuvres within the parking aisles or prior to entering the road carriageway.</p>

#### 4.6 Other Matters

Proposed Amendment	Rationale
In Clause 3.34.2(a), insert 'unless otherwise indicated on the Scheme Maps' after 'R40 Residential Design Code.'	As some areas zoned Mixed Use have an R10 density allocated, to ensure that this is reflected correctly in the Scheme Text, this amendment is proposed to be included.
<p>In Schedule 4, amend the Conditions associated with Special Use 'PF' (Pearl Farm) for Lot 154 Willie Creek Road to state:</p> <p>1. Uses may include:</p> <ol style="list-style-type: none"> <li>a. Pearl Farm and ancillary uses</li> <li>b. Tourist Display</li> <li>c. Office</li> <li>d. Shop</li> <li>e. Caretaker's accommodation</li> </ol>	<p>This Lot is the site of the Willie Creek shop and tourist display. LPS6 currently states that the Special Use is Pearl Farm only, however the predominant land use activity on site is tourist display and shop. The amendment reflects the Special Use zone zoning that applied to the land under Town Planning Scheme No 4.</p>

2. Site and development requirements – as determined by local government	
Delete existing Clause 3.41.2 – Subdivision requirements in the ‘Low Impact Tourism’ zone’ and replace with ‘The local government will not support subdivision and strata titling of land within the Low Impact Tourist zone unless it is consistent with any relevant local development plan or any other relevant plan or strategy endorsed by the local government and, where necessary, the Commission.’	The proposed amendment will ensure that any subdivision forms part of a comprehensive planning process.
Include a new definition in Schedule 1 – General Definitions: “Chinatown” means the area bounded by Hamersley Street to the west, Frederick Street to the south, Roebuck Bay to the east, and incorporating all land on the peninsula extending to the north into Dampier Creek.’	Given that Chinatown is referenced in Schedule 9 and other areas of the Scheme Text a definition of the Chinatown is required to be incorporated.

#### **4.7 Correction of Minor Mapping Errors and Omissions**

A copy of amended Scheme maps can be found in the appendices.

<b>Address</b>	<b>Proposed Modification</b>	<b>Rationale</b>
Entire Scheme Area	Amend all maps to reflect the updated colours for all zones and reserves, where applicable, as set out in Schedule 3 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Administrative correction
Lot 240 (No. 71) Robinson Street, Broome (Map 32)	Amend from ‘Parks Recreation and Drainage’ reserve to ‘Public Purposes’ reserve with the notation ‘M’ (Museum)’	The local reserve is to be amended to ‘Public Purpose - Museum’ as it includes the former sailmakers shed, and is used as a Museum and not for Recreation and Drainage.
Lot 3066 (No. 75) Reid Road, Cable Beach (Map 30)	Amend from ‘Parks Recreation and Drainage’ reserve to ‘Public Purposes’ reserve with the notation ‘T’ (Telecom)’	The local reserve is to be amended to ‘Public Purpose - Telecom’ as it is currently used for

		telecommunication purposes.
Portions of Shelduck Way and Dunnart Crescent, Djugun ( <i>Maps 27 and 30</i> )	Rezone from 'Residential' zone to 'Local Roads' reserve	The proposed amendment ensures that the local road reservations are correctly identified on the Scheme Maps.
Lot 728 (No. 2) Blick Drive, Broome ( <i>Map 32</i> )	Insert R-Coding 'R30' This site is	The proposed amendment is an administrative correction as there is currently no zoning on the subject lot. The R-Code is consistent with other lots within the locality.
Lot 45 (No. 14) and Lot 46 (No. 12) Mostyn Place, Broome ( <i>Map 32</i> )	Include entirety of lots within R-Coding 'R12.5'	The proposed amendment is an administrative correction to ensure the correct boundary alignment.
Lot 616 (No. 1) Larja Link, Cable Beach ( <i>Map 32</i> )	Amend R-Coding from 'R17.5' to 'R30'	This site was zoned Development under the provisions of TPS4 and the Structure Plan adopted over the site allocated an R30 density to this site. The site is developed with grouped dwellings at the R30 density. The incorrect R-Coding was applied in the mapping prepared for LPS6 and this amendment will correct this.
Lot 629 (No. 39) Woods Drive, Cable Beach ( <i>Map 32</i> )	Amend R-Coding from 'R40' to 'R30'	This site was zoned Development under the provisions of TPS4 and the Structure Plan adopted over the site allocated an R30 density to this site. The site is developed with grouped dwellings at the R30 density. The incorrect R-Coding was applied in the mapping prepared for LPS6 and this amendment will correct this.

Lot 605 Clementson Street, Minyirr ( <i>Map 32</i> )	Amend from 'Local Road' to 'Parks Recreation and Drainage' reserve	The local road is to be amended to 'Parks and Drainage' reserve as this is the function that it currently provides.
Lots 501 and 502 Frangipani Drive, Cable Beach ( <i>Map 27</i> )	Amend from 'Tourist' zone to 'Parks Recreation and Drainage' reserve	The land is currently a reserve and the administrative correction will ensure this is reflected in the LPS6 Scheme Maps.
Lots 4-23 and 57-70 Frangipani Drive	Rezone Lots 4-23 and 57-70 Frangipani Drive from 'Tourist' to 'Residential' zone with a density of R10	The proposed residential zoning is consistent with the adopted Cable Beach Development Strategy. The proposed density (R-Code) is consistent with the lot sizes and reflects lot sizes and is in accordance with the approved subdivision.
Lot 366 Gwendoline Crossing, Bilingurr ( <i>Map 27</i> )	Amend from 'Local Road' to 'Parks Recreation and Drainage' reserve	Administrative correction as the land is currently used for drainage.
Lots 360, 352, 2605, 2606 Fairway Drive, Pt. Lot 9007 Magabala Road and Lots 1024, 1776 and 1224 Locke Street ( <i>Maps 23, 24 and 27</i> ).	Amend from 'No Zone' to 'Development Zone'.	A line is currently omitted around the outer extends of these lots on the gazetted version of the Scheme maps, which means that the land is not zoned.  This amendment corrects a mapping error when the maps were prepared.
Pt Lot 555 Old Broome Road, Djugun ( <i>Map 27</i> )	Rezone from 'Development' zone to 'Local Road' reserve	Administrative correction as the existing road reservation is in the wrong location.
Pt Lot 2242 (No .147) Old Broome Road, Djugun ( <i>Map 27</i> )	Amend from 'Local Road' reserve to 'Development' zone	Administrative correction as the existing road reservation is in the wrong location.
Pt. Lot 730 on Plan 71878 ( <i>Map 3</i> )	Amend location of the 'Low Impact Tourism' zone to the location of the Barn Hill Caravan Park.	Administrative correction as the 'Low Impact Tourism' zone is in the wrong location.
Pt. Lot 591 Broome Road, Waterbank ( <i>Maps 10 and 16</i> )	Amend notation of 'Public Purpose' Reserve from 'WS' (Water Supply) to 'MS' (Motorsport)	This is the adopted preferred site for the location of the motorsports facility. The amendment reflects the



		intended land use change.
Lot 3127 Coucal Street, Cable Beach (Map 27)	Amend from 'Parks, Recreation and Drainage' reserve to 'Local Road' reserve.	Administrative correction to reflect the existing road realignment
Map Legend	Delete the following 'Special Use' notations: <ul style="list-style-type: none"> <li>• F Fisheries</li> <li>• H Hotel</li> <li>• M Motel</li> <li>• O Office</li> <li>• R Residential</li> <li>• O/R Office/Residential</li> <li>• H/M Hotel/Motel</li> <li>• F/R Fisheries/Residential</li> </ul>	

## 5.0 Conclusion

This Amendment is a standard amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:

- a) It is consistent with the Shire's Local Planning Strategy
- b) It will have minimal impacts on land in the scheme area that is not subject to the amendment; and
- c) It will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

The proposed amendment is considered to be consistent with all relevant elements of the state and local planning framework and provides clear parameters to manage the risk of coastal hazards into the future.

On the basis of the information contained in this report, it is recommended that the amendment be supported.

# PLANNING AND DEVELOPMENT ACT 2005

## SHIRE OF BROOME

### LOCAL PLANNING SCHEME NO. 6

#### AMENDMENT NO. 5

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the Shire of Broome Local Planning Scheme No 6 by:

#### 1. Correction of Minor Text Errors and Omissions

- 1.1 Replace 'expect' in Clause 5.2.7.2 (a) with 'except'
- 1.2 Replace '*Commercial Arbitration Act 1985*' in Clause 5.3.8.7 (f) with '*Commercial Arbitration Act 2012*'
- 1.3 Replace '*Commercial Arbitration Act 1985*' in Clause 5.3.16 with '*Commercial Arbitration Act 2012*'
- 1.4 Replace '*Health Act of Western Australia 1990*' in the definition of 'lodging house' in Schedule 1 with '*Health Act 1911*'.
- 1.5 Remove the definition of 'fast food outlet' in Schedule 1.
- 1.6 Insert the definition of 'lunch bar' in Schedule 1, as 'means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.'

#### 2. Zoning Table

Amend Clause 3.17 – Zoning Table to:

- 2.1 Change 'Industry-General' from a 'P' to a 'D' in the 'Light and Service Industry' zone
- 2.2 Change 'Staff Accommodation' from a 'D' to an 'X' in the 'Rural Residential' zone
- 2.3 Include the land use of 'Tavern' as a 'P' in the 'Town Centre' zone, a 'D' in the 'Tourist' and 'Low Impact Tourist Development' zones, an 'A' in the 'Mixed Use' and 'Local Centre' zones, and an 'X' in the 'Residential,' 'Rural Residential,' 'Service Commercial,' 'Industry,' 'Light and Service Industry,' 'General Agriculture,' 'Culture and Natural Resource Use' and 'Rural Smallholdings' zones.
- 2.4 Include the land use of 'lunch bar' as 'P' in the 'Town Centre,' 'Local Centre,' 'Tourist' and 'Low Impact Tourist Development' zones, 'D' in the 'Mixed Use' and 'Industry' zones and 'X' in the 'Residential,' 'Rural Residential,' 'Service Commercial' and 'Light and Service Industry' zones.
- 2.5 Change 'Club Premises' from a 'D' to an 'A' in the 'Residential' zone
- 2.6 Change 'Educational Establishment' from a 'D' to an 'A' in the 'Residential' and 'Rural Residential' zones
- 2.7 Change 'Plant Nursery' from a 'D' to an 'A' in the 'Rural Residential' zone
- 2.8 Change 'Agriculture Intensive' from an 'A' to a 'P' in the 'General Agriculture' zone and from an 'A' to a 'D' in the 'Culture and Natural Resource Use' zone.

#### 3. Alignment with Strategic Framework

*Cable Beach Development Strategy*

- 3.1 In Schedule 2, delete 'A7'.
- 3.2 Rezone Lots 4-23 and 57-70 Frangipani Drive from 'Tourist' to 'Residential' zone with a density of R10
- 3.3 Include a new subclause under Clause 4.3 – Special Application of Residential Design Codes to state: '4.3.8 The setbacks for Lots 4-23 and 57-70 Frangipani Drive under clause 5.1.2 and 5.1.3 of the Residential Design Codes are to be calculated at the R40 standards.'

#### *Old Broome Development Strategy*

- 3.4 Amend Clause 3.17 – Zoning Table within the 'Mixed Use' zone to:
  - a) Change 'Bed and Breakfast Accommodation' from 'P' to 'D'
  - b) Change 'Car Park' from 'P' to 'D'
  - c) Change 'Cinema/Theatre' from 'P' to 'D'
  - d) Change 'Civic Use' from 'P' to 'D'
  - e) Change 'Club Premises' from 'P' to 'D'
  - f) Change 'Community Purposes' from 'P' to 'D'
  - g) Change 'Dry Cleaning Premises' from 'D' to 'X'
  - h) Change 'Funeral Parlour' from 'D' to 'X'
  - i) Change 'Health Club' from 'P' to 'D'
  - j) Change 'Hotel' from 'P' to 'D'
  - k) Change 'Industry Cottage' from 'D' to 'P'
  - l) Change 'Liquor Store' from 'A' to 'X'
  - m) Change 'Motel' from 'P' to 'D'
  - n) Change 'Museum' from 'P' to 'D'
  - o) Change 'Office' from 'P' to 'D'
  - p) Change 'Place of Assembly and Worship' from 'P' to 'A'
  - q) Change 'Plant Nursery' from 'D' to 'X'
  - r) Change 'Recreation – Indoor' from 'P' to 'D'
  - s) Change 'Restaurant' from 'P' to 'D'
  - t) Change 'Tourist Development' from 'P' to 'D'
  - u) Change 'Vehicle Hire' from 'D' to 'X'

#### *Chinatown Development Strategy*

- 3.5 Amend Clause 3.17 – Zoning Table within the 'Town Centre' zone to:
  - a) Change 'Art and Craft Centre' from 'P' to 'D'
  - b) Change 'Nightclub' from 'P' to 'D'
  - c) Change 'Recreation – Indoor' from 'P' to 'D'
  - d) Change 'Recreation – Private' from 'P' to 'D'
  - e) Change 'Tourist Development' from 'P' to 'D'

### **4. Standards for Outbuildings in the Rural Residential Zone**

- 4.1 Replace all reference to 'shed' or 'sheds' with 'outbuilding' or 'outbuildings.'
- 4.2 Replace Clause 3.31(c) with:  
'The maximum aggregate floor area of outbuilding(s) on a lot should not exceed 200m<sup>2</sup> and an outbuilding shall not exceed a wall height of 4.5 metres and a ridge height of 6 metres.'
- 4.3 Replace 'An increase in the floor area of the shed and the number of sheds per lot' within 3.31.1(d) with 'An increase in the floor area or wall height and ridge height...'

### **5. Schedule 8 – Development Standards**

Amend Schedule 8 – Development Standards to:

- 5.1 Replace 'Clause 4.1' at the top of the table with 'Clause 3.29'
- 5.2 Insert '(metres)' in the table headings after 'Front,' 'Secondary Street,' 'Rear' and 'Side' setbacks
- 5.3 For the 'Rural Residential' zone, replace '\*\*' in the columns for rear and side setbacks with '10'.
- 5.4 For the 'Mixed Use' zone, replace '50%' in the column for Site Coverage with '55%'
- 5.5 For the 'Mixed Use' zone, replace '0.5' in the column for Plot Ratio with '0.6'
- 5.6 Insert a new Special Condition/Comment for the 'Mixed Use' zone to state 'For all development on properties identified with a density coding of R10 on the Scheme maps, site coverage and setbacks are to be as per the provisions of the Residential Design Codes that apply to a density of R10'
- 5.7 Insert a new Special Condition/Comment for the 'Mixed Use' zone to state 'Landscaping for all development shall be provided and maintained abutting the boundary of all street frontages to a minimum depth of 3 metres from the boundary. Where a nil setback is proposed landscaping is to be provided in the adjacent road reserve.'
- 5.8 For the 'Service Commercial' zone, replace '0.5' in the column for Plot Ratio with '0.75'
- 5.9 For the 'Service Commercial' zone, replace '\*\*' in the column for rear setback with 'nil'.
- 5.10 For the 'Local Centre' zone, replace '0.5' in the column for Plot Ratio with '1'
- 5.11 For the 'Industry' and 'Light and Service Industry' zones, replace '0.5' in the column for Plot Ratio with '0.75'
- 5.12 For the 'Tourist' zone, replace '50%' in the column for Site Coverage with '55%'
- 5.13 For the 'Tourist' zone, replace '0.5' in the column for Plot Ratio with '0.6'
- 5.14 For the 'Tourist' zone, replace the information in the columns for Setback with 'as per the provisions of the Residential Design Codes that apply to a density of R40.'
- 5.15 Insert a new Special Condition/Comment for the 'Tourist' zone to state 'Nil front setbacks may be provided where indicated supported in an endorsed development strategy.'

**6. Schedule 9 – Car, Motorcycle and Bicycle Ratios**

Amend Table 1 in Schedule 9 – Car, Motorcycle and Bicycle Ratios to:

- 6.1 Replace 'Town Centre – Chinatown' zone with 'Town Centre' zone – (Chinatown)
- 6.2 Amend the 'minimum number of parking bays' for 'Residential (all types)' to add after 'below', 'with the exception of residential development which can be considered under the provisions of the Residential Design Codes'.
- 6.3 Replace all instances of 'gross floor area' or 'building area' with 'net lettable area.'
- 6.4 Include the following zones in the list of zones: 'Town Centre' (excluding Chinatown); 'Low Impact Tourist,' 'Service Commercial' and 'Culture and Natural Resource Use'
- 6.5 Replace 'General Rural' in the list of zones with 'General Agriculture,' 'Rural Agriculture' with 'Rural Smallholdings' and 'Rural Living' with 'Rural Residential'
- 6.6 Delete 'Port' and 'Waterbank Conservation' from the list of zones.
- 6.7 Delete the row for the use class 'Art Gallery'
- 6.8 Amend the use class 'Camping and Caravan Parks' to 'Caravan Park'

- 6.9 Replace the requirements for 'Child Care Centre' with '1 bay for every 10 children the centre is approved to accommodate, plus 1 bay per employee with a minimum of 5 bays required.'
- 6.10 Amend the use class 'Community Purposes/Clubs' to 'Community Purposes/Club Premises'
- 6.11 Amend the use class 'Consulting Room' to 'Consulting Room/Medical Centre' with the requirements '4 bays for each health consultant room.'
- 6.12 Amend the use class 'Education Centre' to 'Education Establishment.'
- 6.13 Include new row for the use class 'Exhibition Centre' with the requirements '1 bay per 40m<sup>2</sup> of net lettable area.'
- 6.14 Include new row for the use class 'Family Day Care' with the requirements '2 bays for the dwelling, plus 2 drop off/pick up bays'
- 6.15 Include new row for the use class 'Fast Food Outlet – Drive Through' with the requirements '2 bays per 2m<sup>2</sup> of counter area, plus 1 bay per employee. Where a drive through facility is provided, 4 stacking bays plus 1 waiting bay.'
- 6.16 Include new row for the use class 'Holiday Home – standard' with the requirements 'To be in accordance with the provisions of the Residential Design Codes'
- 6.17 Include new row for the use class 'Holiday Home – large' with the requirements 'To be in accordance with the provisions of the Residential Design Codes, plus 1 bay.'
- 6.18 Replace the requirements for 'Home Business' with 'To be in accordance with the provisions of the Residential Design Codes, plus 1 bay, plus 1 bay for each employee not resident in the dwelling'
- 6.19 Replace the requirements for 'Home Occupation' with 'To be in accordance with the provisions of the Residential Design Codes.'
- 6.20 Delete the row for the use class 'Library (use not listed)'
- 6.21 Include new row for the use class 'Lunch Bar' with the requirements '2 bays per 2m<sup>2</sup> of counter area, plus 1 bay per employee.'
- 6.22 Delete the row for the use class 'Motor Vehicle Hire'
- 6.23 Amend the use class 'Motor Vehicle Repairs and Wrecking' to 'Motor Vehicle and/or Marine Wrecking' and replace the requirements with '1 bay per 50m<sup>2</sup> of storage area used for vehicle wrecking.'
- 6.24 Include new row for the use class 'Motor Vehicle Repairs' with the requirements '1 bay per 30m<sup>2</sup> of sales/customer service area and office space, plus 2 bays per service bay'
- 6.25 Amend the use class 'Motor Vehicle Sales' to 'Motor Vehicle, Boat or Caravan Sales' and replace the requirements with '1 bay per 150m<sup>2</sup> of site area allocated to vehicle display, 1 bay per 30m<sup>2</sup> of sales/customer service area and office space, plus 2 bays per service bay, plus an additional 4 drop off bays if vehicle hire is provided.'
- 6.26 Delete the row for the use class 'Museum'
- 6.27 Replace 'for each two beds the building is designed to accommodate' with 'per bedroom' in the requirements for 'Residential Building'
- 6.28 Replace the requirements for 'Residential Development...' with 'To be in accordance with Clause 4.3.3 of LPS6 with the exception of grouped and multiple dwellings in Chinatown which is to be in accordance with the Residential Design Codes.'
- 6.29 Replace '4m<sup>2</sup>' with '6m<sup>2</sup>' in the requirements for 'Restaurant (including Alfresco dining areas)' and delete '1 bay for each 6m<sup>2</sup> of drinking or assembly area, where provided.'
- 6.30 Delete the row for the use class 'Retail Premises- Hire/Shop'
- 6.31 Replace the requirements for 'Service Station' with '2 vehicle standing points per fuel pump, 2 bays for every service bay and 1 bay for every employee, plus 1 bay per 20m<sup>2</sup> net lettable area of retail space'

- 6.32 Include new row for the use class 'Shop' with the requirements '1 bay per 20m<sup>2</sup> net lettable area.'
- 6.33 Delete the row for the use class 'Take Away/Fast Food Outlets (Use not Listed)'
- 6.34 Delete '(Use not listed)' from the use class 'Tavern'
- 6.35 For the use class 'Tourist Development':
- Replace the requirements for 'Long stay Units' with 'To be in accordance with Clause 4.3.3 of LPS6.'
  - Replace '6m<sup>2</sup>' with '12m<sup>2</sup>' in the requirements for 'Restaurants, cafes and bars'
  - Delete '1 boat/trailer bay for every 10 units except where tandem parking is provided or a management statement indicates how the parking of boats are going to be accommodated in an alternative way.'
- 6.36 Replace 'professional person' with 'treatment/consulting room' in the requirements for 'Veterinary Centre.'
- 6.37 Delete the row for the use class 'Other uses not listed'

Amend Table 2 in Schedule 9 – Car, Motorcycle and Bicycle Ratios to:

- 6.38 Replace 'Bicycle Racks' in the heading for 'Table 2' with 'Bicycle Parking'
- 6.39 Replace 'Bicycle racks' with 'Bicycle Parking'
- 6.40 Replace the requirements for 'Bicycle parking' with 'To be provided in accordance with categories of land use with all land uses not listed at the discretion of the local government:

Type of Land Use	Visitor Parking Spaces (Net Lettable Area)	Employee Parking Spaces (Net Lettable Area)
Shop	2 per 500m <sup>2</sup>	If over 500m <sup>2</sup> , 2 spaces and end of trip facilities for employee use.
Showroom	2 per 1,000m <sup>2</sup>	If over 1,000m <sup>2</sup> , 2 spaces and end of trip facilities for employee use.
Fast Food Outlet – Drive Through, Lunch Bar	2 per 50m <sup>2</sup>	If over 150m <sup>2</sup> , 2 spaces and end of trip facilities for employee use.
Restaurant, Tavern	2 per 100m <sup>2</sup> public area	If over 150m <sup>2</sup> , 2 spaces and end of trip facilities for employee use.
Office	2 per 750m <sup>2</sup>	If over 750m <sup>2</sup> 2 spaces and end of trip facilities for employee use.
Medical Centre	2 per 4 practitioners	If more than 8 practitioners 2 spaces and end of trip facilities for employee use.
Child Care Centre	2 per 8 employees	If more than 8 employees 2 spaces and end of trip facilities for employee use.
Tourist Development	2 per 8 accommodation units	N/A

Exhibition Centre, Recreation (Indoor), Health Club, Club Premises, Place of Assembly or Worship	4 per 200m <sup>2</sup>	N/A
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Amend Table 3 (Dimensions of Parking Bays) in Schedule 9 – Car, Motorcycle and Bicycle Ratios to:

- 6.41 Delete table heading 'Table 3 – Dimensions of ACROD, Motorcycle Bays and Bicycle Racks' and replace with 'Table 3 – Car, Motorcycle and Bicycle Parking Dimensions'
- 6.42 Replace 'ACROD Parking Bays' with 'ACROD Car Parking Bays'
- 6.43 Replace the requirements for 'ACROD Parking Bays' with 'As per Australian Standard AS2890.6 2009'
- 6.44 Delete the row for 'Car Parking – Accessible'
- 6.45 Delete the row for 'Car parking – Public Car Parks'
- 6.46 Insert 'Car Parking – not short term parking\*', '\*refer to user class 1 and 1A in AS 2890' and include the following minimum dimensions:  
Width – 2.5metres, can be reduced to 2.4 metres if parallel parking proposed  
Length – parallel parking – 6 metres  
Length – angle parking – 5.5 metres  
Aisle width/reversing space – minimum 6m.
- 6.47 Include new row for 'Car Parking – Public Car Park for short term parking, including parking in the Town Centre zone or parking bays in association with a hospital, consulting rooms/medical centre, shop and service stations land use' and include the following minimum dimensions:  
Width – 2.6 metres, can be reduced to 2.4 metres if parallel parking proposed  
Length – parallel parking – 6 metres  
Length angle parking – 5.5 metres  
Aisle width/reversing space – minimum 6 metres
- 6.48 Include new row for 'Car Parking – Public Car Park within road reserves' and include the following minimum dimensions:  
Width 2.7 metres, can be reduced to 2.4 metres if parallel parking proposed.  
Length – parallel parking – 6 metres  
Length – angle parking – 6 metres  
Aisle width – minimum 6m

## 7. Other Matters

- 7.1 In Clause 3.34.2(a), insert 'unless otherwise indicated on the Scheme Maps' after 'R40 Residential Design Code.'
- 7.2 In Schedule 4, amend the Conditions associated with Special Use 'PF' (Pearl Farm) for Lot 154 Willie Creek Road to state:
  - 3. Uses may include:
    - a. Pearl Farm and ancillary uses
    - b. Tourist Display
    - c. Office
    - d. Shop
    - e. Caretaker's accommodation
  - 4. Site and development requirements – as determined by local government
- 7.3 Delete existing Clause 3.41.2 – Subdivision requirements in the 'Low Impact Tourism' zone' and replace with 'The local government will not support subdivision

and strata titling of land within the Low Impact Tourist zone unless it is consistent with any relevant local development plan or any other relevant plan or strategy endorsed by the local government and, where necessary, the Commission.'

## 8. Correction of Minor Mapping Errors and Omissions

Amending the Scheme Maps as follows:

	Address	Proposed Modification
8.1	Entire Scheme Area	Amend all maps to reflect the updated colours for all zones and reserves, where applicable, as set out in Schedule 3 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
8.2	Lot 240 (No. 71) Robinson Street, Broome ( <i>Map 32</i> )	Amend from 'Parks Recreation and Drainage' reserve to 'Public Purposes' reserve with the notation 'M' (Museum')
8.3	Lot 3066 (No. 75) Reid Road, Cable Beach ( <i>Map 30</i> )	Amend from 'Parks Recreation and Drainage' reserve to 'Public Purposes' reserve with the notation 'T' (Telecom')
8.4	Portions of Shelduck Way and Dunnart Crescent, Djugun ( <i>Maps 27 and 30</i> )	Rezone from 'Residential' zone to 'Local Roads' reserve
8.5	Lot 728 (No. 2) Blick Drive, Broome ( <i>Map 32</i> )	Insert R-Coding 'R30'
8.6	Lot 45 (No. 14) and Lot 46 (No. 12) Mostyn Place, Broome ( <i>Map 32</i> )	Include entirety of lots within R-Coding 'R12.5'
8.7	Lot 616 (No. 1) Larja Link, Cable Beach ( <i>Map 32</i> )	Amend R-Coding from 'R17.5' to 'R30'
8.8	Lot 629 (No. 39) Woods Drive, Cable Beach ( <i>Map 32</i> )	Amend R-Coding from 'R40' to 'R30'
8.9	Lot 605 Clementson Street, Minyirr ( <i>Map 32</i> )	Amend from 'Local Road' to 'Parks Recreation and Drainage' reserve
8.10	Lots 501 and 502 Frangipani Drive, Cable Beach ( <i>Map 27</i> )	Amend from 'Tourist' zone to 'Parks Recreation and Drainage' reserve
8.10	Lots 4-23 and 57-70 Frangipani Drive ( <i>Map 27</i> )	Rezone Lots 4-23 and 57-70 Frangipani Drive from 'Tourist' to 'Residential' zone with a density of R10
8.11	Lot 366 Gwendoline Crossing, Bilingurr ( <i>Map 27</i> )	Amend from 'Local Road' to 'Parks Recreation and Drainage' reserve
8.12	Lots 360, 352, 2605, 2606 Fairway Drive, Pt. Lot 9007 Magabala Road and Lots 1024, 1776 and 1224 Locke Street ( <i>Maps 23, 24, and 27</i> )	Amend from 'No Zone' to 'Development' zone
8.13	Pt Lot 555 Old Broome Road, Djugun ( <i>Map 27</i> )	Rezone from 'Development' zone to 'Local Road' reserve



8.14	Pt Lot 2242 (No .147) Old Broome Road, Djugun (Map 27)	Amend from 'Local Road' reserve to 'Development' zone
8.15	Pt. Lot 730 on Plan 71878 (Map 3)	Amend location of the 'Low Impact Tourism' zone to the location of the Barn Hill Caravan Park.
8.16	Pt. Lot 591 Broome Road, Waterbank (Maps 10 and 16)	Amend notation of 'Public Purpose' Reserve from 'WS' (Water Supply) to 'MS' (Motorsport)
8.17	Lot 3127 Coucal Street, Cable Beach (Map 27)	Amend from 'Parks, Recreation and Drainage' reserve to 'Local Road' reserve.
8.18	Map Legend	Delete the following 'Special Use' notations: <ul style="list-style-type: none"> <li>• F Fisheries</li> <li>• H Hotel</li> <li>• M Motel</li> <li>• O Office</li> <li>• R Residential</li> <li>• O/R Office/Residential</li> <li>• H/M Hotel/Motel</li> <li>• F/R Fisheries/Residential</li> </ul>
8.19	Lot 6 (No. 5) Sanctuary Road, Cable Beach (Map 27)	Remove the additional use designation for 'Service Station'.
8.20	Lot 241 (No. 73) and Reserve 39111 Robinson St, Broome	Rezone from 'Parks Recreation and Drainage' to 'Public Purposes' reserve with the notation 'S' for Sewerage.

This Amendment is a standard amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- a) It is consistent with the Shire's Local Planning Strategy
- b) It will have minimal impacts on land in the scheme area that is not subject to the amendment; and
- c) It will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2017

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

## **ADOPTION**

Adopted by resolution of the Council of the Shire of Broome at the Meeting of the Council

held on the \_\_\_\_\_ day of \_\_\_\_\_ 2017.

.....  
SHIRE PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Approval

.....  
DELEGATED UNDER S.16 OF  
THE PD ACT 2005

DATE.....

Approval Granted

.....  
MINISTER FOR PLANNING

DATE.....