

SCHEDULE OF SUBMISSIONS

For Amendment No: LPS6 -2

Proposal: Creation of 'Development Contribution Area' Special Control Area and Development Contribution Plan

Number	Name/ Address	Affected Property	Summary of Submissions	Officer Comment and Recommendation
1	Landcorp, Level 6, Westfarmers House, 40 The Esplanade, Perth, WA	Various Properties falling within the Broome North District Development Plan.	<p><u>Overview</u> The submission requests:</p> <ol style="list-style-type: none"> 1. The amendment not be adopted in its current form; and 2. The Shire of Broome request the Western Australian Planning Commission (WAPC) extend the 'consideration period' as provided for by regulation 41 of the Planning and Development (Local Planning Schemes) Regulations 2015, so as to enable Council's further review of the terms of the amendment in consultation with affected landowners and the Department of Planning, Lands and Heritage (DPLH) officers. 	<p>The Shire of Broome sought an extension to the consideration period (item 6.2.1 at the OMC in 07 June 2017) which was granted by the WAPC.</p> <p>The Shire of Broome has reviewed the points raised in the submissions and also met with affected landowners and the DPLH.</p>
			<p><u>Recognition of community needs</u> LandCorp recognises the initiative taken by the Shire of Broome to identify future community requirements and to address means to provide for those requirements. In this regard, LandCorp notes the merit of the various proposals:</p>	Noted.
			<p><u>Road Infrastructure</u> The District Traffic Study prepared for the Shire forecasts traffic numbers up to year 2051. It is recognised that the community as a whole will benefit</p>	<p>Noted.</p> <p>Officer recommendation: No further action required.</p>

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			<p>from a movement network that provides accessibility to, within and between neighbourhoods and activity areas.</p> <p>Long term planning and provisioning for future needs is required to ensure all major intersections operate at acceptable levels of service, and that the movement network maintains adequate capacity to carry forecast volumes. In this regard, the intersection upgrades and the carriageway works as referred to by the DCP will ensure suitable levels of service are provided in the long term.</p>	
			<p><u>Water for Irrigation</u></p> <p>LandCorp recognises the fit-for-purpose water re-use scheme (treated waste water for irrigation) is an initiative that will offset costs of Scheme water and maintain parkland quality across the community as a whole. The initiative has the added advantage of beneficially using a waste resource.</p> <p>Where a business case is able to support such a Scheme, the community benefits from sustained parkland function and useability, providing an important asset to the community at large.</p> <p><i>[detailed description of the concerns in this regard are set out in the heading 'Water Re-use Scheme' below].</i></p>	<p>Noted.</p> <p>The Fit for Purpose Water Supply Study (2016) considered a range of POS irrigation options using a multi-criteria analysis and preliminary cost benefit analysis based on indicative cost estimates.</p> <p>The Shire currently has a Memorandum of Understanding (MOU) with the Water Corporation to use treated wastewater (TWW) from the Broome South Waste Water Treatment Plant (WWTP) to irrigate Public Open Space (POS) at Haynes Oval, BRAC, and St. Mary's School. The majority of other areas of POS are currently irrigated with reticulated water, which is costly and not sustainable. To address this issue, the Shire commissioned a Fit-for-Purpose Water Supply Study to investigate options to utilise alternative water sources for irrigation, including an expansion of the</p>

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				<p>TWW Scheme, groundwater, managed aquifer recharge, and a mixture of sources. A multi-criteria analysis was undertaken of three 'short-listed' options and a preferred option, being the introduction of a new TWW scheme north of the Broome Airport using TWW from the Broome North WWTP, was identified.</p> <p>The Study concluded that Option 1 is the preferred option and detailed cost estimate is included Appendix C of the Fit for Purpose Water Supply Study. It is considered that this provides sufficient justification for inclusion within the DCP.</p> <p>Officer recommendation: No further action required.</p>
			<p><u>Community Infrastructure</u> It is acknowledged that mature communities typically enjoy higher levels of community services. Proposed community infrastructure such as the items identified in the DCP are consistent with reasonable expectations of a well-established area, particularly a locality that attracts relatively high visitor numbers. Proposals for community infrastructure such as the items identified in the DCP for the Broome Recreation and Aquatic Centre (BRAC), Town Beach and Jetty to Jetty area will improve the quality, amenity and overall attractiveness of the area for the resident and visiting communities.</p>	<p>Noted.</p> <p>Officer recommendation: No further action required.</p>
			<p>Central to the basis of LandCorp's submission is an assessment of the suitability of a DCP as a means to</p>	<p>The DCP has demonstrated nexus between subdivision and infrastructure items (refer to clause 7.1 of the DCP)</p>

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			<p>equitably fund the provision of the identified infrastructure. Considerations in this regard are set out as follows.</p> <p>PROPOSED DCP TERMS</p> <p>The WAPC has released guidelines to assist consideration of proposed DCP arrangements. The guidelines serve to complement the terms of the adopted and draft State Planning Policy 3.6, offering criteria against which DCP proposals can be assessed. More specifically, the guidelines identify establishment <i>principles</i> and infrastructure <i>categories</i>. These considerations are now discussed.</p> <p><u>Principle 2: Development contributions should not replace normal government expenditure</u></p> <p>The WAPC guidelines state: “Although in some circumstances development contributions may recover the full costs of individual items where there is a clear nexus between the infrastructure and the development, they are not intended to cover the costs of delivering the full suite of urban infrastructure required for new communities. Local government needs to use other streams of funding to deliver the full suite of urban infrastructure, particularly in established areas, including general rates and external grants.”</p> <p>Emphasis added.</p>	<p>which are linked to projected population thresholds. The DCP report clearly addresses each of the establishment principles set out in SPP3.6, building on calculations and costings from publically available sources, including the Australian Bureau of Statistics, the Local Planning Strategy, endorsed Local Development Plans and other supporting studies. SPP 3.6 notes the key principle is that the ‘beneficiary’ pays. Sometimes benefits will be largely confined to the residents of a new development. Sometimes, the benefits will accrue to both existing and new residents.</p> <p>In the instance of the Shires DCP, the cost of infrastructure has been apportioned between the shire and developers of new residential subdivision. Different methodologies are proposed for the different items, but in essence, the DCP has been designed around the principle of ‘equity’ and are proposed to be levied from all developments within the DCA based on their relative need.</p> <p>In a regional area such as Broome, the townsite is spatially compact and as a result much of the community infrastructure is concentrated in a few centralised locations rather than dispersed throughout geographically self-contained ‘neighbourhoods.’</p> <p>It is acknowledged that some of items may benefit the community at large. However, it is considered that funding model proposed ensures DCP items are</p>

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			<p>The ability to demonstrate a clear nexus between the proposed cost items and the specific communities within the contribution areas is difficult as the nature of the items serve the community at large. It is respectfully submitted that the items proposed to be included in the DCP do not satisfy the establishment principle and are matters that should be funded through alternative streams of funding.</p>	<p>equitably funded through a combination of municipal funds and development contributions.</p> <p>The draft Guidelines state the following:</p> <p><i>Development contributions should be able to be used towards improving, or replacing if improvement is not an option, existing infrastructure, in addition to providing new infrastructure but only in proportion to its likely use by the new residents in a growing population. Replacement of obsolete infrastructure that serves only the existing population; or improvements / replacements to raise existing service standards, should be funded from rate or other revenue sources, and should not be paid for via new development.</i></p> <p>In the case of the Shire's DCP, the above is satisfied because projects seek to improve infrastructure in proportion to its likely use by new residents, with the Shire meeting the costs of the existing population. As such it is considered that the projects (with the exception of Town Beach and Jetty to Jetty, as addressed below) within the DCP meet with the principles of the SPP.</p> <p>Officer recommendation: Town Beach and Jetty-to-Jetty items have been removed from the DCP</p>
			<p><u>Principle 4: Development contribution infrastructure must be important for liveability</u></p>	<p>With respect to community infrastructure items in 'Category C' as set out in the Draft SPP 3.6 Guidelines, there is a strong emphasis that these items be required</p>

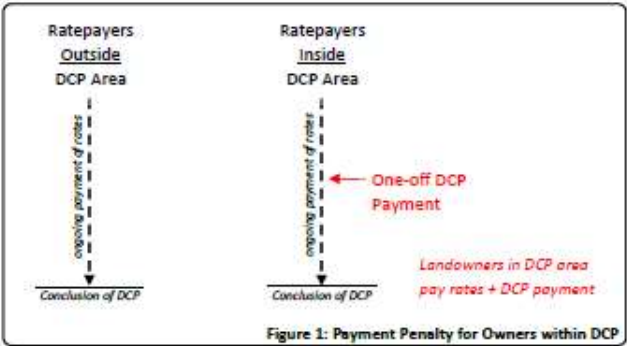
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			<p>The WAPC guidelines state: “Only infrastructure that is important for liveability from the earliest stages of development may be required through the development contribution system (see Section 3.3 for further information on how this concept is defined). Facilities that might be found in mature communities would generally be provided over time as rates and grants allow, but are not necessarily required or expected when a community is first established. In determining the appropriateness of individual items for delivery through the development contribution system, the WAPC has assessed whether an item is considered to be ‘important for liveability’ and has used this concept as a benchmark. It is recognised that whether or not an item is considered ‘important for liveability’ will to some extent vary between development settings, and will also need to be reviewed over time.”</p> <p>Emphasis added.</p> <p>There are no items within the proposed DCP that are required from the earliest stages of development, and all items are not necessarily expected when a community is first established. In this circumstance, it is respectfully submitted that the proposed DCP cost items do not satisfy the WAPC principle.</p>	<p>‘from the earliest stages of development.’ This presupposes that all DCPs will be for the establishment of new greenfield communities and the basic facilities that will be located within those communities. However, in regional areas such as Broome it is more likely that the infrastructure will comprise upgrades and enhancements to existing facilities which are triggered by incremental population growth within an existing townsite through new subdivision. Some of these facilities (i.e. the Broome Recreation and Aquatic Centre, or BRAC) are not required ‘from the earliest stage of a development’ however their provision can be justified on a proportionate basis when the overall population of the town reaches a predetermined threshold.</p> <p>Officer recommendation: No further action required.</p>

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			<p><u>Principle 7: Development contributions can be used for proportional improvements to existing infrastructure to accommodate growth.</u></p> <p>The WAPC guidelines state: “Development contributions should be able to be used towards improving, or replacing if improvement is not an option, existing infrastructure, in addition to providing new infrastructure but only in proportion to its likely use by the new residents in a growing population. Replacement of obsolete infrastructure that serves only the existing population; or improvements / replacements to raise existing service standards, should be funded from rate or other revenue sources, and should not be paid for via new development.”</p> <p>Emphasis added.</p> <p>It is respectfully submitted that a literal interpretation of the Guidelines indicate the proposed cost items are not appropriate for a DCP.</p>	<p>In the case of DCP1, it is considered that upgrades to existing infrastructure will meet the need generated by the new population. These upgrades are not intended to raise service standards but ensure the provision of infrastructure required for future population growth.</p> <p>Officer recommendation: No further action required.</p>
			<p><u>DCP Infrastructure Category Assessment</u></p> <p>The guidelines include the following schedule of infrastructure categories:</p>	<p>The Shire has reviewed all projects forming part of the DCP. It is recommended that the Town Beach and Jetty to Jetty items are removed based on the feedback received.</p> <p>The remaining projects within the DCP meet with the principles of the SPP and therefore are recommended to remain.</p>

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			<table border="1" data-bbox="808 268 1473 533"> <tr> <td data-bbox="808 268 891 320">Category A</td> <td data-bbox="891 268 1346 320">Infrastructure required as standard (as identified at Appendix 1 of SPP 3.6) and essential for subdivision or development - can be required directly as a condition of subdivision/development</td> <td data-bbox="1346 268 1473 320">Inclusion in DCP not req</td> </tr> <tr> <td data-bbox="808 320 891 373">Category B</td> <td data-bbox="891 320 1346 373">Infrastructure required as standard (as identified at Appendix 1 of SPP 3.6) and essential for subdivision or development, in limited circumstances of fragmented landownership or non-frontal development, where cost redistribution is necessary</td> <td data-bbox="1346 320 1473 373">Inclusion in DCP require (if development contrib sought)</td> </tr> <tr> <td data-bbox="808 373 891 426">Category C</td> <td data-bbox="891 373 1346 426">Infrastructure important for liveability from the earliest stages of development</td> <td data-bbox="1346 373 1473 426">Inclusion in DCP require (if development contrib sought)</td> </tr> <tr> <td data-bbox="808 426 891 478">Category D</td> <td data-bbox="891 426 1346 478">Administrative items associated with preparation of a DCP</td> <td data-bbox="1346 426 1473 478">Inclusion in DCP require (if development contrib sought)</td> </tr> <tr> <td data-bbox="808 478 891 533">Category E</td> <td data-bbox="891 478 1346 533">Infrastructure optional for liveability, generally found in mature communities; or where need and nexus cannot be demonstrated. Delivery of these items should be at the discretion of the relevant developer or government agency</td> <td data-bbox="1346 478 1473 533">Inclusion in DCP not app</td> </tr> </table> <p data-bbox="808 571 1473 676">The proposed DCP items are assessed having regard for the categories set out above. A detailed schedule in this regard is included at Attachment 1.</p> <p data-bbox="808 715 1473 858">When evaluated against the category assignments of the WAPC draft guidelines, the majority of proposed items appear to fall outside the type of works ordinarily considered appropriate for a DCP.</p> <p data-bbox="808 896 1473 1251">The amendment report prepared by the Shire in support of the proposed DCP correctly identifies that the range of items proposed, can, in policy terms be considered. However, the report does not proceed to assess the suitability of the inclusion of each item within the specific case of Broome. In the specific circumstances at the Shire of Broome, it is respectfully submitted that the proposed items be further reviewed, taking into account the conclusions set out within Attachment 1.</p>	Category A	Infrastructure required as standard (as identified at Appendix 1 of SPP 3.6) and essential for subdivision or development - can be required directly as a condition of subdivision/development	Inclusion in DCP not req	Category B	Infrastructure required as standard (as identified at Appendix 1 of SPP 3.6) and essential for subdivision or development, in limited circumstances of fragmented landownership or non-frontal development, where cost redistribution is necessary	Inclusion in DCP require (if development contrib sought)	Category C	Infrastructure important for liveability from the earliest stages of development	Inclusion in DCP require (if development contrib sought)	Category D	Administrative items associated with preparation of a DCP	Inclusion in DCP require (if development contrib sought)	Category E	Infrastructure optional for liveability, generally found in mature communities; or where need and nexus cannot be demonstrated. Delivery of these items should be at the discretion of the relevant developer or government agency	Inclusion in DCP not app	<p data-bbox="1489 268 2154 300">Officer recommendation: no further action required.</p>
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Category C	Infrastructure important for liveability from the earliest stages of development	Inclusion in DCP require (if development contrib sought)																	
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			<p data-bbox="808 1257 1473 1362"><u>Water Re-use Scheme</u> The Shire’s Public Open Space Irrigation Options Study confirms that “the cost of Scheme Water is one of the</p>	<p data-bbox="1489 1257 2154 1391">The Shire and the Department of Water has identified that the current manner in which POS is irrigated will be neither cost-effective nor sustainable as the area of POS increases. The sustainable irrigation of public open</p>															

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			<p>drivers for investigating alternative water sources for POS irrigation”.</p> <p>The report identifies the annual cost of POS irrigation with Scheme water as having reached \$600,000. By disclosing such, the reporting confirms that infrastructure is not required for initial stages of development as set out in WAPC guidelines, but rather to offset ongoing operational costs.</p> <p>Separate to this, the proposed re-use of treated wastewater from the relatively recently commissioned Broome North Wastewater Treatment Plant involves the following risks:</p> <ul style="list-style-type: none"> - Source water from the Water Corporation is not assured; - Environmental risk assessments have not been undertaken; - Nutrient management planning requirements are not known – including dilution; - required from Scheme or groundwater to reduce nutrient rich treated waste water; and - Cost and feasibility of the scheme is not confirmed. <p>The proposed infrastructure may not eventuate in the form anticipated by the DCP, and/or may prove unviable to operate. The DCP therefore may be seeking contributions to infrastructure that:</p> <ol style="list-style-type: none"> 1. may not eventuate; or 2. may be decommissioned, with the community not receiving benefits from the contributions. 	<p>space areas created through the subdivision of land process is required to address the Better Urban Water Management Principles and this is currently not being satisfied in new urban areas in Broome with regard to water reuse.</p> <p>While it is noted that the implementation of a system may deliver operational savings to the Shire of Broome in the long-term, the main emphasis of this project is to achieve sustainability and to ensure that the principles within the Better Urban Water Management Guidelines are achieved for new subdivisions in Broome.</p> <p>Irrespective of whether a project is funded through a DCP or not, the Shire is obliged to consider operational costs as a part of feasibility of projects. The options study considered a range of criteria including environmental impact, health, land tenure and approval process. Cost was a factor in determining the preferred option; however it was not the sole determining factor.</p> <p>Given the level of capital investment to implement a system, it would be unreasonable for each developer to fund and therefore is proposed to be funded through the preparation of the DCP.</p> <p>The Shire is continually working on the implementation of the preferred option, which includes ongoing discussions with the Water Corporation. The Shire is of the view that the project meets with the SPP principles and therefore is recommended to remain in the DCP.</p>

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			<p>In these circumstances, it is respectfully submitted that this component of infrastructure does not have the sufficient level of certainty for inclusion within the DCP.</p>	<p>Officer recommendation: No further action required.</p>
			<p><u>Suitability of Contribution Area</u> The Shire has defined the contribution areas (the areas subject to payment obligations) as per forecast major residential development expectations by year 2031. This excludes estimated infill subdivision and development which, based on the Shire’s calculations, represents 17% of new development by year 2031. The approach chosen by the Shire means that more than 1 in 6 new houses will avoid DCP payment obligations, representing a fundamental inequity.</p>	<p>It is considered that the DCA captures the main areas in Broome where residential subdivision is anticipated until 2031. For this reason, incremental subdivision in existing developed areas of land outside the DCA will not incur development contribution charges, and the infrastructure needs generated by these minor subdivisions will be met by the Shire.</p> <p>The majority of the Broome townsite is developed with low density single residential lots and as such the potential for infill subdivision is limited. Whilst subdivisions of this nature occasionally occur, the timing of these is uncertain and there is no way to reliably predict yields in a way that is needed to create a DCP.</p> <p>It is noted, however, that if broad-scale redevelopment of an entire area is proposed to significantly increase density, an amendment to the DCP, or additional DCP, could be undertaken to capture this. The Shire will be further investigating preparation of a separate DCP to cover infill areas.</p> <p>Officer recommendation: No further action required.</p>

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			<p><u>Additional Payments to Infrastructure by Landowners within Contribution Area</u></p> <p>Without a differential rate structure adopted to reduce the rate levy for owners within the contribution area, those owners are financially penalised. That is, landowners within the contribution area would pay toward DCP costs through ordinary rate contributions. The landowners then make additional payment through the DCP levy.</p> <p>Figure 1 seeks to illustrate this. Landowners within the DCP area pay towards DCP costs through annual rates (both pre and post subdivision) and pay again through DCP payments at subdivision.</p>  <p>Figure 1: Payment Penalty for Owners within DCP</p> <p>It is respectfully submitted that the amendment not be adopted in its current form, and that the Western Australian Planning Commission grant extension to the consideration period as provided for by the associated regulations so as to allow a review of the DCP structure in context of overall financial strategy</p>	<p>The premise of adopting a DCP and collecting development contributions is long established in the WA Planning System and the Shire’s DCP is consistent with the SPP and how DCP have been applied and collected in other local government areas throughout the State.</p> <p>The contribution amount under the DCP is paid for by the developer at the time of seeking subdivision clearance and is not paid by the owner of the lot. The premises of developer contributions is that the party which is receiving the benefit from undertaking the development (the developer) is contributing to infrastructure that is required to support the additional residents, rather than that cost having to be met wholly by the local government (and its residents).</p> <p>It is noted that the subsequent landowners will then be paying rates, however rates are levied for a variety of operational matters and not solely for undertaking capital works to meet future population growth, which is the role of a DCP.</p> <p>Officer recommendation: No further action required.</p>

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			<p>management arrangements available to the Shire. It is recommended that the arrangements be reviewed options in collaboration with the affected landowners and the officers of the DPLH.</p>	
			<p><u>Suitability of Infrastructure Items</u> When evaluated against the category assignments of the WAPC draft guidelines, the majority of proposed items appear to fall outside the type of works ordinarily considered appropriate for a DCP.</p> <p>The amendment report prepared by the Shire in support of the proposed DCP correctly identifies that the range of items proposed, can, in policy terms be considered. However, the report does not proceed to assess the suitability of the inclusion of each item within the specific case of Broome. In the specific circumstances at the Shire of Broome, it is respectfully submitted that the proposed items be further reviewed, taking into account the conclusions set out within Attachment 1 (refer to submission).</p>	<p>While the draft Guidelines are a material consideration in determining the suitability of items for inclusion within the DCP, preliminary discussions with the Department of Planning, Lands and Heritage (DPLH) have identified that items can be supported where there is sufficient planning merit for their inclusion.</p> <p>The DCP has demonstrated nexus between subdivision and community infrastructure (refer to clause 7.1 of the DCP) which is linked to recommended population thresholds.</p> <p>In light of the submissions received by affected owners, and upon further review of the draft guidelines, it is considered that the town beach items (Jetty to Jetty/ Town Beach Items) do not sufficiently address the development contributions criteria for foreshore upgrades. Furthermore, the Shire has received grant funding from Lotterywest for Town Beach upgrades.</p> <p>Officer recommendation: Town Beach and Jetty-to-Jetty items have been removed from the DCP</p>
2	Nyamba Buru Yawuru Ltd,	Yawuru Gubinge	As a responsible organisation, NBY is vitally aware of housing affordability and will seek to ensure an appropriate balance is achieved between the	Noted. See additional comments below in relation to the technical review.

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	55 Reid Rd, PO Box 425, BROOME WA 6725	Road; Yawuru Clementson	<p>provision of infrastructure to improve the liveability for future residents in NBY developments with achieving an affordable price-point for residential land and housing.</p> <p>NBY recognises the importance of developer contributions for infrastructure where there is a clear alignment between need and nexus for the included items; a clear and transparent process for the management of the developer contribution plan; and, consistent application of the requirements. Further, NBY recognises that growth has impacts outside of the boundary of the development itself, however believes that the focus of Local Governments should be on funding major items through the increasing rate base achieved through population growth and through state and federal government grants. Only those items that are vital for the early liveability should be included in a developer contribution plan for Broome that is established under the auspices of SPP 3.6.</p> <p>NBY would also entertain discussion of a voluntary contribution scheme if the outcomes met the objects and purposes of the NBY.</p> <p>The position of NBY is informed by the technical review of the Shire of Broome Local Planning Scheme No 6 – Amendment 2, which is provided as Part B of this submission. It is the view of NBY that:</p> <ol style="list-style-type: none"> 1) an appropriately negotiated developer contribution scheme would be considered based 	

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			<p>on the principle of bringing forward the infrastructure needed for the liveability of residents on newly developed Yawuru lands;</p> <p>2) any Developer Contribution Plan developed under the auspices of <i>State Planning Policy 3.6 Developer Contributions for Infrastructure</i>, must be compliant with the requirements of both the policy and associated draft Guidelines, which are anticipated to come into effect prior to consideration by the WAPC of this amendment;</p> <p>3) all forecasting must be clear and transparent, with no strategies employed to bring forward demand such as overestimating population growth or combining peak demand with other demand to artificially reach capacity thresholds;</p> <p>4) the current amendment is sufficiently flawed to bring into question the likelihood that it will be approved by the Minister for gazettal; and,</p> <p>5) the Shire of Broome should immediately commence discussions with landowners to determine a suitable pathway forward, including the potential of negotiating a voluntary scheme that can deliver positive benefits to all parties. Those discussions would benefit from the inclusion of the DPLH officers.</p> <p>NBY welcomes the opportunity to discuss this submission further and looks forward to working productively with the Shire of Broome to achieve mutually beneficial outcomes.</p>	
			<u>Statistical Assumptions</u>	

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			<p>The population estimates are based on an annualised growth rate of 2.3%. Over the last decade this level of growth has only been exceeded twice, fuelled by the potential of James Price Point as a gas hub. Growth in 2015 contracted to 0.4% with growth in 2016 contracting further to just 0.2%, which equates to population growth of just 33 additional people.</p>	<p>Population projections are not an exact science and it is normal that there are periods of peaks and troughs in forecasted period. However when forecasting growth over a medium planning horizon an average growth rate is applied to account for this.</p> <p>The population forecast is based on a 2.3% growth rate. It is noted that this growth rate is still considered to be conservative and a reflection of the changing economic climate as it is considerably lower than the historical AAGR in Broome from 1976- 2013, which was 3.97% and also lower than the 'aspirational' scenarios of 3%, 4%, and 5% considered in the Kimberley Regional Planning and Infrastructure Framework (Department of Planning, 2015). It is further noted that this growth rate has been used as the basis for the traffic modelling in the District Traffic Study to ensure consistency.</p> <p>As stated in the DCP report, during the annual reviews the Shire will consider whether the projected growth rate needs adjustment on the basis of observed conditions and any recent projections undertaken.</p> <p>At this point, the 2.3% growth rate is considered reasonable and no amendment in this regards are proposed.</p> <p>Officer recommendation: no further action required.</p>
			<p>Traffic data has been inflated by combining the school peak (2PM – 4PM) with the dominant peak hour (4PM – 5PM). This has the effect of bringing forward the</p>	<p>Given that there is a high likelihood of interaction between peak time and school peak hours there needs</p>

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			<p>timeframes to reach the 85% capacity thresholds to be within the scope of the Amendment.</p>	<p>to be provision in the assessment of both traffic volumes simultaneously.</p> <p>These additional traffic volumes will place additional load on both the local area network and feeder roads, intersections and general road infrastructure which supports the inclusion in this plan.</p> <p>Officer recommendation: no further action required.</p>
			<p><u>Timeframes</u></p> <p>The timeframe of 2031 (14 years) is outside the recommended duration of a DCP of five to ten years. With the overestimation of population growth, it is unlikely that some of the infrastructure will be required for fifteen to twenty years.</p>	<p>The draft Guidelines note ‘the recommended lifespan is five to 10 years. A lifespan longer than 10 years may be considered appropriate in limited circumstances, if justification for such a timeframe can be demonstrated and subject to the principle of equity being upheld.’</p> <p>The DCP is proposed to operate until June 2031 for the following reasons:</p> <ul style="list-style-type: none"> - This timeframe is consistent with the horizon used for population projections and growth scenarios under the State Government’s WA Tomorrow Report and the Shire’s Local Planning Strategy (LPS). These projections and scenarios have informed the strategic recommendations of the LPS including the identification of Future Development Areas, which have been used to inform the DCA1 extent. - The need for infrastructure items included in DCP1 has been determined with input from of a number of documents which consider population growth in

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				<p>the Shire until 2031, including the Sport, Recreation and Leisure Plan (2014), the District Traffic Study (2016) and the Public Open Space Irrigation Options Study (2016).</p> <ul style="list-style-type: none"> - If a shorter timeframe was proposed, there would be a risk that developers would defer subdivision in the hope of avoiding making a contribution. This would be detrimental as the majority of available land for greenfield and large infill development in the Broome townsite is captured within DCA1. Neutralising this land from development would lead to stagnation of the residential housing market and would adversely affect housing affordability. The longer timeframe provides certainty to developers and the community that contributions will be required and infrastructure will be delivered as Broome's population grows. <p>Population projections are not an exact science and it is normal that there are periods of peaks and troughs in forecasted period. However when forecasting growth over a medium planning horizon an average growth rate is applied to account for this.</p> <p>The population forecast is based on a 2.3% growth rate. It is noted that this growth rate is still considered to be conservative and a reflection of the changing economic climate as it is considerably lower than the historical AAGR in Broome from 1976- 2013, which was 3.97% and also lower than the 'aspirational' scenarios of 3%,</p>

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				<p>4%, and 5% considered in the Kimberley Regional Planning and Infrastructure Framework (Department of Planning, 2015). It is further noted that this growth rate has been used as the basis for the traffic modelling in the District Traffic Study to ensure consistency.</p> <p>As stated in the DCP report, during the annual reviews the Shire will consider whether the projected growth rate needs adjustment on the basis of observed conditions and any recent projections undertaken.</p> <p>At this point, the 2.3% growth rate is considered reasonable and no amendment in this regards are proposed.</p> <p>Officer recommendation: no further action required.</p>
			<p><u>Regional Infrastructure</u></p> <ul style="list-style-type: none"> - The SPP 3.6 draft Guidelines exclude regional infrastructure. This would mean the works identified at the Broome Recreation and Aquatic Centre (BRAC) should not be funded through a DCP developed under SPP 3.6. 	<p>It is acknowledged that certain items in the DCP are identified as regional infrastructure in the draft Guidelines. However, it is considered that the facilities that are proposed to be provided at the BRAC are in many ways commensurate with what would be provided at a 'Multi-Purpose District Sports Ground' in a metropolitan context, where contributions can be accepted – i.e. grassed playing surfaces, multi-purpose sports courts, toilets and change rooms.</p> <p>Implying that these facilities cannot be included in a DCP due to their categorisation in the Draft Guidelines fails to acknowledge the development pressures of</p>

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				<p>regional towns, where new residents expect infrastructure of metropolitan standards, which are beyond the scope of the Local Government to provide using standard rates and charges alone.</p> <p>There is a substantive difference between ‘regional’ facilities in Perth which may cater for a catchment of a hundred thousand people across multiple local government areas, and ‘regional’ facilities in Broome which generally cater for the population of Broome (15,000 permanent residents) only.</p> <p>It is considered that the same situation is experienced in many regional local governments which have smaller populations than their metropolitan counterparts and consolidated recreation facilities which provide for the entire resident population.</p> <p>Officer recommendation: no further action required.</p>
			<p><u>Foreshore works</u></p> <ul style="list-style-type: none"> - Foreshore works are excluded under SPP 3.6 except in the case of fragmented lands where it is the only way to facilitate development. This means that the Jetty-to-Jetty revetment works, fishing platform, footpaths and intertidal work would be excluded under SPP 3.6. 	<p>The guidelines state that foreshore works can only be included in limited cases of fragmented land where inclusion in the DCP is the only way to facilitate subdivision.</p> <p>In response to concerns regarding the appropriateness of foreshore works, the Shire’s officers have reconsidered their inclusion, and have made modifications to remove these items from the DCP. It is the officer’s view that these items do not sufficiently address the ‘nexus and need’ requirements of SPP3.6 and could jeopardise the progression of the</p>

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				<p>amendment if they were to remain in the DCP. Furthermore, it is important to note that the Shire has received grant funding for some of the items, which consequently places less pressure on the items being funding through development contributions.</p> <p>Officer recommendation: Town Beach and Jetty-to-Jetty items have been removed from the DCP</p>
			<p><u>District Infrastructure</u></p> <ul style="list-style-type: none"> - Broome North District Infrastructure has been included in the apportionment for every landowner identified in the Amendment, regardless of the distance from the facilities. In the case of NBY land interests, Lot 3144 Dora Street Broome is a significant distance from the infrastructure and need and nexus cannot be demonstrated. The infrastructure is in reasonable proximity of some of the lots north of Broome where NBY has a beneficial interest and need and nexus may be able to be demonstrated however, the population forecasts are overly ambitious and it is doubtful that the population thresholds for the District infrastructure will be reached by the forecast delivery date of 2030. - It is doubtful that the classification of Town Beach as District infrastructure is appropriate given the whole of Broome use of the boat ramps, water park and beach. It is also a tourist drawcard, showcasing Staircase to the 	<p>The DCP has demonstrated nexus between subdivision and community infrastructure (refer to clause 7.1 of the DCP) which is linked to recommended population thresholds.</p> <p>It is considered that the DCA captures the main areas in Broome where residential subdivision is anticipated until 2031. In a regional area such as Broome, the townsite is spatially compact and as a result much of the community infrastructure is concentrated in a few centralised locations rather than dispersed throughout geographically self-contained 'neighbourhoods.' It is considered that upgrades to such centralised facilities, or new infrastructure in these facilities are suitable and appropriate when the entire population of the town is taken into account.</p> <p>In response to concerns regarding the appropriateness of Town Beach items, the Shire's officers have reconsidered their inclusion, and have made modifications to remove these items from the DCP. It is the officer's view that these items do not sufficiently address the 'nexus and need' requirements of SPP3.6</p>

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			<p>Moon and associated markets. These features are not normally regarded as District infrastructure and appear to display the characteristics of Regional facilities. If the District categorisation remains in place, only those matters that do not relate to the boat ramp and foreshore works should be considered. This is likely to exclude the carparking as it is acknowledged in The Amendment that parking for boat trailers is included. Further, the lots north of Broome where NBY has a beneficial interest should be excluded from the apportionment schedule for this item as the distance from the development means that need and nexus cannot be demonstrated for "District" infrastructure.</p>	<p>and could jeopardise the progression of the amendment if they were to remain in the DCP. Furthermore, it is important to note that the Shire has received grant funding for some of the items, which consequently places less pressure on the items being funded through development contributions.</p> <p>Officer recommendation: Town Beach and Jetty-to-Jetty items have been removed from the DCP</p>
			<p><u>Road Infrastructure</u></p> <ul style="list-style-type: none"> - The traffic data has been inflated, at the request of the Shire, to reflect the worst-case scenario by adding the school peak volumes experienced from 2-4PM with the dominant peak hour traffic (4-5PM). It would be expected that, if the two peaks were not added together, the demand for most of the infrastructure would not occur within the timeframe of the DCP. Further, the road infrastructure included in The Amendment is not appropriate as, in most instances, is located a significant distance from the 	<p>Given that there is a high likelihood of interaction between peak time and school peak hours there needs to be provision in the assessment of both traffic volumes simultaneously.</p> <p>These additional traffic volumes will place additional loads on both local area network and feeder roads, intersections and general road infrastructure which supports the inclusion in this plan.</p> <p>In a regional area such as Broome there is a smaller, interconnected road network where most residents, regardless of what neighbourhood they live in, use common Integrator Arterials and Neighbourhood</p>

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			<p>development. The road infrastructure should be removed from The Amendment.</p>	<p>Connectors on a daily basis, with new subdivisions continuing to add to the traffic volumes on these roads. In time, increased traffic will necessitate upgrades to the existing network, which will subsequently benefit new residents throughout the DCA, not in a particular subdivision only. To ensure that one subdivider is not penalised disproportionately for these upgrades, it is proposed to share the cost between all developers in the DCA. However this is not 'the only way to facilitate subdivision,' but rather considered to be an equitable way to share costs based on demand generated per new dwelling.</p> <p>Officer recommendation: no further action required.</p>
			<p><u>Treated Waste Water (TWW) for the irrigation of POS</u></p> <ul style="list-style-type: none"> - The inclusion of TWW for the irrigation of POS is inappropriate as there is sufficient capacity within the known water supplies for the expansion of Broome. Whilst there may be merit based on potential improvement to sustainability outcomes and cost effective water provision into the future, this is not a criterion for inclusion in a DCP and would be more appropriately negotiated as a voluntary agreement, if the needs of the Shire and the needs of the landowners were in harmony. Prior to any consideration by Landowners, it would be essential to secure access to the 	<p>Water infrastructure upgrades will be required in order to irrigate future Public Open Space (POS) irrespective of the water source that is chosen. The Public Open Space Irrigation Options Study (2016), which forms part of the DCP Report, considers a number of water sources that could be used to irrigate future POS (including groundwater, treated waste- water, scheme water and stormwater harvesting).</p> <p>While it is noted that the implementation of the preferred option may deliver operational savings to the Shire of Broome in the long-term, the main emphasis of this project is to achieve sustainability and to ensure that the principles within the Better Urban Water Management Guidelines are achieved for new subdivisions in Broome. The Shire is obliged to consider</p>

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			<p>TWW in perpetuity, which has not occurred to date.</p>	<p>operational costs as a part of feasibility of projects irrespective of whether a project is funded through a DCP or not.</p> <p>Given the level of capital investment to implement a system, it would be unreasonable for each developer to fund the required infrastructure, and it is therefore proposed to be funded through the preparation of the DCP.</p> <p>There is an agreement currently in place between the Shire of Broome and Water Corp that specifies specific volumes of re-use water, with discussions indicating additional allocations will be available in the future.</p> <p>Officer recommendation: No further action required.</p>
			<p><u>Administration of the Scheme</u></p> <ul style="list-style-type: none"> - There are three items of note in relation to the administration of the scheme. The first is the intent to “add in” the administration costs after 12 months monitoring. This approach has a high-risk factor for the Amendment and should not be accepted as it does not provide a transparent basis for consideration by the affected land owners. Secondly, the scope of the administrative charges has been amended to include the review of the cost apportionment schedule. Whilst the costs should be reviewed annually and applied, the cost apportionment schedule should remain valid for the duration of the DCP. Finally, the 	<p>It is not considered possible to provide a realistic estimate for many of administration costs prior to the implementation of the DCP. As a result, whilst the intention is to collect contributions for administration costs as part of the DCP; at this stage no cost estimates can be accurately quantified. It is proposed that over the first year of the DCP operation, Shire officers will record the time and cost spent administering the DCP for input into the first annual review of the cost estimates. Administrative costs will continue to be reviewed annually in light of actual expenditure.</p> <p>It is acknowledged that over time, the Shire may seek and successfully obtain grant funding to assist with infrastructure provision. Future grant funding has not</p>

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			<p>application of any successful grant applications to only the Shire's contribution is not appropriate. Grant funds should be applied to reduce the total of the scheme rather than benefit one contributor as it is expected that grant funding would be anticipated for some of the infrastructure included in the Amendment.</p>	<p>been factored in to the Capital Expenditure Plan at this time, however, as there is no certainty that this revenue source will be available. With respect to the TWW Infrastructure, the Shire intends to liaise with the Water Corporation to explore opportunities for cost sharing, and this may ultimately lead to a reduction in capital costs, and consequently in development contributions required.</p> <p>Any reductions on costs over time will be addressed as a part of the annual review of the Cost Apportionment Schedule (CAS). The review will reflect changes in funding and revenue sources and will have the ability to accommodate any change in timing of delivery.</p> <p>Officer recommendation: no further action required.</p>
			<p>Recommendation 1 That the following items are removed from The Amendment as they are Regional infrastructure, which is not consistent with the requirements of SPP 3.6 as detailed in the draft Guidelines:</p> <p><i>DCP Item 6. Broome Recreation and Aquatic Centre (BRAC): a. Lighting to Joseph (Nipper) Roe oval; b. Two covered outdoor sports courts; c. Car parking improvements; d. Access improvements; e. Gymnasium and fitness centre.</i></p>	<p>It is acknowledged that certain items in the DCP are identified as regional infrastructure in the draft Guidelines. However, it is considered that the facilities that are proposed to be provided at the BRAC are in many ways commensurate with what would be provided at a 'Multi-Purpose District Sports Ground' in a metropolitan context, where contributions can be accepted – i.e. grassed playing surfaces, multi-purpose sports courts, toilets and change rooms.</p> <p>Implying that these facilities cannot be included in a DCP due to their categorisation in the Draft Guidelines fails to acknowledge the development pressures of regional towns, where new residents expect infrastructure of metropolitan standards, which are</p>

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				<p>beyond the scope of the Local Government to provide using standard rates and charges alone.</p> <p>It is considered that there is a substantive difference between 'regional' facilities in Perth which may cater for a catchment of a hundred thousand people across multiple local government areas, and 'regional' facilities in Broome which cater for the population of Broome (15,000 permanent residents) only.</p> <p>It is considered that the same situation is experienced in many regional local governments which have smaller populations than their metropolitan counterparts and consolidated recreation facilities which provide for the entire resident population.</p> <p>Officer recommendation: No further action required.</p>
			<p>Recommendation 2 That the Town Beach classification as "District" be reviewed as it has facilities that service the broader Broome community including boat ramps, swimming beach, water park and tourism including markets and viewing of "Staircase to the Moon" events, which are more reflective of regional infrastructure.</p>	<p>In response, the Shire's officers have reconsidered the inclusion of Town Beach/ Jetty-to-Jetty items, and have made modifications to remove these items from the DCP. It is the officer's view that these items do not sufficiently address the 'nexus and need' requirements of SPP3.6 and could jeopardise the progression of the amendment if they were to remain in the DCP. Furthermore, it is important to note that the Shire has received grant funding for some of the items, which consequently places less pressure on the items being funded through development contributions.</p> <p>Officer recommendation: Town Beach and Jetty-to-Jetty items have been removed from the DCP</p>

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			<p>Recommendation 3 That the Town Beach District Infrastructure items 8 and 9 relating to foreshore works be removed from The Amendment as non-conforming with the draft SPP 3.6 Guideline requirements.</p>	<p>The Shire's officers have reconsidered the inclusion of Town Beach/ Jetty-to-Jetty items, and have made modifications to remove these items from the DCP. It is the officer's view that these items do not sufficiently address the 'nexus and need' requirements of SPP3.6 and could jeopardise the progression of the amendment if they were to remain in the DCP. Furthermore, it is important to note that the Shire has received grant funding for some of the items, which consequently places less pressure on the items being funded through development contributions.</p> <p>Officer recommendation: Town Beach and Jetty-to-Jetty items have been removed from the DCP.</p>
			<p>Recommendation 4 Remove from contribution calculation the lots north of Broome where NBY has a beneficial interest as the Town Beach District infrastructure (Item 7) as it does not conform with the draft SPP 3.6 Guideline requirements to demonstrate need and nexus due to the distance between the location of the contribution area and the location of the infrastructure.</p>	<p>The Shire's officers have reconsidered the inclusion of Town Beach/ Jetty-to-Jetty items, and have made modifications to remove these items from the DCP. It is the officer's view that these items do not sufficiently address the 'nexus and need' requirements of SPP3.6 and could jeopardise the progression of the amendment if they were to remain in the DCP. Furthermore, it is important to note that the Shire has received grant funding for some of the items, which consequently places less pressure on the items being funded through development contributions.</p> <p>Officer recommendation: Town Beach and Jetty-to-Jetty items have been removed from the DCP.</p>
			<p>Recommendation 5</p>	<p>The draft Guidelines note 'the recommended lifespan is five to 10 years. A lifespan longer than 10 years may be</p>

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			<p>Remove the Broome North District Infrastructure identified in The Amendment as the timeframe to reach the threshold population required to demonstrate need and nexus will not occur until 2030/31. This timeframe is outside of a standard DCP timeframe of five to ten years. Population growth forecasts are also overly optimistic at 2.3%pa, extending the realistic period to reach the identified population potentially well beyond 2031.</p>	<p>considered appropriate in limited circumstances, if justification for such a timeframe can be demonstrated and subject to the principle of equity being upheld.'</p> <p>The DCP is proposed to operate until June 2031 for the following reasons:</p> <ul style="list-style-type: none"> - This timeframe is consistent with the horizon used for population projections and growth scenarios under the State Government's WA Tomorrow Report and the Shire's Local Planning Strategy (LPS). These projections and scenarios have informed the strategic recommendations of the LPS including the identification of Future Development Areas, which have been used to inform the DCA1 extent. - The need for infrastructure items included in DCP1 has been determined with input from of a number of documents which consider population growth in the Shire until 2031, including the Sport, Recreation and Leisure Plan (2014), the District Traffic Study (2016) and the Public Open Space Irrigation Options Study (2016). - If a shorter timeframe was proposed, there would be a risk that developers would defer subdivision in the hope of avoiding making a contribution. This would be detrimental as the majority of available land for greenfield and large infill development in the Broome townsite is captured within DCA1. Neutralising this land from development would

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				<p>lead to stagnation of the residential housing market and would adversely affect housing affordability. The longer timeframe provides certainty to developers and the community that contributions will be required and infrastructure will be delivered as Broome's population grows.</p> <p>Population projections are not an exact science and it is normal that there are periods of peaks and troughs in forecasted period. However when forecasting growth over a medium planning horizon an average growth rate is applied to account for this.</p> <p>The population forecast is based on a 2.3% growth rate. It is noted that this growth rate is still considered to be conservative and a reflection of the changing economic climate as it is considerably lower than the historical AAGR in Broome from 1976- 2013, which was 3.97% and also lower than the 'aspirational' scenarios of 3%, 4%, and 5% considered in the Kimberley Regional Planning and Infrastructure Framework (Department of Planning, 2015). It is further noted that this growth rate has been used as the basis for the traffic modelling in the District Traffic Study to ensure consistency.</p> <p>As stated in the DCP report, during the annual reviews the Shire will consider whether the projected growth rate needs adjustment on the basis of observed conditions and any recent projections undertaken.</p>

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				<p>At this point, the 2.3% growth rate is considered reasonable and no amendment in this regards are proposed.</p> <p>Officer recommendation: no further action required.</p>
			<p>Recommendation 6 Remove Lot 3144 Dora Street Broome from consideration in the calculation of contributions in the Amendment for the Broome North District Infrastructure as it is outside of the catchment radius for the District infrastructure.</p>	<p>It is considered that the DCA captures the main areas in Broome where residential subdivision is anticipated until 2031. In a regional area such as Broome, the townsite is spatially compact and as a result much of the community infrastructure is concentrated in a few centralised locations rather than dispersed throughout geographically self-contained 'neighbourhoods.' It is considered that upgrades to such centralised facilities, or new infrastructure in these facilities are suitable and appropriate when the entire population of the town is taken into account.</p> <p>The DCP has demonstrated nexus between subdivision and infrastructure items (refer to clause 7.1 of the DCP).</p> <p>Officer recommendation: no further action required.</p>
			<p>Recommendation 7 Remove the road infrastructure from The Amendment as: a. The road infrastructure is not located within reasonable proximity to the development, and/or, b. The traffic volumes have been inflated by combining school traffic volumes with the later period of peak traffic flows, which has the effect of bringing forward theoretical capacity issues.</p>	<p>In a regional area such as Broome there is a smaller, interconnected road network where most residents, regardless of what neighbourhood they live in, use common Integrator Arterials and Neighbourhood Connectors, with new subdivisions continuing to add to the traffic volumes on these roads. In time, increased traffic will necessitate upgrades to the existing network, which will subsequently benefit new residents throughout the DCA, not in a particular subdivision only. To ensure that one subdivider is not penalised disproportionately for these upgrades, it is proposed to</p>

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				<p>share the cost between all developers in the DCA. However this is not 'the only way to facilitate subdivision,' but rather considered to be an equitable way to share costs based on demand generated per new dwelling.</p> <p>Given that there is a high likelihood of interaction between peak time and school peak hours there needs to be provision in the assessment of both traffic volumes simultaneously.</p> <p>These additional traffic volumes will place additional load on both the local area network and feeder roads, intersections and general road infrastructure which supports the inclusion of road infrastructure in the DCP.</p> <p>Officer recommendation: no further action required.</p>
			<p>Recommendation 8 Permanently remove consideration of upgrades to Broome Road in a future amendment as the infrastructure is inappropriate for a Developer Contribution Plan as it is not located within reasonable proximity of the land holdings identified in The Amendment.</p>	<p>In a regional area such as Broome there is a smaller, interconnected road network where most residents, regardless of what neighbourhood they live in, use common Integrator Arterials and Neighbourhood Connectors, with new subdivisions continuing to add to the traffic volumes on these roads. In time, increased traffic will necessitate upgrades to the existing network, which will subsequently benefit new residents throughout the DCA, not in a particular subdivision only. To ensure that one subdivider is not penalised disproportionately for these upgrades, it is proposed to share the cost between all developers in the DCA. However this is not 'the only way to facilitate</p>

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				<p>subdivision,' but rather considered to be an equitable way to share costs based on demand generated per new dwelling.</p> <p>Officer recommendation: no further action required.</p>
			<p>Recommendation 9 Remove the Treated Waste Water infrastructure for the irrigation of public open space from The Amendment as: (1) water supply is adequate; (2) there is no current MOU with the Water Corporation guaranteeing access to appropriate volumes of waste water; and, (3) the purpose of the infrastructure is outside of the scope of SPP 3.6 as the purpose was to reduce the Shire's operating costs rather than increase capacity or facilitate development.</p>	<p>Water infrastructure upgrades will be required in order to irrigate future public open space irrespective of the water source that is chosen. The Public Open Space Irrigation Options Study (2016) which forms part of the DCP Report considered a number of water sources that could be used to irrigate POS (including groundwater, treated waste- water, scheme water and stormwater harvesting), and conceptual designs were developed for three options.</p> <p>While it is noted that the implementation of the preferred option may deliver operational savings to the Shire of Broome in the long-term, the main emphasis of this project is to achieve sustainability and to ensure that the principles within the Better Urban Water Management Guidelines are achieved for new subdivisions in Broome. The Shire is obliged to consider operational costs as a part of feasibility of projects irrespective of whether a project is funded through a DCP or not.</p> <p>There is an agreement currently in place between the Shire of Broome and Water Corp that specifies specific volumes of re-use water, with discussions indicating additional allocations will be available in the future</p>

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				Officer recommendation: no further action required.
			<p>Recommendation 10 That the clauses relating to the administration of the fund in The Amendment are amended to reflect the draft Guidelines for SPP 3.6.</p>	<p>It is not considered possible to provide a realistic estimate for many of these administration costs prior to the implementation of the DCP. As a result, whilst the intention is to collect contributions for these administration costs as part of the DCP at this stage no cost estimates can be accurately quantified. It is proposed that over the first year of the DCP operation, Shire officers will record the time and cost spent administering the DCP for input into the first annual review of the cost estimates. Administrative costs will continue to be reviewed annually in light of actual expenditure.</p> <p>It is acknowledged that over time, the Shire may seek and successfully obtain grant funding to assist with infrastructure provision. Future grant funding has not been factored in to the Capital Expenditure Plan at this time, however, as there is no certainty that this revenue source will be available. With respect to the TWW Infrastructure, the Shire intends to liaise with the Water Corporation to explore opportunities for cost sharing, and this may ultimately lead to a reduction in capital costs, and consequently in development contributions required.</p> <p>Any reductions on costs over time will be addressed as a part of the annual review of the Cost Apportionment Schedule (CAS). The review will reflect changes in</p>

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				<p>funding and revenue sources and will have the ability to accommodate any change in timing of delivery.</p> <p>Officer recommendation: no further action required.</p>
			<p>Recommendation 11 The Amendment recognises grant monies and attributes them to the total costs rather than the Shire’s contribution.</p>	<p>It is acknowledged that over time, the Shire may seek and successfully obtain grant funding to assist with infrastructure provision. Future grant funding has not been factored in to the Capital Expenditure Plan at this time, as there is no certainty that this revenue source will be available. With respect to the TWW Infrastructure, the Shire intends to liaise with the Water Corporation to explore opportunities for cost sharing, and this may ultimately lead to a reduction in capital costs, and consequently in development contributions required.</p> <p>Any reductions on costs over time will be addressed as a part of the annual review of the Cost Apportionment Schedule (CAS). The review will reflect changes in funding and revenue sources and will have the ability to accommodate any change in timing of delivery.</p> <p>Officer recommendation: no further action required.</p>
			<p>Recommendation 12 The Amendment is withdrawn and appropriate consultation is undertaken, including consideration of whether a voluntary agreement may more effectively meet the needs of the landowners and the Shire.</p>	<p>Additional consultation has been undertaken with the affected land owners and it is considered that the amendment has progressed to a stage that it can now be presented back to Council for determination.</p> <p>Officer recommendation: no further action required.</p>
3	Roebuck Estate Development Pty	Roebuck Estate –	Roebuck Estate Development PTY Ltd , as part of the BIA Group of companies, has a long term and ongoing	Noted. See additional comments below in relation to the technical review.

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	Ltd, Suite 6, 2A Brodie Hall Drive, Bentley WA 6102	Western Triangle; Roebuck Estate Lot 9053	<p>relationship with the Shire of Broome, and a strong interest in the prosperity and overall wellbeing of the community as a whole. Our submission is presented in this context.</p> <p>We oppose the proposed DCP. We believe that the proposed DCP presents constraints on the Shire that will not be in its best interests. We are also concerned about the fairness and equity of the proposal because landowners within a DCP contribution area will be placed at a disadvantage to other ratepayers.</p> <p>Taking account of the various matters we have detailed in our enclosed submission [and set out below] we submit that the Council not adopt the Scheme amendment, and actively review alternative financial strategies that we believe will be more appropriate to the best interests of the Shire and the broader community.</p>	
			<p><u>Issues with DCP for Broome</u></p> <p>Development Contribution Plans can be a useful tool to overcome constraints to subdivision and a means to 'unlock' otherwise frustrated development areas. Examples of this include areas with multiple landowners that benefit from financial coordination of major items such as public open space, primary school sites, water management areas and the like. This includes both the provision of land for public purposes as well as works required.</p>	<p>The capacity of the Shire of Broome to provide the additional physical infrastructure and community facilities necessary to accommodate future growth and change is limited. It is considered that the proposed DCP will balance the competing objectives of certainty, equity and flexibility to the benefit of future communities.</p> <p>It is noted that the planning system allows for land owners to enter into voluntary agreements with local government to provide infrastructure. However, it is considered that the introduction of a DCP into LPS6 is</p>

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			<p>However, when it comes to the Shire of Broome, a DCP is not needed to facilitate subdivision. The major development landholdings in Broome can be subdivided without the need for the type of assistance ordinarily offered by a DCP.</p> <p>In our view, a critical assessment of the merits of using the DCP as a selected financial strategy supports the conclusion that alternative approaches are preferable.</p>	<p>the best mechanism to provide certainty to both Council and developers about the requirement to pay contributions, which infrastructure items will be funded, and what methodology will be used to calculate contributions in a fair and equitable manner.</p> <p>Officer recommendation: no further action required.</p>
			<p><u>Issues with the DCP as a financial Strategy</u></p> <p><u>Council is locked in</u> A DCP identifies a limited array of cost items – well ahead (potentially 10 years or more) of provision, and attempts to forecast the suitability, need, cost and viability of those items at this point in time.</p> <p>Effectively, a DCP locks Council into a long-term commitment. Attempts to change the terms of the commitment involve a Scheme amendment, and introduce a whole array of inequities to those who have already paid, and those who are yet to pay the DCP levy.</p> <p>In addition, there are problems where a DCP deals with works proposals that have uncertainty – such as a fit-for-purpose water supply Scheme. Where the ability to operate the Scheme is not certain, costs are not secure and the business case for ongoing</p>	<p><u>Timeframes</u></p> <p>The draft Guidelines note <i>‘the recommended lifespan is five to 10 years. A lifespan longer than 10 years may be considered appropriate in limited circumstances, if justification for such a timeframe can be demonstrated and subject to the principle of equity being upheld.’</i></p> <p>The DCP is proposed to operate until June 2031 for the following reasons:</p> <ul style="list-style-type: none"> - This timeframe is consistent with the horizon used for population projections and growth scenarios under the State Government’s WA Tomorrow Report and the Shire’s Local Planning Strategy (LPS). These projections and scenarios have informed the strategic recommendations of the LPS including the identification of Future Development Areas, which have been used to inform the DCA1 extent.

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			<p>operation is not known, an array of potential issues arise:</p> <ol style="list-style-type: none"> 1. Landowners may contribute to a cost item that may not eventuate (particularly if third-party agreements and approvals are required); 2. Landowners may contribute to a cost item that might not be sustainable from an operational perspective, and be terminated; 3. Uncertainty around costs may lead to either: <ol style="list-style-type: none"> a) overly conservative cost estimates at the outset – ie contributors pay too much before costs are brought to realistic terms; or b) Cost escalations due to risk factors beyond the control of the Shire. This means early contributors will pay proportionally less than later contributors. <p>Once a DCP is established, the cost items written into the Scheme cannot be changed without raising considerable equity implications. The Shire no longer has the same liberty to change its position on works items or priorities as it would otherwise.</p>	<ul style="list-style-type: none"> - The need for infrastructure items included in DCP1 has been determined with input from of a number of documents which consider population growth in the Shire until 2031, including the Sport, Recreation and Leisure Plan (2014), the District Traffic Study (2016) and the Public Open Space Irrigation Options Study (2016). - If a shorter timeframe was proposed, there would be a risk that developers would defer subdivision in the hope of avoiding making a contribution. This would be detrimental as the majority of available land for greenfield and large infill development in the Broome townsite is captured within DCA1. Neutralising this land from development would lead to stagnation of the residential housing market and would adversely affect housing affordability. The longer timeframe provides certainty to developers and the community that contributions will be required and infrastructure will be delivered as Broome’s population grows. <p><u>Certainty</u> SPP 3.6 identifies that <i>All development contributions should be clearly identified and methods of accounting for escalation agreed upon at the commencement of a development.</i></p>

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				<p>It is considered that DCP1 clearly sets out the infrastructure items to which contributions will be allocated, and the timeframes in which it is anticipated this infrastructure will be delivered. The identification of infrastructure and construction timeframes are consistent with the Shire's Long Term Financial Plan and other corporate planning documents as outlined throughout this report.</p> <p>The funding model proposed in the DCP will result in the projects being delivered through a combination of municipal funds and development contributions. This provides a greater degree of certainty that the projects can be completed without reliance on external funding sources, such as grants.</p> <p>To provide certainty for the cost of the infrastructure items, the DCP provides that the cost of each infrastructure item is to be reviewed at least annually and indexed based on the Building Cost Index or other appropriate index as approved by the qualified person undertaking the review.</p> <p>Officer recommendation: no further action required.</p>
			<p><u>DCP are Inherently Inefficient</u> Considerable administrative effort is required to manage a DCP. The cost of doing so adds no value to the services and facilities delivered to the community. DCPs involve a range of intricate tasks that are not otherwise required. They also require considerable</p>	<p>Development Contribution Plans have long been accepted as an essential part of the planning system. State Planning Policy 3.6 (SPP 3.6) is made under section 26 of the Planning and Development Act and was first adopted in 2009 and prior to this formed part of the planning framework from the late 1990's through a Planning Bulletin.</p>

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			<p>coordination across the various technical departments of Council:</p> <p>Finance: Maintaining and reporting on separate accounts and transaction records. Managing cash-flow of the DCP, including pre-funding agreements (including Council pre-funding). Preparing cash-flow forecasting based on development expectations. Issuing invoices for payments. The heightened accountability requirements for DCPs through the requirements of the Local Planning Scheme should also be noted.</p> <p>Engineering: Defining/reviewing technical specifications of works for valuation and ongoing re-evaluation purposes. Coordinating works programming with financial management arrangements.</p> <p>Town Planning: maintaining detailed records of land areas that have discharged obligation to the DCP, and those areas where payments remain outstanding. Ongoing review/revision of forecast yields for periodic re-distribution of DCP cost responsibilities. Applying payment obligations upon statutory approvals.</p> <p>Other: Undertaking periodic re-valuation of cost estimations, including facilitating third-party review of costs as provided for by the Scheme. Re-calculating cost re-distributions for input to financial cash-flow forecasting and invoicing.</p>	<p>SPP 3.6 identifies that the capacity of local governments to provide the additional infrastructure and facilities necessary to accommodate future growth and change is limited by the available financial resources. As a result, local governments are increasingly seeking to apply development contributions for the construction of infrastructure and facilities beyond the standard requirements, such as car parking, community centres, recreation centres, sporting facilities, libraries, child care centres, and other such facilities.</p> <p>The key principle is that the 'beneficiary' pays. Sometimes benefits will be largely confined to the residents of a new development. Sometimes, the benefits will accrue to both existing and new residents. Consistent with this principle, developers will only fund the infrastructure and facilities which are reasonable and necessary for the development and to the extent that the infrastructure and facilities are necessary to service the development.</p> <p>The periodic reviews and administration of the DCP will form part of the Shire of Broome's Integrated Planning Framework, to ensure that adequate resources are allocated. Measures will be put in place to deal with the management and administration of the contributions including financial management, record keeping and costing reviews.</p> <p>Officer recommendation: no further action required.</p>

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			<p>DCPs are complex arrangements requiring focused, ongoing expert oversight to manage. Achieving continuity of DCP administration over a period – likely extending more than a decade presents challenges.</p> <p>The life of the DCP will endure beyond the term of appointment of many officers. In adequate supervisions of a DCP leads to considerable difficulty.</p>	
			<p><u>Issues with the Fairness and Equity of the DCP</u> <u>DCP Landowners Pay Twice</u> Landowners within the DCP area pay towards DCP costs through annual rates. This is because a proportion of the payment obligation is assigned to all ratepayers.</p> <p>Landowners within DCP areas are also ratepayers, and are effectively paying twice – once through ordinary rates, and secondly through the DCP levy. In addition, ratepayers are contributing on more attractive financial payment arrangements – payments are smaller annual instalments, whereas land developers (who pass the cost on to land purchasers) pay the full obligation in a single transaction.</p>	<p>The premise of adopting a DCP and collecting development contributions is long established in the WA Planning System and the Shire’s DCP is consistent with the SPP and how DCP have been applied and collected in other local government areas throughout the State.</p> <p>The contribution amount under the DCP is paid for by the developer at the time of seeking subdivision clearance and is not paid by the owner of the lot. The premises of developer contributions is that the party which is receiving the benefit from undertaking the development (the developer) is contributing to infrastructure that is required to support the additional residents, rather than that cost having to be met wholly by the local government (and its residents).</p> <p>It is noted that the subsequent landowners will then be paying rates, however rates are levied for a variety of</p>

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				<p>operational matters and not solely for undertaking capital works to meet future population growth, which is the role of a DCP.</p> <p>Officer recommendation: no further action required.</p>
			<p><u>Infill Subdivision is Exempt</u></p> <p>Based on the Shire reports, more than 1 in 6 new dwellings (ie infill subdivision and development) will be exempt from payment. Council reports indicate the actual proportion of infill to represent 17% of forecast growth.</p> <p>The exemption from payment obligation for infill development, which has equal benefit from the proposed infrastructure, is fundamentally inequitable.</p>	<p>The majority of the Broome townsite is developed with low density single residential lots and as such the potential for infill subdivision is limited. Whilst subdivisions of this nature occasionally occur, the timing of these is uncertain and there is no way to reliably predict yields in a way that is needed to create a DCP. It is noted, however, that if broad-scale redevelopment of an entire area is proposed to significantly increase density, an amendment to the DCP, or additional DCP, can be undertaken to capture this.</p> <p>It is noted that Council has the ability to consider incorporating additional land into the DCA when future Scheme Amendments are lodged.</p> <p>Officer recommendation: no further action required.</p>
			<p><u>Grant Funds Do Not Offset DCP Owners</u></p> <p>Grant revenue is recurring – with the likelihood of annual allocations being made available to the Shire to address the types of work items included within the proposed DCP.</p> <p>A fair arrangement would see grant revenue equally offset costs to all contributors. At present, Council</p>	<p>It is acknowledged that over time, the Shire may seek and successfully obtain grant funding to assist with infrastructure provision. Future grant funding has not been factored in to the Capital Expenditure Plan at this time, however, as there is no certainty that this revenue source will be available. With respect to the TWW Infrastructure, the Shire intends to liaise with the Water Corporation to explore opportunities for cost sharing,</p>

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			<p>reporting expressly precludes the benefit of grants offsetting DCP landowner payments.</p>	<p>and this may ultimately lead to a reduction in capital costs, and consequently in development contributions required.</p> <p>Any reductions on costs over time will be addressed as a part of the annual review of the Cost Apportionment Schedule (CAS). The review will reflect changes in funding and revenue sources and will have the ability to accommodate any change in timing of delivery.</p> <p>Officer recommendation: no further action required.</p>
			<p><u>Issues with alignment to State Policy</u> <u>DCP Establishment Principles</u> Our understanding is that the proposed DCP arrangements do not align with the intentions of the Western Australian Planning Commission for DCPs, namely:</p> <p><u>DCP Establishment Principle 2:</u> Development contributions should not replace normal government expenditure.</p> <p><u>DCP Establishment Principle 4:</u> Development contribution infrastructure must be important for liveability.</p> <p><u>DCP Establishment Principle 7:</u> Development contributions can be used for proportional improvements to existing infrastructure to accommodate growth.</p>	<p><u>Liveability from the earliest stages of development</u> It is acknowledged that there is a strong emphasis in the draft Guidelines these items be required ‘from the earliest stages of development.’</p> <p>However, this presupposes that all DCPs will be for the establishment of new greenfield communities and the basic facilities that will be located within those communities. However, in areas such as Broome it is more likely that the infrastructure will comprise upgrades and enhancements to existing facilities which are triggered by incremental population growth within an existing townsite through new subdivision.</p> <p>Some of these facilities (i.e. the Broome Recreation and Aquatic Centre, or BRAC) are not required ‘from the earliest stage of a development’ however their provision can be justified on a proportionate basis when the overall population of the town reaches a predetermined threshold. The Guidelines do appear to</p>

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			<p>It is evident that the proposed cost items do not have the necessary nexus – that is, there is no clear relationship between the infrastructure and the actual contribution areas (principle 2). The works are not required for liveability from the earliest stages of development (principle 4). Further, all items are effectively improvements to existing levels of service, representing a disqualification from DCP inclusion (principle 7).</p>	<p>allow for these types of contributions to be collected, but it is not explicit in the definition.</p> <p><u>Improvements to existing level of service</u> The draft Guidelines state that development contributions should be able to be used towards improving, or replacing if improvement is not an option, existing infrastructure, in addition to providing new infrastructure but only in proportion to its likely use by the new residents in a growing population. Replacement of obsolete infrastructure that serves only the existing population; or improvements / replacements to raise existing service standards, should be funded from rate or other revenue sources, and should not be paid for via new development.</p> <p>In the case of DCP1, it is considered that upgrades to existing infrastructure will meet the need generated by the new population. These upgrades are not intended to raise service standards but ensure the provision of infrastructure required for future population growth.</p> <p>Officer recommendation: no further action required.</p>
			<p><u>DCP Infrastructure Categories</u> The Western Australian Planning Commission has defined 5 categories of infrastructure items. The purpose of the categories is to differentiate between items suitable for inclusion within a DCP and those that are not appropriate.</p>	<p>The draft Guidelines state that development contributions should be able to be used towards improving, or replacing if improvement is not an option, existing infrastructure, in addition to providing new infrastructure but only in proportion to its likely use by the new residents in a growing population. Replacement of obsolete infrastructure that serves only the existing population; or improvements /</p>

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			<p>In the case of the proposed DCP, all items appear to fall within Category E defined by the Commission as:</p> <p>Infrastructure optional for liveability, generally found in mature communities; or where need and nexus cannot be demonstrated. Delivery of these items should be at the discretion of the relevant developer or government agency.</p> <p>The guidelines identify Category E as not appropriate for inclusion within a DCP.</p>	<p>replacements to raise existing service standards, should be funded from rate or other revenue sources, and should not be paid for via new development.</p> <p>In the case of DCP1, it is considered that upgrades to existing infrastructure will meet the need generated by the new population. These upgrades are not intended to raise service standards but ensure the provision of infrastructure required for future population growth.</p> <p>The DCP has demonstrated nexus between subdivision and infrastructure items (refer to clause 7.1 of the DCP) which are linked to recommended projected population thresholds.</p> <p>Officer recommendation: no further action required.</p>
			<p><u>Additional cost of land and development in Broome</u></p> <p>An important consideration is the overall effect the DCP will have on the price of land and development in Broome. Imposts from all levels of Government add considerably to housing costs. The DCP will drive up the price of land and housing, and slow the pace of development. This is because developers within a DCP contribution area will have no alternative but to pass on the DCP cost to buyers.</p> <p>Just when Broome needs to develop and grow to provide employment and opportunities to its citizens, the DCP will work against this. The Shire should be</p>	<p>The Shire acknowledges that the housing market has slowed however it is considered that the proposed development contributions plan does not pass on unwarranted costs to prospective home owners.</p> <p>The premise on which the DCP has been prepared is long accepted in the WA Planning System and has been implemented in other local government areas.</p> <p>Officer recommendation: no further action required.</p>

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			<p>doing what it can to encourage growth and development and not increasing the costs.</p>	
			<p><u>Conclusion</u> In conclusion, our assessment of the proposed DCP is that:</p> <ul style="list-style-type: none"> - it is not necessary for the Shire of Broome; - it is not in the Shire's best interests; - it will increase the price of land and housing, and slow development; - it is inefficient and presents difficulties for the Shire in its administration; - it is not fair nor equitable, and disadvantages landowners within the proposed contribution areas; - it is believed the terms fall outside of Western Australian Planning Commission guidelines for such arrangements. <p>In the circumstances outlined above, we submit the proposed Scheme amendment to introduce the DCP not be adopted.</p>	<p>Noted.</p> <p>Officer recommendation: No further action required.</p>
4	Department of Water	27 Victoria Highway, Kununarra, WA 6743	<p>The Department of Water (DoW) has no objection to Amendment No. 2 for the identification of land (DCA 1) that will be subject to a Development Contributions Plan (DCP) for standard and community infrastructure. The Department of Water has been encouraging and assisting the Shire to address fit-for-purpose public open space (POS) water supply issues. The DoW supports the DCP as a means of incorporating the preferred water supply scheme identified in the POS Irrigation Options Study, into new and existing developments.</p>	<p>Noted.</p> <p>Officer recommendation: No further action required.</p>

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5	Water Corporation	629 Newcastle Street, Leederville, WA 6007	<p>The Water Corporation has no objections to the proposed DCP areas and the associated provisions. The Corporation notes the Shire's intention to establish a POS irrigation scheme using treated wastewater from the Corporation's Broome North Waste Water Treatment Plant. The Corporation is generally supportive of re-use schemes, as they reduce the use of potable scheme water for irrigation. However, the treated wastewater at the Broome North WWTP is currently committed to other irrigation projects, including Rhodes Grass and native tree production.</p> <p>The use of treated wastewater for the Shire's proposed irrigation scheme is subject to availability at the time the scheme is implemented.</p>	<p>Noted.</p> <p>The Shire's officers have recently been in discussions with the Minister for Water and senior Water Corporation officers in respect to the irrigation via WWT infrastructure. It is understood that there is in-principle support for WWT to be used for irrigation of POS in Broome North.</p> <p>It is considered that more waste water will be generated as the population increases in Broome North, therefore resulting in an increase in available treated waste water supplies for irrigation purposes.</p> <p>Officer recommendation: No further action required.</p>