



LANDCORP

**Our ref:** A1485046

**Enquiries:** Ertan Barkman 9482 7841

**Date:** 29 March 2017

Mr Sam Mastrolembo  
Chief Executive Officer  
Shire of Broome  
PO Box 44  
BROOME WA 6725  
Via e-mail: [shire@broome.wa.gov.au](mailto:shire@broome.wa.gov.au)

Dear Sam

## **SUBMISSION ON LOCAL PLANNING SCHEME AMENDMENT NO 2**

Thank you for your letter of 25 January 2017 regarding the advertising of the above amendment.

LandCorp has given careful consideration to the terms of the proposed amendment and the implications of the Development Contribution Plan as proposed. Please find attached completed Form 3A along with a substantive attachment setting out the basis of our submission accordingly.

You will note from the terms of our submission that LandCorp recognises the initiatives taken by the Shire to make provision for future needs of the community. While the component parts of the infrastructure items identified have merit and would deliver benefit to the community at large, we do recommend the means of providing those facilities be further reviewed.

The specific terms of our submission request the Shire seek the Commission's consent to extend the consideration period of the amendment. This would enable conversation around the most appropriate methods to progress the provision of infrastructure. We recommend a collaborative approach involving the Shire, affected landowners and officers of the Department of Planning. In this regard, we look forward to your further advice.

In the meantime, we request the enclosed submission be presented as required by ordinary statutory requirements.

Yours sincerely

Paul Ferrante

Manager Northern and Goldfields Regions

Encl.

## SUBMISSION FORM

Regulation 24(1)(a), 26(6)(a), 40(1)a & 49(1)(a)

*Planning and Development Act 2005*

TO: The Chief Executive Officer  
Shire of Broome  
PO Box 44  
Broome WA 6725

**Submission on Local Planning Scheme Amendment No. 2**

Name ..... Paul Ferrante, Manager Northern and Goldfields Regions.....  
Organisation / Company ..... Western Australian Land Authority (LandCorp).....  
Phone ..... 08 9482 7499.....  
Address..... Locked Bag 5, Perth Business Centre WA 6849.....

State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property.)


..... Directly affected by terms of the proposed amendment.....  
.....

**ADDRESS OF PROPERTY AFFECTED** (if applicable). (Include lot number and nearest street intersection).

..... Lots 365 and 504 Fairway Drive, Bilingurr.....

**SUBMISSION** (Provide your comments in full and any arguments to support them (attach additional pages if necessary).

The submission requests:  
.....  
1. .... The amendment not be adopted in its current form; and.....  
2. .... The Shire of Broome request the Western Australian Planning Commission extend.....  
..... the 'consideration period' as provided for by regulation 4.1 of the Planning and.....  
..... Development (Local Planning Scheme) Regulations 2015, so as to enable Council's.....  
..... further review of the terms of the amendment in consultation with affected land owners.....  
..... and the Department of Planning officers..... (Please refer to the attached document)

Date..... 29 March 2017..... Signature..... 

## ATTACHMENT TO FORM 3A

### AMENDMENT NO 2 TO LOCAL PLANNING SCHEME NO 6

#### ***Substantive submission by the Western Australian Land Authority (LandCorp)***

#### **INTRODUCTION**

Amendment No 2 to Local Planning Scheme Number 6 seeks to:

1. amend the Scheme Text by including Development Contribution Area 1 (DCA1) within Schedule 7; and
2. amend the Scheme Maps by identifying the land to fall within Development Contribution Area 1 contribution area.

The amendment terms will effectively establish a Development Contribution Plan (DCP). If gazetted for final approval in its current form, the amendment will establish statutory authority for the Shire to require financial contributions from affected landowners towards:

- Roads
  - Intersection upgrades - Frederick Street / Cable Beach Road east / Port Drive.
  - Carriageway upgrades - Sandpiper Avenue
  - Carriageway upgrades – Guy Street
- Water
  - Wastewater Reuse Infrastructure for irrigation of public open space.
- Community Infrastructure
  - Broome Recreation and Aquatic Centre (BRAC)
    - Lighting – Joseph (Nipper) Roe oval
    - Two outdoor sports courts
    - Car parking improvements
    - Access improvements
    - Gymnasium and fitness centre
  - Lawn and car park improvements – Town Beach.
  - Revetment, fishing platform, footpaths/walkway – Jetty to Jetty
- Administration costs.

LandCorp is the largest single landowner affected by the proposed amendment. The purpose of this submission is to request an extension to the consideration period provided for by regulation 41 of the *Planning and Development (Local Planning Scheme) Regulations 2015* to allow further review of the proposal.

This submission outlines the basis for LandCorp's submission that the amendment not be adopted as presented, and provides recommendations for further review and consideration.

## RECOGNITION OF COMMUNITY NEEDS

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:

### Road Infrastructure

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 from a movement network that provides accessibility to, within and between neighbourhoods and activity areas.

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.

### Water for Irrigation

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.

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.

### Community Infrastructure

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.

Central to the basis of LandCorp's submission is an assessment of the suitability of a DCP as a means to equitably fund the provision of the identified infrastructure. Considerations in this regard are set out as follows.

## PROPOSED DCP TERMS

The Western Australian Planning Commission has released guidelines to assist consideration of proposed DCP arrangements<sup>1</sup>. The guidelines serve to complement to 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 *principles* and infrastructure *categories*. These considerations are now discussed.

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<sup>1</sup> Western Australian Planning Commission, *Guidelines to accompany State Planning Policy 3.6 Development Contributions for Infrastructure*, July 2016

### **DCP Establishment Principles**

LandCorp has reviewed the proposed DCP in relation to the eight principles set out within the guidelines. Of note, there are three principles that warrant close consideration:

Principle 2: Development contributions should not replace normal government expenditure

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.”*

Emphasis added.

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.

Principle 4: Development contribution infrastructure must be important for liveability

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.”*

Emphasis added.

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.

Principle 7: Development contributions can be used for proportional improvements to existing infrastructure to accommodate growth.

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.”*

Emphasis added.

It is respectfully submitted that a literal interpretation of the guidelines indicate the proposed cost items are not appropriate for a DCP.

### ***DCP Infrastructure Category Assessment***

The WAPC SPP3.6 guidelines include the following schedule of infrastructure categories:

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 required
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 required (if development contribution for item is to be sought)
Category C	Infrastructure important for liveability from the earliest stages of development	Inclusion in DCP required (if development contribution for item is to be sought)
Category D	Administrative items associated with preparation of a DCP	Inclusion in DCP required (if development contribution for item is to be 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 appropriate

*Extract from WAPC Guidelines to accompany State Planning Policy 3.6 Development Contributions for Infrastructure, July 2016, page 8.*

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**.

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.

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.

### ***Further Considerations***

In addition to the matters set out within the guidelines to State Planning Policy 3.6, there are a number of further considerations that should be taken into account as now discussed.

#### Water Re-Use Scheme

The Shire's Public Open Space Irrigation Options Study<sup>2</sup> confirms that "*the cost of Scheme Water is one of the drivers for investigating alternative water sources for POS irrigation*". 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.

Separate to this, the proposed re-use of treated wastewater from the relatively recently commissioned Broome north treatment plant involves the following risks:

- 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.

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:

1. may not eventuate; or
2. may be decommissioned, with the community not receiving benefits from the contributions.

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.

#### Suitability of Contribution Area

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<sup>3</sup>, 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.

#### Additional Payments to Infrastructure by Landowners within Contribution Area

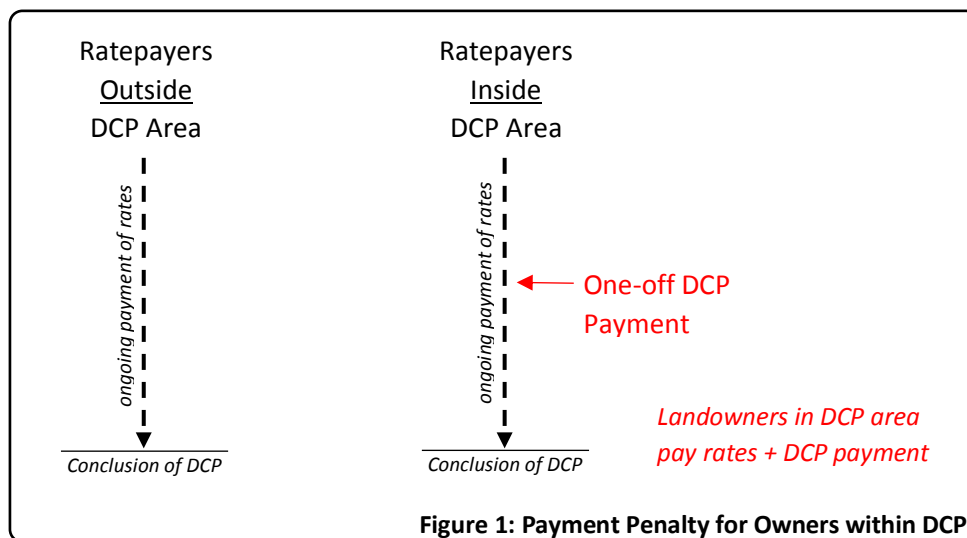
Without a differential rate structure adopted to reduce the rate levy for owners within the contribution area, those owners are financially penalised. That is, landowners within the contribution area would pay toward DCP costs through ordinary rate contributions. The landowners then make additional payment through the DCP levy.

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<sup>2</sup> GHD, Public Open Space Irrigation Options Study, October 2016, page 11.

<sup>3</sup> Shire of Broome Agenda – Ordinary Meeting of Council, 24 November 2016, page 194.

**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.



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 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 Department of Planning.



Item No	Item Description	SPP 3.6 Draft Guidelines Infrastructure Categories		
		Category	Description	Comment
1	Intersection of Frederick Street/Cable Beach Road East/Port Drive	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	<p><b>Inclusion in DCP may be appropriate subject to</b> satisfying the following key criteria:</p> <ul style="list-style-type: none"> <li>Increases capacity to manage new resident traffic;</li> <li>Within DCP guideline time frame (5 – 10) years;</li> <li>Within an acceptable proximity to the DCP area;</li> <li>Required from the earliest stages of development;</li> </ul> <p>If the criteria above is satisfied infrastructure item could be reclassified as 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)</p>
1a	Right turn pocket on the north-east approach			
1b	Left turn pocket on the south-west approach			
1c	Exit lane on the north-west approach			
2	Sandpiper Avenue from Broome Road to Sanderling Drive			
2a	Upgrade from two way two lane undivided carriageway to a four-lane two way carriageway			
3	Guy Street from Hunter Street to Port Drive			
3a	Upgrade from two way two lane undivided carriageway to a four-lane two way carriageway			
4	Intersection of Port Drive/Guy Street			
4a	Roundabout controlled intersection			
5	Installation of Treated Wastewater Reuse Infrastructure for Irrigation of Public Open Space	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	<p><b>Inclusion in DCP not appropriate;</b> DCPs are about the capacity of the existing infrastructure, not the cost of the product (being water). Further the infrastructure does not have sufficient level of certainty to be considered the DCP, either.</p>
5a	Tertiary treatment plant at Broome North Wastewater Treatment Plant			
5b	Treated wastewater transfer pump station			
5c	Pipelines			
5d	Day storages			
6	Broome Recreation and Aquatic Centre (BRAC)	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	<p><b>Inclusion in DCP not appropriate;</b> Under Schedule 1 (Categorisation of Infrastructure Items) Item 21 Regional sports grounds and facilities (at regional open space) (e.g. aquatic centre, gymnasium) has been excluded.</p>
6a	Lighting to Joseph (Nipper) Roe oval			
6b	Two covered outdoor sports courts			
6c	Car parking improvements			
6d	Access improvements			
6e	Gymnasium and fitness centre			
7	Town Beach – Amenity improvements to lawn and car parking areas	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	<p><b>Inclusion in DCP not appropriate;</b></p> <ul style="list-style-type: none"> <li>They are amenity or restoration works rather than increasing capacity;</li> <li>They are not in the same district as the DCP area (proximity);</li> <li>Item 26 in the guidelines states that “Foreshore reserve upgrades are only permitted to be included in limited cases of fragmented land where inclusion in the DCP is the only way to facilitate subdivision.”</li> </ul>
8	Jetty to Jetty - Revetment			
9	Jetty to Jetty - Fishing platform, footpaths and intertidal walk			
10	Broome North - District sporting field and player amenities	C	Infrastructure important for liveability from the earliest stages of development	<p><b>The inclusion in DCP may not be appropriate</b> due to the delivery timeframe of 2030/31, which is outside of the recommended DCP timeframe of 5-10 years and more detail required to be consistent with the transparency requirements of SPP.</p>
11	Costs to prepare and administer the DCP	D	Administrative items associated with preparation of a DCP Inclusion in DCP required	<b>Inclusion in DCP required</b>

30 March 2017

Mr Andrew Close  
Shire of Broome  
PO Box 44  
Broome WA 6725

*By email: [shire@broome.wa.gov.au](mailto:shire@broome.wa.gov.au)*

Dear Mr Close

**RE: Shire of Broome Local Planning Scheme No 6 – Amendment No. 2.**

Thank you for the opportunity to provide this submission to the Shire of Broome in relation to the proposed Amendment No.2 (*The Amendment*), which has the purpose of:

- Inserting Development Contributions Area 1 (DCA1) into the scheme to identify land that will be subject to a Development Contributions Plan (DCP) for standard and community infrastructure;
- Amending the scheme maps accordingly; and,
- Setting out the infrastructure items that will be included in the DCP, the method for calculating contributions, and the period of operations for the DCP.

**About Nyamba Buru Yawuru Ltd**

Nyamba Buru Yawuru Ltd (NBY) is the operating arm of the Yawuru Native Title Holders Body Corporate (PBC), which holds native title in trust for the Yawuru community. NBY holds investments across a range of commercial and social dimensions which is diversified and agile, and aims to support the cultural, social and economic objectives of the Yawuru people.

Yawuru native title was determined by the Federal Court in April 2006 over 530,000 hectares in and around Broome. It followed a long period of litigation after the original native title claim was lodged with the National Native Title Tribunal under the name of Rubibi in 1994. The Yawuru native title determination was upheld by the Full Bench of the Federal Court in 2008 following an appeal by the State Government.

The determination caused the State Government to negotiate about how to compensate Yawuru for both the illegal acquisition and voluntary surrender of Yawuru native titles rights. The State Government insisted on Yawuru's agreement to surrender permanently some areas of Yawuru native title to provide certainty for residential expansion at Broome North and for industrial development and a future airport on the Broome Road.

In 2010 Yawuru finalised a wide-ranging compensation agreement with the State and the Shire of Broome to facilitate the further development of Broome and provide Yawuru with the financial resources to participate in Broome's development and to address the historical causes of low socio-economic conditions. Yawuru created Nyamba Buru Yawuru Ltd to hold and invest in the land and capital for the benefit of Yawuru and other Indigenous people who live in Yawuru country.

The Yawuru Native Title Global Agreement, in the form of two Indigenous Land Use Agreements (ILUA), is in three parts:

- One off financial payment for Yawuru to build their corporate capacity to provide secure cultural protection and management and to deliver social and economic long-term benefits to Yawuru native title holders;
- A conservation estate comprising coastal and intertidal areas and a marine park to be jointly managed by Yawuru, the State, and the Shire; and
- Approximately 3,000 hectares of developable land as a basis of income generation in perpetuity.

ILUAs are provisions under the Commonwealth Native Title Act which enable native title holders to reach agreements about managing native title rights and interests. The two ILUAs that formed the Yawuru native title compensation agreement were the Yawuru Prescribed Body Corporate ILUA that pertained to Yawuru native title determined areas and the Yawuru Native Title Area Agreement, which concerned some areas of lands within Yawuru country that were not claimed. Both ILUAs were formally registered by the National Native Title Tribunal following a registration period where the Tribunal was satisfied that there was Yawuru community support for the agreement.

The Agreement package includes land for future developments by Yawuru for residential and commercial purposes, including land included in the proposed Local Planning Scheme amendment. It is likely that the imposition of a developer contribution plan will impact on the valuation process, making detailed review of *The Amendment* an imperative for both the Native Title Body and the State Government as some of the property is currently Crown Land.

### **The role of NBY as Native Title Holder**

NBY's organisational structure reflects the features and underlying philosophy of the Yawuru Agreement. Yawuru and non-Yawuru people have been recruited for their expertise and potential to undertake various roles and responsibilities including supporting Yawuru decision making, managing Yawuru's natural environment, providing a range of programs and services to assist and strengthen our community, property development, Yawuru language services, managing third party development applications on Yawuru Country, communications, financial management, investment and commercial development and community and individual capacity building.

A fundamental part of NBY's organisational responsibility is to constantly engage the Yawuru community about Yawuru governance and decision making and the work of NBY. This is done through community forums, local indigenous radio, community consultation, newsletters, social events, and use of cultural advisors and monitors.

NBY employs 88 full-time, part-time and casual staff and engages a number of community members to work as land and cultural advisors and monitors. Approximately three quarters of NBY's workforce are Yawuru and other Indigenous people.

Since the Yawuru Native Title Agreement was formally registered in 2010, significant outcomes have been achieved including:

- Establishment of the Yawuru Corporate Group's governance structure incorporating best practice "cultural match" governance combining traditional law practices with high standards of commercial decision making transparency;
- Creation of the Yawuru Park Council as an entity to co-manage the expansive Yawuru conservation estate and the production of the award winning Yawuru Cultural Management Plan;

- Establishment of a Yawuru environmental land and sea management service with highly skilled and accredited Yawuru rangers and country managers;
- Creating the Yawuru Language Centre and Yawuru language revitalisation programs;
- Building the Yawuru office complex in Broome and a highly competent and efficient corporate organisation;
- Creating a range of community development and enterprise programs and services including senior and youth supports, support for individual excellence and leadership, employment and training services, museum exhibitions, cultural tourism initiatives and archiving heritage database collation;
- Negotiating the transfer of Roebuck Plains Station comprising 276,478 ha and one of the most productive cattle properties in the Kimberley;
- Establishing a highly competent and professional Future Acts service which has negotiated a number of heritage protection agreements and an ILUA over a mining development;
- Developing a major residential estate project in Broome involving a successful commercial return and social outcome with a high percentage of Indigenous first home buyers on the open market;
- Establishing an innovative Yawuru housing program involving social housing, transitional housing and shared equity home ownership;
- Establishing innovative cultural renaissance initiatives which reconnect Yawuru people with their cultural traditions and history;
- Establishing a highly regarded cultural immersion product for non-Yawuru people;
- Establishing the beginnings of a Yawuru cultural tourism industry highlighted by the award winning Jetty to Jetty tour;
- Establishing state of the art GIS mapping systems as a 3D database for Yawuru land assets, conservation estate and management with capability to incorporate on country data collection, heritage, archaeological and cultural reports; and,
- Establishing Yawuru as a respected stakeholder in Broome's development and institutional partner with the Shire of Broome and key State Government agencies in the development of the Broome Growth Plan.

## **The position of NBY in relation to Shire of Broome Local Planning Scheme No 6 – Amendment No. 2.**

As a responsible organisation, NBY is vitally aware of housing affordability and will seek to ensure an appropriate balance is achieved between the provision of infrastructure to improve the liveability for future residents in NBY developments with achieving an affordable price-point for residential land and housing.

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.

NBY would also entertain discussion of a voluntary contribution scheme if the outcomes met the objects and purposes of the NBY.

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:

- 1) an appropriately negotiated developer contribution scheme would be considered based on the principle of bringing forward the infrastructure needed for the liveability of residents on newly developed Yawuru lands;
- 2) any Developer Contribution Plan developed under the auspices of *State Planning Policy 3.6 Developer Contributions for Infrastructure*, 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;
- 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;

- 4) the current amendment is sufficiently flawed to bring into question the likelihood that it will be approved by the Minister for gazettal; and,
- 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 Department of Planning officers.

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.

Yours sincerely,

*Peter Yu*

*CEO*

*Nyamba Buru Yawuru Ltd*

Cc:

Mr Eric Lumsden, Chair Western Australian Planning Commission.

Ms Gail McGowan, Director General, Department of Planning.

## **PART B**

### **Technical Review of Amendment 2 to LPS6**

Identification of Development Contributions Area (DCA1)

and

Preparation of Development Contributions Plan (DCP)



## Executive Summary

This Technical Review provides feedback on the following matters:

1. Clarification of the land holdings of interest to NBY being Lot 3144 Dora Road, Broome, which has been transferred to NBY and the following lots where NBY has a beneficial interest: [Lot 502 Gubinge Rd, Lots 522, 526 and 527 Fairway Drive, and Lot 3128 Coucal Street](#).
2. Intent of State Planning Policy 3.6 Development Contributions for Infrastructure (SPP 3.6).
3. Technical review of Local Planning Scheme No 6 – Amendment 2 [*The Amendment*] against the requirements of SPP 3.6, the draft SPP 3.6 and the draft Guidelines including:
  - i. the proposed Community Infrastructure included in *The Amendment*;
  - ii. the proposed road infrastructure identified in *The Amendment*;
  - iii. the proposed waste water infrastructure identified in *The Amendment*; and,
  - iv. management and structure of the developer contribution plan.

The key issues with “*The Amendment*” are as follows:

### *Statistical Assumptions*

- 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.<sup>1</sup>
- 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 timeframes to reach the 85% capacity thresholds to be within the scope of *The Amendment*.

### *Timeframe*

- 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.

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<sup>1</sup> ABS 3218.0 Regional Population Growth, Australia: Population Estimates by Significant Urban Area, 2006 to 2016 released 30 March 2017.

### *Regional Infrastructure*

- 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.

### *Foreshore Works*

- 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.

### *District Infrastructure*

- 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 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.

### *Road Infrastructure*

- 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 development. The road infrastructure should be removed from *The Amendment*.

### *Treated Waste Water (TWW) for the irrigation of POS.*

- 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 TWW in perpetuity, which has not occurred to date.

### *Administration of the Scheme*

- 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 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*.

## Recommendations

### 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:

*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.*

### 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.

### 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.

### 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.

### Recommendation 5

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.

**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.

**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.

**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*.

**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.

**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.

**Recommendation 11**

*The Amendment* recognises grant monies and attributes them to the total costs rather than the Shire's contribution.

**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.

## 1) Clarification of land holdings

NBY has interest in two interests in land that would be subject to Shire of Broom Local Planning Scheme No 6 – Amendment No. 2 being:

- Lot 502 Gubinge Road, Lots 522, 526 and 527 Fairway Drive and Lot 3128 Coucal Street where NBY has beneficial interest as part of the ILUA; and,
- Lot 3144 Dora Street, Broome.

These parcels form part of the Indigenous Land Use Agreement.

## 2) Intent of SPP 3.6.

Developer contributions are an accepted part of urban development, particularly in areas where there are fragmented land holdings and infrastructure coordination is required. The Western Australian Planning Commission (WAPC) recognised the need for infrastructure coordination as early as 1997 when Planning Bulletin 41 was gazetted, clarifying the scope of such contributions with the draft model Text Provisions for Development Contributions defined in Planning Bulletin 41 in 2000.

State Planning Policy 3.6: Development Contributions for Infrastructure (SPP 3.6) was a tripartite initiative between the Western Australian Local Government Association (WALGA), the development industry and the Department of Planning and Infrastructure. Commenced in 2006, the policy arose out of increasing concern that rezoning applications were the subject of unreasonable contributions of either cash or in-kind contributions that bore little or no relevance to the liveability of the areas being developed. The issue was subject to an Inquiry by the Public Accounts Committee in 2004, which informed the policy development process.

After gazettal of SPP 3.6 in 2009, it became apparent that further guidance was required and the guidelines that had been developed with the policy, but not released, were refined and released for public comment in 2016. The comment period has closed for the guidelines and it would be anticipated that they will be formalised during 2017.

### 3) Review of Local Planning Scheme No 6 – Amendment 2 [*The Amendment*] against the requirements of SPP 3.6, the draft SPP 3.6 and the draft Guidelines.

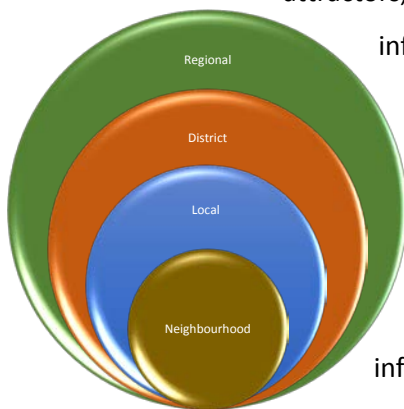
#### a) Community Infrastructure

For the purposes of this submission, the proposed Community Infrastructure identified in *The Scheme* has been divided into two components, being:

- Regional community infrastructure; and,
- District community infrastructure.

NBY recognises and understands the hierarchy associated with the provision of community infrastructure with Local and Neighbourhood infrastructure servicing the local (normally walkable) catchment, with District infrastructure servicing a larger catchment (within notionally a 1km radius), with Regional infrastructure servicing the broader community.

Whilst there will always be a level of movement between areas driven by sport, social or other attractors, in general the planning system considers that only Regional infrastructure would be utilised by the broader community with residents self-selecting to utilise their closest facilities for local or neighbourhood activities.



Within this hierarchy, the scale of the infrastructure provided changes significantly, with neighbourhood and local parks having basic infrastructure that may include either passive open space and/or playground and potentially basic shelter.

District open space delivers more active, and expensive, infrastructure such as hard court surfaces and are increasingly being co-located with schools to maximise the return on investment to the community. Regional open space delivers the highest level of amenity and facilities, such as aquatic centres and may include specialist facilities such as boat ramps.

This clarification is important as it impacts on the catchment area for each cell in a development contribution plan. The intent of SPP 3.6, as clarified in the guidelines, is that Regional facilities are not appropriate for inclusion in developer contribution plans and other methods for funding the infrastructure, such as rates and grants, should be utilised.

Contributions for District infrastructure are intended to be for the district in which the residents reside. In the presentation made during the consultation meeting held on the 20<sup>th</sup> March, slide 16 states that:

*“All the community infrastructure items are considered to have a Regional or District function, which means that they are used for residents throughout Broome.”*

This shows an inappropriate blurring of the attributes of Regional infrastructure with the attributes of District infrastructure. This has led to inclusions and a cost apportionment that appears to not be compliant with the requirements of SPP 3.6 and the associated Guidelines.

Given the hierarchy of community infrastructure and the need to relate District infrastructure to the residents within that district, the information provided in this submission is separated into two parts: being for Regional and District infrastructure, with specific comments relating Lot 502 Gubinge Road, Lots 522, 526 and 527 Fairway Drive and Lot 3128 Coucal Street [*Northern Beneficiary Lots*] and Lot 3144 Dora Street where appropriate.

*i) Regional community infrastructure*

*The Amendment* includes a range of amenity and infrastructure upgrades classified as “Regional Infrastructure.” Whilst the relatively small population base in the Shire of Broome is recognised by NBY, it was not the intent of SPP 3.6 to include Regional infrastructure in a developer contribution plan as this was seen to be the role of Local Government, supported by State and Federal grants. Specifically, item 21 of Schedule 1 of the draft Guidelines excludes:

*“Regional sports grounds and facilities (at regional open space) (e.g. aquatic centre, gymnasium).”* (emphasis added)

Further, items included in a developer contribution plan under SPP 3.6 should be limited to relevant new infrastructure or, where it is more cost effective, upgrading the capacity of existing infrastructure. SPP 3.6 was not intended to be used for amenity upgrades, safety improvements or other upgrades that do not increase the capacity of the infrastructure.

**Recommendation 1**

That the following items are removed from *The Amendment* as they are not consistent with the requirements of SPP 3.6 as detailed in the draft Guidelines to exclude Regional infrastructure:

*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.*



## ii) District Community Infrastructure



Figure 12: Existing and Future District, Local and Neighbourhood Parks – Broome townsite

The Shire of Broome's Local Planning Strategy (Parts 1 & 2) identifies the location of existing and future Regional, District and Local Parks (p.33) and the relevant catchment areas, confirming that the District parks are intended for the use of residents within that catchment. Whilst the diagram is illustrative, the intent is clear and consistent with standard planning practice.

### (1) District Infrastructure - Town Beach

#### Classification Review

The Town Beach District Infrastructure is listed as a “passive district park,” however this categorisation is questioned given the facilities provided. The location is also a popular tourist

destination for viewing the “Staircase to the Moon” and hosts markets to coincide with those events. The following is a description of Town Beach from the Shire of Broome website:

“Town Beach Reserve is a spacious park facility overlooking Roebuck Bay with a sheltered and popular swimming beach. A children's playground, public toilets, electric BBQ's kiosk and public picnic facilities provide visitors with recreational services and there is a sealed carpark area and boat launch ramp for fishermen and boating enthusiasts. Lions Pioneer Park and Apex Park are a part of the Town Beach Reserve as well as the site of the Pioneer Historical Cemetery. Previously the site of the old Broome Long Jetty, Town Beach has a sweeping panorama of Roebuck Bay and is a popular venue for viewing the Staircase to the Moon phenomenon. During Staircase events, Staircase Markets are held on the park grounds and local artisans, crafts people and food vendors offer a wide variety of merchandise and ethnic food options. Parking and entrance into the Staircase Markets is free of charge. During most of the year, The Town Beach Cafe offers breakfast, lunch and dinner and is a delightful evening dining venue.

The need for the review of Town Beach, with the potential to be classified as “Regional,” is reinforced on page 17 of the Development Contributions Plan (DCP) Report No. 1: Standard and Community Infrastructure:

“Town Beach is classified as a ‘District Park’ under the Shire’s LPS and it is utilised by residents throughout Broome. It attracts a high proportion of young families due to the existing water playground (the only facility of its kind in Broome) and waterfront amenity. It is noted that ‘Redevelop the Town Beach Precinct’ was number 15 on the Community’s list of ‘Big Projects and Ideas’ which informed the development of the Strategic Community Plan 2015-2025.”

#### *Excluded Items*

The Infrastructure in Town Beach is not consistent with the requirements of SPP 3.6 as it includes items that are specifically excluded (with only limited exceptions that are not relevant to *The Amendment*). Item 26 of Schedule 1 of the Guidelines excludes foreshore works:

*“Foreshore reserve upgrades are only permitted to be included in limited cases of fragmented land where inclusion in the DCP is the only way to facilitate subdivision.”*

This would mean that the Town Beach upgrades listed below would be excluded:

- DCP Item 8. Jetty to Jetty – Revetment
- DCP Item 9. Jetty to Jetty – Fishing platform, footpaths and intertidal walk

*The Amendment* also includes:

- DCP Item 7. Town Beach – Amenity improvements to lawn and car parking areas.

The carparking upgrades are identified in Local Planning Policy 8.25 - Old Broome Development Strategy and relate to improvement to “Town Beach vehicle and boat trailer parking.” As boat ramps are not a permitted inclusion under SPP 3.6 Guidelines (item 24), it could reasonably be assumed that boat trailer parking would also be excluded.

Further, the increase in capacity for the car parking was required as replacement for the overflow parking, which was to be converted to parkland rather than an increase in the car bays available. A DCP is about increasing capacity, and these car parking upgrades do not appear to achieve this outcome.

#### *(a) Specific Comments in relation to Lot 502 Gubinge Road, Cable Beach*

The Town Beach infrastructure is not in the same District as the *Northern Beneficiary Lots* contribution area, as shown by comparison of the community infrastructure parks and open space catchment map on page 33 of the Shire of Broome’s Local Planning Strategy and the map provided within *The Amendment*. The lack of proximity means that there is no need and nexus established for that DCP contribution area and infrastructure classified as “District” in Town Beach.

The map displays the Town of Southport, including the proposed development area and its contribution area. The legend identifies various land uses and features, and a scale bar is provided. A callout box highlights the 'Distance between contribution area and Town Beach'.

In addition to the general comments in relation to the Town Beach District infrastructure, the major consideration for Lot 3144 Dora Street is whether the Town Beach infrastructure should be reclassified as “Regional” given the presence of a boat ramp and the acknowledgement that the area is used by all residents of Broome.

Review the Town Beach classification as “Regional” as it has facilities that service the broader Broome community including boat ramps (and associated parking), swimming beach, water park and tourism including markets and viewing of “Staircase to the Moon” events.

That the Town Beach District Infrastructure items 8 and 9 that relate to foreshore works be removed from *The Amendment* as non-conforming with the draft SPP 3.6 Guideline requirements.

Remove from contribution calculation for Lot 502 Gubinge Road, Cable Beach as the Town Beach District infrastructure (Item 7) as it does not conform with the draft SPP 3.6 Guideline requirements due to the distance between the location of the contribution area and the location of the infrastructure.

## (2) District Infrastructure – Broome North

In principle, DCP Item 10. Broome North – District sporting field and player amenities is an allowable inclusion in a developer contribution scheme with the Guidelines allowing for:

18a *“Multi-purpose district sport grounds (at district parks) (including grassed playing surfaces, maximum four multi-purpose hard surface outdoor courts, lighting, fencing; excluding sports equipment).”*

18b *“Multi-purpose district sports pavilion (at district open space) (or similar building located on public open space or foreshore reserve, including toilets, change rooms, basic kiosk facility)”*

For the purposes of clarity, the Guidelines exclude:

19 *“Special purpose hard surface outdoor / covered courts.”*

20 *“Specialist sports facilities (for exclusive use by specialist sports club e.g. lawn bowls)”*

Page 19 of *The Amendment* provides a more detailed overview and appears to confirm consistency with the requirements under SPP 3.6. as follows:

*“In line with the SRL Plan, the infrastructure associated with the District Sporting Oval and player amenities will comprise a grassed playing field, reticulation, lighting to 50 lux with capacity for 100 lux, construction of 90 parking bays and an access road, 4 change rooms with shower and toilet, first aid, kiosk and store facilities, a clubhouse and meeting room will be undertaken in 2030/31.”*

Whilst the inclusions are consistent with Schedule 1 of the Guidelines, the items still need to meet the principles of need and nexus. *The Amendment* acknowledges that the facilities identified in the DCP will not be required until 2030, with intent to deliver in 2030/31. As developer contributions for community infrastructure under SPP 3.6 are normally for infrastructure provided within a 10-year horizon, bringing into question the validity of the inclusion based on timeframes. Extract from P. 20 of *The Amendment*:

*“As discussed in Section 8.3.1.1 above, the SRL Plan has used the benchmark of 3 AFL ovals for a population of 15,000. This is consistent with the LPS, which states that a sub-district oval is required for every 5,000 residents. Whilst technically this need is met at present (when the functionality of Nipper Roe is improved through the installation of sports-field lighting), an additional oval will be required once Broome’s population reaches 20,000, which is anticipated in 2030.”*

Further, the population forecasts are based on achieving a 2.3 percent growth rate year-on-year to 2031 (Appendix 6 of *The Amendment*). Whilst estimates need to be prepared based on the best available information at the time, the selection of a growth rate nearly six times the 2015 growth rate of 0.36%pa would seem to be overly optimistic. The growth rate for 2016 was just 0.2%<sup>2</sup>. Indeed, the forecast growth rate of 2.3% per annum has only been exceeded twice in the last decade when the activity associated with the gas hub and development of James Price Point triggered short term population growth above 4.5%pa in 2012 and 2013. With no major economic drivers on the horizon, it would be anticipated that the forecast growth rate is excessive, bringing forward theoretical demand.

This not only creates issues for future residents, who may be paying for infrastructure as part of their lot purchase that is unlikely to be delivered in the life of the DCP, it fundamentally impacts on planning by the Shire, with the delivery schedules potentially incorrect by multiple years.

*(a) Specific Comments in relation to the Northern Beneficiary Lots*

Within the constraints of the information outlined above, the infrastructure is seen as potentially relevant for some future residents located in the *Northern Beneficiary Lots*, however the District infrastructure is seen as not appropriate for inclusion in *The Amendment* due to the timeframe identified and the impact of overly optimistic population growth forecasts.

**Recommendation 5**

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, with the realistic period to reach the identified population potentially stretching beyond 2031.

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<sup>2</sup> ABS 3218.0 Regional Population Growth, Australia: Population Estimates by Significant Urban Area, 2006 to 2016 released 30 March 2017.

(b) Comments in relation to Lot 3144 Dora Street.

Need and nexus cannot be demonstrated between future residents of Lot 3144 Dora Street and the District infrastructure identified in North Broome due to the separation distance. The contribution attributed to this Lot should be removed from the calculations of the Broome North District infrastructure.

**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.

**b) The proposed road infrastructure identified in *The Amendment* and compliance against The Requirements.**

*Traffic Study Assumptions*

It is concerning that the Consultants undertaking the Traffic Study, Jacobs Group (Australia) Pty Ltd, were directed by the Shire to base their traffic modelling on a worst-case scenario as shown in the following extract from page 26 of the Consultant's Report:

"As explained earlier in Section 2.1, this dataset indicated that the dominant peak hour within the study area is 4.00 to 5.00 PM. Under normal traffic conditions, the school peak hour is between 2:00 to 4:00PM, which is outside the identified PM peak period. However, as per the preference of the Shire, for the 2031 interim and 2051 ultimate scenarios, the school traffic has been added to the PM peak hour background traffic. **This represents the worst-case situation.**" (emphasis added).

The likely impact of the decision by the Shire of Broome to add the school traffic to the peak hour background traffic is to bring forward the timeline for traffic volume in key locations to reach 85% of road capacity. It could reasonably be assumed, if traffic volumes were not combined, the road infrastructure currently being considered for inclusion would not meet traffic volume thresholds within the 2030 timeframe of *The Amendment*, and would definitely not be required within the five to ten-year horizon of a standard DCP.

*Appropriateness of road infrastructure for inclusion in The Amendment*

Notwithstanding the concerns in relation to the validity of the data expressed above, the following analysis provides commentary in relation to the appropriateness of the inclusion of specific road upgrades in *The Amendment*.

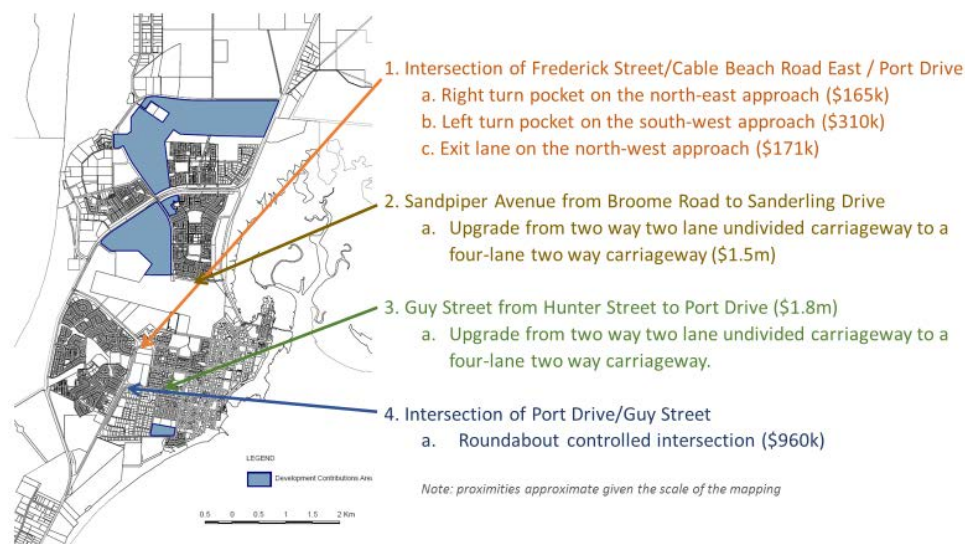
The capacity for a DCP to include the "Upgrading, construction and widening of existing roads and right of ways to accommodate additional traffic generated from a subdivision," has remained unchanged since Planning Bulletin 18 was gazetted in 1997. Whilst, in the simplest of terms, this could be interpreted as giving validity to the inclusion by the Shire of Broome of upgrades to the road network to cater for future population growth, more detailed understanding of the policy framework is required to make that assessment.



*The Amendment* classifies the road infrastructure upgrades as “Standard Infrastructure – Roads.” By way of clarification, within SPP 3.6. “Standard Infrastructure” is used for the consideration of infrastructure that can be required directly as a condition of subdivision/development, meaning inclusion in a DCP should not be required except in limited cases of land fragmentation or non-frontal development where redistribution of costs may be required. The simple test of whether it would be Standard Infrastructure for a DCP is to consider whether provision would be applied directly as a condition of subdivision/development if the lands were held by a single entity. This is not the case for the road infrastructure listed as it is not immediately adjacent to any of the boundaries of the development areas identified in *The Amendment*.

Further, the timeframe for the traffic volumes to reach the threshold to trigger the identified upgrade is outside of the timeframe for a standard DCP of 5 – 10 years. Indeed, if the traffic volumes were not inflated by the inclusion of school traffic with the afternoon peak, the infrastructure upgrades are unlikely to be required until a period beyond the nominated 2030 horizon.

A case could potentially be made for some upgrades to Sandpiper Road as part of a voluntary agreement for Lot 502 Cable Beach, contingent upon how the structure planning deals with traffic entry and exit from the development.



## Recommendation 7

Remove the road infrastructure from *The Amendment* as:

- c. The road infrastructure is not located within reasonable proximity to the development, and/or,
- d. The traffic volumes have been inflated by combining school traffic volumes with the later period of peak traffic flows, with the effect of bringing forward theoretical capacity issues.



### *Future Considerations*

*The Amendment* notes that the duplication of Broome Road from a two-lane, two-way carriage way to a four-lane, two-way carriage way was considered for inclusion but the cost estimate of \$23m, was regarded as being insufficiently robust due to site complications. *The Amendment* goes on to state:

*“Should the Shire wish to seek development contributions towards this road upgrade in future, once costs have been further refined, a Scheme Amendment will be required.”*

The inclusion of Broome Road, which is classified as an “Integrator arterial B” road, is not appropriate at any time as it is not within reasonable proximity of planned development and should be permanently excluded from consideration for the DCP.

#### **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 development.

**c) The proposed waste water infrastructure for the irrigation of open space identified in The Scheme and compliance against The Requirements.**

*Background: Water Supply in Broome*

It is important when considering the inclusion of a treated waste water plant for the irrigation of public open space to understand that there is no shortage of water in Broome as the Broome aquifer can sustainably provide up to 10.6 gigalitres without destabilising the saline interface (i.e., increasing the risk of salt water intrusion).

The Water Corporation estimates that extracting 10.6 gigalitres would provide for Broome's Water needs until 2035, and even that level of extraction is not considered to be the limit of water that could be taken from the aquifer. The Water Corporation states on their website that works are planned, underway or have been completed to increase the water supply including expansion of the Broome Borefield by drilling three new test bores capable of supplying an additional 4.5 million litres per day along with two storage tanks with a combined capacity of 35 million litres.

Broome North District Development Plan states:

*"Water Corporation has identified that sustainable yield of the existing town water source is 10.6 GL/annum. DOW (2008) indicates that the long-term demand for Broome in 2030 is 9.4 GL/a, including system losses and tourist population. The estimated total water demand for the town of Broome including the future Broome North development is 8.0 GL/annum. This total incorporates the 2009 production of 4.7 GL/annum and the future estimated water demand from the proposed development of around 3.3 GL/annum. The existing water source is expected to be sufficient."*

It is clear that there is technically sufficient water for Broome's growing population; matters relating to cost of supply are outside of the remit of a developer contribution scheme.

Discussion about environmental sustainability of irrigation choices are also outside of the scope of developer contributions under SPP 3.6, but could be the subject of discussion where the objectives of the land owners and the Shire are in harmony. Should this discussion take place, it would be essential to understand the potential supply of treated waste water for irrigation. The Water Corporation's report Water Forever Whatever the Weather stated on page 5 that:

*"approximately 85 per cent of Broome's wastewater is recycled for a variety of community uses, including watering a golf course, school and sporting grounds. In October 2011 the new Broome North Wastewater Treatment Plant opened and is equipped with recycling facilities. The plant will provide treated wastewater to irrigate Rhodes grass that may in future be harvested for stock feed."*

The Shire of Broome recognises the need for certainty of supply, stating in their Corporate Business Plan (item 1.4.1.2.) the need to lobby the Water Corporation for continued use of treated effluent for irrigation purposes. Given that 85% of wastewater in Broome is already recycled and expansion of TWW use in the agricultural sector being considered, access for increased volumes of waste water would seem to be questionable.

The GHD study also notes the uncertainty of supply stating:

*"there will be insufficient TWW volumes to meet the allocations outlined in the current MOU with the Water Corporation, so assumptions have been made in the report about ongoing access."*

It would seem to be a fundamental imperative to secure a long-term commitment by the Water Corporation to TWW for irrigation of public open space before any consideration is given to a \$10 million infrastructure item, regardless of the funding source.

#### *Commentary on the GHD Technical Report*

The inclusion of the waste water treatment infrastructure for the irrigation of public open space (POS) is based on a report prepared by GHD on behalf of the Shire of Broome. On page 6 of the report the statement is made that "the study findings and cost estimates will be a key input into an infrastructure Development Contribution Plan (DCP) that is being prepared by others".

Given the purpose of the report was to inform the Developer Contribution Plan, the following concerns about the scope, content and interpretation of the document by the Shire of Broome have been identified:

- The scope of the report commissioned by the Shire of Broome only considered options that involved the use of treated waste water (TWW), there was no base line assessment of infrastructure provision utilising either bore or scheme water or a combination of both. The scope of the report was confirmed in *The Amendment* on Page 8, which states:

*“the Shire commissioned a Public Open Space Irrigation Options Study to investigate the most sustainable way to irrigate Public Open Space (POS) in the Broome Town site over the life of the DCP. POS at present is predominately irrigated with potable reticulated water, which is not considered to be the best outcome either environmentally or financially.”*

- There is a 30% contingency allowance for capital expenditure in the GHD modelling, which is excessive. As the capital expenditure for the three options ranges between \$9-\$10 million, this potentially has a significant impact on costings in *The Amendment*.

### *Compliance against SPP 3.6*

For clarity, Water infrastructure is included in items 1a and 1b of the Guidelines and is only to be included *“in limited cases of fragmented land or non-frontal development where inclusion in a DCP is the only way to facilitate subdivision.”*

Enhanced facilities for passive public open space (e.g. extensive reticulation (emphasis added), extensive lighting, picnic facilities, gazebos, BBQs, elaborate playground equipment, outdoor fitness equipment, dog agility courses) is not permitted.

Given there is documentation that demonstrates adequate water reserves, it is likely that headworks and supply for reticulation to POS will be able to be negotiated with the Water Corporation, treated waste water reuse for irrigation could be seen as being driven by cost savings by the Shire, rather than addressing a capacity barrier. There is potential that the TWW for the irrigation of POS could be considered as *“enhanced facilities for passive public open space,”* which is not a permitted inclusion under SPP 3.6.

**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.

#### **d) Management and structure of the developer contribution plan**

##### **i) Administrative Costs**

The Administrative Costs are an important component in a DCP and significant under-or-over estimation could create issues going forward. It is therefore concerning that *The Amendment* lacks any certainty in relation to those costs, as stated on Page 21 of Appendix B.

“It is not considered possible to provide a realistic estimate for many of these costs prior to the implementation of DCP1. As a result, whilst the intention to collect contributions for these items is established, no cost estimates are provided, or contributions required at this stage. 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.”

It is essential that a reasonable estimation of administration costs is provided in *The Amendment* to provide a base level which can then be transparently reviewed going forward. SPP 3.6 acknowledges the following administration costs can be included in a DCP:

- costs to prepare and administer the development contribution plan
- costs to prepare and review estimates
- costs to prepare the cost apportionment schedule
- valuation costs

These inclusions are expanded in the draft Guidelines and, for the purposes of this submission, the clauses are compared to those contained in *The Amendment* in the table below. Whilst there is reasonable consistency, there are specific items that should be amended to ensure concordance with the Guidelines. Of concern, Item c. in *The Amendment*, when compared to Item 45 in the Guidelines, fundamentally changes the approach to the cost apportionment schedules by introducing a review process. The intent is for costs to be reviewed, however the apportionment schedule should not be varied once the DCP is in place as this is a fundamental point of consistency for developers.

**Table 1. Comparison of administrative items in *The Amendment* with the Guidelines.**

AMENDMENT	GUIDELINES	VARIATION
a. Costs to prepare and administer the DCP	45. Costs to prepare and administer the DCP	Consistent
b. Costs associated with the annual review of cost estimates	46. Costs to prepare and review cost estimates for DCP	Minor change – costs to prepare and costs to review are captured in the first two items in both <i>the Amendment</i> and the Guidelines.
c. Costs associated <b>with the review of the cost apportionment schedules based on land development undertaken since the last review</b>	47. Costs to prepare cost apportionment schedule for DCP	Wording to reflect costs for preparation of the cost apportionment schedule has been amended to be the <b>review</b> of the schedule based on land development since the last review. The cost apportionment schedule should be fixed with the costs reviewed and applied. This clause should be restored to the original wording to ensure consistency in the DCP.
d. Costs for undertaking valuations	48. Costs for undertaking valuations <b>for DCP</b>	Should specify that the valuations are for the DCP although that would seem to be self-evident.
e. Fees for professional services directly linked to the preparation and implementation of the DCP	49. Fees for professional services directly linked to preparation and implementation of DCP (e.g. legal and accounting fees)	Consistent
f. Costs for computer software and/or hardware upgrades necessary to enable DCP preparation	51. Costs for computer software and/ or hardware upgrades necessary to enable DCP preparation	Consistent
g. Proportion of staff salaries directly related to DCP administration	52. Proportion of staff salaries directly related to DCP administration	Consistent
h. Financial institution fees and charges associated with the administration of DCP funds	54. Financial institution fees and charges associated with administration of DCP funds	Consistent
i. Interest charged on loans taken out to pre-fund items included in the DCP.	Interest charged on loans taken out to pre-fund items included in DCP <b>(established based on lending rates at the time DCP is prepared)</b>	Missing reference to current interest rates.

### **Recommendation 10**

That the clauses relating to the administration of the fund are amended to reflect the draft Guidelines for SPP 3.6.

## ii) Funding Sources

It is important to note that the intent of a developer contribution scheme is to supplement, not to replace traditional sources of funding, such as rate revenue and grant income. Whilst grant income cannot be guaranteed, where grant income is achieved, there should be an overall reduction in the funds required through a development contribution scheme. The process identified in *The Amendment* is not seen as equitable as it only reduces funds included from the rate base. Page 9 of *the Amendment* states:

*“For the majority of the proposed infrastructure items, the Shire’s Long Term Financial Plan envisages that a portion of the overall project costs will be achieved through grant funding. However, potential contributions from other sources such as grants have not been included in the funding model as the successful acquisition of grants cannot be guaranteed or assumed. Any potential grant funding has been incorporated within the Shire’s cost contribution.”*

### **Recommendation 11**

*The Amendment* recognises grant monies and attributes them to the total costs rather than the Shire’s contribution.



### iii) Consultation

The guidelines for SPP 3.6 acknowledge the DCP is subject to a statutory public consultation process when it is included in a local planning scheme but goes on to recommend that:

*“early consultation on its proposed content is undertaken with relevant stakeholders, including key landowners in the DCA, providers of any infrastructure to be included in the DCP and the WAPC.”*

Early consultation has not occurred with the landowners, which is acknowledged in *The Amendment* which states on page 9 that:

*“DCP1 provisions will be advertised through Amendment No. 2 thus satisfying the requirement to consult with land owners and developers on the manner in which the development contributions are determined.”*

Whilst the Guidelines only recommend early consultation, it would seem that a DCP as ambitious as *The Amendment* would have been more robust if stakeholders had greater involvement during the development process.

#### **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.

# ROEBUCK ESTATE DEVELOPMENT PTY LTD

ABN 84 077 951 378

Suite 6, 2a Brodie Hall Drive, Bentley WA 6102

PH:- (08) 9470 7200 FAX:- (08) 9470 5955

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28 March 2017

Chief Executive Officer  
Shire of Broome  
PO Box 44  
BROOME WA 6725  
E [shire@broome.wa.gov.au](mailto:shire@broome.wa.gov.au)

Attention: Mr Sam Mastrolembro

Dear Sam,

## **ROEBUCK ESTATE DEVELOPMENT PTY LTD - SUBMISSION ON SCHEME AMENDMENT NO 2**

We refer to your letter of 25 January 2017 inviting review and comment on the proposed Scheme amendment that would introduce a Development Contribution Plan (DCP) affecting Roebuck Estate landholdings.

Roebuck Estate Development Pty Ltd, as part of the BIA Group of companies, has a long term and ongoing relationship with the Shire of Broome, and a strong interest in the prosperity and overall well-being of the community as a whole. Our submission is presented in this context.

We are opposed to the proposed DCP. We believe that the proposed DCP presents constraints to 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.

Taking account of the various matters we have detailed in our enclosed submission, 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 broader community.

We look forward to hearing further from you following your consideration of our submission. In the meantime, both Rob Menzies and the undersigned remain available to discuss any aspect of our submission and welcome the opportunity to provide clarity or assistance where we can.

Yours faithfully,



**Paul McSweeney**  
Chief Executive Officer  
Broome International Airport Group

Encl.

## AMENDMENT NO 2 SUBMISSION

### ROEBUCK ESTATE DEVELOPMENT PTY LTD

Roebuck Estate Development Pty Ltd, a member of the Broome International Airport (BIA) Group, has been a long term land owner and developer within the Shire of Broome. The BIA Group has made a substantial contribution to the supply and diversity of the local housing market, and has been an important contributor to the general prosperity of the Shire since it acquired the airport in 1991.

Through its airport interests, the BIA Group retains significant commercial interest in the long-term well-being of the community and attractiveness of Broome as a major regional centre. In this regard, the initiatives taken by the Shire to provide for improvements to the level of service to the community are both welcomed and encouraged, but not through the proposed Development Contribution Plan (DCP).

A close review of the suggested funding arrangement for the identified community infrastructure items suggests the Shire and landowner interests will be better served through alternative funding strategies.

This submission reflects the findings of our assessment of the proposed DCP and our conclusion that the Scheme amendment to establish the DCP should not be adopted.

#### ISSUES WITH A DCP FOR BROOME

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.

##### ***A DCP is not required for Broome***

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.

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.

#### ISSUES WITH THE DCP AS A FINANCIAL STRATEGY

##### ***Council is Locked-In***

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. 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.

##### ***A DCP locks Council into a long-term commitment***

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 operation is not known, an array of potential issues arise:

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:
  - 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.

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.

***DCP Cost items cannot change over time***

### ***DCPs are Inherently Inefficient***

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 coordination across the various technical departments of Council:

- 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.
- Engineering:* Defining/reviewing technical specifications of works for valuation and ongoing re-evaluation purposes. Coordinating works programming with financial management arrangements.
- 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.
- 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.

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.

***A DCP commits Council to excessive administration***

The life of the DCP will endure beyond the term of appointment of many officers. Inadequate supervisions of a DCP leads to considerable difficulty.

## **ISSUES WITH THE FAIRNESS AND EQUITY OF THE DCP**

### ***DCP Landowners Pay Twice***

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.

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.

### ***Infill Subdivision is Exempt***

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.

***DCP landowners  
(purchasers) are  
financially disadvantaged***

The exemption from payment obligation for infill development, which has equal benefit from the proposed infrastructure, is fundamentally inequitable.

### ***Grant Funds Do Not Offset DCP Owners***

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.

A fair arrangement would see grant revenue equally offset costs to all contributors. At present, Council reporting expressly precludes the benefit of grants offsetting DCP landowner payments.

## **ISSUES WITH ALIGNMENT TO STATE POLICY**

### ***DCP Establishment Principles***

Our understanding is that the proposed DCP arrangements do not align with the intentions of the Western Australian Planning Commission for DCPs, namely:

DCP Establishment Principle 2: Development contributions should not replace normal government expenditure.

DCP Establishment Principle 4: Development contribution infrastructure must be important for liveability.

DCP Establishment Principle 7: Development contributions can be used for proportional improvements to existing infrastructure to accommodate growth.

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).

### **DCP Infrastructure Categories**

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.

In the case of the proposed DCP, all items appear to fall within Category E defined by the Commission as:

*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.*

#### **DCP items are outside Commission guidelines**

The guidelines identify Category E as not appropriate for inclusion within a DCP.

### **ADDITIONAL COST ON LAND AND DEVELOPMENT IN BROOME**

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.

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 doing what it can to encourage growth and development and not increasing the costs.

### **CONCLUSION**

In conclusion, our assessment of the proposed DCP is that:

- 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.

In the circumstances outlined above, we submit the proposed Scheme amendment to introduce the DCP not be adopted.



Your ref: LPS6/2  
Our ref: RF10826-03  
PA12373  
Enquiries: Amber Briggs (9166 4114)

Aletta Nugent  
Director Development Services  
Shire of Broome  
PO Box 44  
BROOME WA 6725

Dear Aletta

**RE: PROPOSED AMENDMENT NO. 2 TO LOCAL PLANNING SCHEME NO.6 –  
IDENTIFICATION OF DEVELOPMENT CONTRIBUTIONS AREA AND PREPARATION  
OF DEVELOPMENT CONTRIBUTIONS PLAN**

Thank you for the referral, received in our office on 1 February 2017, of the above Local Planning Scheme Amendment.

The Department of Water (DoW) has no objection to Amendment No. 2 for the identification of land (DCA1) 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.

If you have any queries in relation to the above matters please contact Amber Briggs on (08) 9166 4114.

Yours sincerely

for

Duncan Palmer

**District Manager - Kimberley  
North West Region**

13 March 2017

Your Ref: LPS6/2  
Our Ref: JT1 2012 12459 V01 (TPS347104)  
Enquiries: Brett Coombes  
Direct Tel: 9420-3165  
Fax: 9420-3193

01 February 2017

Chief Executive Officer  
Shire of Broome  
P.O. BOX 44  
BROOME WA 6725

Attention: Andrew Close

### **Proposed Amendment No.2 to LPS No.6 - Shire of Broome**

Thank you for your letter of 25 January 2017 inviting comments from the Water Corporation regarding Amendment No.2.

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.

The use of treated wastewater for the Shire's proposed irrigation scheme is subject to availability at the time the scheme is implemented. It is recommended that the Shire should discuss the nature and timing of the irrigation scheme with the Corporation's North West Region Manager on Tel. 9186-8228.

If you have any queries or require further clarification on any of the above issues, please contact me on Tel. 9420-3165.

A handwritten signature in blue ink that reads "B. Coombes".

Brett Coombes  
Senior Urban Planner  
Development Services