



CONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

29 AUGUST 2024

These minutes were confirmed at a meeting held and signed below by the Presiding Person, at the meeting these minutes were confirmed.

Signed:

A handwritten signature in black ink, appearing to be 'A. H. ...', is written over a faint horizontal line.

SHIRE OF BROOME
ORDINARY COUNCIL MEETING
THURSDAY 29 AUGUST 2024
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**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE SHIRE OF BROOME,
HELD IN THE COUNCIL CHAMBERS, CORNER WELD AND HAAS STREETS, BROOME,
ON THURSDAY 29 AUGUST 2024, COMMENCING AT 5.00PM.**

1. OFFICIAL OPENING

The Chairperson welcomed Councillors, officers and members of the public and declared the meeting open at 5.01pm.

2. ATTENDANCE AND APOLOGIES

ATTENDANCE

Councillors:	C. Mitchell	Shire President
	Cr. D Male	Deputy Shire President
	Cr. S Cooper	
	Cr. J Lewis	
	Cr. J Mamid	Arrived at 5.02pm
	Cr. P Matsumoto	
	Cr. E Smith	
	Cr. P Taylor	
	Cr. M Virgo	

Apologies: Nil.

Leave of Absence: Nil.

Officers:	Mr. S Mastrolembo	Chief Executive Officer
	Mr. J Hall	Director Infrastructure
	Ms. K MacClure	Acting Director Corporate Services
	Ms. K Wood	Acting Director Development Services
	Ms. R Doyle	Manager Governance, Strategy and Risk
	Mr. D Bonnici	Marketing and Communications Coordinator
	Mr. A Clark-Hale	Special Projects Coordinator
	Ms. M Martin	Senior Administration & Governance Officer

There were four members of the public and one member of the press present.

3. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

Nil.

4. DECLARATIONS OF INTEREST

Chief Executive Officer (**CEO**) Mr. S Mastrolembo declared an Impartiality Interest in Item 9.1.1 – Request to Extend Term of Approval of the Airport Development Plan. Mr. S Mastrolembo advised that I am a part owner in a race horse with an employee of the Broome International Airport and declared that he would stay in the Chambers for the duration of the item.

Acting Director Development Services Ms. K Wood declared an Impartiality Interest in Item 9.1.1 – Request to Extend Term of Approval of the Airport Development Plan. Ms. K Wood advised that her husband is part owner in a race horse with an employee of the Broome International Airport and declared that she would stay in the Chambers for the duration of the item.

Cr. M Virgo declared an Impartiality Interest in Item 9.1.1 – Request to Extend Term of Approval of the Airport Development Plan. Cr. M Virgo advised that Broome Visitors Centre **(BVC)** has a greeting desk in the arrivals terminal and declared that she would stay in the Chambers for the duration of the item.

Cr. E Smith declared an Indirect Financial Interest in Item 9.2.2 - Amendment No 1 to Local Planning Scheme No 7 and Precinct Structure Plans for Cable Beach and Chinatown/Old Broome - Modifications to Address Department of Planning Lands and Heritage **(DPLH)** and Environmental Protection Authority **(EPA)** Comments. Cr. E Smith advised the she is an employee of Nyamba Buru Yawuru **(NBY)**. NBY own land within the Precinct Structure Plan areas of both Chinatown / Old Broome and Cable Beach and declared that she would leave the Chambers for the duration of the item.

Cr. J Lewis declared a Proximity Interest in Item 11.1 – Notice of Motion with Notice - Amendment to Trading in Public Places Policy. Cr. J Lewis advised the she owns a house adjoining Solway Reserve and declared that she would leave the Chambers for the duration of the item.

5. PUBLIC QUESTION TIME

The following questions were submitted by Bruce Pennicuik regarding Community safety and street maintenance.

Question One (1)

I am a resident and ratepayer on Guy St (Broome Bay apartments). Recently, there have been a number of very noisy parties that escalated into street brawls at peak mobility hours (6am and 3pm timelines) resulting in multiple police units having to attend to disperse mobs. There have been threats made, damage to property and the frightening of residents and persons passing through or just going about their business. I have had correspondence with both the police and the Department of Communities regarding the activities from specific premises and the both are apparently in the process of managing those issues. There is a significant impact on the street safety and amenity by way of glass, makeshift fighting implements (glass, steel rods, metal bars, wood, sticks, spears) left on the roadway, footpaths and verges. Is council, aware of these incidents and if so, what actions is the council taking or can it take to clean up after these incidents and restore the amenity of the area for safe passage and use by the general public, residents and ratepayers?

Answer provided by Chief Executive Officer

Yes, we are aware of these incidents. These anti-social behaviour issues were raised and discussed at the Broome Community Safety Working Group that the Shire coordinates. Membership of Broome Community Safety Working Group comprises of the Western Australian Police Force, Department of Communities and the Shire of Broome.

Western Australian Police and the Department of Communities advised that they regularly attend this site to disrupt and deal with any anti-social behaviour. The Shire Rangers have also increased their Patrols in and around this area to monitor behaviour. The Shire's Community Cleanup Crew also monitor this area to ensure litter is removed as soon as practicable.

The Shire will continue to advocate for these actions to be completed as well as make it a standing agenda item at the Community Safety Working Group meeting.

The Shire will be reviewing the Community Safety Plan in late 2024 which will include community engagement as part of the review and we would encourage your involvement.

Question Two (2)

Will the council revisit Local Planning Policy 5.8 - Fences to help ensure that adequate surveillance of streets and public places is achieved and the principles of Crime Prevention through Environmental Design are met as per the objective of this policy but also to meet current community expectations for protection against personal injury, home invasion, property damage and theft as I would put it that current community expectations and actual community safety is not being met by current policy that limits the use of more effective fencing materials in Residential zones?

Answer provided by Acting Director of Development Services

The Residential Design Codes (R-Codes) of WA establish the standards for residential development across the State which includes controls for fencing and passive surveillance of streets to address Crime Prevention Through Environmental Design principles. The Shire's Policy is consistent with the R-Codes and also prescribes unacceptable fencing materials for Residential zones which includes electric, barbed wire or similar sharp or jagged projections. All Local Planning Policies were recently reviewed by Council on 30 May 2024 and with no changes adopted in this regard.

The following questions were submitted by John Tuckey regarding Clearing Corner Oryx and Sanctuary Road and read allowed by Shire President C Mitchell.

Question One (1)

The land clearing on the corner Oryx and Sanctuary Road has been completed without any consultation with council "according to front office staff of council". Will council bother to ask for public comment on whatever is proposed for this site?

Answer provided by Director Development Services

Trees were removed on the northern boundary of this site following complaints about disease and pests in the trees and the risk this presented to adjoining properties. The balance of the site was then cleared by the landowner without consultation with the Shire. No development proposal has been submitted to the Shire. Shire staff have advised the owner no further works can occur. If a development application is submitted for the site, consultation with adjoining property owners will be dependent on the nature of the land use or development proposed.

Question Two (2)

Will council undertake to provide adjoining neighbours with this information?

Answer provided by Director Development Services

Consultation with adjoining property owners will be dependent on the nature of the land use or development proposed. Consultation would be triggered, if it the development proposed a land use that requires consultation under the Local Planning Scheme or it proposes variations to the site and development standards for the zone.

Question Three (3)

Will council undertake on behalf of the neighbours to make sure no further contamination "dust" and illegal activity "trail bikes / backpackers/ overnight caravaners/ Spinifex brewery overflow carpark and the like take place on this barren site? Some form of dust suppression similar to the Broome tip would be appreciated and or boundary appropriate fencing!

Answer provided by Director Development Services

This land was cleared by the landowner without consultation with Council or Shire Staff. Shire staff have requested the owner to undertake dust suppression and should other issues present they would be raised with the owner.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7. CONFIRMATION OF MINUTES**COUNCIL RESOLUTION:**

Minute No. C/0824/005

Moved: Cr P Taylor

Seconded: Cr M Virgo

That the Minutes of the Ordinary Meeting of Council held on 25 July 2024, as published and circulated, be confirmed as a true and accurate record of that meeting.

For: Shire President C Mitchell, Cr. D Male, Cr. S Cooper, Cr. J Lewis, Cr. P Matsumoto, Cr. M Virgo, Cr. P Taylor, Cr. E Smith, Cr. J Mamid.

CARRIED UNANIMOUSLY 9/0

COUNCIL RESOLUTION:

Minute No. C/0824/006

Moved: Cr E Smith

Seconded: Cr P Taylor

That the Minutes of the Special Meeting of Council held on 22 August 2024, as published and circulated, be confirmed as a true and accurate record of that meeting.

For: Shire President C Mitchell, Cr. D Male, Cr. S Cooper, Cr. J Lewis, Cr. P Matsumoto, Cr. M Virgo, Cr. P Taylor, Cr. E Smith, Cr. J Mamid.

CARRIED UNANIMOUSLY 9/0

8. PRESENTATIONS / PETITIONS / DEPUTATIONS

There are no reports in this section.

9. REPORTS FROM OFFICERS

9.1 PEOPLE

Cr. M Virgo declared an Impartiality Interest in item 9.1.1, the reason being “Broome Visitors Centre (BVC) has a greeting desk in the arrivals terminal, and remained in the meeting.”

9.1.1 REQUEST TO EXTEND TERM OF APPROVAL OF THE AIRPORT DEVELOPMENT PLAN

LOCATION/ADDRESS:	Lot 9050 MacPherson Street, Djugun
APPLICANT:	Shrapnel Urban Planning
FILE:	MAC-3/10
AUTHOR:	Manager Planning and Building Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

The Department of Planning Lands and Heritage (**DPLH**) have received an application from Shrapnel Urban Planning on behalf of the Broome International Airport to request a 10 year extension to the term of approval of the Broome Airport Development Plan. The Airport Development Plan is due to expire on 19 October 2025.

DPLH is seeking comment from the Shire of Broome on the request. Given the strategic implications and recommendations of the Shire of Broome Local Planning Strategy, the matter is being referred to Council for consideration.

This report recommends that Council does not support the 10 year extension to the term of approval of the Airport Development Plan and requests Broome International Airport undertake to provide further information in regards to noise and an implementation strategy regarding longer term airport relocation, to inform an appropriate planning framework for the site.

BACKGROUND

Previous Considerations

OMC 19 October 2004	Item 9.3.5
OMC 14 June 2005	Item 9.3.4
OMC 11 August 2005	Item 9.3.10
OMC 3 November 2005	Item 9.3.10
OMC 22 December 2005	Item 9.3.11
OMC 13 April 2006	Item 9.3.2
OMC 11 May 2006	Item 9.3.1
OMC 23 November 2006	Item 9.3.5
OMC 23 November 2006	Item 9.3.6
OMC 23 November 2006	Item 12.2 – withdrawn – “not accepted under Section 13.2 of the Shire of Broome Standing Orders Local law 2003”
OMC 15 March 2007	Item 9.3.3

OMC 25 October 2007	Item 9.3.2
OMC 18 December 2007	Item 9.3.1
OMC 14 February 2008	Item 9.3.12
OMC 14 February 2008	Item 9.3.13
OMC 14 February 2008	Item 9.3.14
OMC 13 March 2008	Item 9.3.3
OMC 3 July 2008	Item 9.3.2
OMC 19 March 2009	Item 9.3.1
OMC 29 October 2009	Item 9.3.3
OMC 26 November 2009	Item 9.3.1
OMC 8 July 2020	Item 9.3.1

The Airport Development Plan was originally adopted by Council at the Ordinary Meeting of Council held on 26 November 2009. At this meeting Council resolved the following:

COUNCIL RESOLUTION

Moved: Cr J Bloom

Seconded: Cr C R Mitchell

That Council:

- 1. Endorses the comments in the Schedule of Submissions as attached.**
- 2. Adopts the Airport Development Plan as attached subject to the preparation of an Australian Noise Exposure Forecast (ANEF) in accordance with the recognised Australian Standards and in addition provides forecast of noise arising from ground running, general aviation and helicopter activities.**
- 3. Authorises the Shire President and the Chief Executive Officer to engross the Airport Development Plan.**
- 4. Requests submission of the drainage methodology for consideration in accordance with Council's resolution of 19 March 2009.**
- 5. Joins with Broom International Airport to:**
 - a. Meet with the relevant State Government Ministers to discuss the Government's position on the status of the new Airport site.**
 - b. Prepare a Memorandum of Understanding between the State Government, the Shire of Broome and the BIA that will address airport related issues, including aircraft noise, community amenity, previous reports and any other factors that would precipitate the future relocation of the airport to the new site in accordance with Council's resolution of 19 March 2009.**
- 6. Initiates an amendment to Town Planning Scheme No 4 to rezone the drainage licence area from development zone to drainage reserve.**

CARRIED UNANIMOUSLY

The ANEF forecasts referenced in part 2 of the above resolution were performed and the Airport Development Plan was adopted by the Western Australian Planning Commission on 9 October 2012.

Since the adoption of the Airport Development Plan, the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) have come into effect. One of the significant changes of these Regulations was the introduction of the Deemed Provisions,

whereby the administrative parts of Local Planning Schemes, including the process for adopting or amending a Structure Plan, were removed from Local Planning Scheme's and are now contained in the Regulations as Deemed Provisions.

The Regulations also confirmed change of the title of the planning instrument from 'Development Plans' to 'Structure Plans'. The Deemed Provisions also introduced 'Duration of approval' for all Structure Plans which establishes that a Structure Plan has effect for a period of 10 years, the Regulations further establish that a Structure Plan approved prior to 19 October 2015 is taken to be approved on that day. As a result, the Airport Development Plan will expire on 19 October 2025.

Proposal

Shrapnel Urban Planning acting on behalf of the Broome International Airport have submitted an application to the DPLH that requests an extension of 10 years to the duration of the approval of the Airport Development Plan, meaning that it would expire on 19 October 2035.

The following justification for the extension was provided by the proponent:

- The Structure Plan is due to expire upon the 10-year anniversary of the *Planning and Development (Local Planning Scheme) Regulations 2015* coming into force on 19 October 2015. The extension is needed to maintain the local planning framework whilst consideration is given to future planning needs and instruments required for the structure plan area.
- Consideration of future planning options for the area will require extensive consultation and collaboration with key stakeholders, which will likely take an extended period of time, possibly past the expiration date of the current structure plan.
- The current structure plan has not been implemented to its full extent, and is able to still provide planning guidance over the subject area.
- Local Planning Scheme No 7 zones the subject land 'Urban Development' which notes that the local government will have due regard to the structure plan when considering an application for development approval.
- No changes are proposed to the existing structure plan at this point in time.
- The Shire of Broome's local planning strategy notes that it is preferable for an implementation strategy (including an MoU) to be created in the short term for the future airport transition. This will likely take time, and will need to be in place before future planning instruments can be considered over the subject area.

COMMENT

The Regulations establish that the Western Australian Planning Commission (**WAPC**) may extend the approval period of a Structure Plan if there are no changes to the terms of the plan. The WAPC has adopted the WA Planning Manual – Guidance for Structure Plans (August 2023) which sets out the following relevant consideration when determining and extension to the approval period of a Structure Plan:

- the extent of subdivision and/or development uptake in the structure plan area, and whether the plan has been largely implemented;
- the plan's delivery progress based on its set purpose, vision, and objectives, and whether implementation of the plan is aligning with its set targets;
- government priorities, any applicable planning strategy and policy framework, and whether significant changes to these have occurred since the plan was approved;
- if consultation with the community and key stakeholders should be undertaken to confirm and adjust the direction and next stages of the plan; and
- whether important infrastructure has or will become available, and whether adjustments will need to be made to the plan as a result.

Each of the above relevant considerations will be addressed below in addition to an overview of the zoning background for the site and the current Airport Development Plan provisions.

Zoning Background

At the time of the adoption of the Airport Development Plan by the Shire (November 2009) the site was zoned 'Development' under Town Planning Scheme No 4. The Development zoning required the preparation and adoption of a Development Plan to guide development and subdivision.

On 30 January 2015, Local Planning Scheme No 6 was gazetted and the site zoning remained as 'Development' which required the adoption of a Structure Plan (change in title to the planning instrument).

Local Planning Scheme No 7 (**LPS7**) was gazetted on 28 September 2023 and is the current planning scheme. LPS7 zones the site 'Urban Development'. The change in the zoning title was a requirement due to the changes to the Model Provisions in the Regulations which all new Local Planning Schemes have to be consistent with.

The objectives of the Urban Development zone under LPS7 are:

- *To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.*
- *To provide for a range of residential densities to encourage a variety of residential accommodation.*
- *To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.*

Schedule 4 of LPS7 establishes the site and development requirements for the zones in the Scheme. It states the following for the Urban Development zone:

20.	Urban Development Zone	<p>Structure and/or Local Development Plan</p> <p>(1) The local government is not to:</p> <p style="padding-left: 40px;">(a) consider recommending subdivision; or</p> <p style="padding-left: 40px;">(b) approve development of land;</p> <p>unless a structure plan in respect of the area the subject to the application, has been prepared and endorsed pursuant to Part 4 of the deemed provisions, and the application shall be generally in accordance with the structure plan.</p> <p><i>Note: Also refer to the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed provisions for local planning schemes, Part 4 Structure plans.</i></p> <p>(2) Notwithstanding subclause (1) the local government may recommend subdivision or approve development without a structure plan, if in the opinion of the local government, such development is of a minor nature and will not prejudice the future structure planning of the site or zone.</p>
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LPS7 therefore requires a Structure Plan to be adopted for the Shire to be in a position to consider subdivision or approve development of land. In the event no Structure Plan is in place, the local government can recommend subdivision or approve development, if it can be demonstrated that the development is of a minor nature and will not prejudice the future structure planning of the site or the zone.

LPS7 (and both TPS4 and LPS6) also establishes a Special Control Area over the airport site and surrounding land to establish controls on surrounding development in relation to noise and height consideration to enable the airport to operate.

Airport Development Plan Provisions

A full copy of the Airport Development Plan can be accessed on the Shire's website here: <https://www.broome.wa.gov.au/Shire-Services/Planning/Structure-Plans>.

The main purpose of the Airport Development Plan is:

to provide an appropriate statutory planning framework to facilitate the effective continued operation and expansion of the Broome International Airport at its current location, until such time as aviation demand and/or airport impacts on the Broome community necessitate the airport's relocation.

The Airport Development Plan is a two-phase plan. Plan A (**Attachment 1**) is the Airport Development Plan which is intended to be used to control development within the airport area, whilst the airport is operational at its current location. Plan B (**Attachment 2**) becomes operational once the airport ceases to operate from the site. It is noted within the Airport Development Plan that Plan B (post-airport relocation) may need to be reviewed to ensure that it accords with the objectives and other requirements pertaining at the time.

Plan A is the current operational plan under the Airport Development Plan. The Plan 'zones' the different portions of the airport site and the Table then provides direction on the Land Uses that can be approved at each of the 'zones'.

Planning Strategy and Policy Framework

Local Planning Framework

Since the adoption of the Airport Development Plan in 2009, the Shire's local planning framework has changed.

The Shire's Local Planning Strategy was adopted by Council on 26 May 2022 and endorsed by the WAPC on 10 October 2023. The Airport site is identified as Planning Area B and the Strategy provides the following recommendations:

Area	Planning Direction	Actions	Rationale	Timing
B	Support long-term relocation of Broome Airport	<p>Implementation strategy and Memorandum of Understanding (MOU) to be developed by the State Government, Shire of Broome and Broome International Airport. MOU to outline and establish common goals relating to the future relocation such as estimating timing and establishing a process that supports resolution of tenure for the new location.</p>	<p>Appendix 1 and the analysis in Section 4 (Part 2) suggests that there are sound planning reasons for why the airport should be relocated to an alternate site in the future. These include:</p> <ul style="list-style-type: none"> • The noise of operations causing disturbance to existing residents. • It is stifling redevelopment opportunities in Chinatown, due to limitations on height and noise which limits the opportunity for residential to be established in the heart. • It is resulting in continued sprawl and segregation of the Broome Townsite. <p>Establishing an MOU could help establish a preliminary agreement that outlines common goals and expectations in achieving the Shire's desired outcome, being a transition to a new airport site.</p> <p>They are appropriate where formal legal relationships are not desired; though a mutually beneficial partnership is desired to be established and the goals outlined that all parties would work towards.</p>	Short-term (1-5 years)
		<p>Preparation of Structure Plan (in accordance with SPP7.1/SPP7.2) for the airport site that</p>	<p>The existing structure plan over the airport site is set to lapse in 2025. A new plan will need to be</p>	Medium-term (5-10 years)

		<p>establishes long-term vision post-relocation. Structure plan would also need to consider:</p> <ul style="list-style-type: none"> • Interim planning consideration, acknowledging airport operations. • The interface with adjacent land uses. • Key movement corridors and connections that support an integrated urban structure. • Environmental studies and considerations to support urban development. • Servicing and utilities requirements. 	<p>prepared. This plan will need to establish a clear vision and framework for the site that begins to strongly consider what happens on the airport site post relocation.</p>	
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Section 4.5.3 in Part 2 of the Local Planning Strategy includes further details on the airport. Some of the key analysis and findings are quoted below:

- *Broome International Airport (BIA) is the ‘gateway to Kimberley’ and services a variety of markets including local residents, tourism and business travel, emergency services (e.g. Royal Flying Doctor Service Base) as well as the offshore oil and gas sector (e.g. Browse Basin with its heliport). Broome has traditionally been a tourism-based airport though it has grown rapidly in recent years through oil and gas related travel which assists in addressing some of the strong seasonality and contributes to reduced costs.*
- *The airport employs 90 direct staff members and generates close to 800 jobs in Broome and the Kimberly region and currently has more than 400,000 passengers a year through it.*
- *BIA is currently working toward establishing a permanent Singapore-Broome connection service after successful trial flights in 2018 and 2019. A direct connection with Singapore airport provides access to Europe without requiring a stop via a southern Australian airport. These European visitors represents a significant tourist market for Broome. BIA is also looking to further expand direct flights to eastern Australia in the peak and shoulder seasons. Increasing the inbound tourist market core to ensuring viability of the airport, given the low resident base in Broome.*
- *Further, significant infrastructure upgrades to terminals (to the tune of \$14 million) which will enable the processing of up to 1.3 million passengers per year are currently being undertaken. Given the current passenger volumes outlined above, the airport has significant capacity to continue operations in its current location, for some decades to come. Duplication of the arrivals hall to facilitate both an international and national/local flight arriving simultaneously with customs processing of the former, is currently being considered.*
- *It is noted that investigations and negotiations were undertaken some time ago and a future airport site identified for Broome. Located approximately 15km north of the townsite, it is reserved in the current Scheme and this will be carried forward*

in LPS7. The pressure/need to develop land to the immediate north of the townsite and proper and orderly planning were previous reasons cited for the relocation of the airport. Though it is noted that in intervening years the current development patterns have adapted and Broome North and other developments together with the slowed population growth trajectory and a more than adequate supply of residential zoned or capable land to house future residents.

- Therefore, the drivers for relocation of the airport currently include:
 - Aviation volumes/capacity reached;
 - Community concerns or amenity/noise impacts;
 - BIA's investment in the existing airport being recouped;
 - Land tenure for the future airport site being resolved between the government and BIA; and
 - The underlying value of the land together with population growth pressures, indicating the land use would be better used/higher and better use.
- It is acknowledged that the presence of the airport has limitations on Chinatown in that it prevents development due to the Obstacle Limitation Surface (OLS) which limits the height of obstacles which may impact flight operations. The result is there is little attraction to developing residential in the town centre and these aspects are to an extent sterilising this central Broome land.
- It is acknowledged that the development of infrastructure of this scale and importance to the Kimberley Region and appropriate transitioning to the new location and decommissioning of the current site is a long-term process. However, the partnerships and commitment to commencing this project should ideally occur during the 15 year life of this Strategy.
- In summary, engagement undertaken for this Review established that some members of the community would like to see the airport relocated. Additionally, the Shire's Elected Members/Councillors support the long term intent for airport relocation. Future planning needs to carefully consider what happens to the land in this precinct post-relocation. This Strategy recommends future precinct structure planning be undertaken post-relocation of the airport. This could include guidance on planning considerations such as land use and movement. It is preferable that an implementation strategy (including an MOU) is created in the short term for the transition and key stakeholders committed to this process.

Frame/Surrounding Lands

- Responding to the land in the frame of the airport and planning for a post-relocation future is an underlying principle of this Strategy. To the north west of the airport (Planning Area F in this Strategy) an education/health precinct providing for student accommodation, sporting facilities and residential development and potential relocation of the hospital. The discussions regarding the more likely future health campus location being related to the Health & Wellness Precinct in Planning Area D indicate that these uses are less likely there now.
- It is essential that the frame/surrounding uses of the airport is future proofed and flexibly planned to ensure integrated development with the core. The Structure Plan for the Airport that is to be renewed in 2025 should be prepared with the position of the best outcomes for the centre of Broome's urban area, post-relocation of the airport.

The planning direction contained within the Local Planning Strategy is to support the long-term relocation of the airport and establishes short and medium term actions to deliver this objective. The short term action (1-5years) is to have an implementation strategy and an MOU to establish common goals relating to the future relocation (including estimating timing and establishing resolution of tenure). The long term (5 – 10 years) is to prepare a structure plan for the airport site that establishes long-term vision post-relocation.

It is noted that when Council adopted the Airport Development Plan in 2009, Council resolved that an MOU be prepared in relation to future relocation of the airport. There are no records that the Shire holds that shows progress was made on this element of the 2009 resolution, either by the Shire or Broome International Airport. At this time, land tenure of the new airport site was a constraint to relocation, while the new site for the airport had been identified, Native Title over the new site was not extinguished. The State Government did issue a Notice of Intent to Take in 1999 which if progressed, would have extinguished Native Title over the new airport site, however this was subsequently withdrawn in 2002, due to the preference to see Native Title being resolved across the whole townsite of Broome. As tenure of the new airport site could not be secured, in 2005 Broome International Airport outlined its intent to prepare the Airport Development Plan to enable improvement to airport facilities and to use non-operational areas of land. Native Title for the new airport site has since been extinguished through the Rubibi Community Determination (WCD2006/001, WAD6006/1998, WAD223/2004) in 2006 and the Yawuru ILUA, which was registered in August 2010. While Native Title has since been extinguished, the tenure of the new airport site has not been resolved.

An extension to the Airport Development Plan for a term of 10 years is not deemed consistent with the strategic direction provided in the Local Planning Strategy. It is inconsistent with the Strategy which recommends in the medium term a new Structure Plan be prepared that begins to consider what happens to the site post airport relocation. This would establish a strategic planning framework that would guide development of land framing the airport. Plan B of the Airport Structure Plan is currently performing this role, however as it only covers a portion of the site (65% of the total site area), it does not adequately plan for the future transport connections to the west and lacks sufficient detail to plan for the future change to this site.

Furthermore, if a 10 year extension to the term of approval were granted, the incentive for the investigation into the MOU and implementation strategy for the relocation of the airport would be reduced, which has been a consideration raised by Council since 2009 when the Airport Development Plan was adopted.

Since the adoption of the Airport Development Plan, the Shire of Broome has also reviewed the Local Commercial Strategy. This does not have implications on Plan A of the Airport Development Plan but Plan B would be inconsistent with the recommendation of the Local Commercial Strategy as it proposed a significant expansion of the Mixed Use zone post airport relocation.

Since the adoption of the Airport Development Plan in 2009, the Shire has prepared the Corporate Business Plan, which includes the following action:

Advocate the relocation of Broome Heliport and General Aviation facility to the proposed Airport relocation site.

The above action aligns with the recommendations of the Local Planning Strategy and it is deemed that an extension of 10 years to the term of the approval of the Airport Development Plan would be inconsistent with the Corporate Business Plan.

State Planning Framework

The State Planning Framework has also been updated since the adoption of the Broome Airport Development Plan. The Kimberley Regional Planning and Infrastructure Framework (KRPIF) is a WAPC document adopted in December 2015, that defines a strategic direction for the future development of the region over the next 25 years. DPLH are currently performing a review of all the Regional Planning and Infrastructure Frameworks across the State but at this point a draft has not been released for public comment. The KRPIF established the following project in relation to aviation:

Relocation and redevelopment of the Broome International Airport beyond 2025.

Extent of subdivision/development uptake and implementation of the ADP

The Airport Development Plan is not a conventional Structure Plan, as Structure Plan's typically guide subdivision and development of new urban areas (such as Broome North). As outlined above, the main purpose of the Airport Development Plan is to provide an appropriate statutory planning framework to facilitate the continued operation and expansion of the Broome International Airport.

A standard structure plan is considered to have achieved its purpose when the structure plan measures have been implemented, the land has been subdivided, and lot boundaries are established. It is then that the structure plan zones and reserves and planning controls applicable to lots, can be transferred into the Local Planning Scheme via the scheme amendment process. Therefore for a standard structure plan if there was limited subdivision/development uptake, it would be advisable to extend the approval term to ensure there is a continuing framework to guide subdivision and development.

The Airport Development Plan is not a standard Structure Plan and its purpose is to facilitate the expansion of land uses that the strategic planning framework recommends should be relocated. Therefore, while the level of development uptake is a relevant factor, limited uptake should not be used as a reason to extend the approval term, like in a standard Structure Plan. Instead, if the strategic framework recommends relocation of the land use, it would be more appropriate to consider not extending the term of approval or revising/amending the Airport Development Plan.

Since the Airport Development Plan was adopted by Council in November 2009 a total of 65 development applications have been approved with a total estimated development value of approximately \$40 million (note other investment has occurred on the site, such as the resurfacing of the runway which is not included in this figure due to not requiring development approval). The majority of the development occurred within the portion of the Airport Development Plan identified as Aviation Services 1 (AS1). This is the land to the immediate south of Gus Winkle Drive where the Airport Development Plan allows for the following uses:

Existing uses and any airport operation related use compatible with or complimentary to the existing uses; air traffic services; airport rescue and fire fighting service; access roads.

The aerial imagery below shows the development that has occurred in this location, with the new development being aircraft and helicopter hangers to service the light aircraft and helicopter operations. It also includes the Royal Flying Doctor Service (RFDS) base and patient transfer.



Date of image: May 2009



2024

The other area of growth has been consolidated around the airport terminal. Aerial imagery is provided below and the development that has occurred in this location is the new arrival and departure lounge (approved 2013) and extension to airport terminal (approved 2018); and other incidental improvement such as parking.

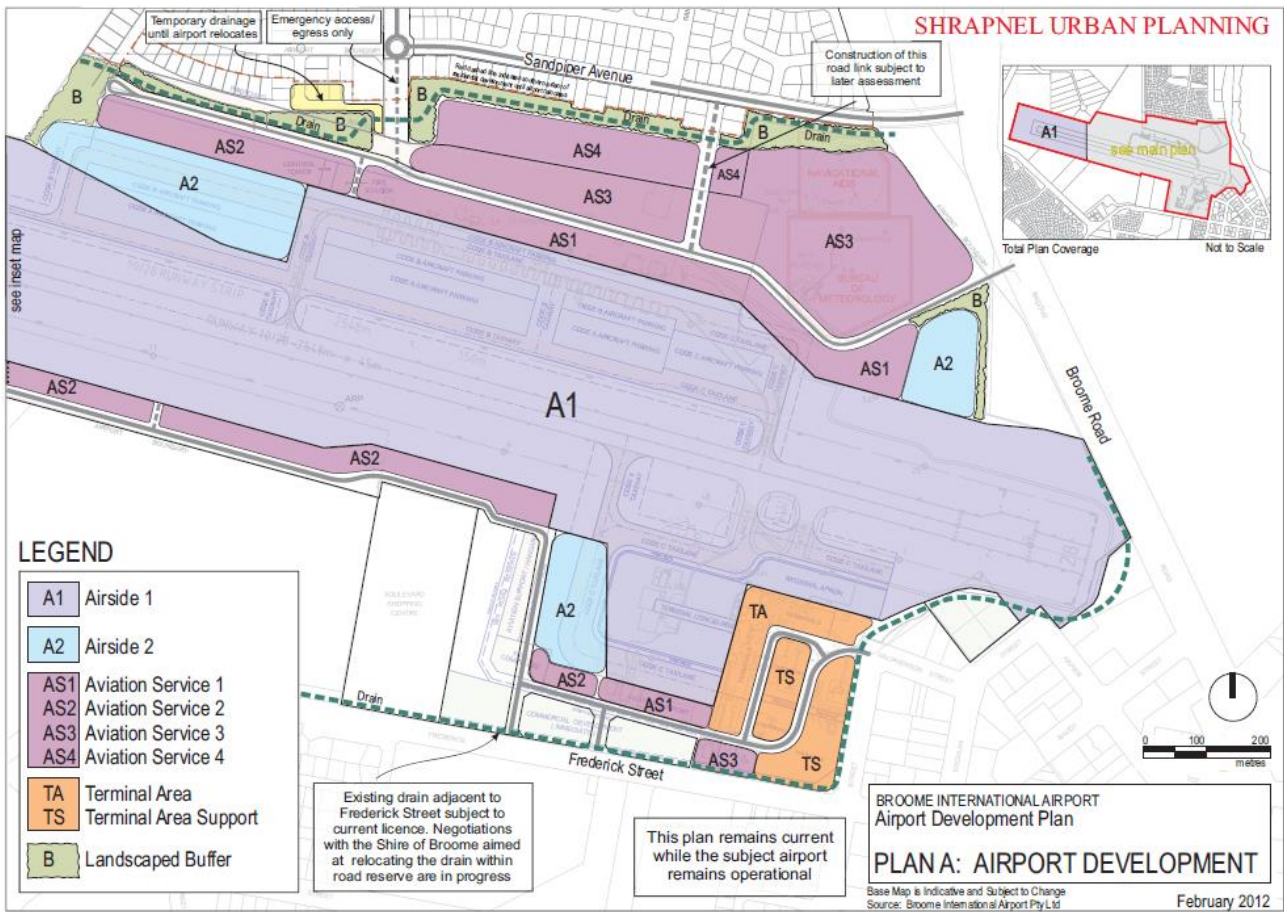


May 2009



2024

The Airport Development Plan has not been developed to its full capacity. the Airport Development Plan does provide for an increase in development in the AS2, AS3 and AS4 areas, refer to **(Attachment 1)** and figure below for these zones.



Plan A – Airport Development Plan

The following table shows and describes the areas that remain vacant and could be further developed under the Airport Development Plan:

Description of area	Zoning under ADP	Land Uses permissible	Land Area Not Developed/percentage of overall area zoned
Site to the immediate south of Gus Winkle Drive	AS1	Aircraft hangars and any airport operation related use compatible with or complementary to the existing uses; air traffic services; airport rescue, fire fighting services and access road	1.76ha/31%
Extension of Gus Winkle Road to the west and land along common boundary with	AS2	Aircraft hangars, airport operation related general and light industry; communication	4.8ha/78%

BRAC and Broome Boulevard		facilities; car hire and associated cleaning services; access roads and any other airport operation related uses compatible with or complementary to these uses	
Land to the immediate north of Gus Winkle Drive	AS3	Additional aircraft navigation aids; associated aviation and meteorological service facilities; car hire support facilities; airport related service and light industry	11.8ha/96%
Land to the immediate south of the northern boundary	AS4	All uses in AS3 and temporary non-aviation related warehousing and storage.	3.2ha/100% - this land has been utilised as storage/laydown area at various times.

Given the Airport Development Plan provides for further growth for a land use that should ultimately be relocated and specifically provides for expansion of heliport and general aviation, which the Shire's Corporate Business Plan advocates for relocation to the new airport site, it is recommended that a 10 year extension is not granted.

Delivery based on set purpose, vision and objectives

The principal objective of the Airport Development Plan is outlined above which is to facilitate the effective continued operation and expansion of the airport at its current location until such time as aviation demands and/or airport impacts on the Broome community necessitate the airport's relocation. The Airport Development Plan delivers on the objective of establishing a framework that provides for expansion of the airport at the current site.

Officers are not aware of any aviation demands necessitating the airport's relocation and in terms of the community impacts, this largely relates to noise, road connections and travel times, and height limits on adjacent land. Further comment on noise impact is outlined under 'noise' headings below.

Whether consultation with the community and key stakeholders should be undertaken to confirm and adjust the direction and next stages of the plan

The recommendations of the Local Planning Strategy is in the short term for development of an implementation strategy and an MOU relating to the future relocation of the airport. This was also a position of Council in 2009 at the time of adopting the Airport Development Plan. This would require key stakeholder engagement.

Furthermore, as outlined in Part 2 of the Local Planning Strategy, it is essential that the airport which is a significant land area (146ha) centrally located in the townsite, is future

proofed and planned to guide framing/surrounding land uses with the core of the airport site.

The Strategy further states that the Structure Plan for the Airport that is to be renewed in 2025 should be prepared with the position of the best outcomes for the centre of Broome's urban area, post-relocation of the airport. Plan B of the current Airport Development Plan does not deliver on this direction, specifically as it only covers a portion of the airport site (Plan B covers 65% of the total airport site) and not the western extents, which is similarly zoned Urban Development to provide for further urban expansion. It is considered that further stakeholder and community engagement should occur on this element of the Airport Development Plan or commitments are provided to undertaking this body of work by the Broome International Airport.

Noise

One of the key impacts the operations of the airport at its current site has on Broome is noise. The ANEF contours that were prepared to support the current Airport Development Plan were modelled to 2025. The Airport Development Plan details that a Noise Abatement Program and ongoing monitoring of noise levels in sensitive areas will be performed, including the preparation of a Noise Management Plan.

This has been raised with Broome International Airport and it has confirmed that it would be amenable to arranging remodelling of the current ANEF contours should the Shire require it at this time. In relation to the monitoring of noise and noise management plan, Broome International Airport have advised that it has a Fly Neighbourly Program which can be accessed on its website which includes a public feedback line with limited complaints being received. In relation to noise monitoring, Broome International Airport have advised that the Air Services Australia is the body responsible for monitoring airport noise and given the size of Broome airport, no monitoring of noise has been performed.

As the current ANEF contours are modelled to 2025, extension to the term of approval for any term in the absence of update modelling is considered to be inconsistent with the principles of orderly and proper planning. Updated modelling of the ANEF contours is required to demonstrate whether noise from airport operations meets with the current Special Control Area provisions of LPS7.

It is recommended that Council confirms that further information on updated ANEF modelling and noise monitoring should be performed prior to any extension to the term of the Airport Development Plan being entertained. This is pertinent given that the plan does provide for further expansion and growth of aviation activities on site, including further hangars for helicopters and light aircraft and given the age of the current modelling. As set out in the Airport Development Plan, helicopter operations, light aircraft circuits and engine run-ups are the highly variable sources of airport noise and may not consistently be accounted for in the ANEF contours.

Summary

Based on the above, it is recommended that Council advises the Department of Planning Lands and Heritage that it does not support a 10 year extension to the term of approval of the Airport Development Plan, for the following reasons:

- a. The Airport Development Plan has not been developed to its full extent and provides for expansion of land uses, particularly heliport and general aviation, that would be inconsistent with the strategic planning framework.
- b. It would be inconsistent with the planning direction in the Shire of Broome's Local Planning Strategy.
- c. Plan B of the Airport Development Plan is inconsistent with the updated planning framework, specifically the Local Planning Strategy and Local Commercial Strategy. Plan B does not provide sufficient strategic direction to inform development framing/surrounding the airport site.
- d. It would be inconsistent with the action identified in the Shire's Corporate Business Plan which is to advocate for the relocation of Broome Heliport and General Aviation facility to the proposed Airport relocation site.
- e. It would be inconsistent with the findings of the Kimberley Regional Planning and Investment Framework.
- f. Updated stakeholder and community engagement should be undertaken to confirm and adjust the next stages of the Airport Development Plan as recommended in the Shire of Broome Local Planning Strategy.
- g. The ANEF contours that support the Airport Development Plan were forecast to 2025. The Airport Development Plan also outlined a Noise Abatement Program and ongoing noise monitoring would be performed. In the absence of further information and updated ANEF modelling, extension to the term of approval is deemed inconsistent with orderly and proper planning.

If the recommendation to not extend the term of approval of the Airport Development Plan, is supported by the Western Australian Planning Commission, the following scenarios for a planning framework over the airport site, could be considered:

1. A shorter-term extension to the Airport Development Plan;
2. The Airport Development Plan is amended. Technical advice on a pathway to achieve an amendment has been provided which would include pre-lodgement discussions with the Department of Planning Lands and Heritage; renewal of the technical supporting appendices (particularly noise) and a review of the zones and additional uses currently provided for in the Airport Development Plan.
3. The Airport Development Plan lapses and a new Structure Plan is prepared.
4. The Airport Development Plan lapses and no Structure Plan is prepared. This scenario will mean that there will not be a planning instrument in place and the following must be satisfied for the Shire to be in a position to approve development:
 - Development is of minor nature; and
 - Development would not prejudice the future structure planning of the site or zone.

To be in a position to consider what an appropriate planning framework is for the airport site, firstly updated ANEF contours should be prepared to demonstrate that the Special Control Area provision in LPS7 are appropriate and the noise impacts meet acceptable planning approaches.

Secondly, commitments are required from Broome International Airport regarding the short-term recommendation in the Local Planning Strategy, which recommends that the implementation strategy and MOU to establish common goals relating to the future relocation of the airport be established.

To guide progression of an appropriate planning framework over the airport site, it is recommended that Council advise the Broome International Airport of the updated

information to support further discussion with the Shire and DPLH on the most appropriate planning framework for the site.

CONSULTATION

The Shire has met with the Broome International Airport to discuss the request for extension to the term of approval. Broome International Airport have reaffirmed its reasons for seeking the extension (as highlighted in the background section above) and have expressed a willingness to progress an implementation strategy and MOU regarding airport relocation. The view of the Broome International Airport is that the airport will remain operational from the current site regardless of the status of the Airport Development Plan and therefore to enable effective operation, the extension to the term of approval of the Airport Development Plan should be granted and the implementation strategy and MOU can be progressed separately. Broome International Airport have advised it would be amenable to arranging remodelling of the current ANEF contours, should it be required at this time.

Broome International Airport attended a Council briefing on the 23 July 2024, which was attended by Councillors Mitchell, Male, Smith, Cooper, Mamid, Lewis, Taylor and Virgo. Representatives from Broome International Airport provided a presentation on the reasons for the request to extend the term of approval and reaffirmed the above position.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015

28. Duration of approval

(1) Subject to this clause and clause 29A, the approval of a structure plan has effect for —

- (a) the period of 10 years commencing on the day on which the Commission approves the plan; or*
- (b) another period determined by the Commission when approving the plan.*

(2) The Commission may extend the period for which the approval of a structure plan has effect under subclause (1) if there are no changes to the terms of the plan.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

RISK

The Airport is a significant employer and contributes significantly to the economy of Broome. It is important that the Airport can operate to ensure that the key economic function it performs continues. The recommendation to not support the extension to the term of approval does not put at risk the current airport operations, it will however mean that in the absence of an alternative planning framework being prepared, the Shire would only be able to approve minor development.

There is a risk that if the 10 year extension to the term of approval is granted, that there would be no compelling reason for the operator to work towards an implementation strategy and MOU for the long term relocation of the airport. Given the constraints the current airport location has on the strategic development of the Broome townsite, it is considered that the recommendation of the Local Planning Strategy that seeks the MOU as a short-term action be upheld and this request is not supported.

STRATEGIC ASPIRATIONS

Place **We will grow and develop responsibly, caring for our natural, cultural and built heritage, for everyone.**

Outcome 6 **Responsible growth and development with respect for Broome's natural and built heritage**

Objective 6.1 Promote sensible and sustainable growth and development.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council:

1. *Advise the Department of Planning Lands and Heritage that it does not support the request, submitted by Shrapnel Urban Planning on behalf of the Broome International Airport, to extend the term of approval of the Broome Airport Development Plan for 10 years, for the following reasons:*
 - a. *The Airport Development Plan has not been developed to its full extent and provides for expansion of land uses, particularly helicopter and general aviation, that would be inconsistent with the strategic planning framework.*
 - b. *It would be inconsistent with the planning direction within the Shire of Broome's Local Planning Strategy, which was adopted by the Western Australian Planning Commission on 10 October 2023.*
 - c. *Plan B of the Airport Development Plan is inconsistent with the updated planning framework, specifically the Shire's Local Planning Strategy and Local Commercial Strategy. Plan B does not provide sufficient strategic direction to inform development framing/surrounding the airport site.*
 - d. *It would be inconsistent with the action identified in the Shire's Corporate Business Plan which is to advocate for the relocation of Broome Heliport and General Aviation facility to the proposed Airport relocation site.*
 - e. *It would be inconsistent with the findings of the Kimberley Regional Planning and Investment Framework which includes 'relocation and redevelopment of the Broome International Airport beyond 2025' as a project.*
 - f. *Updated stakeholder and community engagement should be undertaken to confirm and adjust the next stages of the Airport Development Plan as recommended in the Shire of Broome Local Planning Strategy.*
 - g. *The ANEF contours that support the Airport Development Plan were forecasted to 2025. The Airport Development Plan also committed to a Noise Abatement Program and ongoing noise monitoring. In the absence of further information and*

updated ANEF modelling, extension to the term of approval is deemed inconsistent with orderly and proper planning.

2. Requests the Broome International Airport provide an update to the Shire on the following matters so options for the planning framework over the airport site can be considered:
 - a. Progress that has been made on formulation of an implementation strategy and Memorandum of Understanding regarding airport relocation that addresses the recommendations in the Shire's Local Planning Strategy and the Shire of Broome Corporate Business Plan. This is to include recommended pathway, timing and resource commitments to delivery of the implementation strategy and MOU.
 - b. Updated ANEF contours that model noise impacts beyond 2025 and noise monitoring of current airport operations to verify the ANEF contours.
3. Advise the Broome International Airport that subject to information being provided in part 2 above, discussion on the most appropriate planning framework for the site progress with the Broome International Airport, the Shire of Broome and the Department of Planning Lands and Heritage.

COUNCIL RESOLUTION:

(RECOMMENDATION)

Minute No. C/0824/007

Moved: Cr D Male

Seconded: Cr P Taylor

DEFER ITEM:

That Council defer the consideration of this item to the September 2024 Ordinary Meeting of Council to enable the matter to be discussed at a further Council Workshop.

Shire President C Mitchell, Cr. D Male, Cr. S Cooper, Cr. J Lewis, Cr. P Matsumoto, Cr. M Virgo, Cr. P Taylor, Cr. E Smith, Cr. J Mamid.

CARRIED UNANIMOUSLY 9/0

Reason:

To allow sufficient time for further discussion and understanding by Councillors, given the Airport Development Plan does not expire until October 2025.

Attachments

1. Plan A - Airport Development Plan
2. Plan B - Airport Development Plan

**Schedule of Proposed Zones and Associated Land Uses for
PLAN A: AIRPORT DEVELOPMENT**

Zone	Existing Uses	General Policy	Proposed or Potential Uses
A1	Runway; taxiways; aprons; aircraft parking; safety and service/ refuelling facilities; air traffic services	Airside 1: To retain, maintain and (to the extent required to satisfy the future demand) expand the existing uses and extend the taxiways and aircraft parking areas.	Existing uses; any legally required or otherwise appropriate aviation or aviation service use.
A2	Vacant land	Airside 2: To the extent required to satisfy the future demand, extend the A1 uses into this zone.	Taxiways; aprons; aircraft parking; safety and service/ refuelling facilities; air traffic services.
AS1	Aircraft hangars; fuel storage; airport operation related general and light industry; light aircraft passenger terminal; communications facilities.	Aviation Service 1: To retain, maintain and (to the extent required to satisfy future demand) redevelop and/ or expand the existing uses.	Existing uses and any airport operation related use compatible with or complementary to the existing uses; air traffic services; airport rescue and fire fighting service; access roads.
AS2	Vacant land; fuel storage; airport rescue and fire fighting service	Aviation Service 2: To the extent required to satisfy the future demand, extend the AS1 uses into this zone.	Existing uses; aircraft hangars; airport operation related general and light industry; communications facilities; car hire & associated cleaning services; access roads and any other airport operation related uses compatible with or complementary to these uses.
AS3	Bureau of Meteorology; aircraft navigation aids; airport operation related service and light industry	Aviation Service 3: 1. To retain the existing Bureau of Meteorology and aircraft navigation aids in this zone. 2. To facilitate airport operation related service and light industrial uses.	Additional aircraft navigation aids; associated aviation and meteorological service facilities; car hire support facilities; airport related service and light Industry.

BROOME AIRPORT DEVELOPMENT PLAN
February 2012

Zone	Existing Uses	General Policy	Proposed or Potential Uses
AS4	Vacant Land.	Aviation Service 4: To facilitate airport operation related service and light industrial uses, as well as temporary warehousing and storage uses, which need not be aviation-related.	Aircraft navigation aids; associated aviation and meteorological service facilities; car hire support facilities; airport related service and light Industry; temporary non-aviation related warehousing and storage.
TA	Passenger terminal and related uses including customs, immigration, quarantine and other international and domestic passenger processing facilities; bar and coffee shop; offices; car hire and associated cleaning services.	Terminal Area: To retain, maintain and (to the extent required to satisfy future demand) expand and/ or redevelop existing uses and establish additional uses that are normally or reasonably associated with the terminal complex of an international airport.	Expansion of passenger terminal and related uses including customs, immigration, quarantine and other international and domestic passenger processing facilities; bar and coffee shop; offices; car hire and associated cleaning services; tourism displays and any other uses that are normally or reasonably associated with the terminal complex of an international airport.
TS	Car parking; car hire and associated cleaning services; tourism services; airport operation related light industry and offices; caretaker's house and vacant land.	Terminal Area Support: 1. While retaining the potential to develop the zone for car parking to accommodate future demand, facilitate the continuation and expansion of existing land uses, such as passenger transfer facilities.	Expansion of existing uses; car parking and drainage.
B	Vacant land	Buffer: To retain as a natural and/ or landscaped buffer between the airport and adjoining land uses.	Landscaping.

BROOME AIRPORT DEVELOPMENT PLAN
February 2012

9.2 PLACE

9.2.1 BROOME HOUSING AFFORDABILITY STRATEGY AND MASTER PLANNING

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	PLA61
AUTHOR:	Special Projects Coordinator
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

The Shire has been successful in securing \$98,428 from the Australian Government's Housing Support Program. The grant submission proposes to develop a Broome Housing Affordability Strategy, in addition to offering concept master planning to help stimulate the development of undeveloped and underdeveloped serviced land across the townsite of Broome.

Council is requested to consider endorsement of the proposed project scope and budget amendment to enable expenditure of the grant funding.

BACKGROUND

Previous Considerations

OMC 19 February 2009 Item 9.3.1

The Broome Local Housing Strategy was adopted at the 19 February 2009 Ordinary Meeting of Council following extensive consultation. While elements of this document remain relevant, other elements are dated and the document itself was retired with the recent gazettal of Local Planning Scheme 7 (LPS7).

Local housing strategies can be used to identify housing issues relevant to a specific location and identify ways of addressing them. It is well known that Broome has a housing affordability crisis with a rental vacancy rate near 0% and a median average rent that reached \$1,150/week in May 2024. The development of a Broome Housing Affordability Strategy is therefore considered an important step to identify and advocate for solutions to the housing issues.

COMMENT

The Australian Government's Housing Support Program is one of a range of programs designed to help contribute to the National Housing Accord's target of building 1.2 million new, well-located homes over 5 years from 1 July 2024. The Housing Support Program is designed to support the delivery of increased housing supply.

The program has been confirmed in two parts:

- Stream 1 – Focussing on planning
- Stream 2 – Focussing on enabling infrastructure

The guidelines for Stream 1 were released on 27 March 2024 and closed shortly after, on the 22 April 2024.

The grant guidelines offer examples of funding for additional planning resources and tools, as well as funding for master planning and planning reform.

A review of internal Shire planning resources, tools and approval statistics, determined that these are adequately resourced, and assessment planning applications occur in a timely manner and are well within statutory timeframes. When benchmarked to other local governments, through the Western Australian Local Government - Performance Monitoring process, the Shire of Broome achieved a very high level of service on timeliness of decisions. In short, at the Shire of Broome, planning is not the limiting factor to for the delivery of increased housing supply due to the following factors:

- The Shire maintains a current planning framework;
- There is sufficient land zoned to cater for population growth;
- Processing times for approvals occur in a timely manner.

Preliminary research identified that the Broome housing crisis is caused by a combination of:

1. High construction costs
2. Lack of incentives to build or buy instead of rent
3. Government policies
4. Underdevelopment or underdevelopment of existing lots

At a local government level, points 1 to 3 are best addressed by a strategic response. Point 4 is discussed in more detail below.

Undeveloped or underdeveloped land located within existing urban areas is a contributing factor to the lack of housing and subsequent affordability. Within Broome and particularly the area of Old Broome-Chinatown there are a number of large, well located lots with existing connections to power, water and sewer that remain undeveloped or underdeveloped despite high rent prices. The reasons for which are likely to be varied and specific to the lot owners. In some cases the lack of development maybe due to a lack of funding to carry out studies to determine the best use of the land. Additionally, there is likely to be a lack of awareness of new development options available following the adoption of LPS7 and changes in zoning proposed through Amendment No 1 to LPS7 and the Old Broome/Chinatown Precinct Structure Plan (PSP).

It was therefore decided to put together a project to develop a Broome Housing Affordability Strategy and offer concept master planning to help stimulate the development of undeveloped and underdeveloped land.

A submission entitled Broome Housing Affordability Strategy and Master Planning was made prior to the deadline on 22 April 2024 with a funding request of \$98,428 excluding GST. On 5 July 2024 it was announced that the Shire's application was successful for the full funding request of \$98,428 excluding GST.

The submitted application involves two parts and is summarised below:

Part 1

Identify the types of housing Broome needs, map out pathways to achieving this and determine the most cost effective levers to supply more housing.

Objectives:

- Deliver an update to the Shire's 2009 Local Housing Strategy 2009 which is outdated and was retired through the gazettal of Local Planning Scheme No. 7.
- Survey the community to better understand the demand for low/medium/high density housing in Broome.
- Assist to realise the potential of proposed zoning changes in the Draft Old Broome/Chinatown and Cable Beach Precinct Structure Plans.
- Look beyond the planning framework to determine what other factors are affecting the delivery of affordable housing, including:
 - Government Regional Officer Housing (GROH)
 - Stamp duty and Insurance rates
 - Fringe benefit tax (FBT) structure and rates
 - Investigate ways the Federal and State Governments could incentivise building construction
- Map the most efficient pathways to providing these in the form of a Masterplan Strategy Report.

Part 2

Identify 'un' and 'under' developed sites suitable for medium and high density housing within the Broome townsite and consult with land owners to determine their interest. Where agreed provide concept housing development designs for up to 12 sites.

Sites are proposed to be identified by a combination of officer investigations and a public expression of interest process (EOI). The EOI will note the density changes under the draft Precinct Structure Plans, to increase public understanding of the opportunities.

The property list will be ranked and landowners progressively contacted to develop a final shortlist of 12 sites on which to undertake concept master planning.

Council is requested to consider endorsement of the aforementioned project scope.

CONSULTATION

A Community Engagement Plan will be developed by Shire Officers. Consultation is to be undertaken with the short listed landholders identified in Part 2 of the scope.

Consultation is to be undertaken with State / Federal Government Departments, business's and not for profits who provide housing in Broome and/or have experience in the sector.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

A Broome Housing Affordability Strategy will be developed through this project.

FINANCIAL IMPLICATIONS

A new budget allocation of \$98,428 excluding GST is required to allow project expenditures. As the project will be 100% grant funded there is nil requirement for municipal funds to be allocated.

Council is requested to consider approving a budget increase of \$98,428 to Account 1367304 Economic Services Grant Revenue, and matching increase to Account 1367460 Economic Services Grant Expenditure, with no impact on municipal funding.

RISK

Reputational

The housing affordability crisis is a major issue for the community of Broome. There is however a low to moderate risk that the proposed engagement with landowners on the design of concept development plans may be seen as assertive or landowners that miss out may feel aggrieved.

This risk is proposed to be mitigated by clear communication and transparency on the project scope and an Expression of Interest (EOI) process which will provide a fair playing field for all landowners to participate.

Financial

There is a low level risk that project changes or scope creep could require additional funding. This risk will be mitigated through strict adherence to the agreed scope, timeline and budget detailed in the contract for this work.

STRATEGIC ASPIRATIONS

Place **We will grow and develop responsibly, caring for our natural, cultural and built heritage, for everyone.**

Outcome 6 **Responsible growth and development with respect for Broome's natural and built heritage**

Objective 6.1 Promote sensible and sustainable growth and development.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION:

(REPORT RECOMMENDATION)

Minute No. C/0824/008

Moved: Cr E Smith

Seconded: Cr S Cooper

That Council:

- 1. Notes the successful outcome of application – Housing Support Program Stream 1 (Attachment 1);**
- 2. Endorses the proposed scope of works to develop a Broome Housing Affordability Strategy, in addition to offering concept master planning to help stimulate the development of undeveloped and underdeveloped land across the townsite of Broome; and**
- 3. Adopt the following budget amendments to the 2024/25 Annual Budget for the Broome Housing Affordability Strategy and Master Planning, noting a nil impact on municipal funds:**
 - a) Increase expenditure account 1367460 to \$98,428; and**
 - b) Increase budget account 1367304 by \$98,428.**

***For: Shire President C Mitchell, Cr. D Male, Cr. S Cooper, Cr. J Lewis, Cr. P Matsumoto,
Cr. M Virgo, Cr. P Taylor, Cr. E Smith, Cr. J Mamid.***

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 9/0

Attachments

1. Outcome of application – Housing Support Program Stream 1

Cr. E Smith declared an Indirect Financial Interest in item 9.2.2, reason being “I am an employ of Nyamba Buru Yawuru (NBY). NBY own land within the Precinct Structure Plan areas of both Chinatown / Old Broome and Cable Beach.”

Cr. E Smith left the Chambers at 5:16 pm.

The Director Development Services noted Attachment 3 and Attachment 4 were omitted from the Agenda. This has been corrected administratively and is now reflected in the minutes.

9.2.2 AMENDMENT NO 1 TO LOCAL PLANNING SCHEME NO 7 AND PRECINCT STRUCTURE PLANS FOR CABLE BEACH AND CHINATOWN/OLD BROOME - MODIFICATIONS TO ADDRESS DEPARTMENT OF PLANNING LANDS AND HERITAGE (DPLH) AND ENVIRONMENTAL PROTECTION AUTHORITY (EPA) COMMENTS

LOCATION/ADDRESS:	Various
APPLICANT:	Shire of Broome
FILE:	PLA105 and LPS7/1
AUTHOR:	Acting Director Development Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF INTEREST:	Financial Interest - Acting Director Development Services and Chief Executive Officer

SUMMARY:

At the Ordinary Council Meeting held 16 November 2023, Council resolved to adopt Amendment No 1 to Local Planning Scheme No 7 (**the Amendment**) and to adopt the Cable Beach and Chinatown/Old Broome Precinct Structure Plans for the purposes of seeking public comment.

In accordance with the *Planning and Development Act 2005*, an amendment to a Local Planning Scheme is required to be forwarded to the Minister for Planning and Environmental Protection Authority prior to advertising. The Amendment was forwarded to these agencies and requests have been made to change the Amendment. The changes requested are being presented to Council for consideration.

The report recommends that Council resolve to make adjustments to the Amendment to address the comments received. The report also outlines subsequent changes to the Cable Beach Precinct Structure Plan to address the comments received.

BACKGROUND

Previous Considerations

OMC 26 May 2022	Item 9.2.1
OMC 25 August 2022	Item 9.2.5
OMC 16 November 2023	Item 9.2.2

At the Ordinary Meeting of Council (**OMC**) held on 26 May 2022, Council resolved to adopt the Local Planning Strategy for final approval by the Western Australian Planning

Commission (**WAPC**). The Local Planning Strategy was endorsed by the WAPC in October 2023. The Local Planning Strategy identifies the need to review the existing Development Strategies that cover Chinatown, Old Broome and Cable Beach and to replace them with Precinct Structure Plans, to be prepared in a manner and form accepted by the WAPC.

At the OCM held on 25 August 2022, Council resolved to endorse the Communications and Stakeholder Engagement Plan to guide the preparation of Precinct Structure Plans for the Cable Beach and Chinatown/Old Broome Precincts. The initial community engagement (September and November 2022) and design engagement phases (March and April 2023) within the Communications and Stakeholder Engagement Plan were undertaken and at the OCM held on 16 November 2023, Council resolved to adopt Amendment No 1 to Local Planning Scheme No 7 (the Amendment) and the Cable Beach and Chinatown/Old Broome Precinct Structure Plans for public comment.

Prior to commencing the next phase of public comment, the Amendment is required to be referred to the Minister of Planning (via the Department of Planning Lands and Heritage (**DPLH**)) and Environmental Protection Authority (**EPA**).

Responses have been received from DPLH and EPA which seek modifications to the Amendment. The modifications are being presented to Council for consideration and endorsement.

COMMENT

The agenda item tabled at the OMC held 16 November 2023 when Council adopted the Precinct Structure Plans and the Amendment provides a detailed background on:

- the preparation of the documents;
- the community engagement undertaken to inform preparation; and
- the key features of each of the Precinct Structure Plans and the Amendment.

This report will not repeat this information and will provide a summary of the key points raised in the response from DPLH and EPA and the subsequent proposed changes to the Amendment and Precinct Structure Plans to address them.

DPLH Comments

The Amendment to Local Planning Scheme No 7 is required to implement both precinct structure plans. DPLH provided proposed modifications to the Amendment which relate to the Cable Beach Precinct (with the exception of some minor mapping and text clarifications for Chinatown/Old Broome). A copy of the proposed modifications is outlined in **Attachment 1**.

DPLH have advised that in its current form the Amendment, as it relates to the Cable Beach Precinct, does not comply with both the *Position Statement: Planning for Tourism and Short-term Rental Accommodation* and the Planning Reform agenda for consistent local planning schemes. This is because the Amendment proposed to change the objective of the Tourism zone (sought to delete the objective “to allow limited residential uses where appropriate” and replace with “to facilitate tourism and complimentary residential development, where an approved structure plan applies”), which is a variation to the Model Provisions within the *Planning and Development (Local Planning Schemes) Regulations 2015* Furthermore, as the Precinct Structure Plan’s propose to alter the tourist/residential split to:

- Increase the default residential development potential of tourism land to 50% (currently 40%);

- In exceptional circumstances, allow for increased residential development (70%) where it can be demonstrated that land use, urban structure and built form requirements can be met;
- For lots less than 7,500sqm in the tourism high area (generally along Sanctuary Road) development may be able to proceed that does not include Tourist Development where the development provides an active interface and provides a commercial use for the majority of the ground floor fronting the street;

DPLH have advised that the Precinct Structure Plan and Amendment would not be consistent with the *Position Statement: Planning for Tourism and Short-term Rental Accommodation* as it outlines that residential development should be secondary to the tourism use.

DPLH have therefore suggested that instead of maintaining the 'Tourism' zoning the Cable Beach Precinct could be rezoned to 'Urban Development'. Urban Development is a Model Provision zone and has the following objectives (note: this is the same zone used over new development areas such as Broome North, before it is subdivided):

Urban Development	<ul style="list-style-type: none"> • To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme. • To provide for a range of residential densities to encourage a variety of residential accommodation. • To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.
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The Local Planning Scheme establishes that subdivision and development of land in the 'Urban Development' is to be in accordance with a Structure Plan. Therefore, if the land use zone was to change from 'Tourism' to 'Urban Development', the development controls (for both land use and built form) will be contained in the Precinct Structure Plan instead of the Local Planning Scheme.

While changing the zoning to 'Urban Development' for the Cable Beach Precinct is not a preferred option, given the Planning Reform and the need to have consistent local planning schemes, there are no other Model zones that could be used and achieve the intent of the Precinct Structure Plan. The Shire's Local Planning Strategy, will retain the Tourism designation over the precinct to provide the strategic direction that the area is to maintain tourism uses. To achieve the intent of the Precinct Structure Plans to retain a tourism character and land use in the precinct, changes are recommended to the Precinct Structure Plan, which is outlined in **Attachment 2**, with the key changes summarised below:

- Amend the vision of the Precinct. The vision was prepared on the premise that the 'Tourism' zone would be retained. If the zoning is changed to 'Urban Development', it is recommended that the vision for the Cable Beach Precinct Structure Plan is amended to highlight the intent to retain tourism as the primary land use in the Precinct and that the built-form of development is also a key consideration.
- Incorporation of land use permissibilities into the Precinct Structure Plan will be required as the zoning table in the Scheme will not provide direction on land use once the land is rezoned to 'Urban Development'. The land use permissibilities will

reflect the existing permissibilities in the 'Tourism' zone and the recommendations of the Precinct Structure Plan.

- All references to 'Tourism' zone will need to be removed.
- Section 2.1 of the Precinct Structure Plan applies land use and zones over the precinct and uses the zoning descriptions of 'low-impact tourism'; 'tourism low'; 'tourism mid' and 'tourism high'. These descriptions are proposed to be updated to 'Low Impact Tourism Sub-Precinct', 'Cable Beach Low Sub-Precinct', 'Cable Beach Mid Sub-Precinct' and 'Cable beach High Sub-Precinct' and is required to ensure that the precinct structure plan is consistent with *DPLH Position Statement: Planning for Tourism and Short-term Rental Accommodation*.

DWER Comments

Section 81 of the *Planning and Development Act 2005* requires that a Scheme Amendment must be referred to the Environmental Protection Authority (**EPA**). The EPA is required to make a decision on whether an environmental review of the Scheme Amendment is required. The response received from the EPA was to not assess the Local Planning Scheme (to not require an environmental review) and a copy of this response is provided in **Attachment 3**. The EPA also provide advice and recommendations which is provided in **Attachment 4**. The advice recommends that the scheme text is modified to include the following specific requirements under Table 4 for both the Chinatown/Old Broome and Cable Beach structure plan areas:

Applications for subdivision and/or development approval shall be accompanied by:

- *Line of sight modelling for the proposed development, to determine from what locations direct and indirect light (including skyglow) would be visible from Cable Beach and Chinatown/Old Broome. Any portion of a building with line of sight from/to Cable Beach and Chinatown/Old Broome shall be designed to restrict artificial light emission as visible from the beach front to the satisfaction of the Department of Biodiversity, Conservation and Attractions; and*
- *Lighting Management Plan to be prepared to the satisfaction of the local government in consultation with the Department of Biodiversity, Conservation and Attractions in accordance with the Environmental Assessment Guideline for Protecting Marine Turtles from Light Impacts (EPA 2010) (or as updated) and the Commonwealth Light Pollution Guidelines for Wildlife – Including Marine Turtles, Seabirds and Migratory Shore birds (Department of the Environment and Energy and Department of Biodiversity, Conservation and Attractions, 2020) (or as updated) to ensure protection of marine turtle habitats.*

Shire officers have discussed the EPA response with officers at the Department of Water and Environmental Regulation (**DWER**) who provide the advice and recommendations to EPA. DWER officers have advised that the advice in the EPA summary has the same status as a 'submission' received during the public comment period. The recommendation to amend the text in the above manner resulted from advice provided to DWER from the Department of Biodiversity Conservation and Attractions (**DBCA**) and was incorporated given the significance of the turtle habitat in proximity to the amendment area.

While the Scheme Amendment does not propose to expand the existing zoned areas that could potentially impact on turtle habitats, the Precinct Structure Plan for Cable Beach do incorporate changes that could result in increase in building heights, potentially leading to lighting impacts on turtle habitats on Cable Beach. The provisions proposed by the EPA are supported, however in order to not duplicate clause 67 of the Deemed Provisions (matters

that must be considered in determination of a development application), the clauses proposed by the EPA are proposed to be inserted/addressed by the provisions within the Precinct Structure Plans, instead of the Scheme. This will achieve the same objective that the EPA seeks, but not duplicate provisions already contained in the Deemed Provisions. The changes to the Precinct Structure Plan in this regard are outlined in **Attachment 2**.

Summary

Given the State's Planning Reform agenda for consistent local planning schemes, the Shire is not in a position to alter the 'Tourism' zoning from the Model Provisions (or use a non-Model zone) and if the 'Tourism' zone is sought to be maintained, then the changes to the tourist/residential spilt proposed in the Precinct Structure Plan would not be supported by the DPLH/WAPC as it would be deemed inconsistent with the *Position Statement: Planning for Tourism and Short-term Rental Accommodation*. DPLH officers have advised that concern is not raised on the intent of the planning framework changes in the Precinct Structure Plan, however the Shire cannot maintain the 'Tourism' zoning to achieve this. Overall, the changes requested to the Amendment align with the intent of the changes to the planning framework adopted through the Precinct Structure Plans and it is therefore recommended that Council accept the changes recommended by DPLH.

If Council accepts the modifications requested by DPLH and EPA, the modifications to the Amendment will be performed and will need to be accepted by DPLH prior to commencing the public comment period. The changes to the Cable Beach Precinct Structure Plan will also be performed and the documents will be advertised for public comment concurrently. It is likely that the public comment period would commence in September 2024 and will be a minimum of 60 days, consistent with the resolution of Council from the November 2023 Council meeting.

CONSULTATION

Extensive consultation has occurred in the preparation of the Precinct Structure Plans, this includes the two preliminary phases of community engagement, consultation with the Department of Planning, Lands and Heritage, briefings at Council Workshops and engagement with the Design Review Panel. The engagement and consultation that occurred during this stage is summarised in the November 2023 agenda item.

Since Council adopted the Amendment and Precinct Structure Plans, officers have been consulting with DPLH and DWER.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK

In the November 2023 agenda item it was identified that the Amendment's modification to the Model Provisions was a risk and that the Shire may be required to change the Amendment. This risk has eventuated, however, as set out in the comments above, the changes requested to the Amendment are supported given the need to be consistent with the State's Planning Reform agenda for consistent local planning schemes.

The change to the zoning of the Cable Beach Precinct to 'Urban Development' will mean that the Scheme will largely be silent on the site and development requirements when assessing future development applications, instead these provisions will be contained in the Precinct Structure Plan. This can present a risk, particularly in the event of review of a decision on a development application to the State Administrative Tribunal, as a Local Planning Scheme is a higher order planning instrument. In this case, it is considered as the Local Planning Strategy maintains the strategic direction of the precinct as tourism and with the changes recommended to the Precinct Structure Plan set out in Attachment No 2, this risk would be low.

STRATEGIC ASPIRATIONS

Place	We will grow and develop responsibly, caring for our natural, cultural and built heritage, for everyone.
Outcome 6	Responsible growth and development with respect for Broome's natural and built heritage
Objective	6.1 Promote sensible and sustainable growth and development.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:

(REPORT RECOMMENDATION)

Minute No. C/0824/009

Moved: Cr P Taylor

Seconded: Cr S Cooper

That Council:

- 1. Accepts the modifications proposed to Amendment No 1 to Local Planning Scheme No 1 by the Department of Planning Lands and Heritage as set out in Attachment No 1; and**
- 2. Endorses the modifications required to be performed to the Cable Beach Precinct Structure Plan, as set out in Attachment No 2, to address:**
 - a) the zoning changes in the Precinct; and**
 - b) the advice from the Environmental Protection Authority.**

**For: Shire President C Mitchell, Cr. D Male, Cr. S Cooper, Cr. J Lewis, Cr. P Matsumoto,
Cr. M Virgo, Cr. P Taylor, Cr. J Mamid.**

CARRIED UNANIMOUSLY 8/0

Cr. E Smith returned to the Chambers at 5:18 pm.

Attachments

1. DPLH proposed modifications to Amendment No 1 to LPS7
2. Schedule of Modification to the Precinct Structure Plan
3. EPA Decision
4. Advice from EPA

9.2.3 WALMANYJUN CABLE BEACH FORESHORE REDEVELOPMENT - WATERPARK DESIGN SERVICES (STAGE3)

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	PLA98
AUTHOR:	Special Projects Coordinator
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

Council is requested to consider adoption of a budget amendment to fund the remaining detailed design work required for Stage 3 of the Walmanyjun Cable Beach Foreshore Redevelopment Project. Stage 3 of the project includes a Waterpark which is fully funded through a \$5,000,000 grant secured from Lotterywest. Delays in the design of Stage 3 may result in an elongated construction program and greater disruptions to the Cable Beach Foreshore area.

BACKGROUND

Previous Considerations

OMC 27 July 2023	Item 14.3
OMC 31 August 2023	Item 14.1
SMC 21 December 2023	Item 6.1

The redevelopment of the Walmanyjun Cable Beach Foreshore is a key priority for Council and is built upon years of research, strategy development, master planning, business case development, grant applications and extensive community consultation.

The redevelopment is planned to proceed in at least 3 stages which are outlined below.

Stage 1 – Focused on the southern area of the site, to the West and East of the Surf Club and main entrance roundabout on Sanctuary Road.

Stage 2 – The remainder of the site, excluding Stage 1&3, extending from the southern carpark up to the northern end of the amphitheatre.

Stage 3 – A waterpark and climbing wall located in the area of the existing car park located East of the Cable Beach House Restaurant.

COMMENT

Stage 3 (Waterpark) – Detailed Design

Stage 3 of the Walmanyjun Cable Beach Foreshore redevelopment consists of a waterpark (splash pad), associated ancillaries, climbing wall, transformer enclosure and minor landscaping.

The contract for design of the Walmanyjun Cable Beach Foreshore redevelopment, RFT21-31, only completed the design of the Stage 3 area up to a concept design stage. Further work is required to finalise the concept design and produce detailed design drawings.

Lotterywest, on 22 June 2023 announced grant funding of \$5,000,000 for the design and construction of Stage 3. An internal project review determined that Stage 3 cannot be delivered until Stage 2 has been substantially completed due to it being located within the middle of the stage 2 works. At the time of the announcement of Stage 3 funding there was insufficient funding to proceed with Stage 2.

Funding applications for Stage 2 were made to the Regional Precincts and Partnership Program (rPPP) and the Hotspot Coastal Adaption Protection (H-CAP). Letters of award have confirmed that the Shire has been successful with both of these grants although a grant agreement for rPPP has not yet been received.

- Regional Precincts and Partnership Program (rPPP)
 - \$26,361,852
 - Announced - 16 May 2024.
- Hotspot Coastal Adaption Protection (H-CAP)
 - \$1,660,000
 - Announced - 2 July 2024.

The Shire's 2023/24 annual budget originally included an allocation of \$300,000 grant funding to cover the design work for Stage 3. However this was removed in the Finance and Costing Review Quarter 3 (FACR 3) on 24 April 2024 due to uncertainty in funding for Stage 2 at the time.

With funding for Stage 2 now confirmed in part, the detailed design of Stage 3 is urgently required in to allow Stage 3 to be constructed in conjunction with or immediately after Stage 2. Delays in design may result in an elongated construction program and greater disruptions to the community and stakeholders.

A budget amendment is therefore requested for \$350,000 to progress the detailed design of this area. The increased amount represents updated cost estimates and a contingency component. Any surplus funds are to be used for the construction of Stage 3.

CONSULTATION

The detailed design of the redevelopment was completed by Josh Byrne and Associates, building on the 2017 Master plan and business case. Public consultation was undertaken throughout the design development and a Community and Stakeholder Reference Group was created.

The Shire has worked with Department of Water and Environmental and Regulation (DWER) and the Department of Planning Lands and Heritage (DPLH) to obtain the necessary approvals.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Council is requested to consider adoption of a budget amendment to expenditure account WD02 of \$350,000 excluding GST to progress Stage 3 (waterpark) detailed design and a corresponding budget amendment for grant income account WD01 of \$350,000 excluding GST; reflecting a nil municipal impact.

RISK

The delivery of the Walmanyjun Cable Beach Foreshore redevelopment - Stage 2 and 3 is a key project for the Shire. It is also a major tourist drawcard. Any works are likely to create significant disruptions to these activities and are difficult to avoid given the location and nature of the works required.

It is noted that with the completion of Stage 1 in late 2024 the community will be able to continue to access the beach via the stairs and ramp in front of the Surf Club, Commercial operators requiring access to the Beach could make temporary use of the Surf Club vehicle access ramp to allow continued trading activities.

Shire Resources

The proposed Stage 3 design works are not expected to require additional Shire resources.

STRATEGIC ASPIRATIONS

Place	We will grow and develop responsibly, caring for our natural, cultural and built heritage, for everyone.
Outcome 6	Responsible growth and development with respect for Broome's natural and built heritage
Objective	6.1 Promote sensible and sustainable growth and development.
Objective	6.3 Create attractive, sustainable streetscapes and green spaces.
Prosperity	Together, we will build a strong, diversified and growing economy with work opportunities for everyone.
Outcome 9	A strong, diverse and inclusive economy where all can participate
Objective	9.1 Increase Broome's domestic and international trade in tourism, agriculture, aquaculture, minerals and energy, culture and the arts, and other emerging industries.
Objective	9.2 Activate the precincts of Broome.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION:**(REPORT RECOMMENDATION)****Minute No. C/0824/010****Moved: Cr D Male****Seconded: Cr P Taylor**

That Council adopt the following budget amendments to the 2024/25 Annual Budget for the detailed design of Stage 3 (Waterpark) of the Walmanyjun Cable Beach Foreshore redevelopment Project, noting a nil impact on municipal funds:

- 1. Increase expenditure account WD02 to \$350,000: and**
- 2. Increase grant income account WD01 of \$350,000.**

**For: Shire President C Mitchell, Cr. D Male, Cr. S Cooper, Cr. J Lewis, Cr. P Matsumoto,
Cr. M Virgo, Cr. P Taylor, Cr. J Mamid.**

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 9/0

Attachments

Nil

9.3 PROSPERITY

There are no reports in this section.

9.4 PERFORMANCE

9.4.1 MONTHLY PAYMENT LISTING JULY 2024

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FRE02
AUTHOR:	Finance Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Acting Director Corporate Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

This report recommends that Council receives the list of payments made under delegated authority, as per the attachment to this report, for July 2024.

BACKGROUND

The Chief Executive Officer (CEO) has delegated authority via Delegation 1.2.20 Payments from the Municipal or Trust Funds, to make payments from the Municipal and Trust funds as per budget allocations and in line with applicable policies.

COMMENT

The Shire provides payments to suppliers by Electronic Funds Transfer (EFT and BPAY), cheque, credit card or direct debit. Attachment 1 provides a list of all payments processed under delegated authority in June 2024.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

12. *Payments from municipal fund or trust fund, restrictions on making*
 - (1) *A payment may only be made from the municipal fund or the trust fund —*
 - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
 - (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*

- (a) *the payee's name; and*
- (b) *the amount of the payment; and*
- (c) *the date of the payment; and*
- (d) *sufficient information to identify the transaction.*

- (3) *A list prepared under sub regulation (1) or (2) is to be —*
 - (a) *presented to the Council at the next ordinary meeting of the Council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

13A. Payments by employees via purchasing cards

- (1) *If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —*
 - (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment;*
 - (d) *sufficient information to identify the payment.*
- (2) *A list prepared under sub regulation (1) must be —*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

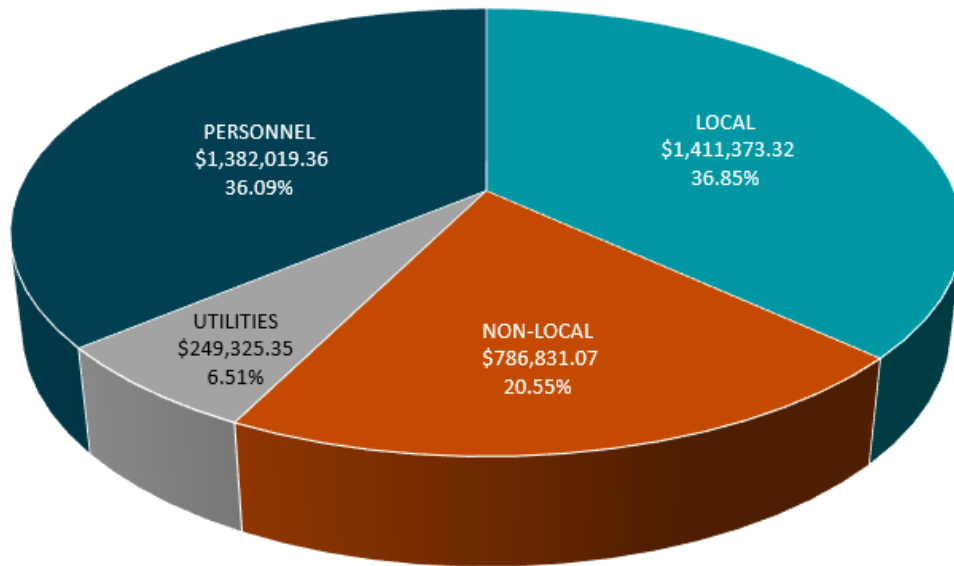
POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

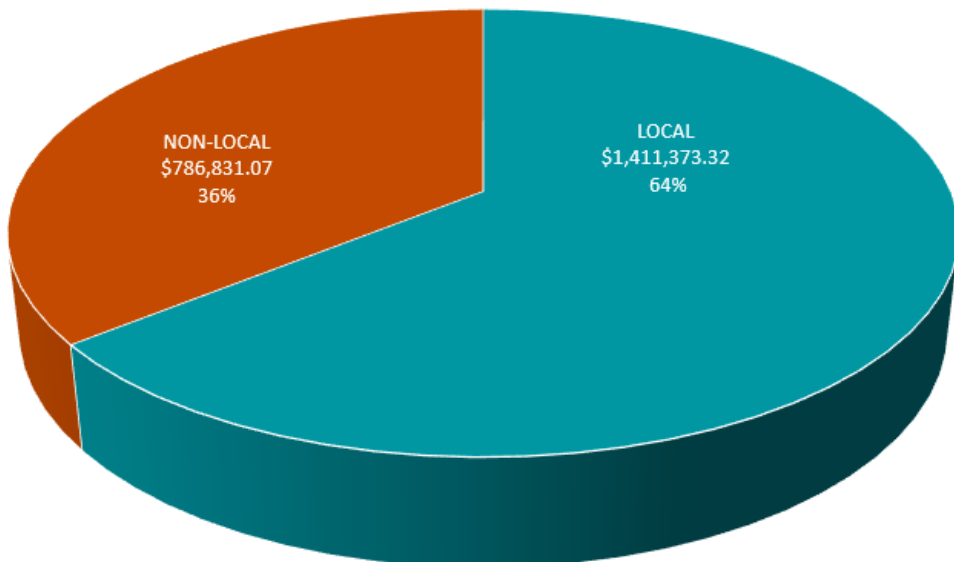
List of payments made in accordance with budget and delegated authority. Payments can also be analysed as follows:

SHIRE OF BROOME PAYMENTS JULY 2024



Note: Personnel payments in this analysis include payroll, superannuation (contained within Direct Debit type payments), payroll tax and other deductions (contained within the EFT Payments type payments).

LOCAL Vs NON-LOCAL PAYMENTS JULY 2024



The above graph shows the percentage of local spend in comparison to non-local and recoupable spend for July 2024 after \$1,382,019.36 in personnel payments, \$249,325.35 in utilities and other non-local sole suppliers were excluded.

YEAR TO DATE CREDITOR PAYMENTS

The below table summarises the total payments made to creditors year to date:

Month	Cheques	EFT Payments	Direct Debit	Credit Card	Trust	Payroll	Total Creditors
Jul-24	\$ 577.84	\$ 2,589,926.74	\$ 417,706.68	\$ 40,214.86		\$ 810,379.14	\$ 3,858,805.26
Aug-24							
Sep-24							
Oct-24							
Nov-24							
Dec-24							
Jan-25							
Feb-25							
Mar-25							
Apr-25							
May-25							
Jun-25							
TOTAL	\$ 577.84	\$ 2,589,926.74	\$ 417,706.68	\$ 40,214.86	\$ -	\$ 810,379.14	\$ 3,858,805.26

RISK

The risk of Council not receiving this report is extreme as this will result in non-compliance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

The likelihood of this ever occurring is rare due to the CEO's implementation of procedures to ensure payment details are disclosed to Council in a timely manner, as well as Procurement and Purchasing policies which ensure these payments are made in accordance with budget and delegated authority and comply with *Local Government (Financial Management) Regulations 1996*.

STRATEGIC ASPIRATIONS

Performance We will deliver excellent governance, service & value for everyone.

Outcome 13 Value for money from rates and long term financial sustainability

Objective 13.1 Plan effectively for short- and long-term financial sustainability

VOTING REQUIREMENTS

Simple Majority

<u>COUNCIL RESOLUTION:</u>	
(REPORT RECOMMENDATION)	Minute No. C/0824/011
Moved: Cr M Virgo	Seconded: Cr P Taylor
That Council:	
<ol style="list-style-type: none"> 1. Receives the list of payments made from the Municipal and Trust Accounts in July 2024 totalling \$3,858,805.26 (Attachment 1) per the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996 covering: <ol style="list-style-type: none"> a) EFT Vouchers EFT75644-EFT76052 totalling \$2,589,926.74; b) Municipal Cheque Vouchers 57835-57836 totalling \$577.84; c) Trust Cheque Vouchers 00000 - 00000 totalling \$0.00; and 	

d) Municipal Direct Debits DD33514-DD33585 including payroll totalling \$1,228,085.82.

- 2. Receives the list of payments made by credit cards in July 2024 totalling \$40,214.86 (contained within Attachment 1) per the requirements of Regulation 13A of the Local Government (Financial Management) Regulations 1996 covering EFT Vouchers EFT76154 – EFT76177.**
- 3. Notes the local spend of \$1,411,373.32 included in the amount above, equating to 64% of total payments excluding personnel, utility and other external sole supplier costs.**

**For: Shire President C Mitchell, Cr. D Male, Cr. S Cooper, Cr. J Lewis, Cr. P Matsumoto,
Cr. M Virgo, Cr. P Taylor, Cr. J Mamid.**

CARRIED UNANIMOUSLY 9/0

Attachments

1. PAYMENT LISTING JULY 2024

10. REPORTS OF COMMITTEES

There are no reports in this section.

11. NOTICES OF MOTION WITH NOTICE
--

Cr. J Lewis declared a Proximity Interest in item 11.1, the reason being " I own a house adjoining Solway Reserve."

Cr. J Lewis left the Chambers at 5:25 pm.

11.1 AMENDMENT TO TRADING IN PUBLIC PLACES POLICY

The following Notice of Motion was submitted by Cr Ellen Smith with Officer comment by Kirsten Wood.

That Council amends the Trading in Public Places Policy, to remove the following trading zones from part 5 of the Policy and renumbers the trading zones accordingly:

- 4 – Cygnet Park;*
- 8 – Tanami Park;*
- 9 – Solway Park;*
- 10 – Six Seasons Park; and*
- 13 – Woods Park Reserve.*

COUNCILLOR COMMENT

A petition has been prepared by local residents relating to the Trading in Public Places Policy, with a request to have Solway Park removed as a trading zone in the Policy. Rather than having the petition presented to the next Council meeting and then proceeding through the associated administrative processes for it to then be brought back to Council for a decision at a later date, I proposed to move a Motion with Notice to give effect to the community's request at the August Council meeting.

As discussed with the Director of Development Services, there has been little uptake by vendors to utilise the space within community parks and therefore the impact is likely to be very minimal. In addition to Solway Park, for consistency Council could also consider the removal of other residential parks from the Policy, including:

- Cygnet Park
- Tanami Park
- Six Seasons Park
- Woods Park

BACKGROUND

OMC 31 May 2018	Item 9.3.1
1. OMC 30 June 2022	Item 9.3.2
2. OMC 25 August 2022	Item 9.3.1
3. OMC 29 June 2023	Item 9.1.3
4. OMC 27 June 2024	Item 9.3.1

The Trading in Public Places Policy (Policy) facilitates the assessment and approval of Trading Licences in accordance with the *Trading, Outdoor Dining and Street Entertainment Local Law 2003* (Local Law).

In June 2022, Council reviewed the Policy to increase the number of trading nodes from 5 to 12 locations and provide specific guidance on where a trader may set up including site specific conditions such as permitted hours and days for trading. The revised Policy was also

intended to encourage the use of parks and reserves for appropriate trading activities as a means of enhancing community activity and recreation. The additional nodes (or “trading zones”) included in this review were:

- Six Seasons Park;
- Cygnet Park
- Demco Beach Carpark
- Peter Haynes Reserve
- Solway Park
- Turf Club Carpark
- Woods Park Reserve

The outcomes of the trial period were presented back to the June 2024 Council Meeting where Council resolved to endorse the amended Trading in Public Places Policy, as set out in **Attachment 1**.

OFFICER COMMENT

In accordance with the Council resolution of 30 June 2022, a review of the policy was undertaken within a two year period and was adopted by Council at its Ordinary Meeting on the 27 June 2024. The two-year comment period was informed by feedback provided by current traders, permanent businesses located within 300m of trading zones and complaints received.

During the two year trial period no complaints were received regarding the use of the local parks, the subject of this notice of motion, however this is likely because these parks were not actively utilised by traders during the trial period.

Concerns have since been raised by members of the community about the prospect of trading occurring within the local parks, particularly Solway Park, which has resulted in this notice of motion being prepared.

Officers have reviewed the request and in light of the minimal use of these local parks as trading nodes, it is not considered that removal of the trading zones from the Policy would impact upon traders who are currently operating in the Shire of Broome. If there was an operator who wished to trade from these locations, in the event the trading zones are removed from the Policy, they could still lodge an application with the Shire, however it would have to be presented to Council for determination, rather than being processed administratively unless the applicant is exempt as per the Policy.

Adoption of this notice of motion to amend the Policy would not have a financial impact on the Shire and the Policy would still be compliant with the provisions of the Local Law and the *Local Government Act 1995*.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:

(REPORT RECOMMENDATION)

Minute No. C/0824/012

Moved: Cr E Smith

Seconded: Cr P Taylor

That Council amends the Trading in Public Places Policy, to remove the following trading zones from part 5 of the Policy and renumbers the trading zones accordingly:

4 – Cygnet Park;

**8 – Tanami Park;
9 – Solway Park;
10 – Six Seasons Park; and
13 – Woods Park Reserve.**

**For: Shire President C Mitchell, Cr. D Male, Cr. S Cooper, Cr. P Matsumoto, Cr. M Virgo,
Cr. P Taylor, Cr. E Smith, Cr. J Mamid.**

**For: Shire President C Mitchell, Cr. D Male, Cr. S Cooper, Cr. P Matsumoto, Cr. M Virgo,
Cr. P Taylor, Cr. J Mamid.**

CARRIED UNANIMOUSLY 8/0

Cr. J Lewis returned to the Chambers at 5:27 pm.

Attachments

1. Amended Policy Adopted June 24 (Showing tracked changes)

12. NOTICE OF MOTION WITHOUT NOTICE

Nil.

13. BUSINESS OF AN URGENT NATURE

Nil.

14. MEETING CLOSED TO PUBLIC

Nil.

15. MEETING CLOSURE

There being no further business the Chairperson declared the meeting closed at 5.28pm.