

## SCHEDULE OF MODIFICATIONS

### Schedule of Modifications: Cable Beach Precinct Structure Plan

The Structure Plan is to be modified in accordance with the following Schedule of Modifications and the modified Structure Plan is to be resubmitted to the WAPC for consideration.

NO.	REFERENCE	MODIFICATION	REASON
<b>GENERAL MODIFICATIONS</b>			
1.	Text	Undertake minor editorial amendments throughout including grammatical and formatting corrections to the Structure Plan text and figures.	Minor editorial modifications are required throughout the body of the Structure Plan to improve language, address grammatical errors, correct use of acronyms and formatting to align with WA Guidance for Structure Plans Manner and Form.
2.	Text	Undertake the following general amendments: <ul style="list-style-type: none"> <li>All references to State Planning Policy 7.3 – Residential Design Codes to be updated.</li> </ul>	Shire identified modification
<b>STRUCTURE PLAN MAPS</b>			
3.	P1-Figure 1: CBPSP – Structure Plan Map	P1-Figure 1: CBPSP Structure Plan Map to be modified as follows: <ul style="list-style-type: none"> <li>Local heritage to be removed from legend.</li> </ul> <p><i>Note: there are no places in the precinct included on the Shire's Heritage List.</i></p>	Shire identified modification, minor mapping change.
4.	P1-Figure 2: CBPSP – Sub-Precinct and Density Plan	Modify P1 - Figure 2: CBPSP Sub-Precinct and Density Plan as follows: <ul style="list-style-type: none"> <li>Change Lot 100 (12) Cable Beach Road West to 'Cable Beach High'.</li> <li>Local heritage to be removed from legend and map.</li> </ul>	Zoning change supported due to strategic location of subject site, as set out in response to Submission No. 2.  Shire identified modification, minor mapping change for consistency with Modification No. 3.
5.	P1-Figure 3: CBPSP - Built Form and Streetscape Plan	Figure to be modified as follows: <ul style="list-style-type: none"> <li>Extend primary active edge southward on Cable Beach Road West on Lot 2790 Cable Beach Road West.</li> </ul>	Minor mapping changes supported to align with requested changes set out in submissions.

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		<ul style="list-style-type: none"> <li>• Remove future road connection on NBY land adjacent to Lot 2785.</li> <li>• Local heritage to be removed from legend and map.</li> <li>• <i>Include following Note: The location of any proposed public roads and pedestrian/cycle connections are indicative only. Their exact location is to be confirmed with the Shire of Broome and will be subject to detailed design at the subdivision and development application stage.</i></li> </ul>	<p>Shire identified modification, minor mapping change for consistency with Modification No. 3.</p> <p>Map note to be provided to provide greater clarity on expectations on public connections as requested in submissions.</p>
<b>PART ONE</b>			
6.	Section 1.1.2 Interpretations (Page 6)	<p>Introduce new interpretation called ‘Measuring Building Heights’ which includes a graphic and the following explanatory text:</p> <ul style="list-style-type: none"> <li>• “Maximum Building Height” refers to the maximum height which will be contemplated by the Shire of Broome. Heights are measured in both storeys and metres as set out in the R-Codes Volume 1.</li> <li>• “Bonus Height” refers to discretionary height which the decision maker may grant beyond the base building height controls. This is conditional and at the discretion of the relevant decision maker.</li> <li>• “Floor to Floor Height” the CBPSP includes a defined height limit for the ground floor in key areas. This is to be measured in metres from the finished floor level to the next upper finished floor level (includes slab).</li> </ul>	<p>Shire identified modification to improve document useability, by improving understanding of how building heights are measured and assessed.</p>
7.	P1 - Table 6: CBPSP Land Use Permissibility (Pages 16-18)	<p>Modify P1 - Table 6: CBPSP Land Use Permissibility as follows:</p> <ul style="list-style-type: none"> <li>• In Cable Beach Low make the following changes: <ul style="list-style-type: none"> <li>○ Liquor Store Small changed to an ‘A’ use.</li> <li>○ Small Bar changed to an ‘A’ use.</li> </ul> </li> <li>• Introduce land use permissibility descriptions from LPS7.</li> </ul>	<p>Land Use Permissibility updated in response to Submission No.6.</p> <p>The inclusion of additional information from LPS7 is proposed for inclusion to enhance document useability.</p>

NO.	REFERENCE	MODIFICATION	REASON
8.	Section 2.1.2 Residential Densities (Page 19)	<p>Modify Clause 2.1.2 (1) (f) as follows:</p> <ul style="list-style-type: none"> <li>• <i>If the development is to be staged, the residential development <del>is not</del> may precede the tourism development <del>land-use</del>, where:</i> <ul style="list-style-type: none"> <li>- <b><i>high-quality landscape outcomes are delivered (to the satisfaction of the Shire of Broome) in the front setback area and adjoining verge in accordance with Clause 2.2.10. Delivery of landscaping will be a condition of approval.</i></b></li> <li>- <b><i>The residential component of any development must demonstrate positive streetscape outcomes by ensuring that the orientation of habitable rooms and/or outdoor living areas provides passive surveillance of the street.</i></b></li> </ul> </li> </ul> <p>Include the following landholding under Clause 2.1.2 (2):</p> <ul style="list-style-type: none"> <li>• 7 Millington Road (Broome Camp School).</li> </ul>	<p>In response to numerous submissions, Clause 2.1.2 (1) (f) is proposed to be modified to allow for greater flexibility in the staging of residential and tourism developments in Cable Beach.</p> <p>In response to submission 9, Clause 2.1.2 (2) is proposed to be modified to protect the Broome Camp School site from residential development, given its strategic importance as a tourism development.</p>
9.	Section 2.2.1 Development and Density (Page 21)	<p>Modify text as follows:</p> <ul style="list-style-type: none"> <li>• Remove Clauses 2.2.1 (2) and (3) in their entirety.</li> </ul>	<p>In response to submissions received, it is proposed that tourism developments will no longer need to be developed in accordance with the R-Codes. They will be guided by LPS7 and the CBPSP, as the R-Codes do not adequately apply to a number of tourism typologies.</p>
10.	Section 2.2.3 Building Heights (Page 21)	<p>Modify the wording of Clause (3) as follows:</p> <ul style="list-style-type: none"> <li>• <i>To promote adaptability for future uses, any ground floor residential development in the Cable Beach High Sub-Precinct must have a ground floor height of at least 4.2m. This will be measured from the top of the ground floor slab to the bottom of the first-floor slab (refer Section 1.2.2).</i></li> </ul> <p>Introduce new clause under Bonus Height Criteria as follows:</p> <ul style="list-style-type: none"> <li>• <i>A maximum height of three (3) storeys may be considered on lots identified in the Cable Beach Low -Sub-Precinct (at the discretion of the Shire of</i></li> </ul>	<p>Shire identified modification to improve clarity on how this clause is to be applied.</p> <p>Shire identified modification to allow greater flexibility for tourism developments in the Cable Beach Low precinct.</p>

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		<i>Broome) where the three storey component relates to a tourism development.</i>	
11.	Section 2.2.5 Setbacks (Page 21)	Modify P1 - Table 8: CBPSP Built Form Controls as follows: <ul style="list-style-type: none"> <li>• <b>Building Height:</b> Cable Beach Low modified to align with Modification No. 10.</li> <li>• <b>Site Cover:</b> Increase the maximum site to the following: Cable Beach Mid – 45% Cable Beach High – 55%</li> </ul>	In response to submissions received, site cover controls are proposed to be modified. The Shire agrees with the intent of the submissions in that the current controls are too onerous.
12.	Section 2.2.5 Streetscape (Page 25)	Modify P1-Table 10: CBPSP Streetscape Requirements as follows: <ul style="list-style-type: none"> <li>• Dot Point 4 to be replaced as follows:  <i>Solid fencing is not permitted within the primary street setback. All fences within the primary street setback area shall be no higher than 1.8m and minimum 80% permeable to allow airflow to pass through unobstructed.</i></li> </ul>	In response to submissions received, fencing controls are proposed to be modified to better align with the R-Codes.
13.	Section 2.2.10 Landscape, Deep Soil and Tree Canopy (Page 30)	P1 – Table 11: CBPSP Landscaping, Deep Soil and Tree Requirements to be modified to remove references to the R-Codes Volume 2 and align with the R-Codes Volume 1.	
14.	Section 2.2.12 Solar Access and Natural Ventilation (Page 31)	Introduce new sub-clauses under Clause 2.2.12 (5) as follows: <ul style="list-style-type: none"> <li>• Sub Clauses 5 (a) and (b) can only be varied for tourist developments where it can be demonstrated that appropriate shading can still be achieved. Any alternate external shading devices or solutions would need to be agreed with the Shire of Broome.</li> </ul>	In response to submissions received, to provide greater flexibility for shading devices on tourist developments.
15.	Section 2.2.15 Infrastructure Requirements (Page 33)	Modify Clause 2.2.15 (4) (a) with the following: <ul style="list-style-type: none"> <li>• <i>Provided as public access easements: Landowners may control public access in dedicated pedestrian / cycle connections where they pass wholly through</i></li> </ul>	In response to submissions received, to provide greater flexibility for shading devices on tourist developments.

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		<p><i>privately owned property. Managed public access during agreed hours is permitted to ensure safety and security after hours.</i></p> <p>Increase the size of the the note on P1 - Figure 6: CBPSP - Infrastructure and Public Realm Upgrades, and replace text as follows:</p> <ul style="list-style-type: none"> <li><i>Note: The location of any proposed public roads and pedestrian/cycle connections are indicative only. Their exact location is to be confirmed with the Shire of Broome and will be subject to detailed design at the subdivision and development application stage.</i></li> <li><i>Remove future road connection on NBY land adjacent to Lot 2785.</i></li> </ul>									
16.	Section 2.3 Other Requirements (Pages 35-36)	<p>Insert new section "Conservation Estate Engagement" as follows:</p> <ul style="list-style-type: none"> <li><i>Where a site or property directly adjoins a Conservation Estate, engagement with the Yawuru Park Council is required prior to subdivision and development occurring.</i></li> </ul>	In response to submissions received, to describe process for subdivision and development on sites which adjoin the Yawuru Conservation Estate.								
17.	Section 2.3.2 Environmental Considerations (Page 35)	<p>Modify Clause 2.3.2 (3) as follows:</p> <ul style="list-style-type: none"> <li>Development applications in the CBPSP, <b>which in the opinion of the Shire of Broome have the potential for direct light spill onto turtle nesting areas on Cable Beach</b>, area are to be accompanied by:</li> </ul> <p>Insert below note at the bottom of Clause 2.3.2 (3) as follows:</p> <ul style="list-style-type: none"> <li><i>Note: Applicants are advised to engage with the Shire of Broome early to determine if Clause 2.3.2 (3) applies.</i></li> </ul>	In response to submissions received, proposed modification ensures that Line of Sight Modelling is only required to be undertaken for sites which have an ability to impact turtle nesting areas.								
18.	Section 3.1 Information to be Submitted	<p>Table to be updated with new / updated rows as follows:</p> <table border="1" data-bbox="539 1318 1473 1436"> <thead> <tr> <th data-bbox="539 1318 707 1378">Development Type</th> <th data-bbox="707 1318 1167 1378">Additional Information / Purpose</th> <th data-bbox="1167 1318 1323 1378">Approval Stage</th> <th data-bbox="1323 1318 1473 1378">Responsible Agency</th> </tr> </thead> <tbody> <tr> <td data-bbox="539 1378 707 1436">Any Development</td> <td data-bbox="707 1378 1167 1436">Environmental Management Plan</td> <td data-bbox="1167 1378 1323 1436">Development Application</td> <td data-bbox="1323 1378 1473 1436">Shire of Broome</td> </tr> </tbody> </table>	Development Type	Additional Information / Purpose	Approval Stage	Responsible Agency	Any Development	Environmental Management Plan	Development Application	Shire of Broome	In response to numerous submissions received, additional requirements set out in Section 3.1 have been modified to align with
Development Type	Additional Information / Purpose	Approval Stage	Responsible Agency								
Any Development	Environmental Management Plan	Development Application	Shire of Broome								

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	<p>P1-Table 12: Additional Information Requirements (Page 39-40)</p>	<p>where clearing is proposed</p>	<p>A flora and fauna survey should be considered to ground-truth TEC occurrence within the area if clearing is proposed within the bounds of the site where remnant vegetation is found.</p> <p>If the clearing of remnant vegetation within the site is planned, development of an Environmental Management Plan (EMP) at development stage will be required detailing mitigation strategies, triggers and contingency actions.</p> <p>Early engagement with the Shire of Broome is required to determine if an Environmental Management Plan is required.</p> <p>Where native vegetation clearing exemptions apply under the Environmental Protection Act 1986, the following principles should be applied to clearing activities:</p> <ol style="list-style-type: none"> <li>a) avoid the clearing of native vegetation;</li> <li>b) minimise the amount of native vegetation to be cleared; and</li> <li>c) reduce the impact of clearing on any environmental value.</li> </ol> <p>Proponents should also keep records of:</p> <ul style="list-style-type: none"> <li>• clearing exemption that was used to undertake the clearing activities</li> <li>• the location where the clearing occurred</li> <li>• the date that the area was cleared;</li> <li>• the size of the area cleared (in hectares);</li> <li>• photograph evidence of the area cleared before and after</li> </ul>		<p>and DWER</p>	

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		<p><i>It will be at the Shire's discretion as to whether a Noise Management Plan is required. Suggest additional wording is provided to clarify.</i></p> <p>Noise Management Plan to be updated as follows:</p> <p><i>A Noise Management Plan will only be required for:</i></p> <ul style="list-style-type: none"> <li>• <i>Developments that have the potential to generate noise to a level that could impact amenity; and/or</i></li> <li>• <i>Developments that could be impacted upon by such development generating noise</i></li> </ul> <p>Urban Water Management Plan to be updated to clarify that the intent is to provide a UWMP at either the subdivision or development application stage, not both.</p> <p>Line of site modelling to be updated to clarify that it does not apply to all development to align with Modification No.17.</p>	
<b>PART TWO</b>			
19.	Section 1.1.2 Local Planning Framework (Pages 10)	P2-Table 2: Local Planning Framework Summary as follows: <ul style="list-style-type: none"> <li>• Shire of Broome Local Planning Strategy to updated to reflect current approved status.</li> <li>• Cable Beach Development Strategy reference to be updated explaining that the COBPSP will supersede these documents upon approval.</li> </ul>	Shire identified modification, minor changes.
20.	Section 4.5.1 Land Use Approach (Pages 124-129)	Section 4.5.1 to be modified as required to align with agreed changes to Part One regarding the tourism development approach.	Shire identified modification, to ensure alignment between Part 1 and Part 2 of the CBPSP.
21.	Section 4.5.3 Land Use (Page 131)	P2-Table 13: CBPSP Land Use Mix to be updated as follows: <ul style="list-style-type: none"> <li>• Areas to be updated to align with mapping changes in Modification No.3.</li> </ul>	Shire identified modification, minor changes.
22.	Section 4.5.4 Residential Densities (Page 133)	P2-Table 14: CBPSP Residential Yield and P2-Table 15: Tourism Yield to be updated as follows: <ul style="list-style-type: none"> <li>• Areas to be updated to align with mapping changes in Modification No.3.</li> </ul>	Shire identified modification, minor changes.

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<b>TECHNICAL APPENDICES</b>			
23.	Water Management Strategy (WMS)	Review of WMS to be undertaken in collaboration with DWER, review to consider: <ul style="list-style-type: none"><li data-bbox="591 384 1447 448">• Include a water demand balance for non-potable supply requirements and sources within the precinct.</li></ul>	