



# **UNCONFIRMED MINUTES**

**OF THE**

**ORDINARY COUNCIL MEETING**

**18 SEPTEMBER 2025**

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

Signed:

**SHIRE OF BROOME**  
**ORDINARY COUNCIL MEETING**  
**THURSDAY 18 SEPTEMBER 2025**

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**3. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION**

Nil.

**4. DECLARATIONS OF INTEREST**

<b>FINANCIAL INTERESTS (s5.60A)</b>			
<b>Councillor</b>	<b>Item No</b>	<b>Item</b>	<b>Nature of Interest</b>
Cr M Virgo	9.3.1	Renewal of Trading in Public Places Licences – Camels	Cr Virgo is the General Manager of the Broome Visitor Centre and both Camel companies have a paid membership with the Broome Visitor Centre.

<b>INDIRECT FINANCIAL INTERESTS (s5.61)</b>			
<b>Councillor</b>	<b>Item No</b>	<b>Item</b>	<b>Nature of Interest</b>
		Nil	

<b>PROXIMITY INTERESTS (s5.60B)</b>			
<b>Councillor</b>	<b>Item No</b>	<b>Item</b>	<b>Nature of Interest</b>
		Nil	

<b>IMPARTIALITY</b>			
<b>Councillor</b>	<b>Item No</b>	<b>Item</b>	<b>Nature of Interest</b>
Cr J Mamid	9.2.1	Development Application – Equine Assisted Learning Facility and Construction of Horse Stables	Cr Mamid was formerly an unpaid committee member of the Advisory Group (CGC).
Cr Mitchell	9.3.1	Renewal of Trading in Public Places Licences – Camels	I am a volunteer coordinator for a wildlife group that operates a rehabilitation facility adjacent to the camel operators.

**5. PUBLIC QUESTION TIME**

No public questions.

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**COUNCIL RESOLUTION:**

**Minute No. C/0925/005**

**Moved: Cr M Virgo**

**Seconded: Cr P Taylor**

***That Council grant Cr P Matsumoto a Leave of Absence from Councillor duties inclusive of 16 September 2025 through to 28 September 2025.***

**CARRIED UNANIMOUSLY 7/0**

**7. CONFIRMATION OF MINUTES**

**COUNCIL RESOLUTION:**

***Minute No. C/0925/006***

***Moved: Cr M Virgo***

***Seconded: Cr S Cooper***

***That the Minutes of the Ordinary Meeting of Council held on 28 August 2025, as published and circulated, be confirmed as a true and accurate record of that meeting.***

**CARRIED UNANIMOUSLY 7/0**

**8. PRESENTATIONS / PETITIONS / DEPUTATIONS**

There are no reports in this section.

**9. REPORTS FROM OFFICERS**

**9.1 PEOPLE**

There are no reports in this section.

## 9.2 PLACE

### 9.2.1 DEVELOPMENT APPLICATION - EQUINE ASSISTED LEARNING FACILITY AND CONSTRUCTION OF HORSE STABLES

<b>LOCATION/ADDRESS:</b>	281 KAVITE ROAD MINYIRR WA 6725
<b>APPLICANT:</b>	KERRY MICKE DESIGNS & LAND PLANNING CONSULTANTS
<b>FILE:</b>	KAV-1/281
<b>AUTHOR:</b>	Coordinator Planning Services
<b>CONTRIBUTOR/S:</b>	Manager Building and Planning
<b>RESPONSIBLE OFFICER:</b>	Director Development and Community
<b>DISCLOSURE OF INTEREST:</b>	NIL

#### SUMMARY:

A development application has been received for an Equine Assisted Learning Facility and construction of horse stables at Lot 700 (No 281) Kavite Road.

Submissions were received during the public comment period, including an objection from the Department of Primary Industries and Regional Development, which raise relevant planning considerations. In line with delegation 'Determine Development Applications', the application is being referred to Council for determination.

This report recommends that the application be approved subject to conditions.

## BACKGROUND

### Previous Considerations

Nil.

Yawardani Jan-ga is an Aboriginal-led not-for-profit organisation delivering equine-assisted learning programs. The program aims to improve education outcomes by addressing the social and emotional wellbeing barriers to education faced by young Aboriginal People, aged 6-25 years, in the Kimberley region. The program uses evidence based Equine Assisted Learning to meet the individual needs of participants so they can reengage and thrive in their education. The program is delivered in Broome, Derby and Halls Creek.

The program commenced operations in Broome in 2019 on a property on Broome Road. Shire officers have been in discussions with the program since 2019 regarding sites that could be investigated to establish a long-term base for the facility, this included engagement with the planning and land tenure team, special projects team, Director of Infrastructure, Shire Presidents and the Chief Executive Officer. Engagement included seeking co-location opportunities on existing reserve land in the Shire. Yawardani Jan-ga was a primary stakeholder in the preparation of the Turf Club Master Plan and the catalyst for the Council considering co-location options at the site. The adopted Master Plan 2023 has identified area in the south-eastern portion of the turf club reserve for 'possible area for future Broom Turf Club uses and/or leases for community based organisations(s), particularly those with an equine-focussed operation'.

Advice was provided for an approval pathway at turf club and consideration of lease options. Shire was approached by the program in early 2024 advising of a dire need for some land in Broome to continue to run the service from. The Shire responded that the opportunity for the service to locate at the Turf Club in line with the adopted masterplan.

In June 2024, the program made enquiries with the Shire's Planning Team on establishing the program at Lot 700 Kavite Road. Officers provided advice on the development application processes and the key matters to be addressed in preparing the application for submission.

In late November 2024, the Shire received notification from the Department of Biodiversity Conservation and Attractions (**DBCA**) that clearing of native vegetation had been undertaken within the Yawuru Conservation Estate. The Shire made enquires and received acknowledgement that the clearing was undertaken by the program to facilitate construction of new fences, installation of firebreaks and to facilitate infrastructure on site (horse stables). Shire officers at this point, in early December 2024, again advised the program that development approval is required from the Shire prior to the commencement of site works. Notification was provided that development on site was to cease and to lodge a development application. Notwithstanding this advice, the program proceeded with undertaking development on site, including the construction of buildings on site (shade structures) without development approval or building permits.

The Department of Water and Environmental Regulation (**DWER**) investigated the clearing and determined that an offence had been committed and it was determined that the unauthorised clearing of native vegetation would be dealt with by way of Letter of Education.

### Site and Surrounds

The subject site is a 2ha property, which is zoned 'Rural Residential' under Local Planning Scheme No 7. The site adjoins the Yawuru Conservation Estate which is jointly managed by the Shire of Broome, Yawuru Registered Native Title Holders Body Corporate (RNTBC) and DBCA. Please refer to the image below for the location of the subject site.



Figure 1 – Aerial of the Site

The current land tenure for the site is a Crown Grant in Trust granted to The Roman Catholic Vicar Apostolic Of The Kimberley's of Broome for the purpose of 'Equine-assisted learning

program, and accommodation for equine-assisted learning program and Diocesan personnel'. The Minister for Lands approved a variation to the purpose on 17 December 2024 to allow for the use on site.

### Proposed Development

Approval is being sought to establish an Equine Assisted Learning Facility on site and construction of horse stables. The key operational components of the land use component of the development are:

- Operate Monday to Friday 8:00am to 5:00pm between the months of March to November.
- 8 horses will be kept on site.
- 4 staff will be present during operational hours.
- 4-6 participants daily.
- Participants will arrive by car, 90% of the transport will be done by staff.
- Activities include horse grooming, handling, groundwork and basic riding. No indoor teaching or training will occur.
- An existing building on site will be repurposed as an office to undertake administrative functions for the operation of the program.
- There will be no rearing, agistment, commercial stabling or separate training operations.
- Horses will be exercised on site within the exercise arena as outlined in **Attachment 1**.

The proposed works component of the development includes:

- Construction of horse stables in the north-western portion of the site and construction of two smaller shade structures on the eastern portion of the site;
- Clearing of areas of the site and installation of horse arenas for the operation of the program;
- New fences for the facility.

Aerial imagery below, illustrates the extent of works undertaken on site:



2022 Aerial View



February 2025 Aerial View

### **COMMENT**

An assessment of the application against the Shire's Local Planning Framework is set out below.

### Local Planning Scheme No.7

The site is zoned Rural Residential and under Local Planning Scheme No 7. The proposed land use being an Equine Assisted Learning Facility, is a combination of both an 'Animal Establishment' and 'Educational Establishment' land use, both of which are an 'A' use in the Rural Residential zone. An A use, means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application for public comment.

In exercising discretion, the Shire is required to give consideration to the following:

- a. objectives of the zone and the site and development standards established in the Scheme;
- b. the matters set out clause 67 'consideration of an application by local government' of the Deemed Provisions; and
- c. comments or submissions received from the public or authorities consulted.

**Attachment 2** provides a summary of points a. and b. above. From the planning assessment and review of the submissions received, the key planning considerations for this proposal are outlined under the headings below.

### Suitability of the site for the proposed land use

Key themes raised during the public comment period related to the suitability of the site for the proposed development and environmental impacts. The concerns raised are summarised in the Schedule of Submissions provided as **Attachment 3**. Of particular note, the DPIRD, have objected to the proposal advising that the property is unsuitable for horses. The submission for DPIRD raises the following points which in summary include:

- The property cannot support horses due to lack of open pasture and poor soil conditions.
- Excessive stocking rate proposed which does not align with the *Stocking Rate Guidelines for Small Rural Landholdings* (DPIRD 2000).
- Property is mostly native vegetation and infrastructure; no usable pasture.
- Soil erosion risk: Sandy coastal soils are fragile and erosion-prone.
- Concerns over the stable design, with the applicant originally proposing a sand base which could lead to cause nutrient leaching.
- Vegetation Impact: stables and horses may damage native vegetation.

In response to the comments received during the public comment period and the matters raised by DPIRD, the applicant supplied additional information, including an Environmental Management Plan (EMP), which is provided in **Attachment 4**.

In response to DPIRD's comments, the applicant clarified the following:

- The proposed development is not a traditional livestock or grazing operation. It is also not a commercial horse enterprise, agistment service or rural grazing facility.
- All horses are owned and managed by the program, and the facility is not accessible to the general public for recreational or private equine use.
- The stocking rate metrics based on grazing capacity should be considered inapplicable in this context. The limited number of horses, which are kept in managed enclosures and supported entirely with brought-in feed, with no access to natural grazing areas.
- The stable design has been adjusted so the roofed stabled areas will have an impermeable base and the EMP has established management practices to be

implemented on site to address manure management and leaching concerns raised.

DPIRD were supplied with the comments from the applicant and the EMP and have advised that its comments remain the same and it considered the site unsuitable for horses.

The clarifications supplied by the applicant are noted and officer's acknowledge that the site is not suitable to a traditional livestock or commercial equine operation. The EMP prepared provides management measures to address potential environmental impacts. The EMP includes mitigation and monitoring measures for the following environmental factors:

- Coastal stability and erosion risk;
- Stormwater and drainage management;
- Vegetation and flora management;
- Bushfire Risk Management;
- Waste Management;
- Fauna Management;
- Nutrients and Stable Floor Management;
- Stocking rate and grazing pressure management.

In acknowledgement of the concerns raised on the sites suitability for land use, it is proposed that development approval is issued for a two year term which will allow time for monitoring and reporting on the EMP and to demonstrate whether management measures are appropriate and the site can support the land use. It is also proposed that conditions of approval are implemented to address the monitoring and reporting measures set out in the EMP and revegetation of areas cleared of vegetation.

### Coastal Planning

The lot is located within Special Control Area 9 (**SCA9**)- Coastal hazard risk area requiring consideration of the Shire's Coastal Hazard and Risk Management Adaption Plan and the Shire's Local Planning Policy.

The Department of Planning Lands and Heritage (DPLH) have provided advice on coastal planning implications which is included in the Schedule of Submission. DPLH have recommended conditions of approval be included to address considerations in the CHRMAP, including a time limited approval and triggers for when development subject of this application should be removed (which is when the most landward part of the Horizontal Shoreline Datum is within 25m of the seaward part of the structure).

In response to DPLH comments, the applicant has supplied updated plans showing the 25m setback to the Horizontal Shoreline Datum and the stables are proposed to be placed on this setback line. Officers have discussed this with the applicant and recommended that to avoid the structures having to be removed by an erosion event, the stables are positioned further away from the coast. The applicant is aware of this risk and wishes to pursue this location and provided the rationale, the horse stables are strategically positioned near the existing buildings and on-site amenities to ensure consolidation of facilities. Additionally, they are situated away from Kavite Road to minimize exposure to traffic noise and potential disturbances that could startle the horses.

Positioning the stables with the conditions requiring their removal which could be triggered following a single erosion event, presents to a significant risk to the operation of the facility.

As such, a condition of approval is recommended requiring that the stables are repositioned to be a minimum of 35m from the current Horizontal Shoreline Datum.

### Exercising of Horses

A number of submissions raised objection to the application as it had been observed that horses were being exercised in the adjacent Yawuru Conservation Estate and on Redell Beach. Comments were received from partners in the Yawuru Conservation Estate seeking that conditions be included preventing the program from using the Minyirr Buru Yawuru Conservation Park or Redell Beach, outlining that presence of horses in the parks are inconsistent with the conservation values.

The applicant has clarified that horses on site will be exercised on site and all program activities will occur within the property boundaries. There may be times during the program when horses are sought to be exercised in public spaces and the applicant acknowledges that separate approval would be required from the Shire under the Local Laws to undertake this. A condition of approval is recommended to address the concerns raised.

### Commencement of Development

As outlined above and raised in the submissions received, the program has commenced development on site, which includes physical works (clearing of land, installation of exercise arena's, fencing and installation of two shade structures) and operation of the program from the site. The construction of the stables is the component of the physical development that has not commenced.

The decision to take compliance action is a separate matter to the consideration of this development application. The Shire is required to consider the development application on its merits and take into account the matters to be considered under the Deemed Provisions, which does not extend to whether unauthorised development has occurred.

Notwithstanding this and as it was a matter raised during the public comment period, it will be addressed in this report.

The stocking of animals on a Rural Residential property is a 'Rural Pursuit/Hobby Farm' land use and in a typical Rural Residential property because it's a 'P' use would not require development approval. However this site is positioned within a Special Control Area, meaning that the works component of the development is not exempt. Further, the operation of the program from the property is a land use that requires development approval.

In line with Compliance and Enforcement Policy, the program has been made aware that commencing development in advance of development approval being granted, is an offence under the Planning and Development Act 2005. The applicant was aware of the need to obtain development approval in advance of works commencing on site and continued to undertake development after being advised by the Shire that development must cease. The general penalty if a person who commits an offence under this *Planning and Development Act 2005* and is convicted is liable to a fine of up-to \$200,000 and, in the case of a continuing offence, a further fine of up-to \$25,000 for each day during which the offence continues.

In this case, officers do not recommend commencing prosecution action as the program has applied for development application, subject to approval being granted and the conditions being complied with, the non-compliance would be resolved. To ensure that the

program is aware of the Shire's position in relation to compliance with conditions of approval, it is recommended that Council resolve to advise that non-compliance with the conditions of approval would lead to formal compliance action being initiated.

### Summary

The application for development approval can be considered on the subject site as it's a discretionary land use and generally aligns with the objectives of the zone. The key planning considerations for this application relates to the sites suitability for the land use and coastal planning implications.

The applicant has prepared an Environmental Management Plan (**Attachment 4**) which proposes management and monitoring measures to address potential impacts the development could have. Conditions of approval relating to monitoring and management measures outlined in the EMP are recommended. The monitoring will be undertaken by the applicant, at their cost, annually, the applicant must provide a report prior to 1<sup>st</sup> May each year as per condition 6. As outlined above, it is also recommended that the approval be granted for a two year term, with conditions that the site be rehabilitated in the event the approval is not extended. This approach is recommended, in the event that it becomes evident that the development is having a negative impact and/or the site is unsuitable for the use, the land use can cease.

## **CONSULTATION**

The Local Planning Policy 5.14 – Public Consultation, Schedule 1 – Consultation Matrix outlines that Development that is an 'A Use' requires consultation level C.

The advertising included the following:

- Published a notice of the development proposal in the newspaper.
- Published a notice of the development proposal on the Shires Website.
- Erected a sign on the site.
- Letters were sent to all landowners within 200m radius of the property.
- Consulted with the necessary government agencies including **DPIRD**, Department of Fire and Emergency Services (**DFES**) and DPLH.

The application was advertised between 5 June 2025 – 3 July 2025 with a total of 14 submissions received, raising environmental impacts (land degradation, manure and waste contamination), public safety and horses being ridden on Reddell Beach, cliff erosion risks and requesting alternative location for the program. To see the full list of submissions and response from the applicant see **Attachment 3**.

## **STATUTORY ENVIRONMENT**

*Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

*Local Planning Scheme No. 7*

## **POLICY IMPLICATIONS**

Local Planning Policy 5.23 - *Coastal planning* applies to this application. The development application is consistent to this local planning policy.

Local Planning Policy 5.14 *Public Consultation Planning Matters* – The application was advertised in accordance with LPP 5.14 as outlined above in this report.

## **FINANCIAL IMPLICATIONS**

Nil.

## **RISK**

The comments from DPIRD and submitters have raised concern with suitability of the site for the stocking of animals and there is a risk that the program could have a detrimental impact to the site and surrounding environment. To address this potential risk, officers have recommended a termed approval (two years) and conditions of approval relating to monitoring and implementation of the EMP. If development approval is granted and the completed development is found to have an environmental impact on the property or contributes to coastal erosion, a new application for approval will be required in accordance with the two-year approval period.

While it is not a consideration in determining the application, there is a risk that if approval is granted and conditions are not complied with, this would be a breach of the *Planning and Development Act 2005* and it will require staff resources to undertake compliance action, including costs to commence prosecution action.

To avoid this, the Applicant has been consulted on draft conditions if approval was to be granted. This was undertaken to ensure the applicant was aware of the reporting obligations and operational requirements for this site, based on the recommendations set out in the Environmental Management Plan.

If the application were to be refused, it would result in a compliance matter requiring resolution by Shire staff, as the Equine Assisted Learning Facility is already operating on the site. Horses, equipment and shade structure are present and would need to be removed. Compliance action would be undertaken in accordance with Compliance and Enforcement Policy.

## **STRATEGIC ASPIRATIONS**

**Place - We will grow and develop responsibly and sustainably, caring for the natural environment and cultural and built heritage, for everyone.**

**Outcome 5 - Responsible management of natural resources**

**Objective** 5.1 Manage and conserve the natural environment, lands and water.

**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** 6.2 Develop and maintain community facilities.

## **CARETAKER PERIOD STATEMENT**

The recommended decision is not a 'Major Policy Decision' within the context of Council Policy 'Elections - Caretaker Policy'.

**VOTING REQUIREMENTS***Simple Majority***COUNCIL RESOLUTION:****(REPORT RECOMMENDATION)****Minute No. C/0925/007****Moved: Cr M Virgo****Seconded: Cr S Cooper****That Council:**

- 1. Grant development approval (Application No. 2025/41) for the Equine Assisted Learning Facility and construction of horse stables at No. 281, Lot 700 Kavite Road. The approval is subject to the following conditions:**
  - a. The development plans, as date marked and stamped 'Approved', together with any requirements and annotations detailed thereon by the Shire of Broome, are the plans approved as part of this application and shall form part of the development approval issued, except where amended by other conditions of this approval.**
  - b. This approval is granted for a period of two (2) years. If no further development approval relating to the development and/or land use approved at No. 281, Lot 700 Kavite Road are obtained, or the triggers under condition j. are reached, the subject site shall be rehabilitated to its predevelopment condition, to the satisfaction of the Shire of Broome, and at the developers costs.**
  - c. The stables proposed must be setback a minimum of 35m from the Horizontal Shoreline Datum and updated site plan must be supplied prior to the commencement of site works.**
  - d. At all times, no more than (8) eight horses are permitted on site and the land use and stocking of horses on site must not occur between 1 November and 31 March each year.**
  - e. At all times, the measures set out in the Environmental Management Plan prepared by Moorditj Industries and Technology and dated 2 September 2025 must be implemented by the owner at their cost to the satisfaction of the Shire of Broome.**
  - f. Prior to the 1 May of each year, the applicant must supply a report detailing the following information referenced in the Environmental Management Plan prepared by Moorditj Industries and Technology and dated 7 August 2025:**
    - i. Drone survey referenced in section 3.1.2.**
    - ii. Photo monitoring and documentation of the visual inspection of existing coastal environment immediately adjacent to the site and vegetation stability and identified gully formations on site.**
    - iii. Documentation confirming that management actions and monitoring measures identified in the Environmental Management Plan have been implemented.**
  - g. All services and operations, including the exercising of horses, must occur within the boundaries of No. 281, Lot 700 Kavite Road, any operations outside of the property boundaries on public spaces will require further consultation and approval from the Shire of Boome.**

- h. Prior to the occupation of the development a notification, pursuant to Section 70A of the Transfer of Land Act 1893, is to be placed on the Certificate of Title of the subject site. The notification is to state as follows:**
- VULNERABLE COASTAL AREA: this lot is located within an area likely to be subject to coastal erosion and/or inundation over the next 100 years.**
- i. Prior to the commencement of site works, the owner must prepare and enter into a written agreement with the Shire of Broome whereby the owner and any successors in title indemnify the Shire of Broome against any future claims if the proposed development is impacted by coastal processes.**
- j. All proposed buildings and structures shown on the approved plans must be removed at the cost of the developer if the following triggers are achieved:**
- i. Within 6 months of the expiry of the development approval unless a new development approval has been issued or an application to the Shire of Broome seeking to extend the timeframes of this approval has been lodged and approved.**
  - ii. When the most landward part of the Horizontal Shoreline Datum (HSD) is within 25 meters of the most seaward part of the stable structures.**
- k. The natural vegetation shall be retained within all setback areas and maintained throughout the life of the development, excluding and areas subject to the Asset Protection Zone identified in the Bushfire Management Plan or identified for development as shown on the approved plans.**
- l. Prior to the commencement of site works, an updated Environmental Management Plan must be supplied that amends point 2 of section 3.1.3 to be 20m not 30m.**

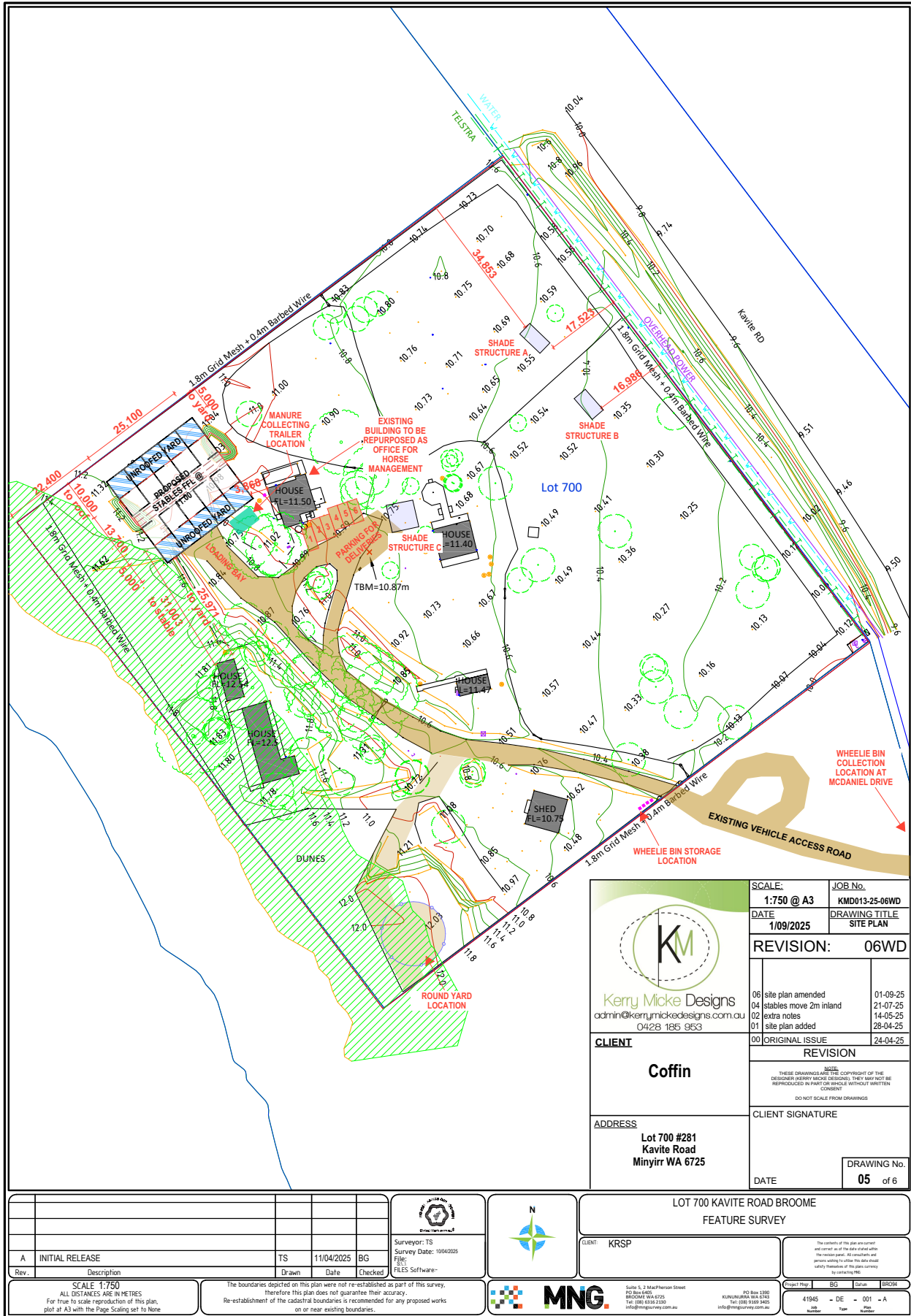
**Advice Note:**

- a. In relation to condition No 2, the following will be considered if an application to extend the term of approval is submitted:**
    - whether the management measures detailed in the Environmental Management Plan and the reporting required by condition no 5 and 6 demonstrates that the development does not have a negative impact on the immediately adjacent coastline or the adjacent conservation estate.**
  - b. The applicant is advised that the Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in State Planning Policy 2.6 – State Coastal Planning Policy.**
- 2. Advises the applicant that the conditions of approval must be complied with and in the event this is not satisfied request the Chief Executive Officer to commence formal legal action for breach of the Planning and Development Act 2005.**


**CARRIED UNANIMOUSLY 7/0**

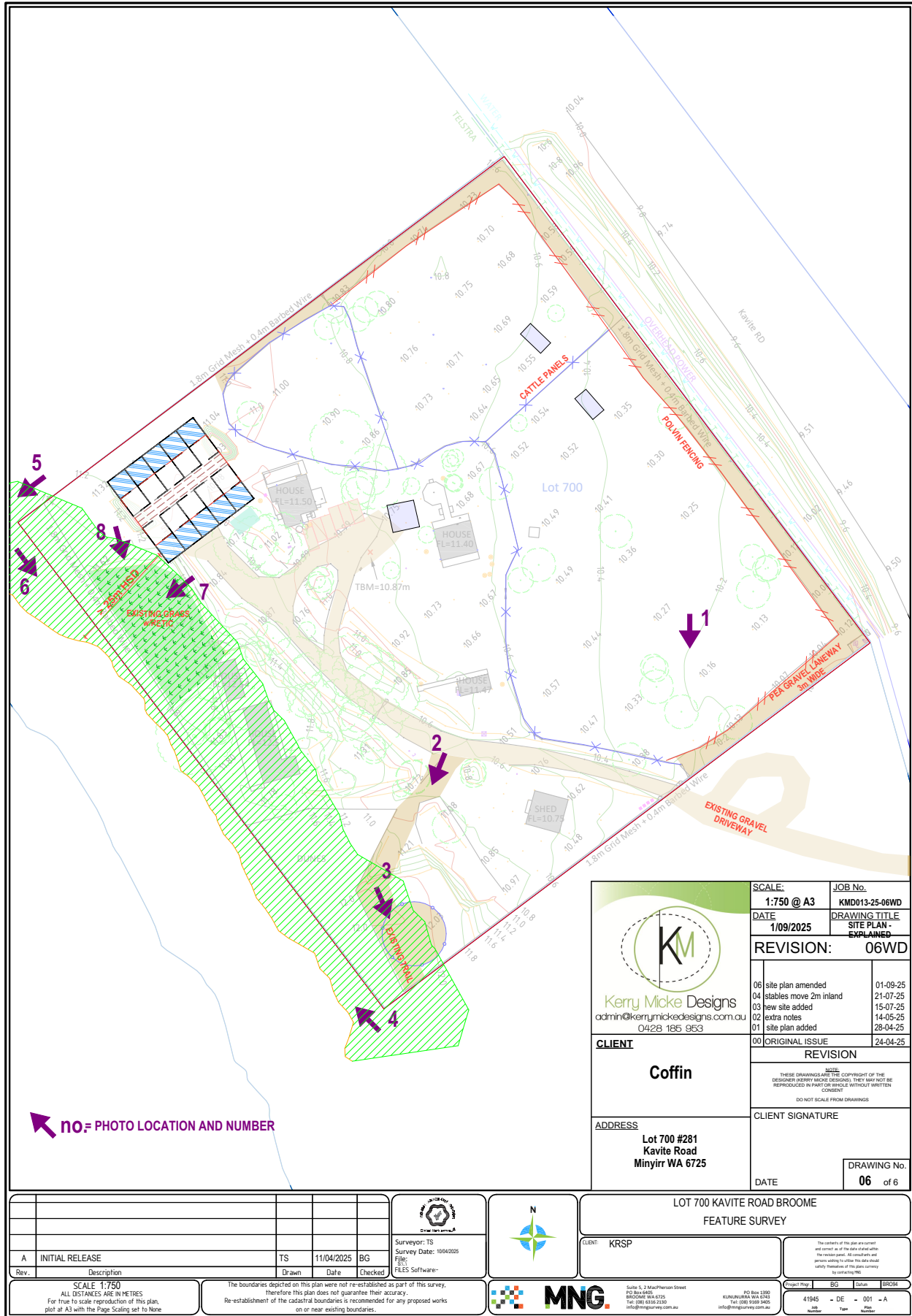
**Attachments**

1. Attachment 1 - Proposed Plans
2. Attachment 2 - Planning Assessment
3. Attachment 3 - Schedule of Submissions
4. Attachment 4 - Environmental Management Plan



 <p><b>Kerry Mcke Designs</b>          admin@kerrymckedesigns.com.au          0428 185 953</p>	SCALE: 1:750 @ A3	JOB No. KMD013-25-06WD
	DATE 1/09/2025	DRAWING TITLE SITE PLAN
	REVISION: 06WD	
	06 site plan amended 01-09-25	04 stables move 2m inland 21-07-25
02 extra notes 14-05-25	01 site plan added 28-04-25	
00 ORIGINAL ISSUE 24-04-25	REVISION	
CLIENT Coffin	NOTE: THESE DRAWINGS ARE THE COPYRIGHT OF THE DESIGNER (KERRY MCKE DESIGNS). THEY MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT WRITTEN CONSENT.	
ADDRESS Lot 700 #281 Kavite Road Minyirr WA 6725	DO NOT SCALE FROM DRAWINGS	
DATE	CLIENT SIGNATURE	DRAWING No. 05 of 6

<p>LOT 700 KAVITE ROAD BROOMIE FEATURE SURVEY</p>				<p>CLIENT KRSP</p>	<p>The contents of this plan are correct and correct as of the date indicated in the revision panel. All consultants and agencies working to this plan should satisfy themselves of the plan currency by contacting MDC.</p>
<p>Surveyor: TS          Survey Date: 10/04/2025          Files:          Files Software:</p>	<p>Drawn: BG          Date: 11/04/2025          Checked:</p>	<p>Scale: 1:750          ALL DISTANCES ARE IN METRES          For true to scale reproduction of this plan, plot at A3 with the Page Scaling set to None</p>			
<p>41945 - DE - 001 - A</p>		<p>Project Name: BG Date: 05/08/2025</p>		<p>Scale: 1:750</p>	



NO = PHOTO LOCATION AND NUMBER

 <b>Kerry Mcke Designs</b> admin@kerrymckedesigns.com.au 0428 185 953	SCALE: 1:750 @ A3	JOB No. KMD013-25-06WD
	DATE 1/09/2025	DRAWING TITLE SITE PLAN - EXPLAINED
	REVISION: 06WD	
	06 site plan amended	01-09-25
04 stables move 2m inland	21-07-25	
03 new site added	15-07-25	
02 extra notes	14-05-25	
01 site plan added	28-04-25	
00 ORIGINAL ISSUE	24-04-25	
CLIENT Coffin	REVISION	
ADDRESS Lot 700 #281 Kavite Road Minyip WA 6725	NOTE: THESE DRAWINGS ARE THE COPYRIGHT OF THE DESIGNER (KERRY MCKE DESIGNS). THEY MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT WRITTEN CONSENT. DO NOT SCALE FROM DRAWINGS.	
DATE	CLIENT SIGNATURE	DRAWING No. 06 of 6

Rev.	Description	Drawn	Date	Checked
A	INITIAL RELEASE	TS	11/04/2025	BG

SCALE 1:750  
ALL DISTANCES ARE IN METRES  
For true to scale reproduction of this plan, plot at A3 with the Page Scaling set to None.

The boundaries depicted on this plan were not re-established as part of this survey, therefore this plan does not guarantee their accuracy. Re-establishment of the cadastral boundaries is recommended for any proposed works on or near existing boundaries.

LOT 700 KAVITE ROAD BROOME  
FEATURE SURVEY

CLIENT KRSP

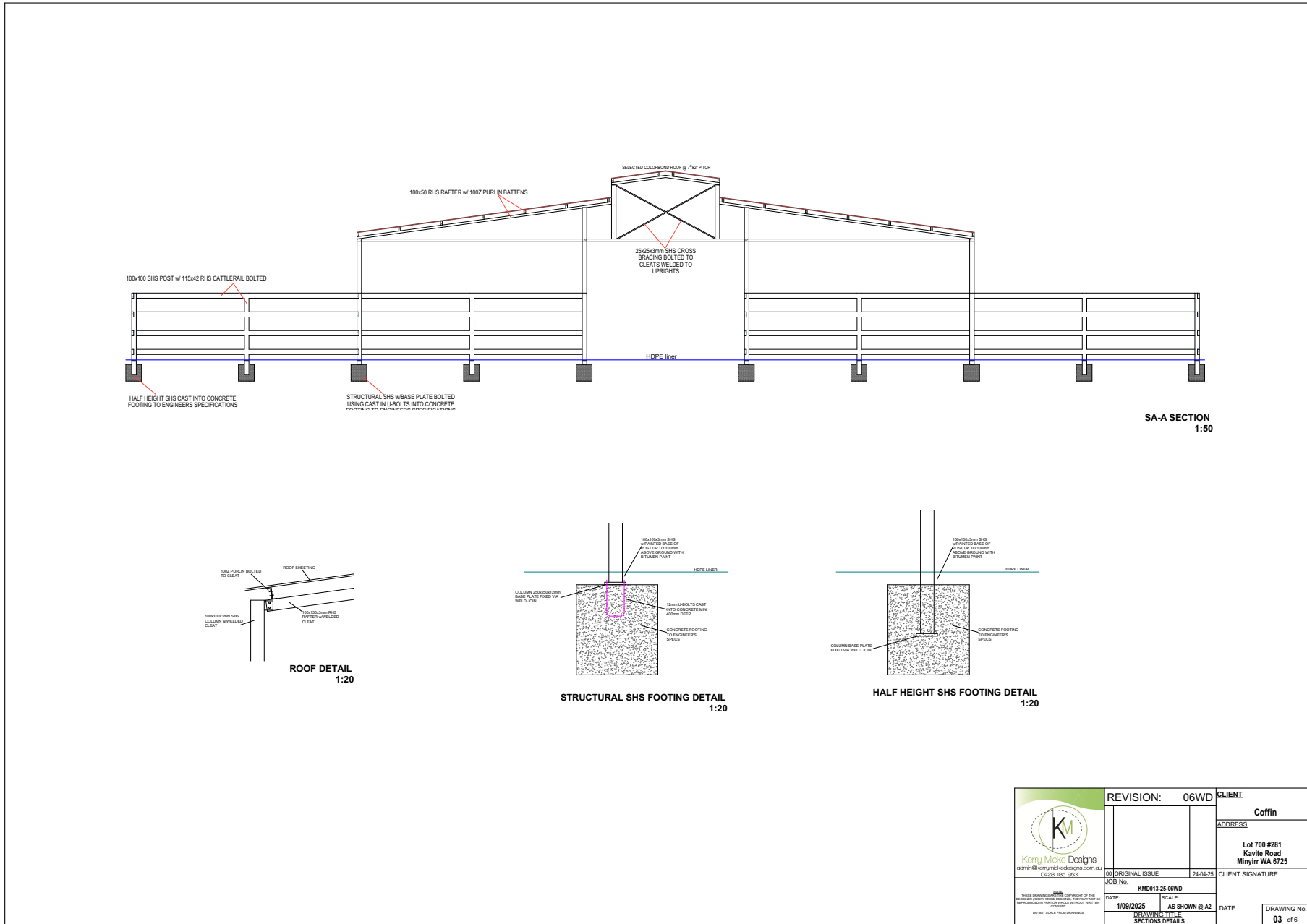
Surveyor: TS  
Survey Date: 10/04/2025  
File: FILES Software:


Scale: 1:750  
PG Box 6405  
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PG Box 5390  
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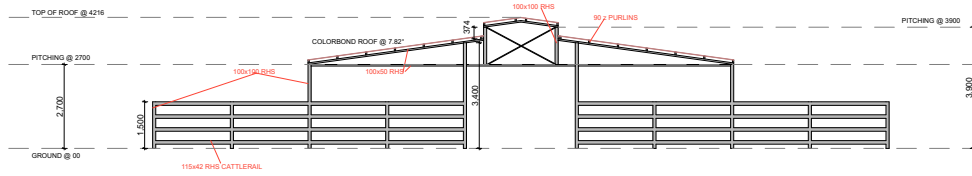
Project No: BG Date: 06/04/25

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JOB Title: PLAN

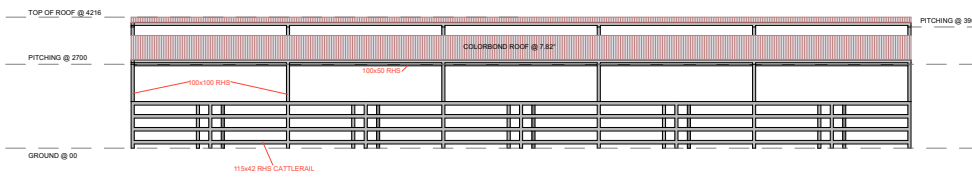


 <p>Kerry Mcke Designs admin@kerry.mckedesigns.com.au 0826 1987 5193</p> <p><small>THIS DRAWING AND ALL CONTENT OF THE DRAWING ARE THE PROPERTY OF THE ENGINEER AND SHALL REMAIN THE PROPERTY OF THE ENGINEER. IT IS TO BE USED ONLY FOR THE PROJECT AND NOT TO BE REPRODUCED IN ANY MANNER WITHOUT WRITTEN PERMISSION FROM THE ENGINEER.</small></p>	REVISION: 06WD	CLIENT
		Coffin
		ADDRESS
		Lot 700 #281 Kevine Road Murray WA 5725
	DATE: 1/09/2025	CLIENT SIGNATURE
	SCALE: AS SHOWN @ A2	
	DRAWING TITLE: SECTIONS DETAILS	DATE: 03 of 6

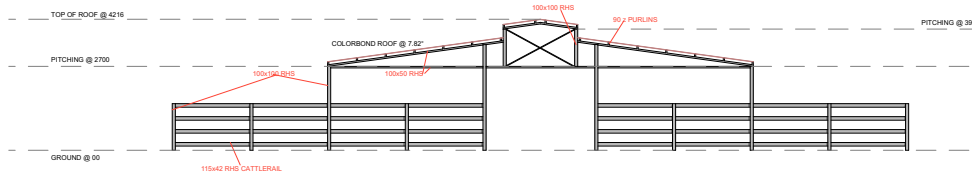
**Item 9.2.1 - DEVELOPMENT APPLICATION - EQUINE ASSISTED LEARNING FACILITY AND CONSTRUCTION OF HORSE STABLES**



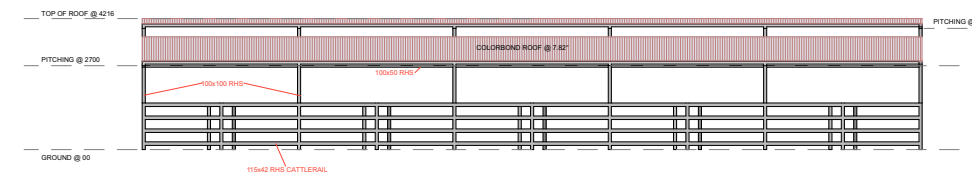
**ELEVATION 1**




**ELEVATION 2**

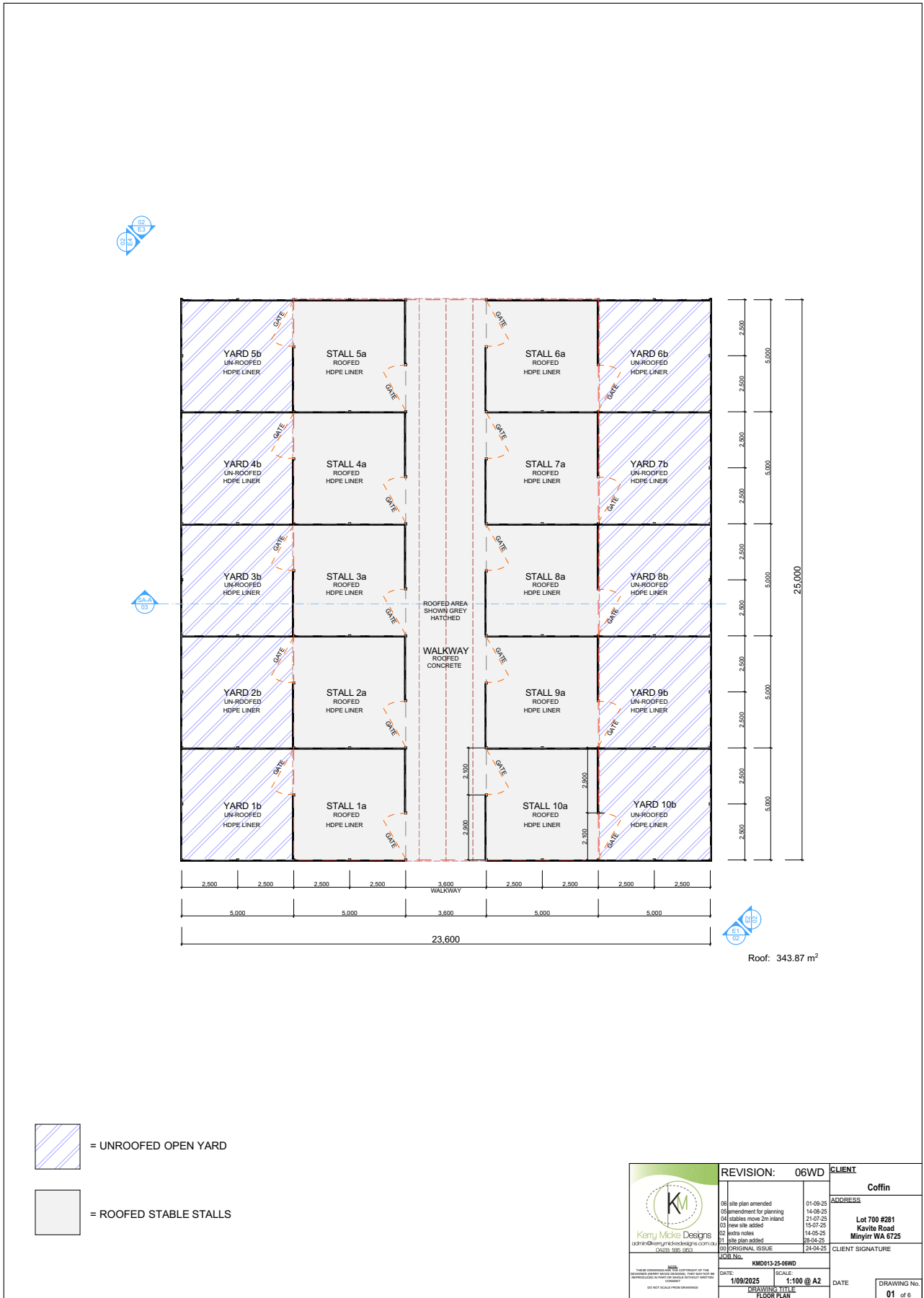


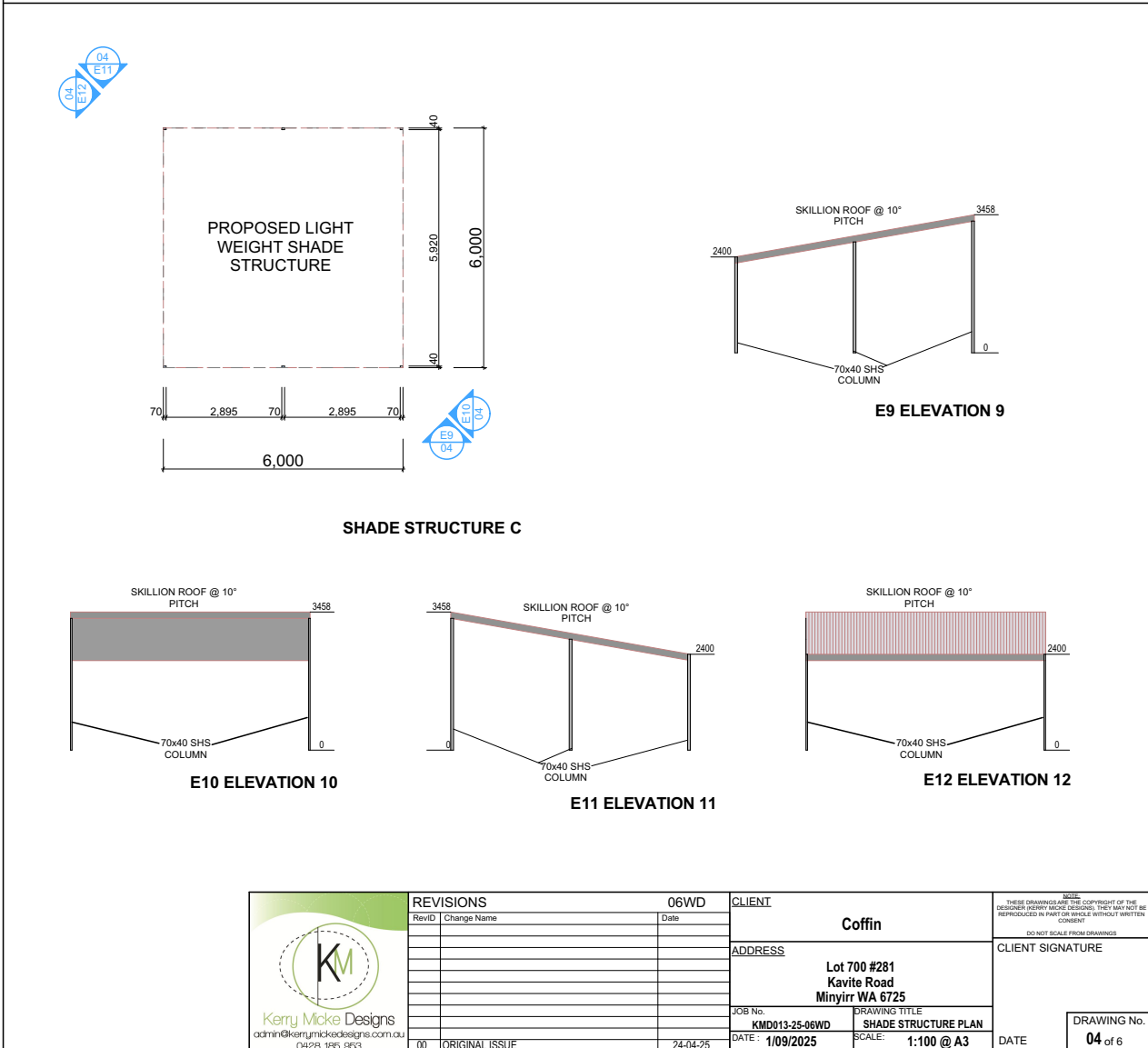
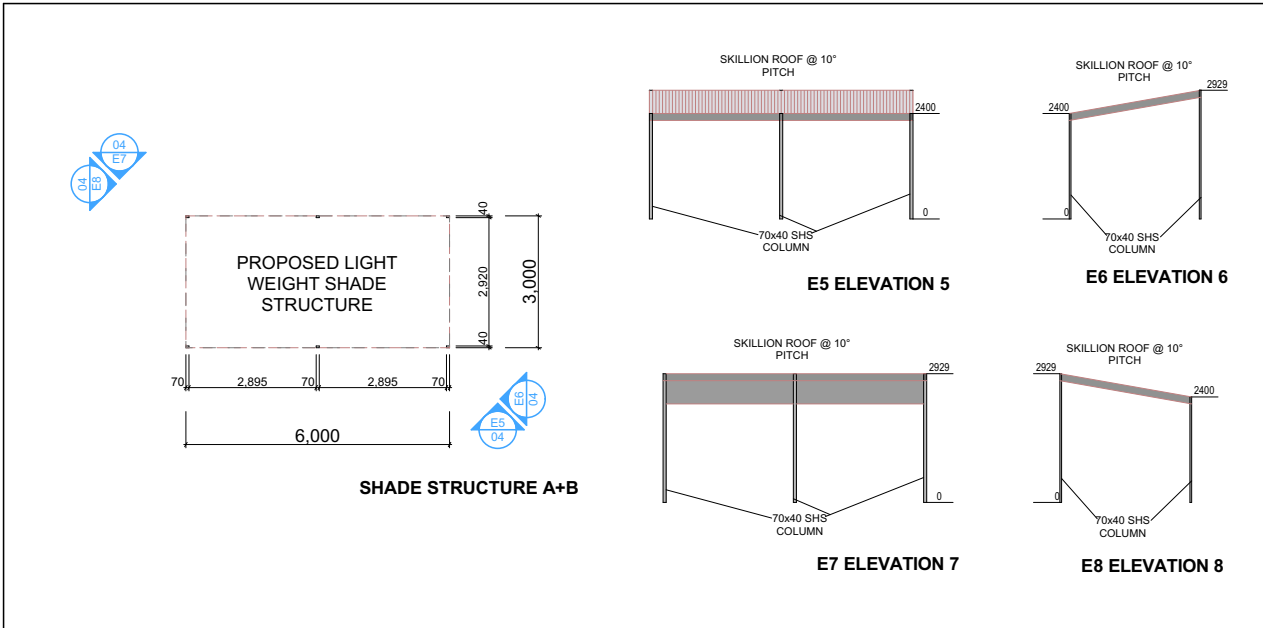
**ELEVATION 3**




**ELEVATION 4**

 <p><b>Kerry Mike Designs</b>  <small>admin@kerrymikedesigns.com.au          082591 1891 1891</small></p>	REVISION: 06WD	CLIENT
		Coffin
		ADDRESS
		Lot 700 #281 Kavite Road Minyip WA 6725
	00 ORIGINAL ISSUE	24-04-25
	DATE: 1/09/2025	SCALE: 1:100 @ A2
	DRAWING TITLE: ELEVATIONS	
		DRAWING No. 02 of 6





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	RevID	Change Name	Date	Coffin		CLIENT SIGNATURE
				ADDRESS	Lot 700 #281 Kavite Road Minyirr WA 6725	
				JOB No.		DRAWING TITLE SHADE STRUCTURE PLAN
				KMD013-25-06WD	DATE: 1/09/2025 SCALE: 1:100 @ A3	
				DATE		DRAWING No.
				00 ORIGINAL ISSUE	24-04-25	04 of 6

ATTACHMENT NO 2 - PLANNING ASSESSMENT

Consideration	Relevant Clause LPS7	Deemed Provisions - Sub-Clause	Officer Comment
<b>LAND USE</b>			
1	Scheme Aims	Part 1 – Clause 9	<p>The application aligns the following aims of the Scheme:</p> <p><i>(a) People –</i></p> <p><i>(i) Promote a safe, healthy and active community;</i></p> <p><i>(iii) Ensure an inclusive community that celebrates culture, equality, and diversity;</i></p> <p><i>(b) Place –</i></p> <p><i>(iii) Provide for well managed and appropriate community infrastructure;</i></p> <p><i>(iv) Promote practical and sustainable growth and development and land management practices;</i></p>
2	Orderly and Proper Planning & Future Planning Instrument		<p>67 2 (b)</p> <p><i>Clause 67 (b) - 'the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving'</i></p> <p>There is no scheme amendment or proposed planning instrument that is being considered that would impact this site.</p>
3	Zoning / Reserve Purpose & Objectives	Part 3 Clause 16	<p>The subject site is zoned 'Rural Residential' and Clause 16 establishes the following objectives:</p> <ul style="list-style-type: none"> <li>• <i>To provide for lot sizes in the range of 1ha to 4ha.</i></li> <li>• <i>To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.</i></li> <li>• <i>To set aside areas for the retention of vegetation and landform or other features which distinguish the land.</i></li> </ul> <p>The proposed land use involves rural and ancillary pursuits (stocking of animals (horses) for use in assisted learning program for youth on a small scale basis). This is consistent with a typical land use activity on a Rural Residential zoned property. Noting that the land is surrounded by Conservation Estate and positioned in close proximity to coastal areas, the applicant has prepared an Environmental Management Plan demonstrated that the land use should not impact on the conservation and landscape attributes of the land.</p> <p>The applicant has undertaken clearing of vegetation on site without consent of DWER. Conditions of approval have been recommended to address this.</p> <p>The recommendation will be approval subject to a two year period as the land use will provide for rural pursuit onsite and the activities will be consistent with the amenity of the locality. The Environmental Management Plan has outlined a number of actions that will assist in conserving the landscape and attributes of the land.</p>

ATTACHMENT NO 2 - PLANNING ASSESSMENT

Consideration	Relevant Clause LPS7	Deemed Provisions - Sub-Clause	Officer Comment												
3 Structure Plans / LDPs / Special Control Areas	Schedule 8		<p>The lot is located within Special Control Area 9 (SCA9)- Coastal hazard risk area. SCHEDULE 8 – Special control areas in Scheme area outlines the purpose of SCA9 To provide guidance for land use and development within areas subject to coastal erosion and inundation.</p> <p>SCA9 required that development applications have due regard to:</p> <ul style="list-style-type: none"> <li>• The Broome Townsite Coastal Hazard Risk Management and Adaption Plan;</li> <li>• State Planning Policy 2.6 – State Coastal Planning Policy; and</li> <li>• Relevant local planning policies.</li> </ul> <p>In relation to the CHRMAP implications, detailed comments have been provided by the Department of Planning Lands and Heritage which is discussed in the officers comments section of the report.</p> <p><u>State Planning Policy 2.6 – State Coastal Planning Policy</u></p> <p>The State Planning Policy 2.6 identifies general measures that should be complied with, as outlined in table below:</p> <table border="1" data-bbox="824 863 1899 1294"> <thead> <tr> <th data-bbox="824 863 943 916">Measure No.</th> <th data-bbox="943 863 1451 916">Clause</th> <th data-bbox="1451 863 1899 916">Comment</th> </tr> </thead> <tbody> <tr> <td data-bbox="824 916 943 1054">5.2 (iv)</td> <td data-bbox="943 916 1451 1054">Ensure that use of the coast, including the marine environment, for recreation, conservation, tourism, commerce, industry, housing, ocean access and other appropriate activities, is sustainable and located in suitable areas.</td> <td data-bbox="1451 916 1899 1054">Considered in DPLH comments and response outlined in the report.</td> </tr> <tr> <td data-bbox="824 1054 943 1161">5.2 (ii)</td> <td data-bbox="943 1054 1451 1161">Ensure that when selecting a development location, regard is given to infrastructure capacity and where possible, existing infrastructure be upgraded and improved.</td> <td data-bbox="1451 1054 1899 1161">Existing infrastructure does not require to be upgraded or improved.</td> </tr> <tr> <td data-bbox="824 1161 943 1294">5.2 (iv)</td> <td data-bbox="943 1161 1451 1294">Ensure that use of the coast, including the marine environment, for recreation, conservation, tourism, commerce, industry, housing, ocean access and other appropriate activities, is sustainable and located in suitable areas.</td> <td data-bbox="1451 1161 1899 1294">The proposed development is setback 25m from the boundary line.</td> </tr> </tbody> </table>	Measure No.	Clause	Comment	5.2 (iv)	Ensure that use of the coast, including the marine environment, for recreation, conservation, tourism, commerce, industry, housing, ocean access and other appropriate activities, is sustainable and located in suitable areas.	Considered in DPLH comments and response outlined in the report.	5.2 (ii)	Ensure that when selecting a development location, regard is given to infrastructure capacity and where possible, existing infrastructure be upgraded and improved.	Existing infrastructure does not require to be upgraded or improved.	5.2 (iv)	Ensure that use of the coast, including the marine environment, for recreation, conservation, tourism, commerce, industry, housing, ocean access and other appropriate activities, is sustainable and located in suitable areas.	The proposed development is setback 25m from the boundary line.
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ATTACHMENT NO 2 - PLANNING ASSESSMENT

Consideration		Relevant Clause LPS7	Deemed Provisions - Sub-Clause	Officer Comment		
				5.2 (v)	Ensure that land use and development, including roads, adjacent to the coast is sited and designed to complement and enhance the coastal environment in terms of its visual, amenity, social and ecological values.	The physical development proposed in this application is the stables structure. The stable proposes an overall height of 3.9m and is an open roofed structure. The structure is comparable with the existing structures on site.
				5.3 (ii)	Development on or near the coast should maintain or restore pre-existing or desirable environmental flows and hydrological cycles within foreshore reserves. Development on or near the coast should not discharge any waste or stormwater that could significantly degrade the coastal environment, including the coastal foreshore reserve, coastal waters and marine ecosystems.	The stormwater and drainage management is outlined part 3.2.1 of the Environmental Management Plan ( <b>Attachment 3</b> ), proposing the following management actions: <ul style="list-style-type: none"> <li>• Maintain existing vegetation cover wherever possible to reduce surface runoff and promote infiltration.</li> <li>• Design all built infrastructure, including the stables, with integrated stormwater controls(e.g., roof water dispersal via splash pads, or infiltration basins rather than point discharges).</li> <li>• Avoid creating compacted surfaces or paths that could concentrate runoff and lead to erosion.</li> <li>• Locate all infrastructure away from direct flow paths toward the cliff edge.</li> <li>• Ensure any necessary earthworks are graded to direct runoff to vegetated infiltration areas.</li> <li>• Stabilise bare ground using organic mulches or geotextile where vegetation is not yet reestablished.</li> <li>• No stormwater shall be discharged within the 25m coastal setback area.</li> </ul>
				5.4 (ii)	Maximum height limits should be specified as part of controls outlined in a local planning scheme and/or structure plan, in order to achieve outcomes which	The proposed development meets the building height requirement of LPS 7. The scheme outlines a maximum building height of 10m and overall

ATTACHMENT NO 2 - PLANNING ASSESSMENT

Consideration	Relevant Clause LPS7	Deemed Provisions - Sub-Clause	Officer Comment																			
			<p>respond to the desired character, built form and amenity of the locality.</p>	<p>roof height of 14m, the development proposes a wall height of 2.7m and overall height of 3.9m.</p>																		
<p>Local Planning Policy 5.23 - COASTAL PLANNING POLICY</p>																						
<p>LPP 5.23 identifies additional Design Requirements these are outlined below in table 4.</p>																						
<table border="1"> <thead> <tr> <th data-bbox="824 566 927 619">Clause No.</th> <th data-bbox="927 566 1442 619">Clause</th> <th data-bbox="1442 566 1899 619">Comment</th> </tr> </thead> <tbody> <tr> <td data-bbox="824 619 927 783">1.6</td> <td data-bbox="927 619 1442 783">Additional design requirements may be required depending on the difference between the storm surge inundation level and the recommended FFL for all habitable rooms or net lettable areas for commercial / retail / community buildings.</td> <td data-bbox="1442 619 1899 783">No habitable structures proposed.</td> </tr> <tr> <td data-bbox="824 783 927 919">1.7</td> <td data-bbox="927 783 1442 919">Design responses are not to have a detrimental impact on the amenity of adjoining properties or the amenity of the locality generally. This includes adversely impacting storm surge inundation levels on adjoining properties.</td> <td data-bbox="1442 783 1899 919">The proposed horse stable structure will not have a detrimental impact on adjoining properties.</td> </tr> <tr> <td data-bbox="824 919 927 1110">1.8</td> <td data-bbox="927 919 1442 1110">The minimum FFL for all habitable rooms or net lettable areas for commercial / retail / community buildings is to be achieved through either fill/ retaining (to a maximum of 0.5m above natural ground level) or building design (i.e. elevated 'Queenslander' style stilt housing).</td> <td data-bbox="1442 919 1899 1110">The horse stable is an open style structure and is not a habitable structure.</td> </tr> <tr> <td data-bbox="824 1110 927 1214">1.9</td> <td data-bbox="927 1110 1442 1214">Filling of the site between 500mm and 1 metre above natural ground level is to be considered where it can be demonstrated that it addresses the requirements of clause 1.7.</td> <td data-bbox="1442 1110 1899 1214">No fill proposed.</td> </tr> <tr> <td data-bbox="824 1214 927 1270">1.10</td> <td data-bbox="927 1214 1442 1270">Mechanical and electrical infrastructure (e.g. pump stations, emergency generators) are to be elevated</td> <td data-bbox="1442 1214 1899 1270">N/A – none proposed.</td> </tr> </tbody> </table>					Clause No.	Clause	Comment	1.6	Additional design requirements may be required depending on the difference between the storm surge inundation level and the recommended FFL for all habitable rooms or net lettable areas for commercial / retail / community buildings.	No habitable structures proposed.	1.7	Design responses are not to have a detrimental impact on the amenity of adjoining properties or the amenity of the locality generally. This includes adversely impacting storm surge inundation levels on adjoining properties.	The proposed horse stable structure will not have a detrimental impact on adjoining properties.	1.8	The minimum FFL for all habitable rooms or net lettable areas for commercial / retail / community buildings is to be achieved through either fill/ retaining (to a maximum of 0.5m above natural ground level) or building design (i.e. elevated 'Queenslander' style stilt housing).	The horse stable is an open style structure and is not a habitable structure.	1.9	Filling of the site between 500mm and 1 metre above natural ground level is to be considered where it can be demonstrated that it addresses the requirements of clause 1.7.	No fill proposed.	1.10	Mechanical and electrical infrastructure (e.g. pump stations, emergency generators) are to be elevated	N/A – none proposed.
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ATTACHMENT NO 2 - PLANNING ASSESSMENT

Consideration		Relevant Clause LPS7	Deemed Provisions - Sub-Clause	Officer Comment	
					above the required FFL and / or protected from the impact of storm surge inundation.
			1.11	Buildings are to be designed to withstand structural loads associated with a storm surge inundation.	This area is not identified as a storm surge and will not be required for this development.
			1.12	Foundations and footings are to be certified by a coastal engineer as adequate to withstand potential erosive action during coastal inundation.	Applicant has acknowledged that the structures will be required to be removed at the triggers recommended by DPLH and as such, foundation and footings would be removed prior to the sites being impacted by coastal erosion.
			1.13	Lower levels of buildings prone to storm surge inundation are to be permeable to allow water to flow through. This would not apply if the design response includes fill to the extent that the FFL of the building is located above the identified level of inundation.	The stables are an open structure and water will be able to flow through.
4	Permissibility	17 - Zoning Table		The development proposed on site is an 'Animal Establishment' and 'Education Establishment' land use which are an 'A' use meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.	
<b>DEVELOPMENT</b>					
6	Site and Development Requirements	Schedule 4, cl 18		<p>Clause 18 prescribes the following site and development requirements for the Rural Residential zone:</p> <ol style="list-style-type: none"> <li>1. The maximum aggregate floor area of outbuilding(s) on a lot should not exceed 200m<sup>2</sup> and an outbuilding shall not exceed a wall height of 4.5 metres and a building height of 6 metres.</li> <li>2. An increase in the floor area or wall height and building height may be approved at the local government's discretion. When considering such an application, the local government shall have regard for; the approved land use on site and the demand for the outbuilding, and the use of the proposed outbuilding/s and any existing outbuildings, and the impact of increased floor area and an increase in the number of outbuildings on the amenity of the site and locality, and the objective and policies of the Rural Residential zone.</li> <li>3. Existing natural vegetation shall be retained within all setback areas.</li> <li>4. Natural vegetation may only be removed where clearing is required to provide for approved development or land use, firebreak or drainage requirements or where vegetation is dead, dangerous or diseased. All other removal of natural vegetation requires local government approval.</li> <li>5. Reticulated water supply is required to be connected for subdivision within the Broome Townsite Rural Residential Zone area.</li> </ol>	

ATTACHMENT NO 2 - PLANNING ASSESSMENT

Consideration	Relevant Clause LPS7	Deemed Provisions - Sub-Clause	Officer Comment
			Comment: The development satisfies the site and development requirements.
<b>Schedule 4 – Additional site and development requirements that apply to the scheme area</b>			
	Scheme Requirement		Comment
<b>Site Coverage (%)</b>	10%		Complies.
<b>Plot Ratio</b>	N/A		N/A
<b>Front Setback</b>	20m		Complies
<b>Secondary Street Setback</b>	10m		Complies
<b>Rear Setback</b>	10m		Complies
<b>Side Setback</b>	10m		Complies
<b>Building Height</b>	10m wall height 14m building height		Complies Complies
<b>Service Areas</b>	All commercial, tourist and industrial developments are to make provision onsite for storage areas, bin areas and general service areas for loading and unloading of goods and these areas must be screened from view of any street. The service area and associated service vehicle movement should not conflict with on-site parking and manoeuvring of staff and patron vehicles.		A bin storage area has been displayed on the plans as well as manure collecting trailer location.
<b>Noise Control</b>	Land uses which have the potential to generate significant noise level due to machinery, amplified music or announcements or any other ambient noise may be subject of condition which require an acoustic report to be prepared by the applicant and any noise attenuation controls recommended by the report to be implemented.		The development is not anticipated to generate significant noise level that will require an acoustic report.
<b>Access</b>	Where development is proposed that requires access to roads under the control of local government the local government may control the location, number, size and construction standards of local roads. Controlled access will apply to arterial roads shown on the Scheme Maps.		The site is accessed by Kavite Road, This access is existing and traffic generated by this development is not excessive to the extent an upgrade would be required.
<b>Parking</b>	Schedule 5 of LPS7 outlines the following parking requirement for rural pursuit: <ul style="list-style-type: none"> <li>• 1 bay per employee.</li> <li>• Plus 2 additional customer bays where the sale of produce grown solely on the lot is proposed.</li> </ul>		Complies – 6 bays provided.
<b>Landscaping</b>	When considering an application, the local government is to determine whether any tree has landscape significance and should be retained. A landscaping plan which details the retention of existing tree/s and proposed landscaping on site and within the abutting road reserve may be required as a condition of planning approval for developments.		The lot was cleared previously without approval from DWER or the Shire of Broome. A condition of approval will be included stating that the vegetation on site will be reinstated and maintained by the applicant.
<b>Compatibility</b>			

ATTACHMENT NO 2 - PLANNING ASSESSMENT

Consideration		Relevant Clause LPS7	Deemed Provisions - Sub-Clause	Officer Comment
7	Compatibility, Amenity and Relationship with Adjoining Land		Cl.67 (m), (n)	The lot is located adjacent to a conservation estate. An EMP has been prepared to support the application which proposed a number of management controls and monitoring measures to address the developments relationship with adjoining land.
8	Heritage	Part 7	Cl.67 (k)	<p>The site is listed on the Shire of Broome Municipal Inventory of Heritage Places 2019. The site is graded Level C – A place of some cultural The statement of significance states:</p> <ul style="list-style-type: none"> <li>• The site has historic value for its association with the Sisters of St John of God who operated an orphanage in Broome from the early 1940s to 1962.</li> <li>• The site has social value for the members of the community who attended the place as a holiday cottage in the 1950s and 1960s, predominantly the girls who attended the Holy Child Orphanage and Sisters of the St John of God.</li> </ul> <p>Note Category C places on the Municipal Inventory do not form part of the Heritage List, as such it does not have any statutory assessment implications.</p> <p>The existing buildings on the site have no cultural heritage significance.</p>
9	Cultural Significance		Cl.67 (l)	The subject site does fall within the polygon for the registered site 'Ngakalyalya'. Standard advice notes in this regard regarding the need to ensure compliance with the <i>Aboriginal Heritage Act 1972</i> will be included in development approval.
10	Social Issues and Community Services		Cl.67 (v), (x)	The subject development is not considered likely to cause adverse social issues and, as detailed in the application, is likely to enhance access to some community services for members of the local community.
11	Natural Environment & Drainage		Cl.67 (o)	The lot was cleared previously without approval from DWER or the Shire of Broome. A condition of approval will be included stating that the vegetation on site will be reinstated and maintained by the applicant.
	Natural Hazards		Cl.67 (q)	The lot is located within Special Control Area 9 - Coastal hazard risk area, refer to comments above.

ATTACHMENT NO 2 - PLANNING ASSESSMENT

Consideration		Relevant Clause LPS7	Deemed Provisions - Sub-Clause	Officer Comment
1				
2				
1	Access and Traffic		Cl.67 (s)	The proposed development will not alter the existing access to the property from Kavite Road. While the development is expected to generate a modest increase in local traffic, the anticipated volume is not sufficient to require a Traffic Impact Assessment.
3				
1	Public Utilities		Cl.67 (u)	The site has existing access to public utilities to support this development, including water, electricity etc.
4				
<b>Consultation/Submissions</b>				
1	Submissions &	9.4	Cl.67 (y) (zb)	The application is a 'A' land use. In accordance with LPP 5.14 – Public Consultation – Planning Matters, the application was advertised and a total of 14 submissions reviewed, these submission can be seen in the Schedule of Submissions.
5	Anything Else			

**SCHEDULE OF PUBLIC SUBMISSIONS**  
DA2025/41 – Equine Learning Facility

#	Name/ Organisation	Submission Summary of Submission	Applicant Response	Officer Comment	Recommendations
1.	Anonymous	<p>The submission raises multiple concerns about allowing horses in a conservation park. Key issues include:</p> <ul style="list-style-type: none"> <li>• <b>Environmental Impact:</b> Horses, with their hard hooves, can damage tracks and land, particularly in sensitive conservation areas. Manure on trails, unlike that in stables, has not been addressed, and horse droppings can introduce invasive weed species.</li> <li>• <b>Cliff Erosion Risk:</b> A fence near Reddell Beach is too close to an eroding cliff edge, posing a safety risk.</li> <li>• <b>Public Safety:</b> Horses have already been seen on Reddell Beach, causing track damage. The narrow trail is heavily used by families, off-leash dogs, and wedding parties, making it unsafe to mix with horses.</li> <li>• <b>Animal Behaviour Risks:</b> Many local dogs are unfamiliar with horses and may react unpredictably, increasing the risk of accidents involving horses, riders, children, and other beachgoers.</li> </ul> <p>Overall, the submission strongly opposes the application due to environmental and safety concerns.</p>	<p>Refer to comments provided in DPIRD response, below (#2)</p> <p>Any risk of cliff erosion will be minimal as the site slopes gently from a high point on the western boundary (adjacent the cliff) down to the eastern boundary adjacent Kavite Road.</p> <p>Horse riding outside of the subject site is not proposed as part of this application. All activities and development proposed are located within the boundaries of the subject site. Any future horse activities occurring outside of the subject site may be subject to a permit being granted by the Shire of Broome and enforced by the local ranger.</p>	<p>The applicant has clarified that all activities undertaken with the facility will occur on site. While reports/complaints were originally received in relation to horses on Redell Beach and the Conservation Estate, no recent reports of this activity has been received. If exercise of horses is proposed in public places, required approvals from the Shire will be obtained.</p> <p>The development includes a fence located within the property boundaries that prevents all access—both human and equine—to the cliff face. The fence has been deliberately set back within the lot boundaries to ensure it is not positioned near the edge of the cliff (refer to the attached plans).</p>	<p>Following conditions of approval recommended:</p> <p>All services and operations must occur within the property boundaries for Lot 700 Kavite Road, any operations outside of the property boundaries will require further consultation and approval from the Shire of Boome.</p> <p>At all times, the measures set out in the Environmental Management Plan prepared by Moorditj Industries and Technology and dated 2nd September 2025 must be implemented by the owner at their</p>

**SCHEDULE OF PUBLIC SUBMISSIONS**  
DA2025/41 – Equine Learning Facility

					cost to the satisfaction of the Shire of Broome.
2.	DPIRD	<p>DPIRD objects to the proposal as the property is unsuitable for horses. DPIRD offers the following comments.</p> <p>Livestock stocking rates are standardised using Dry Sheep Equivalents (DSE), where a 50 kg wether is the accepted standard. In the context of rural small holdings, stocking rates refer to the numbers of livestock that can be consistently kept on an area of pasture all year round with minor additional feed and without causing environmental degradation such as wind or water erosion, tree decline, or increasing nutrients in waterways or groundwater.</p> <p>A light horse is 10 DSE. Therefore, the proposed stocking rate of eight horses is 80 DSE.</p> <p>The mapped soil landscape unit for the property is the Yeeda system (335Ye), which is a deep red Pindan sand. These rapidly drained calcareous sands best fit the SR2 unit code, which has a maximum sustainable dry stocking rate of 2 DSE/ha.</p> <p>Only areas of open pasture can be counted when assessing the area available for livestock. Areas covered by infrastructure (e.g. houses, sheds, tracks, roads, debris etc) and native vegetation cannot be included in the available area.</p>	<p>Comment noted.</p> <p>Live stocking rates are based on pasture fed livestock year-round. Given the lack of pastures and that feed will be imported to the site, stocking rates are not applicable.</p>	<p>In response to DPIRD's comments, the applicant clarified the following:</p> <ul style="list-style-type: none"> <li>- The proposed development is not a traditional livestock or grazing operation. It is also not a commercial horse enterprise, agistment service or rural grazing facility.</li> <li>- All horses are owned and managed by the program, and the facility is not accessible to the general public for recreational or private equine use.</li> <li>- The stocking rate metrics based on grazing capacity should be considered inapplicable in this context. The limited number of</li> </ul>	<p>Following conditions of approval recommended:</p> <p>Approval granted for a two year term.</p> <p>EMP must be implemented.</p> <p>Report supplied each year detailed measures in the EMP have been implemented.</p> <p>At all times a maximum of horses on site to 8 and stocking of horses on site must not occur between 1 November and 31 March each year.</p>

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		<p>Bare areas of ground are by default zero DSE/ha and cannot be stocked or included in the calculation of available area.</p> <p>The total property area is 2.02 ha. Native vegetation covers most of the property along with some infrastructure and tracks. There is no open pasture area.</p> <p>0 ha multiplied by 2 DSE/ha equals a maximum sustainable stocking rate of zero DSE.</p> <p>It is noted that the proponent intends that “all horses will be kept in purpose-built stables full-time”. This is inconsistent with the range of proposed horse activities including riding in the local area.</p> <p>The property is a coastal property, and the sandy soils are fragile and prone to erosion.</p> <p>Stables must be covered and have an impermeable base. They must also be capable of controlling waste nutrients, including both manure and urine. The proposed permeable sand base for the stables will lead to leaching of nutrients. An impermeable base is required to prevent such leaching.</p> <p>It is acknowledged that the proponents intend to collect manure daily and transport it offsite weekly.</p> <p>The construction of the stables is likely to lead to some clearing of native vegetation.</p> <p>Any clearing requires a relevant permit from DWER. Damage to vegetation caused by livestock is considered to be clearing. This includes direct damage and damage caused by compaction of the</p>	<p>Horse movements will be controlled onsite, with animals bridled to / from the exercise ring and when ridden by customers. For the majority of the time horses will be kept in the stable facilities to minimise potential environmental impacts. The base of the stables and unroofed yards will be lined with a HDPE liner to prevent leaching of nutrients.</p> <p>Comment noted.</p> <p>Stables are proposed in an area cleared of native vegetation. Any clearing requiring a permit from DWER will be obtained via a separate application (if required).</p> <p>Fencing to native vegetation is not proposed given the controlled movement of animals onsite. An EMP has been prepared to manage environmental impacts associated with the proposed</p>	<p>horses, which are kept in managed enclosures and supported entirely with brought-in feed, with no access to natural grazing areas.</p> <ul style="list-style-type: none"> <li>- The stable design has been adjusted so the roofed stabled areas will have an impermeable base and the EMP has established management practices to be implemented on site to address manure management and leaching concerns raised.</li> </ul> <p>The clarifications supplied by the applicant are noted and officer’s acknowledge that the site is not suitable to a traditional livestock or commercial equine operation. The EMP prepared provides management measures to address potential environmental impacts. The EMP includes mitigation and monitoring measures for the following environmental factors:</p>	
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**SCHEDULE OF PUBLIC SUBMISSIONS**  
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		<p>surrounding soil which affects the roots of the trees.</p> <p>Native vegetation must be fenced off to protect the vegetation from the livestock. DPIRD does not support clearing of native vegetation on small rural holdings.</p> <p>There must be a minimum of 50% groundcover maintained evenly across the property at all times of the year to prevent land degradation through soil erosion, with a target of at least 70% groundcover.</p> <p>Western Australia has a mandatory livestock ownership, identification, and movement system, known as the National Livestock Identification Scheme (NLIS).</p> <p>This requires owners of animals, including horses, to register even if these animals are kept as pets. DPIRD's Brands Office then allocates a property identification code (PIC) to owners, to indicate who owns the animals and where they are kept.</p> <p>This is important for managing any outbreaks of emergency animal diseases such as foot and mouth disease.</p> <p><b>The applicant supplied additional information in relation to DPRID's comments above. DPIRD reviewed the information and provided the following updated comments:</b></p> <p>DPIRD's comments are as follows:</p>	<p>activities, with annual compliance reporting supported.</p> <p>Noted and able to comply.</p>	<ul style="list-style-type: none"> <li>- Coastal stability and erosion risk;</li> <li>- Stormwater and drainage management;</li> <li>- Vegetation and flora management;</li> <li>- Bushfire Risk Management;</li> <li>- Waste Management;</li> <li>- Fauna Management;</li> <li>- Nutrients and Stable Floor Management;</li> <li>- Stocking rate and grazing pressure management.</li> </ul> <p>In acknowledgement of the concerns raised on the sites suitability for land use, it is proposed that development approval is issued for a two year term. A termed approval is will enable monitoring of the operations and a review of whether the land use is appropriate for the site. It is also proposed that conditions of approval are implemented to address the monitoring and reporting measures set out in the</p>	
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## 9.3 PROSPERITY

**Cr Virgo has declared a financial interest in Item 9.3.1 being “the licensee are a financial member of the Broome Visitor Centre of which I am the general manager”. Cr Virgo will leave the chambers while the item is being deliberated.**

**Cr M Virgo left the Chambers at 5:12 pm.**

### 9.3.1 RENEWAL OF TRADING IN PUBLIC PLACES LICENCES - CAMELS

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Red Sun Camels; Broome Camel Safaris
<b>FILE:</b>	HEA001
<b>AUTHOR:</b>	Coordinator Environmental Health and Event Approval
<b>CONTRIBUTOR/S:</b>	Manager Health, Emergency & Rangers
<b>RESPONSIBLE OFFICER:</b>	Director Development and Community
<b>DISCLOSURE OF INTEREST:</b>	Nil

#### SUMMARY:

The trading licences for both the Red Sun Camels and Broome Camel Safaris are due to expire on 30 September 2025. Both operators have applied for renewals to be granted for their respective licences.

#### BACKGROUND

##### Previous Considerations

OMC 27 October 2015  
 OMC 27 October 2016  
 OMC 15 December 2016

All trading licences are issued under the Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003 (the Trading Local Law) and the Trading in Public Places Policy (the Policy). The Shire of Broome Property and Public Places Local Law 2016 (the Public Places Local Law) also lists specific conditions relating to camel operator activities.

The Policy stipulates that a maximum of 3 trading licences will be granted for commercial camel activities on Cable Beach. The Policy also states that trading licences for commercial camel activities on Cable Beach will be approved for a period of ten years. When the previous licences were approved at the OMC held on 27 October 2016, there was a ‘Commercial Camel Activities on Cable Beach’ Policy that stipulated an expressions of interest process and an application assessment criteria designed to find the most suitable operators. This policy, along with two other trading related policies, were subsequently rescinded and replaced with one single policy at the OMC held on 15 December 2016. This new trading policy no longer required that an expressions of interest process takes place or that any specific assessment criteria be followed. It also changed the wording from ‘camel licences will be approved for a maximum of ten years’ to ‘camel licences will be approved for ten years’. The Trading Policy has since been amended and approved by Council, however none of the further changes pertained to camel licence conditions.

#### COMMENT

Camel tours in Broome operate north of the rocks in an area specified by the Public Places Local Law. Camel tours are considered to be a long standing and well established iconic tourism activity that are of significant importance to the tourism industry in Broome. Both camel operators hold trading licences with identical conditions and are approved to operate all days of the year. The licences state that they may offer and sell camel rides, the taking and sale of photographs, water and camel memorabilia. The Shire has received a minimal number of complaints from the public relating to camel tours operating on Cable Beach since the licences were last approved. However, safety issues have been raised by the camel operators in relation to the interaction between the camels and pedestrians, dogs and vehicles, including one issue of a serious incident relating to an unleashed dog.

Currently, there are only two camel businesses operating on Cable Beach. A third camel business was operating on Cable Beach until 31 August 2024 however due to several operational issues this business ceased operating and cancelled their trading licence. The Shire can advertise an expression of interest for a third licence holder. A person could also submit an application for the third licence at any time.

In accordance with clause 2.5.1 of the Trading Local Law, prior to the expiry of a trading licence the licensee may apply for the renewal of the licence. Broome Camel Safaris submitted a renewal application on 13 July 2025. Red Sun Camels submitted a renewal application on 14 July 2025.

## **CONSULTATION**

Consultation was undertaken with the Shire of Broome Councillors during the preparation of this report.

## **STATUTORY ENVIRONMENT**

### **TRADING, OUTDOOR DINING AND STREET ENTERTAINMENT LOCAL LAW 2016**

#### **2.3 Determination of application**

2.3.1 The local government may, in respect of an application for a licence —  
(a) refuse to approve the application; or  
(b) approve the application on such terms and conditions, if any, as it sees fit.

2.3.2 The local government may refuse to approve an application for a licence, where

- (a) it is not in accordance with clause 2.2 or any other clause containing requirements to be complied with when making an application for a licence;
- (b) the activity will have an unreasonable impact on an established shop or an activity undertaken under an existing licence;
- (c) the application does not comply with a policy of the local government adopted by the Council and relevant to that application;
- (d) the proposed activity or location in respect of which a licence is sought is considered by the local government to be undesirable;
- (e) the proposed stall is considered by the local government to be unsuitable in any respect for the activity or location for which the licence is sought;
- (f) the applicant is not a suitable person to hold a licence;
- (g) the applicant is an undischarged bankrupt or is in liquidation;
- (h) the applicant has entered into any composition or arrangement with creditors;

- (i) a manager, an administrator, a trustee, a receiver or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property; or*
- (j) there are other grounds on which the local government considers the application should be refused.*

2.3.4 *If the local government refuses to approve an application for a licence, it is to give written reasons for that refusal to the applicant.*

## **2.5 Licence renewal**

2.5.1 *Prior to the expiry of an outdoor dining licence, a market licence or a trading licence, the licensee may apply to the local government for the renewal of the licence.*

## **2.4 Issue of licence**

2.4.4 *The local government may vary the terms or conditions of a licence and the licensee must comply with those terms and conditions as varied on and from the date of notification of the variation.*

## **POLICY IMPLICATIONS**

The Shire's Trading in Public Places Policy provides guidance for the issuing of trading licences, with specific provisions for commercial camel activities on Cable Beach. Approving the renewal of these licences is consistent with the Policy.

## **FINANCIAL IMPLICATIONS**

The trading activity is considered high-intensity on the basis that it is being undertaken on Cable Beach, an area to which significant Shire resources are dedicated. Camel operators currently pay an annual licence fee of \$1,810 in the 2025/2026 financial year. This fee represents cost recovery for the general assessment and administration related to the approval of the licences only.

Legal advice has recently been received to advise that a fee may be charged for the use of Shire controlled land including Cable Beach. The fee must be reasonable and bear some proper connection to the service provided by the Shire of Broome. The Shire is investigating this fee for trading license holders operating on Cable Beach to align with both the Beach Usage Policy and the completion of the Cable Beach foreshore redevelopment works.

## **RISK**

Should the licences not be renewed, there is a high reputational risk due to the significant importance of these businesses to the tourism industry in total. There is also a risk if the Council were to refuse the applications that any decision may be challenged in the State Administrative Tribunal.

There are ongoing safety risks with regards to the interaction between the camels with pedestrians, vehicles and dogs both within the approved trading zone and approved path of travel to the trading zone. The licence holder is responsible for making their own risk assessment of the trading activities and location and taking all reasonable steps to minimise those risks.

## **STRATEGIC ASPIRATIONS**

































## 9.4 PERFORMANCE

**Cr M Virgo returned to the Chambers at 5:12 pm and the Chair read aloud the resolution from item 9.3.1.**

### 9.4.1 MONTHLY PAYMENT LISTING - AUGUST 2025

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

#### SUMMARY:

This report recommends that Council receives the list of payments made under delegated authority, as per the attachment to this report, for August 2025.

#### 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 August 2025.

#### CONSULTATION

Nil.

#### STATUTORY ENVIRONMENT

##### **Local Government (Financial Management) Regulations 1996**

12. *Payments from municipal fund or trust fund, restrictions on making*
  - (1) *A payment can 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.

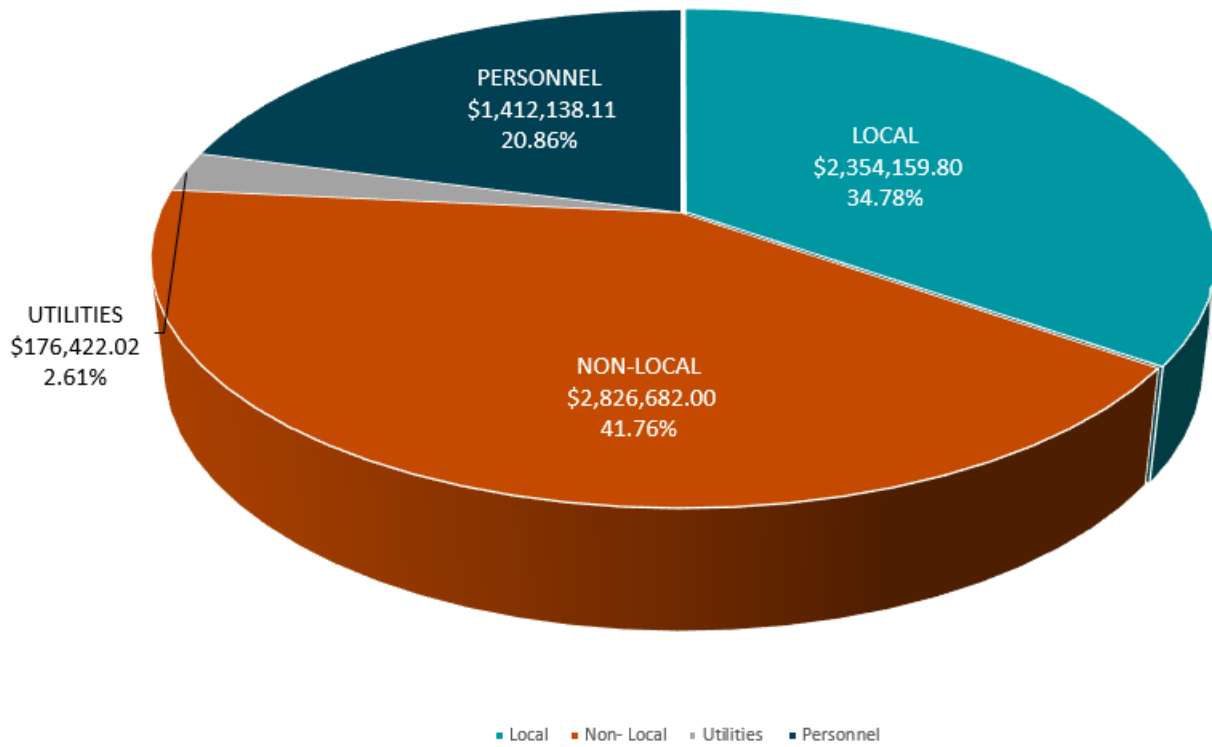
**FINANCIAL IMPLICATIONS**

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

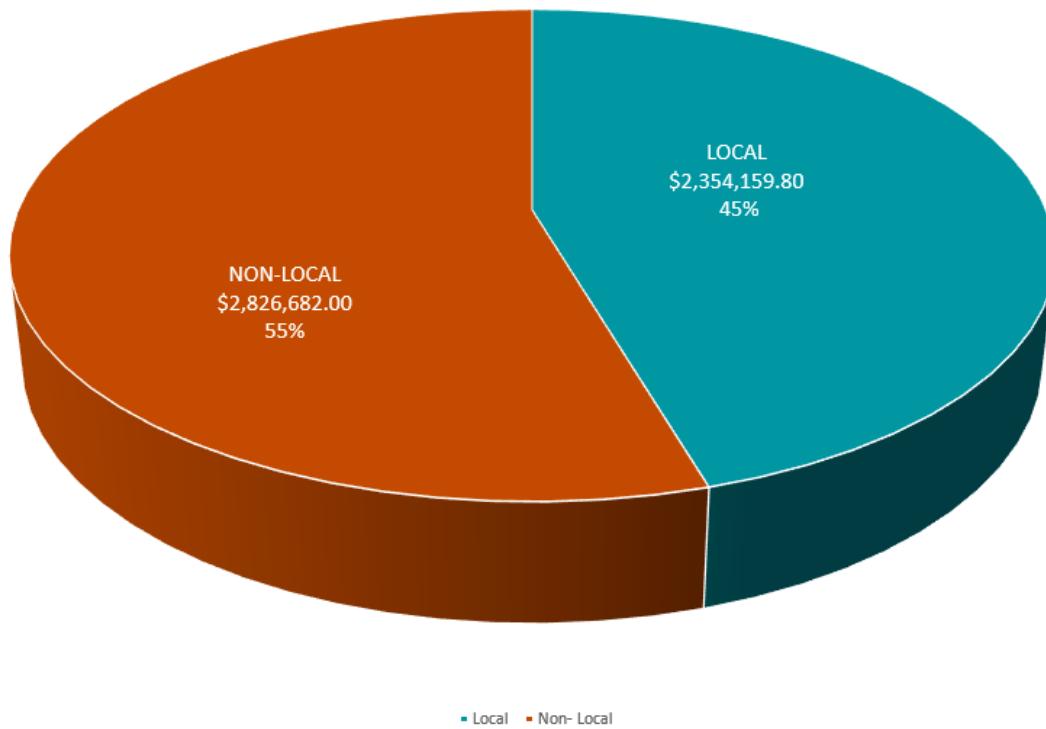
Note: Personnel payments in this analysis include payroll, superannuation (contained within Direct Debit type payments), payroll tax and other deductions (contained within the EFT Payments type payments).

Month	Cheques	EFT Payments	Direct Debit	Credit Card	Trust	Payroll	Total Creditors
Jul-25	4,895.35	4,296,448.85	226,328.09	40,093.25	-	1,517,542.95	6,085,308.49
Aug-25	-	5,147,741.53	164,140.94	45,381.35	-	1,412,138.11	6,769,401.93
Sep-25							-
Oct-25							-
Nov-25							-
Dec-25							-
Jan-26							-
Feb-26							-
Mar-26							-
Apr-26							-
May-26							-
Jun-26							-
<b>TOTAL</b>	<b>\$ 4,895.35</b>	<b>\$ 9,444,190.38</b>	<b>\$ 390,469.03</b>	<b>\$ 85,474.60</b>	<b>\$ -</b>	<b>\$ 2,929,681.06</b>	<b>\$ 12,854,710.42</b>

### SHIRE OF BROOME PAYMENTS AUGUST 2025



### LOCAL Vs NON-LOCAL PAYMENTS AUGUST 2025



The above graph shows the percentage of local spend in comparison to non-local and recoupable spend for August 2025, after \$1,412,138.11 in personnel payments, \$176,422.02 in utilities, and other non-local sole suppliers were excluded.

## YEAR TO DATE CREDITOR PAYMENTS

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

## 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 9 - Effective leadership, advocacy and governance**

**Objective** 9.2 Deliver cost effective, fit-for-purpose assets, facilities and equipment.

## CARETAKER PERIOD STATEMENT

The recommended decision is not a 'Major Policy Decision' within the context of Council Policy 'Elections - Caretaker Policy'.

## VOTING REQUIREMENTS

*Simple Majority*

### **COUNCIL RESOLUTION:**

**(REPORT RECOMMENDATION)**

**Minute No. C/0925/009**

**Moved: Cr M Virgo**

**Seconded: Cr S Cooper**

**That Council:**

1. **Receives the list of payments made from the Municipal and Trust Accounts in August 2025, totalling \$6,769,401.93 (Attachment 1) per the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996 covering:**
  - a) **EFT Vouchers EFT80795- EFT81144 totalling \$5,504,680.41;**
  - b) **Municipal Cheque Vouchers 00000 - 00000 totalling \$0.00;**
  - c) **Trust Cheque Vouchers 00000 - 00000 totalling \$0.00; and**
  - d) **Municipal Direct Debits DD34617.1- DD34741.28 including payroll totalling \$1,264,721.52.**
2. **Receives the list of payments made by credit cards in August 2025, totalling \$45,381.35 (contained within Attachment 1) per the requirements of Regulation 13A**

***of the Local Government (Financial Management) Regulations 1996 covering Municipal Direct Debits DD34740.1- DD34741.28.***

- 3. Notes the local spend of \$2,354,159.80 included in the amount above, equating to 45% of total payments excluding personnel, utility, and other external sole supplier costs.***

***CARRIED UNANIMOUSLY 7/0***

**Attachments**

1. ATTACHMENT 1

















**10. REPORTS OF COMMITTEES**

There are no reports in this section.

**11. NOTICES OF MOTION WITH NOTICE**

Nil.

**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 5.14pm.**