

LOT 3082 CABLE BEACH ROAD EAST

Service Commercial Structure
Plan

January 2021

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ENDORSEMENT PAGE

This structure plan is prepared under the provisions of the Shire of Broome Local Planning Scheme No. 6.

It is certified that this structure plan was approved by the Honorable Rita Saffioti MLA, Minister for Planning, on the 1st of February 2021.

Date of expiry: 1 February 2031.

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EXECUTIVE SUMMARY

Lot 3082 Cable Beach Road East, Broome Structure Plan (the Structure Plan) applies to the southern portion of Lot 3082. The structure plan area is approximately 6.7ha hectares, positioned to the south-east of Broome International Airport, bound by Cable Beach Road East to the south and Gubinge Road to the west.

The Structure Plan will support service commercial land use and development consistent with the land use permissibility of the Shire of Broome Local Planning Scheme No. 6. It makes provision for built form design control (i.e. a Local Development Plan) and the promotion of effective environmental and amenity management, via future planning stages.

The planning of the site has been heavily influenced by factors such as the Indigenous Land Use Agreement between the State Government and Yawuru people, the un-met demand for service commercial land use within Broome and the Broome International Airport remaining in its current location for the foreseeable future. It includes a focus on the following:

- Generation of long-term income for the Yawuru community consistent with the remit of Nyamba Buru Yawuru (the owner of the land)
- A substantial contribution to the regional economy
- Provision of local employment
- Satisfaction of demand for service commercial
- Protection of airport operations
- Protection of local amenity and character
- Locally appropriate responses to landscape and water management

The development of the land as facilitated by this structure plan will provide a catalyst for local employment and business development, supporting a wide range of tenancy types to support a variety of service commercial including support services/retail for other businesses and residents of the area.

The Structure Plan can deliver approximately 24,000sq.m of gross floorspace. The concept design for the land illustrates that the proposal will facilitate water sensitive urban design principles. The proposal is supported by the surrounding road network and the proposed new road will achieve the safe and efficient movement of traffic, as well as providing for the future land use and development of balance land to the north.

As part of the preparation of the Structure Plan, the following technical and supporting documentation has been prepared with key points summarised in this report:

- Traffic Impact Assessment
- Bushfire Management Plan
- Level 2 Flora and Fauna Report
- Geotechnical Report
- Local Water Management Strategy
- Economic Study to Support Large Format Retail Uses
- Ground Survey and Airport Flight Plans

Full copies of these documents are provided in the technical appendices.

STRUCTURE PLAN SUMMARY TABLE

Item	Data	Structure Plan Ref.
Total Area	91,070sq.m	6
Area of Each Land Use Proposed:	66,945sq.m	6
Service Commercial		
Total Estimated Lot Yield	3 lots and a balance of title	6
Estimated Commercial Floorspace	24,000sq.m GFA	6

PART 1: IMPLEMENTATION

1. STRUCTURE PLAN AREA

This Structure Plan applies to the land as outlined on the Structure Plan Map (Plan No.1), being part of Lot 3082 (102) Cable Beach Road East, Broome. Refer to Plan No.1 – Structure Plan Map.

2. STRUCTURE PLAN OBJECTIVES

- (i) To provide guidance on the subdivision and development of the structure plan area.
- (ii) To facilitate the orderly and proper planning of the structure plan area with the context of the site's opportunities and constraints.
- (iii) To provide guidance with respect to the application of discretion in terms of land use and development.
- (iv) To provide mechanisms for built form and landscape control.

3. OPERATION

Pursuant to Clause 28, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the 'Regulations'), this Structure Plan comes into effect on the day it is approved by the Western Australian Planning Commission and is valid for a period of 10 years from the date of approval, unless the period of approval is otherwise extended in accordance with the Regulations.

Decision makers are to have due regard to this Structure Plan when making land use and development decisions with respect to the land.

4. STAGING

The Structure Plan comprises 3 lots.

The staging of development within the Structure Plan area is expected to be undertaken in three stages covering three proposed lots. Development will progressed from Lots 1 and 2 in the west of the site (representing Stages 1 and 2), with the third proposed lot representing Stage 3 of the service commercial area, see Figure 8 in Part 2.

The north-south road shown on the Structure Plan will be constructed as part of Stage 1 while infrastructure will be provided on an incremental basis as Stages 1 and 2 are implemented.

5. SUBDIVISION AND DEVELOPMENT REQUIREMENTS

5.1. LAND USE ZONES

The land is designated Service Commercial and land use/development control upon the land shall be per the Service Commercial zone as contained in the Shire of Broome Local Planning Scheme No. 6.

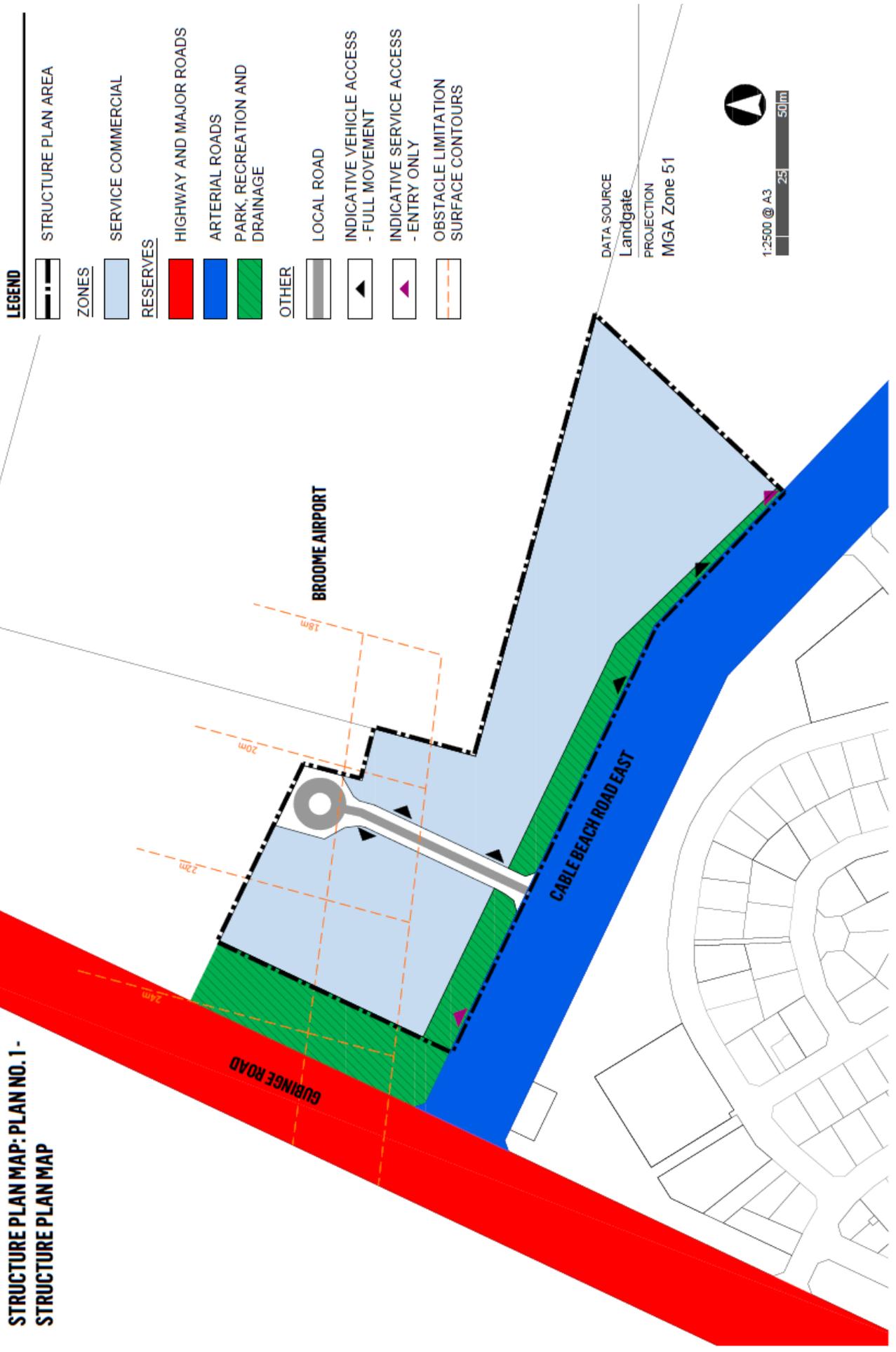
5.2. ADDITIONAL INFORMATION

Prior to subdivision or development proceeding, the following documents will be prepared:

- A Local Development Plan for the subject part of Lot 3082 to coordinate and guide site layout and built form outcomes of the proposal, addressing the following:
 - i. Interface/amenity
 - ii. Spatial layout
 - iii. Landscaping
 - iv. Built Form
- Urban Water Management Plan

- Noise Management Plan - Condition of development approval
- Transport Impact Assessment Subdivision and/or development application
- Odour Management Plan Condition of development approval
- Light Management Plan Condition of development approval
- Waste Management Plan Condition of development approval

**STRUCTURE PLAN MAP: PLAN NO. 1 -
STRUCTURE PLAN MAP**



- LEGEND**
- STRUCTURE PLAN AREA
 - ZONES
 - SERVICE COMMERCIAL
 - RESERVES
 - HIGHWAY AND MAJOR ROADS
 - ARTERIAL ROADS
 - PARK, RECREATION AND DRAINAGE
 - OTHER
 - LOCAL ROAD
 - INDICATIVE VEHICLE ACCESS - FULL MOVEMENT
 - INDICATIVE SERVICE ACCESS - ENTRY ONLY
 - OBSTACLE LIMITATION SURFACE CONTOURS

DATA SOURCE
Landgate
PROJECTION
MGA Zone 51



PART 2: EXPLANATORY SECTION

1. INTRODUCTION AND PURPOSE

1.1. INTRODUCTION

This structure plan has been prepared to provide a framework to guide the subdivision, land use and development of the land for Service Commercial indicated on Plan 1. It has been prepared in accordance with the Western Australian Planning Commission's (WAPC's) Structure Plan Framework 2015.

This structure plan comprises:

- Part 1 providing for statutory implementation
- Part 2 being the explanatory report
- Technical appendices

The technical appendices include:

- Level 2 Flora and Fauna report – 2016 (Appendix B)
- Geotechnical report – 2011 (Appendix C)
- Opportunity and Constraints and Water Management Strategy (Appendix D)
- Traffic Impact Assessment (Appendix E)
- Bushfire Management Plan (Appendix F)
- Economic study to support Service Commercial uses – 2016 (Appendix G)
- Ground Survey and Airport Flight Paths (Appendix H)

Under Clause 3.44.1(a) of the Shire of Broome Local Planning Scheme No. 6 (LPS6) a structure plan is required to be in place prior to subdivision and development of Development zoned land (as is the case with respect to Lot 3082). This structure plan takes into account:

- The social, cultural and economic remit of Nyamba Buru Yawuru
- The unmet demand for Service Commercial within the Shire
- The due regard nature of the Shire's local planning strategy
- The status of the Broome International Airport - that it will remain in its present location for the foreseeable future and the impact this has on the planning for the land
- The suitability of the land for Service Commercial and the impacts of the associated land use and development

This structure plan provides a framework to guide development.

2. NYAMBA BURU YAWURU

Nyamba Buru Yawuru has the responsibility to generate income from Yawuru's capital assets; land, community, social and cultural capital. Nyamba Buru Yawuru is a key driver in the local economy, playing a leadership role in partnership with industry, local government and the State Government to transform the Broome and Kimberley economy to a vibrant region based on investments in beef production, tourism and agriculture. It is committed to a vision of an inclusive and sustainable economy, enabling Yawuru and other Indigenous people to be active and prosperous socio-economic participants in the region.

The NBY vision incorporates commercial success with the renaissance of Yawuru cultural values and practices, embodied in the philosophy of 'mabu liyan' (good spirit), a holistic understanding of positive wellbeing that incorporates personal, social and environmental aspects that contribute to a good life.

With the advancement of the commercial development of part of Lot 3082 Cable Beach Road East surplus rental income will be indirectly returned to the local Indigenous Australian community club and will:

- Provide resources for further development of Indigenous culture.
- Provide further training and employment opportunity through the service commercial outlets.
- Reduce the dependence on future government funding and, over time, provide financial sustainability and independence; significant in these times of reduced Federal finance.

3. LAND DESCRIPTION

3.1. LOCATIONAL AND REGIONAL CONTEXT

The subject site is located in Broome, a key centre in the Kimberley region of Western Australia. As well as being a primary production and tourism hub, Broome is also the service centre for the wider Kimberley area including Derby, Fitzroy Crossing etc.

Locally, the subject site is on the intersection of Cable Beach Road East and Gubinge Road. Broome Chinatown is four kilometres to the east while the Port lies three kilometres to the south. Directly surrounding the site is the TAFE to the east, a residential area across Cable Beach Road East to the south and the Minyirr Park Coastal Reserve across Gubinge Road to the west before Cable Beach.



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Planning: Local Planning Scheme - Zones and Reserves (DPLH-071)
Department of Planning, Lands and Heritage

Figure 1 - Lot 3082 Location

3.2. LOCAL CONTEXT

Lot 3082 is an irregularly shaped 33 hectare block that wraps around the western edge of the airport. This structure plan only deals with a proposal for a seven hectare portion of the property (as shown in Figure 1). It is approximately 2.5km west of Broome town centre.

The site has frontage to Cable Beach Road East and Gubinge Road, abutting the Broome Airport to the north east and the Broome TAFE to the east. Due to access restrictions imposed by Main Roads WA, its primary frontage and exposure is to Cable Beach Road East. Based on traffic count data provided by the Shire of Broome, Cable Beach Road East receives approximately 8,000 – 10,000 vehicles per day. Access is taken from both Cable Beach Road East (primary) and (informally) from Gubinge Road

The landform is gradually grading south west from RL16.50m to RL11.0m with undisturbed dense Acacia shrub and sparse trees ranging from two to six metres in height. Drainage is presently self-contained informally on-site.

There is a gas pipeline running along the site's western boundary, crossing the southern verge of Cable Beach Road prior to the proposed site entrance. The gas pipeline owners EDL have been contacted and are looking into any particular constraints that may be in place during design or the construction of a sewer crossing under the gas main.

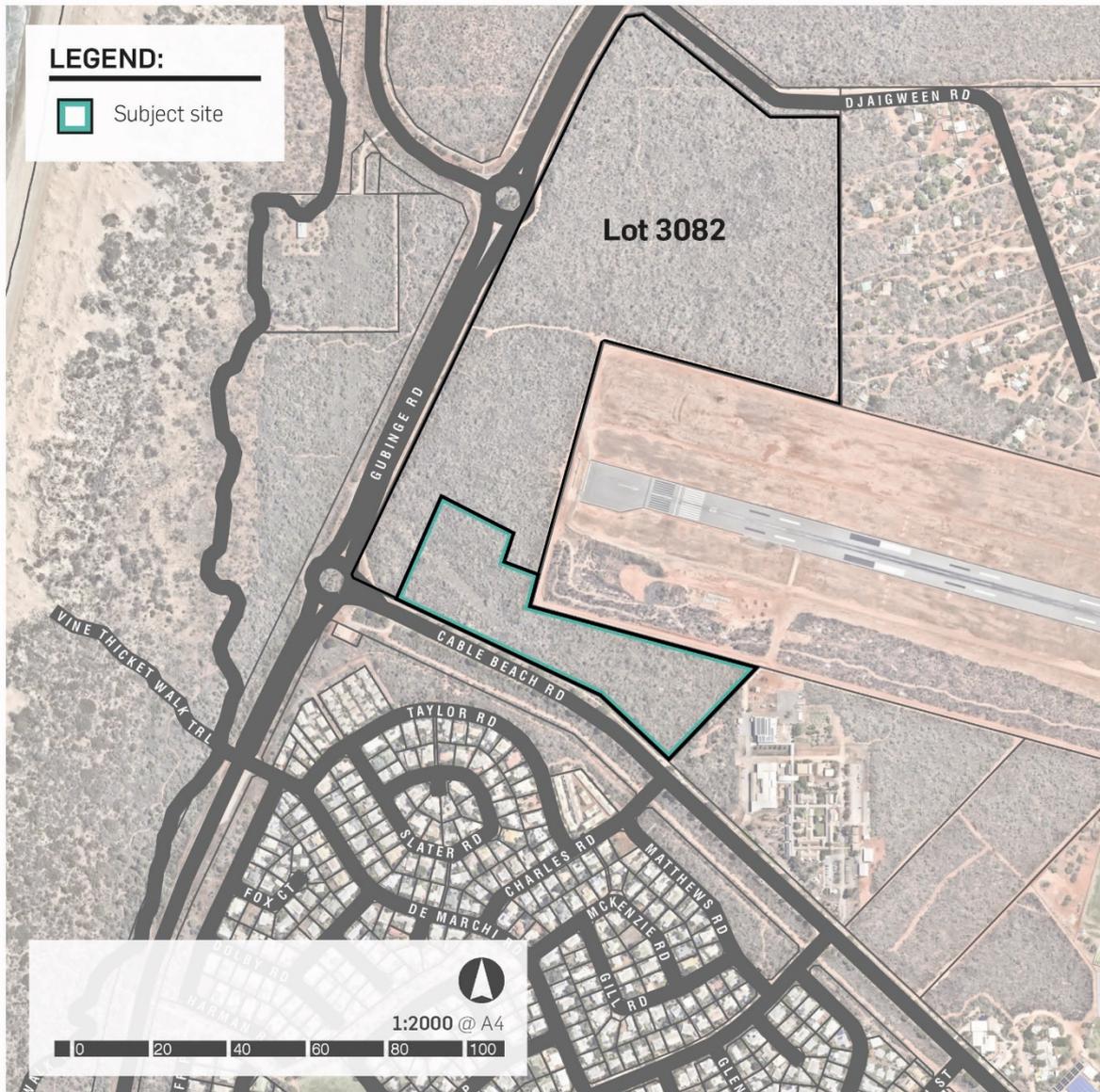
3.3. LEGAL DESCRIPTION AND OWNERSHIP

Lot 3082 (102) Cable Beach Road East, Broome is held in Freehold title by Nyamba Buru Yawuru - a not for profit company owned by the Yawuru native title holders through their corporate group structure.

A copy of the Title Deed is at Appendix A. The detailed identification of the site is at Figure 2 with its location shown at Figure 1.

The land's legal description and general information is provided below:

Lot Number	Part of Lot 3082
Street Address	102 Cable Beach Road East, Djugun
Plan No.	P219733
Volume/Folio	2758/291
Surrounding Uses	<i>North-</i> Broome International Airport <i>Northeast</i> – vacant, balance site area <i>South</i> – Cable Beach Road East, landscape/drainage and residential beyond <i>West</i> – Gubinge Road and coastal reserve beyond <i>East</i> – TAFE, vacant land, Aquatic/Recreation Centre, shopping centre and airport-affiliated land use



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Planning: Local Planning Scheme - Zones and Reserves (DPLH-071)

Department of Planning, Lands and Heritage

Figure 2 - Aerial Photo showing the subject site, part of Lot 3082

3.4. HISTORY

The subject land is subject to the Federal Court’s 2006 that the Yawuru people are Native Title holders and a subsequent *Indigenous Land Use Agreement*. NBY provides the following description of this background:

“Yawuru people have occupied and managed the lands and seas in and around Broome since the Bugarrigarra (the time before time). In 2006 the Federal Court determined that the Yawuru people are the native title holders of approximately 530,000 hectares of traditional Yawuru country.

The recognition of Yawuru's Native Title was a significant event and a major milestone for the Yawuru community. It was also a significant moment in Native Title for Australia and Yawuru continues to be seen as a leading native title organisation with strong governance and strategic direction.

The Federal Court judgement recognised that the "source of the Yawuru community's traditional laws and customs ... is the Bugarrigarra". The court considered evidence about Yawuru traditional laws and customs relating to rai, the Yawuru language, the skin section system, kinship, malinyanu laws and customs, traditional stories, bush names, hunting, bush foods, looking after Country, speaking for Country, increase sites and permission requirements. The Court said that "when considered cumulatively, the evidence in relation to those matters demonstrated that the present Yawuru community still acknowledges and observes the traditional laws and customs which, since sovereignty, have constituted the normative system under which the native title rights and interests in issue are being claimed." (Rubibi Community v State of Western Australia (No 6) [2006] FCA 82 – Case Summary).

Following the Yawuru native title determinations, Yawuru negotiated the Yawuru Agreements with the Western Australian Government. The Yawuru Agreements include two Indigenous Land Use Agreements (ILUAs) – The Yawuru Area Agreement and the Yawuru Prescribed Body Corporate Agreement, registered by the National Native Title Tribunal on 6 August 2010. The signatories to the Agreements are the State of Western Australia, the Shire of Broome and the Yawuru Native Title Holders Aboriginal Corporation.

These Agreement provides an opportunity for Yawuru to influence the values-driven development of Broome, where Yawuru have opportunities and can continue to safeguard Yawuru culture, way of life and strengthen our identity ... the Agreement package included land for future developments by Yawuru, and some financial benefits to facilitate the Yawuru Corporation and community development programs."
(Source: Nyamba Buru Yawuru)

Further information particular to the subject land is provided at section 4.4.

3.5. LAND USE

The site is presently vacant and is essentially wholly covered by remnant vegetation.

4. PLANNING POLICY FRAMEWORK

Subsequent to the structure plan adoption by the planning commission, it is proposed a subsequent development application will be lodged for assessment in accordance with the Local Planning Scheme No. 6 (LPS6). Council can consider and determine that development application in general accordance with the structure plan, as stipulated in clause 3.44(c) of the LPS6:

In considering an application for development approval for land within the Development Zone, due regard shall be given to an approved structure plan.

4.1. ZONING AND RESERVATIONS

The land is zoned Development under the Shire of Broome LPS6.

Under Clauses 3.16.1 and 2 the purpose and objectives of this zone are as follows:

Purpose:

- (a) to identify areas requiring comprehensive planning prior to subdivision and development.
- (b) to coordinate subdivision, land use and development in areas requiring comprehensive planning.

Objectives:

- (a) provide for a range of mixed land uses and subdivision in accordance with an adopted structure plan.
- (b) enable the preservation and management of areas of cultural and environmental significance.
- (c) provide for the coordinated provision of infrastructure, facilities and developable land through relevant structure plans and associated development contribution plans.

Under Clause 3.44.1(a) a Structure Plan is required prior to subdivision and development:

- (a) *Development approval will not be granted and subdivision will not be supported unless a structure plan has been adopted for all or part of the zone under Part 4 of the deemed provisions.*
- (b) *The local government may support the subdivision or the development of land in the absence of an approved structure plan, where the local government considers the proposed development, land use or subdivision is a minor extension to an existing land use or building, a minor additional land use, a minor land use change or is a minor subdivision.*
- (c) *In considering an application for development approval for land within the Development zone, due regard shall be given to an approved structure plan.*
- (d) *Where appropriate, due regard will be given to the general development requirements of Part 5 and the development requirements of a specific zone that most closely equates to the proposed land use and development.*

Cable Beach Road is an Arterial Road reserve under LPS6 and is under the care and control of the Shire. Where development is proposed that requires access to roads under the control of the local government the local government may control the location, number, size and construction standards of local roads.

Gubinge Road is reserved as Highways and Major Roads which is under the care and control of Main Roads Western Australia. Where development is proposed that requires access from highways or major roads under the control of Main Roads Western Australia, then the local government and Main Roads Western Australia are to control the location, number, size and construction standards of access points onto that road.

Formal approval is required by Main Roads Western Australia in consultation with the local government prior to construction of the access.

Under the Shire of Broome Local Planning Scheme 6 a portion of the land falls within Special Control Area 1 (SCA1). The SCA addresses land use and development within proximity to the airport runway to ensure the ongoing safe operation of the airport.

In terms of height, Schedule 18 of LPS 6 sets out the Obstacle Limitation Surface (OLS) and all future development will be required to comply.

Regarding site acoustics, the proposed service commercial uses rest between the estimated 25 and 35 Australian Noise Exposure Forecast as per Schedule 10 of LPS6 (adapted from AS 2021, Table 2.1 – Building Height Acceptability). Acoustic contour estimates are devised to apply to noise sensitive uses such as residential, hospitals and institutions. Commercial uses are considered 'conditionally acceptable' because they are non-habitable; accordingly, the ANEF is not relevant to the Service Commercial uses proposed in this structure plan.

4.2. STATE PLANNING

4.2.1. Region Scheme

There is no region scheme in place over the land.

4.2.2. State Planning Policy 2.0 – Environment and Natural Resources Policy

This policy aims to link the management of the environment and natural resources, with land use planning. It also aims to protect, enhance and conserve the natural environment, and appropriately use/manage natural resources.

It achieves these objectives by providing a range of policy measures with respect to factors such as water, air, soil/land, biodiversity and the like.

The Structure Plan is consistent with the policy in that it does not result in unacceptable environmental damage as illustrated by the technical reports appended to this document with respect to flora and fauna, and water management.

Also, there are no environmental, cultural/heritage or natural resource features on site that require retention.

Part 1 of the Structure Plan responds to the more specific policy measures (relating to individual factors such as water resources) by requiring an urban water development plan as a condition of development approval.

Also, the requirement for a waste management plan ensures that the off-site impacts of future land use and development will also be appropriately considered.

Under Part 1 there is a requirement for a local development plan. This plan will address both built form and landscape. This ensures that building design can respond to climate in a passive/energy efficient way. It also ensures that landscaping will incorporate locally appropriate plant species that minimise water use.

4.2.3. State Planning Policy 2.9 – Water Resources

The objectives of this policy are to:

- (a) protect, conserve and enhance water resources that are identified as having significant economic, social, cultural and/or environmental values
- (b) assist in ensuring the availability of suitable water resources to maintain essential requirements for human and all other biological life with attention to maintaining or improving the quality and quantity of water resources
- (c) promote and assist in the management and sustainable use of water resources

The subject land is not located in a water protection area and does not accommodate surface water features such as creeks or streams. Accordingly, the relevant aspects of the policy relate to groundwater resources and total water cycle management, for example:

- Management of nutrient loads into receiving waters
- Water quality and quantity maintenance
- Catchment management
- Best practice for planning/management relating to stormwater
- Promotion of water conservation/efficiency of water use
- Retention and use of local native vegetation

The local water management strategy appended to this document and the discussion at section 6.5 outlines the various ways that the proposal satisfies water management measures. Plan 1 also specifically provides for parks/drainage areas adjacent to Cable Beach Road East and Gubinge Road.

It should be further noted that Part One of the structure plan requires an urban water management plan as a condition of development approval, which will provide for more detailed guidance on water management.

Similarly, the local development plan also required by Part One is to address landscaping and will address both plant species and water use.

4.2.4. State Planning Policy 3.0 – Urban Growth and Settlement

The objectives of this policy are as follows:

- To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.
- To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.
- To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.
- To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.
- To coordinate new development with the efficient, economic and timely provision of infrastructure and services.

The implementation of this policy is through planning strategies and schemes. In the case of the subject land both identify the land for development (the land is zoned for this purpose). Other specific outcomes that demonstrate consistency with the policy include:

- The proposal contributes to the economic base of Broome, providing employment opportunity and business diversity
- The proposal is an efficient use of land that is identified for development and represents the completion of a development pattern extending east-west along Cable Beach Road East
- The subject land is a designated urban growth area
- The land is highly accessible being located close to the town centre, residential areas and at the intersection of two major roads
- The land can be adequately serviced
- The local development plan and management plans required via Part One will ensure an appropriate level of environmental and amenity response

4.2.5. State Planning Policy 3.7 – Planning in Bushfire Prone Areas

This policy is aimed at managing threat from bushfires by embedding the consideration of fire risk across all levels of the planning process. The policy is applicable to this Structure Plan because the land is mapped as bushfire prone.

The objectives of this policy are to:

- Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.
- Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.
- Ensure that higher order strategic planning documents, strategic planning proposals, subdivision and development applications take into account bushfire protection requirements and include specified bushfire protection measures.
- Achieve an appropriate balance between bushfire risk management measures and, biodiversity, conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change.

The policy seeks to achieve the above by providing guidance on risk definition and process, standards to be achieved and the information that must accompany planning proposals at various stages of the planning process. The policy is supported by Guidelines that provide closer detail on reporting methodology and requirements.

The way that the proposal satisfies the policy is described at section 6.8 while a Bushfire Management Plan is provided at Appendix F.

4.2.6. State Planning Policy 7.0 – Design of the Built Environment

This policy seeks good design across the State. It provides a definition of good design and a consistent strategy for how design quality can be assessed. The definition of good design is premised on 10 design principles relating to:

- Context and Character
- Landscape Quality
- Built Form and Scale
- Functionality and Build Quality
- Sustainability
- Amenity
- Legibility
- Safety
- Community
- Aesthetics

The structure plan provides for the application of this policy at more detailed planning phases by requiring a local development plan, which is required to address interface/amenity, spatial layout, landscaping and built form.

4.2.7. Kimberley Regional Planning and Infrastructure Framework

This document 'defines a strategic direction for the future development of the region over the next 25 years' and seeks to coordinate 'activities and management relating to existing and emerging land use patterns.' It provides this guidance with respect to:

- Cultural and natural Heritage
- Environment
- Settlement
- Economic Development

The Framework's vision for the region is as follows:

People – a well-housed, highly educated and healthy people enjoying high amenity in sustainable communities

Place – a place with outstanding infrastructure, services and governance set within a well-conserved and iconic natural environment

Prosperity – shared prosperity arising from the success of the region's main drivers of economic opportunity: agriculture, Rangeland industries, tourism, minerals and energy

As a framework with regional scope, many of its outcomes are of a higher order than the structure plan phase of planning however, it is noted that Broome is identified as the Kimberley's regional city and that the following commentary is relevant:

The subject land has been identified for development in strategic and statutory planning instruments

It contains no cultural or heritage sites of significance

It contains no major environmental features or plant/animal species

Notwithstanding, the proposal will contribute to the environmental and the cultural future of the region by achieving an appropriate level of environmental management and contributing to the remit of NBY as described at section 2.

While the Framework refers to the potential relocation of Broome International Airport, as noted at section 4.3.2 such relocation is unlikely to occur for the foreseeable future.

The service commercial land use and development provided for by this Structure Plan are consistent with several key economic drivers for Broome as well as broader opportunities for the region, such as:

- greater economic opportunities for Aboriginal persons in the town site
- growth in the commercial and industrial sectors to service the economy
- the development of sustainable settlements
- providing employment and upskilling opportunities
- ensuring greater involvement of the region's Aboriginal population in land use planning

4.2.8. Better Urban Water Management

This document was prepared to guide the implementation of State Planning Policy 2.9 Water Resources – this is required by the State Water Strategy for Western Australia. The document promotes 'better management and use of our urban water resources by ensuring an appropriate level of consideration is given to the total water cycle at each stage of the planning system.'

The document outlines actions and responsibilities to achieve better urban water management at various stages of the planning process. At local structure planning stage, the relevant level of reporting is a local water management strategy (prepared to reflect the requirements of section 4.5 – Stage 3: Local Planning – Local Structure Plan of Better Urban Water Management) to accompany the structure plan, and to be summarised in a chapter therein.

Such outcome is satisfied by this structure plan which includes local water management strategy at Appendix D and provides a summary of the same at section 6.5.

Importantly, Part One of this Structure Plan also facilitates the implementation of Better Urban Water Management by providing for an urban water management plan in future planning stages.

4.3. LOCAL PLANNING

4.3.1. Local Planning Scheme No. 6 and Associated Planning Policies/Strategies

The zoning of the land was identified and discussed at section 4.1.

The relevant planning strategies are the Local Commercial Strategy which is discussed at section 4.3.3 and the Local Planning Strategy which is discussed below.

There are no local planning policies of relevance.

4.3.2. Shire of Broome Local Planning Strategy

The subject land is identified for Education/Health/Tourist Accommodation and Residential land uses within the Local Planning Strategy (LPS) – refer Figure 3. The outcomes of the LPS relating to Service Commercial are based on the outcomes of the Local Commercial Strategy (LCS).

Per the nature of strategic planning, several LCS assumptions with respect to Service Commercial have proven to be inaccurate over time, relating to the extent of demand and the availability of land (for example). This means that the outcomes contained within the LPS relating to Service Commercial (amount of Service Commercial land required and its location) are in need review. The application of the LPS should consider these factors.

From a land use planning perspective, the LPS assumes residential land use on the subject land based on the adjacent airport being relocated ‘in the medium term.’ However, there is no definition of ‘medium term’ and no indication of when relocation can realistically take place. This is acknowledged by the LPS which seeks to ‘establish timeframes for the relocation of the airport’ as a Strategy and acknowledges that the relocation is an ‘eventual’ outcome.

Other factors to consider include:

- Some \$18million has been spent on airport upgrades since 2013
- The airport’s runway was only recently resurfaced (in the last 5 years) at considerable expense
- The international terminal is presently being renovated and extended to an estimated cost of \$14million
- The Royal Flying Doctors’ Service recently completed the construction of its new hangar for approximately \$4.5million
- The airport owns the current site freehold. The owners have no tenure over the potential new airport site identified by the planning framework.

Based on the above, there is no indication that the airport will relocate in the foreseeable future. The recent upgrades and infrastructure works indicate an expectation that it will remain in its current location for some considerable time.

Until relocation occurs, residential land use cannot be achieved on the subject land because of the airport’s noise contours. Given the highly uncertain timing of airport relocation it is a fair and reasonable planning outcome to implement alternate, appropriate land use and development for the land.

Service Commercial is an appropriate land use and development outcome adjacent to airports. This is because it is non-sensitive land use that is less impacted by noise than residential. Built form controls can also be applied to ensure building (and other structure) height is limited such that it does not impact on airport operations. The Service Commercial development at Perth Airport and Jandakot Airport illustrate the appropriateness of the land use in an airport context.

Longer term, whether the land is used for residential or Service Commercial has no bearing on the ability or timing of airport relocation.

Furthermore, education and health land uses can locate on the subject land under the Service Commercial zone consistent with the intentions of the LPS, with Educational Establishment, Health Club, Indoor Recreation, Outdoor Recreation and Private Recreation all available land uses in the zone.

Also, because the proposed structure plan relates to the southern portion of the subject land only, the remainder is free to accommodate education and health uses – or even residential should the airport relocate.

Based on the above discussion, the proposed structure plan responds appropriately to planning issues while in no way prejudicing the wider application of the LPS. In this context, the LPS (informed by the LCS) should be flexibly applied. This is acknowledged in the executive summary of the LCS which specifically states that:

- (a) the LCS provides guidance only
- (b) its recommendations are not binding
- (c) its implementation will be subject to further investigations

It is also important to note that the Structure Plan is consistent with the following strategies and objectives of the LPS:

Broome Townsite:

Strategy (a): Cluster retail, employment, recreational and other activities within the townsite to minimise the need to travel.

Comment: The subject land is located within the Broome townsite. The proposal will reinforce the range of retail, employment and recreational land uses within the town. This will benefit residents by providing economic growth and employment opportunities. It reduces the amount of travel to work and the need for residents to travel to other centres for bulky goods or to purchase them online.

Retail, Commercial and Activity Centres:

Objective (a): To provide for a range of retail and commercial uses to support the economic and population growth of the Shire.

Comment: The proposal expands the range of goods on offer in Broome, providing for economic growth and employment.

Objective (b): To promote Chinatown as the primary activity centre for Broome

Comment: The types of uses proposed by the structure plan are not planned or appropriate for Chinatown. The proposal therefore maintains the primacy of the Chinatown centre.

Strategy (c): Revitalise Chinatown as the primary centre with a focus on retail, commercial and entertainment uses, as considered in the Chinatown Development Strategy.

Comment: This reinforces that the primary centre of Broome is not planned to provide the uses primarily facilitated by the proposed structure plan and it is appropriate these uses are located outside of Chinatown.



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Planning: Local Planning Scheme - Zones and Reserves (DPLH-071)
 Department of Planning, Lands and Heritage

Figure 3 - Shire of Broome Local Planning Strategy Map

4.3.3. Local Commercial Strategy

Demand Estimates

The Local Commercial Strategy (LCS) of 2017 examines existing commercial activity in Broome to make recommendations on the forecast expansion and distribution of commercial floorspace across the town. The LCS economic profiling offered three growth scenarios for each retail category and separates category analysis for the two components relevant to service commercial uses being Bulky Goods and Apparel Homeware and Leisure. The retail modelling is based on bank expenditure transaction data and expenditure

benchmarks (or indirectly floorspace demand) and estimates the floorspace demand for Broome by category and then extrapolates floorspace forecasts based on population growth.

Figure 12: Bulky Goods Floorspace Demand Gap illustrates the Median forecast for Bulky Goods floorspace to be approximately an additional 1,200 square metres by 2026 and 1,600 square metres by 2031. The LCS considers these forecasts representative of stagnating trends attributable to high leakage of expenditure. In terms of total retail Bulky Goods Table 6 suggests 20 percent of the \$15.9 million expenditure is leaked to the external market. The LCS report suggests this is in part to on-line expenditure, data being derived from bank expenditure transactions.

In relation to Apparel Homeware and Leisure (AHL) Figure 11 approximates a Median gap in floorspace of approximately 2,700 square metres by 2026 and 4,000 square metres of space is estimated to be required by 2031.

Hierarchy of Centres

Figure 18 of the LCS suggests a rational distribution of local and convenience centres distributed amongst the suburban areas of Broome. Other than Broome North, these have essentially occurred as a result of retail proponents responding to local demand for daily convenience goods. The imperative to maintain the highest order centre at China Town holds strong. The placement of the District Centre on Figure 18 notionally includes for service commercial outlets. Whereas District Centres normally provide for two supermarkets and discount department stores plus specialty retail outlets.

The forecast gap in floorspace illustrated in Figures 11 and 12 for Bulky Goods and AHL suggests additional floorspace is required in both categories by 2026 and 2031. The LCS notes this future supply is best fulfilled by the expansion of existing floorspace outlets. The proposed service commercial warehousing for Lot 3082 offers expansion of an existing outlets with the aim of arresting expenditure leakage by increasing the extent of goods offering to the Broome population.

The proposal being put forward by Nyamba Buru Yawuru is to provide a composite site of sufficient size and location to accommodate the service commercial warehousing and associated service commercial outlets into the future; a site that does not otherwise exist to this capacity elsewhere in the Town as noted in the Local Commercial Strategy.

In terms of locational criteria, the service commercial proposal on part of Lot 3082 meets the generic guiding principles as it:

- is located on a major road and intersection,
- the road classification enables B-Doubles transport access,
- has no adverse impact on existing neighbourhoods,
- is centrally located in the Broome peninsula serves the neighbourhoods, and
- the location is relative to population growth areas in consideration of the 15 year timeframe.

Increasingly large format service commercial outlets locate in district centres as a result of increasing land rent costs. Moreover, the guiding principles for the location of service commercial outlets in suburban areas follow the generic locational criteria above: on major roads or near distributor road intersections with ease of heavy haulage access with little impact on neighbouring properties.

Please see below for Table 6 and Figures 11, 12 and 18 from the LCS referred to in the above commentary:

Expenditure Category	Local Expenditure	Expenditure Leakage	% Leakage
Supermarket	\$74,558,198	\$18,325,611	20%
Specialised Food, Grocery and Liquor	\$151,468,908	\$15,946,969	10%
Food Catering	\$96,434,321	\$14,547,647	13%
Apparel, Homeware and Leisure	\$37,642,547	\$18,470,862	33%
Bulky Goods	\$15,958,863	\$3,758,244	19%
Retail Services	\$3,739,562	\$883,846	19%
Total Retail Expenditure	\$379,802,400	\$71,933,178	16%

Source: Geografia, 2017

Figure 4 - Table 6 from Shire of Broome Local Commercial Strategy: Expenditure in and Out of Broome 2016
Source: Shire of Broome, 2017

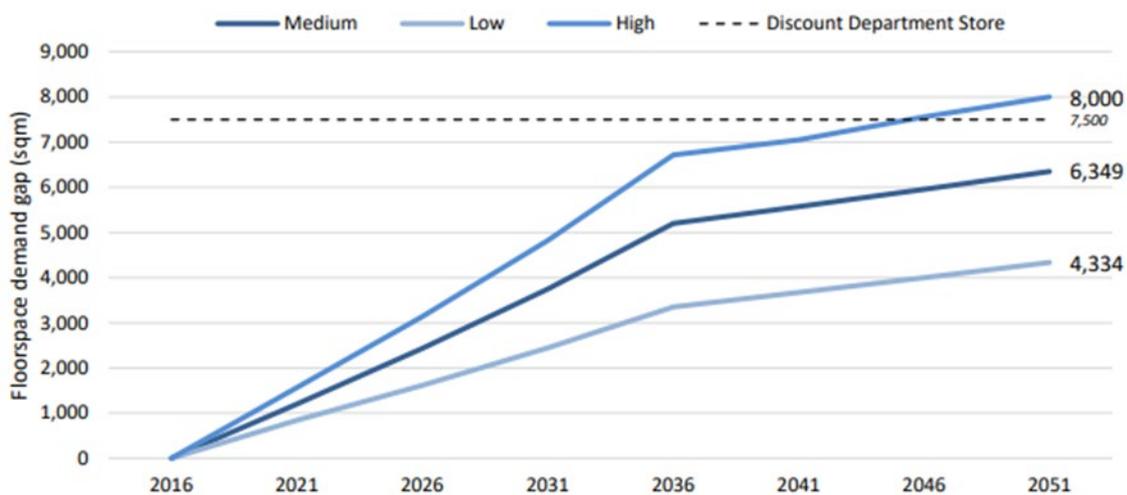


Figure 5 - Figure 11 from Shire of Broome: Forecast Apparel, Homewares and Leisure Floorspace Demand Gap
Source: Shire of Broome, 2017)

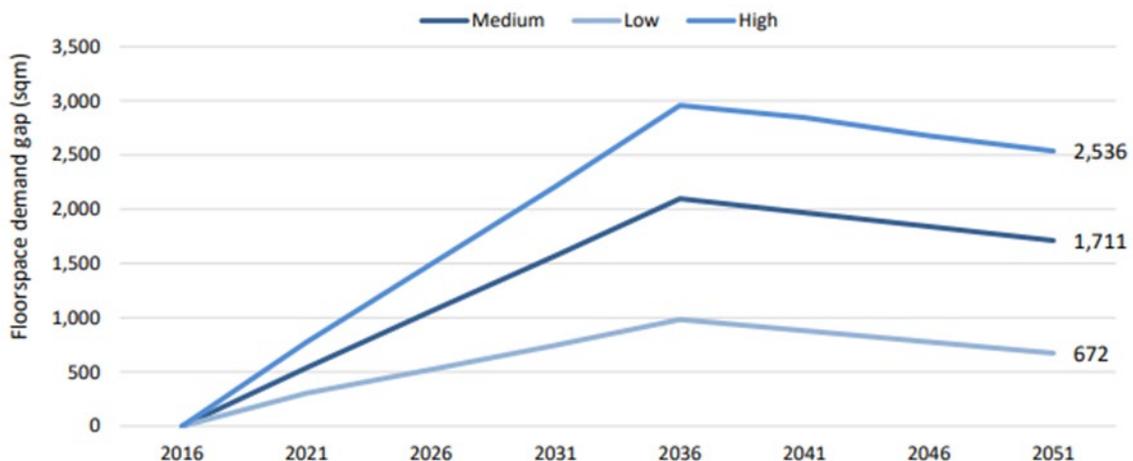


Figure 6 - Figure 12 from Shire of Broome Local COmmunity Strategy: Forecast Bulky Goods Floorspace Gap
Source: Shire of Broome, 2017



Figure 7 - Figure 18 from Shire of Broome Local Community Strategy: 2031 Proposed Commercial Centres
 Source: Shire of Broome, 2017

4.4. PLANNING SPECIFIC TO LOT 3082 CABLE BEACH ROAD EAST

The site was granted to Nyamba Buru Yawuru pursuant to the Yawuru Indigenous Land Use Agreement (“Yawuru ILUA”) in 2010.

A Yawuru Implementation Committee has been established to facilitate implementation of the ILUA. With respect to the subject land, implementation has included the following changes to the local planning framework:

- Amendment No. 62 to then Town Planning Scheme No 4 (TPS4), which was finalised in December 2013 and resulted in several land parcels granted to NBY under the ILUA being zoned to enable development.
- Incorporation of sites granted to NBY under the ILUA as future development areas under the Local Planning Strategy (adopted in 2014) to reflect the aspirations of NBY for potential development opportunities.

In April 2016 Nyamba Buru Yawuru made a presentation to the Council of the Shire of Broome to gain in-principle support for a service commercial use for the subject site. The proposed development was supported by the Council Resolution of May 26, 2016 stating:

1. The Shire supports Nyamba Buru Yawuru Ltd. aspirations to develop land granted to the Yawuru Native Title Holders Aboriginal Corporation RNTBC under the ILUA and the development of land for service commercial purposes in Broome.
2. In the event Nyamba Buru Yawuru Ltd wishes to proceed with the lodgement of a formal application, the Shire advises that a Structure Plan would need to be prepared and submitted in accordance with Clause 4.44.1 of Local Planning Scheme No 6 and Clause 15 (a) (ii) of the Planning and Development (Local Planning Schemes) Regulations 2015.

This structure plan has been prepared in response to the resolution.

5. SITE CONDITIONS AND CONSTRAINTS

5.1. HERITAGE

The cultural heritage of this subject site was undertaken in 2007 along with many other sites as part of the ILUA land transfer process under the auspicious of the Kimberly Land Council. At that time the cultural sensitivities were such that a ‘closed’ report was issued and not to be released to the public. Suffice to say, Lot 3082 is cleared of cultural heritage matters.

5.2. BIODIVERSITY AND NATURAL ASSETS

The following analysis is taken from the biodiversity analysis conducted by GHD in 2016. The full report can be found at Appendix B.

5.2.1. Environmentally Sensitive Areas

There is one Environmentally Sensitive Area (ESA) that intersects the survey area. However, this was not considered representative of any Commonwealth or State listed Threatened or Priority Ecological Communities, other significant vegetation as defined by the EPA (2004a) nor considered to be growing in association with watercourses or wetlands. Accordingly, no Department of Parks and Wildlife (DPaW) conservation reserves or estate intersects the survey area.

The ESA is likely aligned with the Roebuck Bay mudflats Threatened Ecological Community and is common to the entirety of Broome and the surrounding area.

5.2.2. Flora

No flora taxa listed under the Environment Protection and Biodiversity Conservation Act 1999 or Wildlife Conservation Act 1950 were recorded within the survey area, however, three Department of Parks and Wildlife Priority listed flora taxa, *Polymeria* sp. Broome (K.F. Kenneally 9759) (Priority 1), *Aphyllodium parvifolium* (Priority 1) and *Phyllanthus eremicus* (Priority 3) were recorded.

GHD (2016:19) confirm the current extent remaining of the vegetation association is greater than 99 per cent of the pre-European extent at all scales (e.g. State, IBRA bioregion, IBRA sub-region and LGA). The current extent remaining of the vegetation association at all scales is above the 30 per cent threshold level.

Accordingly, it can be concluded identified priority flora exist extensively in the surrounding 20 kilometre radius.

5.2.3. Fauna

Eight fauna species of conservation significance were recorded or are likely to occur in the survey area: Northern Brushtail Possum (*Trichosurus vulpecula arnhemensis*), Rainbow Bee-eater (*Merops ornatus*), Peregrine Falcon (*Falco peregrinus*), Osprey (*Pandion haliaetus*), Little North-western Mastiff Bat (*Ozimops cobourgianus*), Grey Falcon (*Falco hypoleucos*), Dampierlands Slider (*Lerista separanda*) and Dampierland Burrowing Snake (*Simoselaps minimus*).

Of the fauna species listed above the Peregrine Falcon, Osprey, Little Northwestern Mastiff Bat and Grey Falcon are likely to utilise the survey area opportunistically. The survey area is unlikely to provide breeding habitat for any of these species, therefore the habitat within the survey is not considered important habitat for these species. The remaining species, the Rainbow Bee-eater, Northern Brushtail Possum, Dampierlands Slider and Dampierlands Burrowing Snake may persist in the survey area and utilise the habitat in the Broome peninsula for foraging and/or breeding.

5.3. LANDFORM AND SOILS

Galt Geotechnics were commissioned to undertake a geotechnical analysis of the site in 2011 (full report at Appendix C). The company confirmed that the area is underlain by silty sand, locally known as Pindan Sand and is described as homogeneous red, fine grained, sub-rounded quartz, variable silt content. The site was given a Class 'P' with soil profile characteristics of loose nature of the upper two metre and the collapsible nature of the soil. For development to occur in the future, compacting has been recommend to achieve a Class 'S'.

There was no groundwater encountered in test pits to a depth of 3.3m. Three permeability tests indicated permeability values varying from 1.2 to 4.8 m/day.

From Galt's analysis, the site does not appear to have any of the indicators of Acid Sulphate Soils.

5.4. GROUNDWATER AND SURFACE WATER

The Local Water Management Strategy at Appendix D describes surface water on the land as follows:

The site is identified to be within the Cape Leveque Coast drainage basin and is not within a proclaimed surface water management area. Surface drainage is typically in the form of surface sheet flow over much of the Dampier Peninsula, with no wetlands or watercourses within the site area. The surface water to the site generally flows towards existing culverts by Gubinge Road.

Due to the sheet flow nature of the drainage, there is limited opportunity to obtain baseline surface water sampling from the site. However, it is expected that surface water quality will be similar to samples analysed as part of the Broome North Structure Plan Stage 2 Local Water Management Strategy (GHD, 2016) some 3km north-east of the site .

The Department of Water's Geographic Data Atlas indicates that there are no public drinking water sources within the vicinity of the site, with the nearest public drinking water source being approximately 8km north-east of the site.

The same Strategy describes groundwater as follows:

The study area falls within the Cable Beach groundwater sub area. The most utilised aquifer is the Broome sandstone which is unconfined and is separated from underlying (confined) aquifers, Alexander formation and the Wallal sandstone, by an aquiclude, the Jarlemai siltstone (GHD, 2016).

Groundwater in the Broome area moves westwards towards the ocean and south towards Roebuck Bay under gravity. The Dampier Peninsula Groundwater resource review noted groundwater levels in the Broome area of less than 3m AHD. The geotechnical study to lot 3082 reported that groundwater was at a greater depth of 3.3m below the surface during test pit investigations.

A search of the Department of Water and Environmental Regulation (DWER) WIN database identified a bore approximately 370m south-west of the site with a groundwater level record of 1.64m AHD from 11 November 1989 (WIN bore 80119564). This bore is located at the base of the coastal dunes, which is a natural recharge area for the Broome peninsula. There were other WIN bores in the vicinity; however, no groundwater level data was available. It is expected that the clearance to groundwater from the ground surface is approximately 9.8m.

5.5. EXISTING MOVEMENT NETWORK

According to the Traffic Impact Assessment at Appendix E the existing movement network can be described as follows:

“The road network adjacent to the site comprises Gubinge Road to the west and Cable Beach Road East to the south.

Gubinge Road is constructed as a 4-lane, dual carriageway road and links the main arterial road into Broome to the Broome Port. It is located on the western side of the Broome ‘peninsula’ and most major intersections along it are controlled by roundabouts, including the intersections with Cable Beach Road East and Cable Beach Road West. The posted speed limit on Gubinge Road is 70km/h.

Cable Beach Road East and Cable Beach Road West are connected by a short section of Gubinge Road and link the resort and residential areas to the north west with the main business areas in east Broome.

Cable Beach Road East is currently constructed as a single carriageway, two-way road within a 65m wide road reserve. Intersections along Cable Beach Road East are controlled by a combination of giveways and roundabouts. The posted speed limit on Cable Beach Road east is 60km/h. Gubinge Road is classified as a Primary Distributor in the Main Roads WA (MRWA) road hierarchy. It is managed by MRWA and is part of the Restricted Access Vehicles (RAV) network for all categories of Tri-drive vehicles. Cable Beach Road East is classified as a Local Distributor in the MRWA road hierarchy but is not part of the RAV network.

A search of the MRWA CARS database along the length of Cable Beach Road East showed thirteen crashes in the 5-year recording period, from 2014 to 2018 inclusive. Of the thirteen crashes, ten occurred at intersections and only three midblock. There were no fatalities and only one instance requiring medical treatment, with the remainder being mainly major property damage only (PDO).

There are no known imminent changes planned for the road network in this vicinity”

The latest traffic volumes are approximately 5,480vpd on Cable Beach Road, east of Charles Road in 2018/19.

5.6. INFRASTRUCTURE AND SERVICING

The site grades to the Gubinge Road and Cable Beach Road intersection which facilitates a future detention basin in this location.

There is no gravity sewer throughout the proposed development area. Water Corporation has a pump station nearby - Broome Pump Station Number 5 provides for the catchment including the subject land.

There are water mains on Cable Beach Road East and Gubinge Roads.

There is no existing power connection on site however there is existing infrastructure available for connection in the adjacent road reserves.

5.7. BUSHFIRE RISK

Clause 4.18.1 of LPS6 states that a bushfire management plan is required to be prepared and endorsed by the Department of Fire and Emergency Services and the local government where:

- (a) *in any planning approval granted under the Scheme; or*
- (b) *in any structure plan or other similar plan adopted under the Scheme; or*
- (c) *under a condition of an approval granted by the Commission to subdivide land;*

a fire management plan is required to be prepared and endorsed by the Department of Fire and Emergency Services and the local government, the owners of the land to which the fire management plan relates will be responsible for the ongoing implementation of the "land owners responsibilities" specified in that fire management plan.

The owners of the land to which the fire management plan relates will be responsible for the ongoing implementation of the "land owners responsibilities" specified in that fire management plan.

A bushfire management plan is required because the land is mapped as Bushfire Prone and, as such, SPP3.7 applies – refer to Policy Measure 6.6. The plan will need to recognise the transition of the land from a fully vegetated site to a developed site and the risk associated with that transition, including whether the proposed land uses represent fire risks (duration or intensity). It will also need to consider appropriate Hazard Separation Zones and other measures to achieve an appropriate level of risk management.

As with the Scheme, SPP3.7 requires endorsement of the bushfire management plan by the local government and the Department of Fire and Emergency Services.

A Bushfire Attack Level assessment has been undertaken to underpin the bushfire management plan of actions and responsibilities to address bushfire threat and further to assist future large format retail warehousing protection of asset.

Full details of the BMP are at Appendix F with a summary herein:

The bushfire consultant undertook Bushfire Attack Level Method 1 BAL assessment to gauge the vegetation structure immediately adjacent part Lot 3082. This was later used to inform the nature and extent of the proposed bushfire management plan and actions.

Vegetation within 100 metres of the service commercial on part of Lot 3082 was classified as either Savannah Forest or Scrub in accordance with clause 2.2.3 and Table 2.3 of AS 3959-2018 as undertaken 1 October 2019. Pindan country scrub vegetation is characterised with a continuous horizontal and vertical vegetation structure greater than two metres in height with sections with trees greater than 10 metres in height. Each distinguishable vegetation plot with potential to determine the Bushfire Attack Level is identified below in its current vegetated state and highlighted on the BAL Contour Maps.

Table 1 - Method 1 Determination for Stage 1

Plot	Applied Vegetation Classification	Effective Slope Under the Classified Vegetation (degrees)	Separation Distance to Structure Plan (metres)	BAL Contour
1	Class A Forest (Savannah)	Flat	0	BAL FZ
2	Class D Scrub	Flat	25	BAL 19
3	Managed as Cleared	Flat	40	Excluded
4	Class D Scrub	Flat	5	BAL FZ

Plot		Applied Vegetation Classification	Effective Slope Under the Classified Vegetation (degrees)	Separation Distance to Structure Plan (metres)	BAL Contour
5		Class A Forest (Savannah)	Flat	8	BAL FZ

BAL Contour Plan

The structure plan proposal is in three stages. However, at this juncture, the known components of the structure plan commence with a stage one large format retail warehousing. In accordance with clause 6.3 (a) (ii) of SPP 3.7, Predevelopment and Post-development BAL Contour Maps have been created for the 'known development' only of Stage One.

The Pre-development BAL Contour Map at Appendix F represents contours devised for the vegetation in its current state. It shows subject site being part of Lot 3082 with a focus on the known development only for the proposed Stage One service commercial warehousing development. To achieve a nominal BAL 29 rating at completion of development of Stage One Service Commercial will require an additional separation between the proposed building and vegetation to be undertaken as part of site preparation and serviceable vehicle access routes. This separation is shown on the Bushfire Management Plan.

A representation of the Post-development BAL Contour Map estimates the maximum BAL 29 rating for the known development of stage one recognising separation of the steel constructed buildings from classified vegetation.

5.8. AIRPORT CONSIDERATIONS

Broome International Airport supports a variety of tourism and commercial needs, providing an important air hub for the Kimberly. It supports several airlines including charters as well as emergency services. Review of the weekly flight schedule indicates that the airport supports approximately 7-8 commercial airline flights each day (arrivals and departures) with the earliest flight at approximately 8.00am and the latest at approximately 7.00pm.

The subject land immediately abuts the airport and within a relatively short proximity to the western end of the runway.

As mentioned, under the Shire of Broome Local Planning Scheme 6 a portion of the land falls within Special Control Area 1 (SCA1). The SCA addresses land use and development within proximity to the airport runway to ensure the ongoing safe operation of the airport.

Clause 5.2.1.2 of LPS6 requires that with respect of noise:

In determining applications for approval of all new land uses and development, the local government shall have regard to the Australian Noise Exposure Forecast Contours in Schedule 10 (of LPS6)

The subject land is predominantly located in the 25-30 ANEF contour with some land located in the 30ANEF contour and some unaffected. Schedule 10 of LPS6 confirms that commercial buildings are either acceptable or conditionally acceptable within these parameters.

In terms of height, Schedule 11 of LPS 6 sets out the Obstacle Limitation Surface (OLS) and clause 5.2.1.3 requires all future development to comply:

All new development including towers, antennae, and any alterations to roof lines and any increase to building heights on land must not exceed the height restrictions in the Broome Airport Obstacle Limitation Surface Plan contained in Schedule 11

LPS states that applications for development may be referred to the Civil Aviation Authority and the airport operator for comment.

5.9. ALTERNATIVE LOCATIONS

An alternative site suitably zoned for service commercial development of the kind proposed, is adjacent the Boulevardde shopping centre at Frederick Street. There are key comparative site and situation issues with the Boulevardde locality that render that site inadequate:

1. Less direct RAV network access for deliveries that means extended traversing of District Distributor roads by B-Double delivery vehicles to get to the Frederick Street location.
2. Delivery of goods from southern distribution centres will come via B-Double haulage. Frederick Street is a local distributor road that services interneighbourhood traffic movement including that to the Boulevardde shopping centre, Broome Senior High School, and access and egress to residential areas along Cable Beach Road East to Gubinge Road. Such movement along a local distributor road introduces a traffic safety issue.
3. The roundabout on Frederick Street facilitating fluid access and egress along Frederick Street and between the Senior High School and the shopping centre has recently been identified as a Black Spot conflict junction; this highlights the safety and traffic congestion issues already present at this intersection.
4. Traffic congestion at peak periods between Broome High School and the Boulevardde shopping centre highlight the capacity inadequacies of Frederick Street. Traffic congestion occurs after hours and on weekends as the high school oval is used for district football competitions.

6. THE STRUCTURE PLAN

The structure plan covers an area of 91,070sq.m and is comprised of the following:

- Service Commercial: 66,945sq.m
- Arterial Roads: 1,232sq.
- Parks, Recreation and Drainage: 17,709sq.m
- Local Road: 5,148sq.m

The floorspace facilitated by the structure plan is approximately 24,000sq.m GFA.

6.1. ZONES

Per Plan 1 the designation of the land is Service Commercial and land use and development control shall be per LPS6 provisions relating to this zone.

6.2. CONCEPT

The structure plan proposes to facilitate uses akin to service commercial warehousing, hardware, showrooms, fast food outlets, car wash, and tyre service centre. Nyamba Buru Yawuru aim to generate a long term recurring income stream from leases, with potential for 10 year plus options lease agreements. In addition, the project has the potential to leverage employment opportunities for the Yawuru people and celebrate Yawuru culture through artworks, landscaping, signage and street naming.

The conceptual layout consists of three notional sites ranging in size from 8,860m² to 1.686 hectares with access from Cable Beach Rd East. Please see Figure 8 for the Conceptual Indicative Layout and Circulation. The current staging plan commences with subsequently allowing for three stages of development over 15 years with a view to leasing sites to commercial tenants, however this will be governed by market demand.

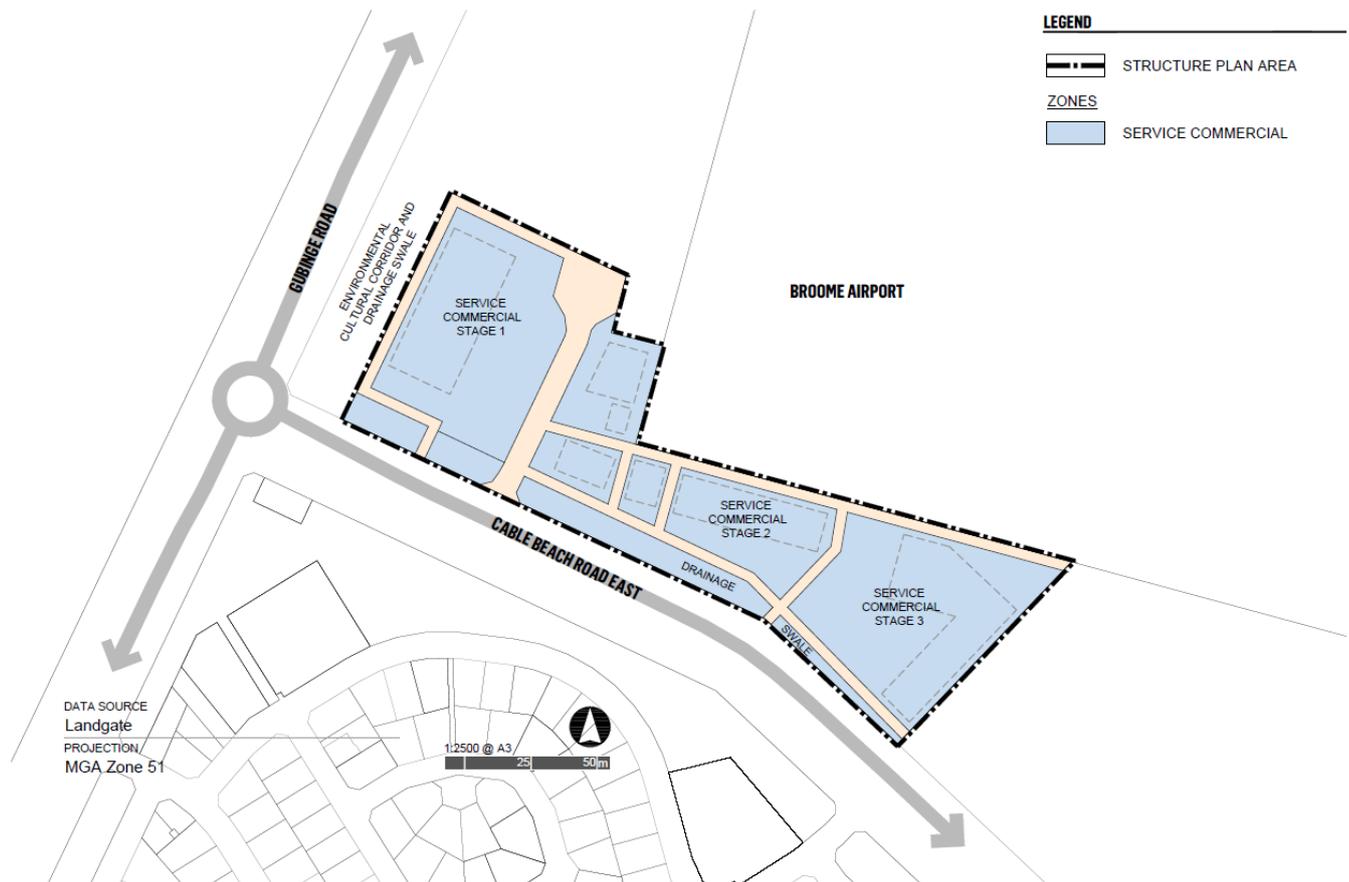


Figure 8 - Part of Lot 3082 Conceptual Indicative Layout and Circulation

6.3. ECONOMIC ANALYSIS

In 2016, Knight Frank was commissioned to produce an economic assessment of a proposed indicative land use plan (full study at Appendix G). The research of local agents concluded that there was currently a soft commercial market in Broome.

The indicative concept plan illustrates proposed commercial development of seven hectares comprising three notional large lots. Large freehold lots may be attractive to owner occupiers but the range of other potential buyers for the remainder large commercial sites is very limited due the size and high construction costs of any large development.

Smaller freehold commercial lots or leasehold tenure of 1,000m² and 4,000m² are more likely to suit the Broome market. Smaller commercial lots would be more affordable to owner occupied commercial businesses and would also likely attract a diverse range of businesses to the area.

The Knight Frank assessment was essentially to critique a conceptual or indicative land use plan illustrating potential uses on notional lot sizes. In this regard, the assessment as such was limited in its scope and needs to be balanced with other estimates of forecast demand and expansion of existing uses to a composite site. A large scale commercial outlet has expressed a strong interest in shifting from their current store to expand its retail offering. This will meet the requirements of stage one of this project with the remainder service commercial uses forming smaller showroom warehouse outlets to be developed over a time span of years.

6.4. MOVEMENT AND TRAFFIC

Based on published trip generation rates it is estimated that all stages of the development would generate some 1,150 Saturday peak hour trips. However, given the likely level of trip sharing between the land uses, this represents a worstcase scenario.

The site would be serviced by three public accesses off Cable Beach Road East. Access B will be the main access point and will permit all turning movements. Access C also permits all turning movements but will not attract as much traffic as Access B. Access A will not require a right turn in to the development off Cable Beach Road East.

The parking provision rates shown in the Shire of Broome's Town Planning LPS6 result in a minimum requirement for 436 parking bays. A concept parking layout indicates that over 600 bays could be provided. Parking should conform to the town planning scheme requirement in future development applications.

Access for service vehicles will be provided via Accesses B and C. If larger delivery vehicles are used then Cable Beach Road East will need to be included in the RAV network for Broome.

There is an excellent bicycle and pedestrian path network adjacent to the site that links the resort areas to the old Broome area to the east. Given the generally bulky goods nature of the proposed development it is unlikely that cycling or walking will be popular modes of transport to the site, although the fast food outlet and electrical goods retailer may attract some such customers. Employees may also choose to cycle or walk to and from the site. Good links into the development are therefore recommended.

The results of this study show that the development can be accommodated with the proposed accesses off Cable Beach Road East at the 2031 horizon. Service vehicle access can be accommodated is to be designed at the detailed stage so as not to affect the Gubinge Road roundabout or development accesses. DVC therefore supports the structure plan application in terms of the forecast transport impact of the proposal. DVC's full report can be found at Appendix E.

6.5. WATER MANAGEMENT

The site naturally grades west towards the Gubinge Road and Cable Beach Road intersection. Due to the relatively low permeability of the Pindan soil, it is proposed to disposed runoff of by means of surface drains and detention swales rather than soak-wells. The intent is to direct stormwater flow towards a detention swale near the culvert under Gubinge Road, allowing maintenance of the predevelopment flow rate discharge to the stormwater drainage system.

In support of this structure plan for the composite service commercial proposal of part of Lot 3082, the principles of the Local Water Management Strategy by Porter Consulting (detailed at Appendix D) are summarised below:

Water conservation:

- Water efficient fixtures.
- Minimise landscaping and irrigation areas.
- Waterwise landscaping techniques.
- Landscape planting of varieties endemic to Broome.
- Consider use of rainwater tanks for a non-potable water supply.

Stormwater quantity:

- Maintain discharge flow rates to be consistent pre-development rates.
Maintain flow paths and direct the stormwater to linear open swales.
- Pits and pipes within road reserve designed to the 10% (1:10 year) AEP event directing flows to open swales.
- Linear open swales for conveyance of major stormwater flows.
- The 10% AEP contained within the linear open swales.
- The 1% AEP conveyed within linear swales and road reserves.

- 400mm freeboard to finished floor levels (FFL).
- A 175mm maximum water depth within the road reserve for the 1% AEP.

Stormwater quality:

- First flush (15mm) runoff from constructed impervious surfaces retained and infiltrated within lot swales.
- Promote infiltration of stormwater to lot swales and linear open drains as high as possible in the catchment to activate the water quality treatment train.
- Erosion and sediment control by minimising the longitudinal grade of the swales and reducing velocity.

Groundwater levels and quality:

- Capture and treat stormwater to allow for infiltration of drainage to lot swales and linear open drains as early as possible.
- Groundwater recharge via infiltration.

6.6. SERVICING AND INFRASTRUCTURE

This section summarises the significant recommendations for extension of sewer and water mains to enable site development.

In liaison with the Water Corporation, a wastewater outlet for the site can be developed via developer-funded extension off the 225 gravity sewer that presently terminates at the intersection of Murray Rd and Cable Beach Rd, in Cable Beach.

Water supply is also required to be via developer funded reticulation mains extension from the existing network in the Cable Beach scheme. Sizing of required mains or meter connection will depend on water demands and type of development.

Depending on demands in the medium to longer term, the actual development of this site may, trigger the need to bring forward planned capital projects including the installation of a new 200-250-300 distribution main along Gubinge Rd between Djaigween Rd and Jigal Rd.

6.7. ACOUSTICS

No noise sensitive land uses are proposed. Noise sensitive uses are defined by SPP5.4 – Road and Rail Noise sensitive land use is defined in SPP5.4 as ‘land-uses or development occupied or designed for occupation or use for residential purposes (including dwellings, residential buildings or short stay accommodation), caravan park, camping ground, educational establishment, child care premises, hospital, nursing home, corrective institution or place of worship.’

Accordingly there is no need for a noise assessment or noise management plan associated with this structure plan or future land use/development.

6.8. BUSHFIRE MANAGEMENT

This section addresses the relevant aspects of the Guidelines for Planning in Bushfire Prone Areas (Version 1.3, December 2018) and applies the bushfire protection criteria (Appendix 4): siting and design, vehicle access and water supply and references the Bushfire Guidance BMP Check List (Appendix 5). The following tabular analysis provides recommended approaches to bushfire management. This tabular analysis and the approach to bushfire management demonstrates that bushfire protection criteria can be achieved through various management measures to achieve a BAL Rating.

Bushfire Protection Criteria	Method of Compliance Acceptable Solutions	Proposed Bushfire Management Actions
Element 1: Location	<p>A1.1 Development location</p> <p>The strategic planning proposal is located in an area that is or will, on completion, be subject to either a moderate or low bushfire hazard level, or BAL–29 or below.</p>	<p>Land is suitable for intensification because it is demonstrated a bushfire rating of BAL 29 or less can be achieved for the service commercial structure plan area, comprising industrial standard steel construction, for part of Lot 3082. As shown in the Bushfire Management Plan.</p>
Element 2: Siting and Design	<p>A2.1 Asset Protection Zone</p> <p>Every habitable building is surrounded by, and every proposed lot can achieve, an APZ depicted on submitted plans, which meets the following requirements:</p> <ul style="list-style-type: none"> ▪ Width: Measured from any external wall or supporting post or column of the proposed building, and of sufficient size to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m² (BAL-29) in all circumstances. ▪ Location: the APZ should be contained solely within the boundaries of the lot on which the building is situated, except in instances where the neighbouring lot or lots will be managed in a low-fuel state on an ongoing basis, in perpetuity. ▪ Management: the APZ is managed in accordance with the requirements of ‘Standards for Asset Protection Zones’. 	<p>An Asset Protection Zone is provided:</p> <ul style="list-style-type: none"> • along the road reserves as created by drainage swales, by access and parking to Stage One • by separating vegetation with a 10 metre wide serviceable access route around the entire boundary of part of Lot 3082 • Removal of vegetation to provide a 20 metre separation from classified vegetation and the stage one building to achieve an APZ.
Element 3: Vehicular	<p>A3.1 Two access routes</p> <p>Two different vehicular access routes are provided, both of which connect to the public road</p>	<p>Two constructed public access routes are available from Cable Beach Road East and Gubinge Road.</p>

Bushfire Protection Criteria	Method of Compliance Acceptable Solutions	Proposed Bushfire Management Actions
access To accord with Table 6 of the Guidelines	network, provide safe access and egress to two different destinations and are available to all residents/the public at all times and under all weather conditions.	
	<p>A3.2 Public road</p> <p>A public road is to meet the requirements in Table 6, column 1 (Figure 1).</p>	Two public roads with frontage to Lot 3082 comply with public Road specifications and link to an internal public road within part of Lot 3082 and will be constructed to meet the requirements of the Guidelines by the Developer.
	<p>A3.3 Cul-de-sac (including a dead end-road)</p> <p>Where no alternative exists (i.e. the lot layout already exists, demonstration required):</p> <ul style="list-style-type: none"> ▪ Requirements in Table 6, Column 2 (Figure 1); ▪ Maximum length: 200 m (if public emergency access is provided between cul-de-sac heads maximum length can be increased to 600 m provided no more than eight lots are serviced and the emergency access way is no more than 600 m); and ▪ Turn-around area requirements, including a minimum 17.5 metre diameter head. 	Not applicable.
	A3.4 Battle-axe	None applied.
	A3.5 Private driveway longer than 50 m.	None applied.
	<p>A3.6 Emergency access way</p> <p>Where no alternative exists (demonstration required), an emergency access way is to be provided as an alternative link to</p>	Proposed Emergency Access Way is provided from an existing Djagwan Road from Gubinge Road and another from Cable Beach Road East.

Bushfire Protection Criteria	Method of Compliance Acceptable Solutions	Proposed Bushfire Management Actions
	<p>a public road during emergencies:</p> <ul style="list-style-type: none"> ▪ Requirements in Table 6, Column 4 (Figure 1); ▪ No further than 600 m from a public road; ▪ Provided as right of way or public access easement in gross to ensure accessibility to the public and fire services during an emergency; and ▪ Must be signposted. 	
	<p>A3.7 Fire service access routes (perimeter roads)</p>	<p>An internal 4 metres fire break to perimeter of Lot 3082.</p>
	<p>A3.8 Firebreak width</p> <p>Lots greater than 0.5 ha must have an internal perimeter firebreak of a minimum width of 3 m or to the level as prescribed in the local firebreak notice issued by the local government.</p>	<p>An internal 4 metres fire break to perimeter of Lot 3082.</p>
<p>Element 4: Water</p>	<p>A4.1 Reticulated areas</p> <p>The subdivision, development or land use is provided with a reticulated water supply in accordance with the specifications of the relevant water supply authority and Department of Fire and Emergency Services.</p>	<p>As per standard water reticulation requirements. The Site will be reticulated. Reticulated water will be supplied in accordance with the Water Corporation’s No. 63 Water Reticulation Standard. Fire hydrants supplied to roads within Stage One subdivision to Water Corporation requirements.</p>
	<p>A4.2 Non-reticulated areas</p>	<p>None applied.</p>
	<p>A4.3 Individual lots within non-reticulated areas</p> <p>(Only for use if creating 1 additional lot and cannot be applied cumulatively)</p>	<p>Not applicable.</p>

Additional Management Actions

Construct compacted 10 metre wide aggregate serviceable access way around the periphery of the structure plan comprising the service commercial area as defined by the boundary of part of lot 3082 in accordance with Table 6 of the Guidelines for Planning in Bushfire Prone Areas.

Implementation Responsibilities

The responsibility of implementation of this Bushfire Management Plan essentially lies with Nyamba Buru Yawuru in unison with the stage one proponent.

7. IMPLEMENTATION AND STAGING

The stages are summarised as follows:

- Stage One is intended to support a large format retail showroom on approximately 1.45Ha of land. The north-south road will be constructed as part of this initial stage.
- Stage Two consists of fast food outlets, carwash and tyre service centre (0.886Ha) and a large format showroom warehouse site (1.379 hectares)
- Stage Three consists of a large format showroom warehouse site (1.686Ha)

Servicing infrastructure will be provided incrementally as necessitated by each stage.

APPENDIX A

TITLES

APPENDIX B

LEVEL 2 FLORA AND FAUNA REPORT

APPENDIX C

GEOTECHNICAL REPORT

APPENDIX D

OPPORTUNITIES AND CONSTRAINTS AND LOCAL WATER MANAGEMENT STRATEGY

APPENDIX E

TRAFFIC IMPACT ASSESSMENT

APPENDIX F

BUSHFIRE MANAGEMENT PLAN

APPENDIX G

ECONOMIC STUDY

APPENDIX H

**GROUND SURVEY AND AIRPORT
FLIGHT PATHS**

