



Local Planning Scheme No. 4

Amendment No. 5

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

Shire of Exmouth Local Planning Scheme 4 - Amendment No. 5

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- (i) Inserting 'Additional Use (A8)' into Schedule 2 – Additional Uses.
- (ii) Amending the Scheme Map accordingly by applying 'Additional Use (A8)' to Lot 1423 on Deposited Plan 219750 (Reserve 45539 and No. 600) Murat Road, Exmouth and to portion of Lot 1419 on Plan 219750 (Reserve 50807), Exmouth.
- (iii) Adding conditions relating to development within Additional Use A8.

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- (a) The amendment is consistent with the Shire of Exmouth Local Planning Strategy;
and
- (b) The amendment is not a complex or basic amendment.

Dated this _____ day of _____ 2021

(Chief Executive Officer)

1.0 INTRODUCTION

The Local Planning Scheme Amendment Report has been prepared for the purpose of implementing an amendment to the *Shire of Exmouth Local Planning Scheme No. 4* (LPS4) by applying an 'Additional Use' (Additional Use (A8)) in Schedule 2 of LPS4 to Lot 1423 on Deposited Plan 219750 (Reserve 45539 and No. 600) Murat Road, Exmouth and a portion of Lot 1419 on Plan 219750 (Reserve 50807) Murat Road, Exmouth zoned 'Tourism' (subject land).

The 'Additional Use' relates to the inclusion of 'workforce accommodation' as a discretionary ('A') use (rather than an 'X' use) and conditions to guide assessment of proposals for workforce accommodation on the subject land.

2.0 SITE DETAILS

Location

The subject land is highlighted below in **Figure 1**, and is located approximately 500m north east from the activity centre of Exmouth townsite and directly north of Exmouth's main recreation precinct, which includes the Kooboaroo and Talanjee ovals.

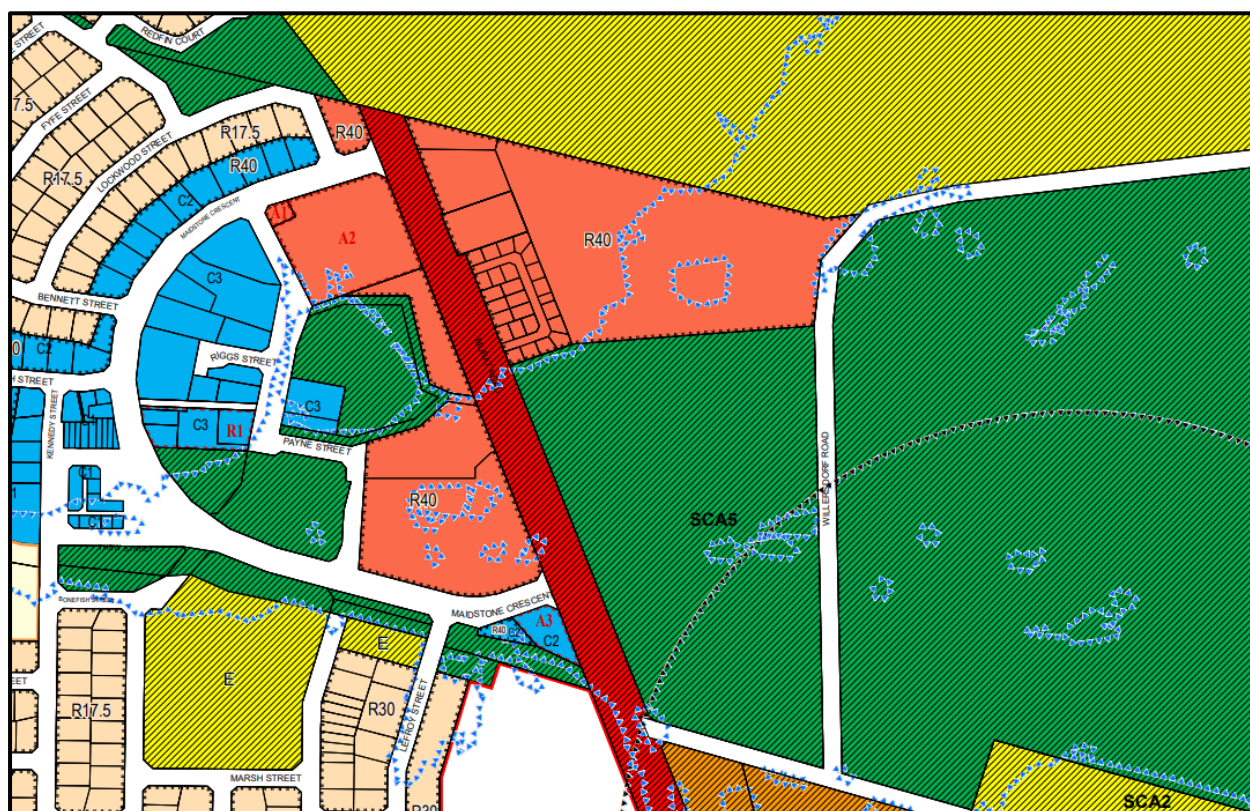
Figure 1



Site Area

The subject land is approximately 5.8ha and zoned 'Tourism' under LPS4 as shown in **Figure 2** below.

Figure 2



Titles & Ownership

The ownership details are shown in the below table.

Lot	Street	Volume/Folio	Deposited Plan	Land Area (m ²)	Owner
1419 (R50807)	(Willesdorf Road)	LR3143/279	DP 219750	55,000	STATE OF WA
Lot 1423 (R45539)	(No. 600) Murat Road	LR3093/122	DP 219750	2,336	STATE OF WA

The subject land includes Lot 1423 on Deposited Plan 219750 (Reserve 45539 and No. 600) Murat Road, Exmouth and a portion of Lot 1419 on Plan 219750 (Reserve 50807) Murat Road, Exmouth, which are currently zoned 'Tourism'.

Lot 1419, which forms part of Reserve 50807 and Lot 1423, being Reserve 45539 are currently set aside for the purposes of *Recreation and Research Centre* and *Drainage* respectively, with management orders to the Shire of Exmouth.

Discussions are ongoing with the Shire of Exmouth (Shire) and Department of Planning, Lands and Heritage (DPLH) regarding the appropriate future tenure of the subject land.

According to the Gnulli, Gnulli #2 and Gnulli #3 – Yinggarda, Baiyungu and Thalanyji People Native Title Determination dated 17 December 2019 (WCD2019/016), native title has been determined not to exist over the subject land.

Site Context

The western boundary of the site abuts several tourism properties fronting Murat Road, including the Ningaloo Breeze Holiday and Osprey Holiday Village complexes.

To the south of the site is Exmouth's main recreation precinct, which includes the Koobooroo and Talanjee ovals, skate park facility, tennis club and other small community groups.

The land to the east on the opposite side of Willersdorf Road is the Exmouth Golf Club.

To the north, is Department of Defence landholdings.

Site Physical Characteristics

Landform and vegetation

The subject land is relatively flat, largely cleared, consisting of sparse scattered vegetation. **Section 3.0** below outlines that a portion of the subject land is impacted by flood risk from Town Creek. From a desktop investigation, the subject land does not contain any significant or protected vegetation.

Flora/fauna

A desktop investigation of available spatial information shows that there are no threatened fauna species or habitats that are of significance under State or Federal legislation.

Bushfire prone areas

The subject land falls within an area declared bushfire prone by the Commissioner for Fire and Emergency Services, pursuant to s. 18P of the *Fire and Emergency Services Act 1998*. *State Planning Policy 3.7: Planning in Bushfire Prone Areas* (SPP 3.7) will apply to future developments. A detailed Bushfire Management Plan (BMP) will be prepared during later planning and design stages, as part of the LDP process.

Development of the subject land would result in some clearing of vegetation, reducing the bushfire risk of the subject land and neighbouring properties. Road connections to Murat Road would provide for routes in two directions. Firebreaks, fire service access routes and/or emergency access ways could be provided to integrate with Willersdorf Road, consistent with SPP 3.7 and the associated Guidelines.

Infrastructure

Information has been obtained from Dial Before You Dig in relation to the existing services at and in proximity to the subject which is summarised below.

Water

Reticulated scheme water is currently available along Murat Road.

Wastewater

The subject land is located within a mapped sewerage sensitive area. In line with the *Government Sewerage Policy 2019*, connection to the reticulated sewerage system should be undertaken where possible. It is noted that reticulated sewerage currently exists along Murat Road.

Electricity

Horizon Power over head distribution lines are located within the subject land holdings, and along Murat Road and Willersdorf Roads.

Telstra and NBN

There is some Telstra and NBN infrastructure located within the subject land.

3.0 PLANNING CONTEXT/CONTROLS

State & Regional Planning Context

Gascoyne Regional Planning and Infrastructure Framework

The purpose of the Gascoyne Regional Planning and Infrastructure Framework (Planning and Infrastructure Framework) is to establish a regional vision and basis for decision-making. The Planning and Infrastructure Framework introduces relevant planning initiatives that aim to address challenges for the region's prospects for economic development. The strategic goals of the Planning and Infrastructure Framework include:

- A globally competitive region;
- A strong and resilient Gascoyne region; and
- Sustainable communities and Infrastructure planning and coordination (supporting economic diversity, innovation and resilience).

Workforce Accommodation – Position Statement

The Western Australian Planning Commission (WAPC) has prepared a Position Statement on workforce accommodation to assist users of the planning system in understanding the land use planning considerations for workforce accommodation. The purpose of the Position Statement is to:

- outline the development requirements for workforce accommodation under the *Planning and Development Act 2005* and associated regulations; and
- provide guidance to local governments on the role of the local planning framework in the planning and development of workforce accommodation.

The WAPC's position is that where practicable, workforce accommodation should be provided in established towns, in locations suitable to its context, and to facilitate their ongoing sustainability. Planning and development of workforce accommodation should be consistent with local planning strategies and schemes, except where the *Mining Act 1978* and State Agreement Acts prevail.

Local Planning Framework

Shire of Exmouth Local Planning Scheme No.4 (LPS4)

The subject land is zoned 'Tourism' in LPS4.

The eastern lower portion of the site is located within the Special Control Area 5 – Floodplain (SCA 5).

The purpose of the SCA 5 is to reflect floodplain mapping for a number of flood routes and waterways in Exmouth. The objectives of the SCA 5 are:

- (a) To minimise impacts on the floodplain from inappropriate encroachment of development.*
- (b) To avoid subdivision and development within the high hazard floodplain.*
- (c) To ensure that proposed floodplain development has adequate flood protection and does not impact on the existing flood regime of the area.*

In accordance with clause 5.6.2, the Scheme reinforces the general presumption against subdivision and development within the floodplain unless –

- (i) Hydraulic modelling has been prepared to the satisfaction and approval of the Department of Water and Environmental Regulation;*
- (ii) In respect of land within the high hazard floor plain, suitable controls are in place to ensure no development will encroach into the high hazard floodplain, excluding earthworks for the provision of essential roads, bridges, footpaths and jetties.*

Future development would need to consider surface and groundwater management in line with the Shire's– District Water Management Strategy. However, there are parts of the land that are outside of the modelled floodplain.

The following aims of LPS4 are relevant to the proposal:

- Facilitate planning for the appropriate balance between economic and social development, public health, conservation of the natural environment, and improvements in lifestyle and amenity.
- To provide for a range of housing and choice of residential densities to meet the needs of the community.

Consistent with the objectives of the Tourism zone, the proposal provides for additional residential uses where appropriate.

This amendment and the provision of a defined suitable site for providing workforce accommodation, ultimately assists the Shire in promoting the regional development of the area and supports diversification of land uses.

Shire of Exmouth Local Planning Strategy

The local planning strategy (the Strategy) sets out the Shire's objectives for the future planning and development of its local government area, and includes a broad strategic framework by which to pursue those objectives. Local planning strategies are required to address WAPC policy.

The Strategy identifies the subject land as 'Tourism/Residential' under 'Future Tourism Area 5'. The Strategy supports the approval of residential uses.

The Strategy also recommends:

- Ensuring access to Lot 1423 is obtained from Murat Road.
- The development interface between future tourism residential uses and the existing Murat Road Recreation Precinct. The built form is to address (front) the proposed future road link between Murat Road and Willersdorf Road abutting the Recreation Precinct.

- The landscape and built form treatment of the Murat Road frontage recognising its importance as a townscape entry statement. Development fronting Murat Road shall be subject to the Murat Road Design Guidelines.

Future development of the subject land will need to result in high quality-built form that addresses Murat Road and the Recreation Precinct and considers and integrates with existing tourism and residential uses along Murat Road. Consequently, prior to any development, a Local Development Plan (LDP) to guide future development may be required to be adopted under the Scheme.

4.0 PROPOSAL

Workforce accommodation is currently an 'X' use in the 'Tourism' zone as set out in Table 1 – Zoning Table of LPS4. Therefore, proposals for 'workforce accommodation' cannot be considered for development approval.

The amendment proposes to change the permissibility to an 'A' use over the subject land. This means the Shire can consider a development application for workforce accommodation following advertising. This provides the opportunity to consult with neighbouring properties. As required, the Shire can also consult with relevant agencies.

The proposed permissibility of an 'A' use, for workforce accommodation in the Tourism zone, is consistent with the permissibility of an 'A' use in the Rural zone, and Amendment No.4 which at the time of this report is still under assessment to allow for workforce accommodation to be considered in some areas of the Service Commercial zone. Workforce accommodation is not permitted in other zones.

The amendment proposal seeks to insert an 'Additional Use' into LPS4 at 'Schedule 2 – Additional Uses' in accordance with the provisions of Schedule 1, Part 1, cl. 19 of the *Planning and Development (Local Planning Scheme) Regulations 2015*; and to amend the Scheme Map accordingly.

The table within Schedule 2 of LPS4 will be populated with information to guide assessment of any future proposals for 'workforce accommodation' on the site.

JUSTIFICATION

Workforce accommodation

It is widely acknowledged that there is currently a significant demand for workforce accommodation in Exmouth. This proposal aims to respond to the local market and context. Other proposals have, or are being progressed, to combat the lack of housing for staff and workers within the locality. Given the transient workforce, it is considered suitable to allow sufficient flexibility to encourage temporary accommodation which can either service the surrounding resource sector (either permanently or for a temporary period) or local workforce.

Proposed development

Key issues to be investigated as part of future proposals are outlined below.:

Impacts on visual amenity

The visual impact of any proposed workforce accommodation facility must be considered, particularly in relation to the tourism development located to the west of the site and views of the site from Murat Road. Measures, such as siting of the development, screening (through

materials – fencing) and landscaping, should be defined to ensure development is adequately screened from surrounding land uses, and provides a high-quality interface with the public realm.

Design

The Shire will assess development applications against any approved LDPs, the Residential Design Codes, LPS4 and relevant Local Planning Policies. As this is a prominent location, the design should be of high-quality, allowing for the development to be easily adapted and reused for short-stay accommodation if needed in the future. Accordingly, it is proposed to remove the current provision which limits each workforce accommodation unit to no more than one (1) bedroom under clause 4.11.2 of LPS4. Consideration also needs to be given to the colours and materials of any future development to ensure compatibility with existing development within the area and the Shire's adopted colour palette.

Parking and vehicle access

A workforce accommodation facility should provide adequate parking bays for occupants. Access points and locations will need to be carefully considered.

Servicing

In line with the *Government Sewerage Policy 2019*, connection to the reticulated sewerage system should be undertaken where possible, it is noted that reticulated sewerage currently exists along Murat Road.

Additional Use

It is considered appropriate to include an additional use for 'workforce accommodation' on the subject land only rather than altering the permissibility of the 'workforce accommodation' land use across all land zoned Tourism. Due to other sites being located in prominent and higher tourism amenity areas, such as those directly facing Murat Road and in close proximity to Town Beach and the Marina. The proposed additional use is also consistent with WAPC's Position Statement on Workforce Accommodation, which recommends that proposals for workforce accommodation be considered on a case-by-case basis.

The Scheme amendment includes specific conditions that will be considered when assessing development proposals within the subject land. In this instance, there are a number of conditions that are over and above the standard provisions of the Scheme, including:

- The requirement for a Local Development Plan to be prepared to guide future development and address a number of items;
- The need, considering the capacity in local housing and supply markets;
- Numbers of units;
- Occupancy limitations – number of persons occupying the site and employer;
- Provision of suitable setbacks and siting of development in a manner that considers surrounding land uses;
- Measures to manage visual amenity impacts (screening, fencing and landscaping etc.);
- Decommissioning/transitioning plans;
- Time limited approvals;
- Rubbish disposal;
- On-site carparking;
- Stormwater drainage and impacts on the floodplain;

- Provision of a full-time on-site manager or caretaker;
- Development to be of a high standard and capable of being adapted and used for future residential and/or tourism purposes;
- Remove the need for permanent residential accommodation to be limited to 40%, and a tourist development to be constructed initially;
- No limit on each workforce accommodation unit to contain no more than one (1) bedroom; and
- Workforce accommodation subject to the R40 Density Code.

Amendment type

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- (a) The amendment is consistent with the Shire of Exmouth Local Planning Strategy; and
- (b) The amendment is not a complex or basic amendment.

5.0 CONCLUSION

The amendment has been prepared to allow greater opportunities for workers accommodation within the Shire of Exmouth.

The proposed scheme amendment is considered to be a 'standard' amendment to the Shire of Exmouth's Local Planning Scheme 4 as per the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Planning and Development Act 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

Shire of Exmouth Local Planning Scheme No. 4 Amendment Number 5

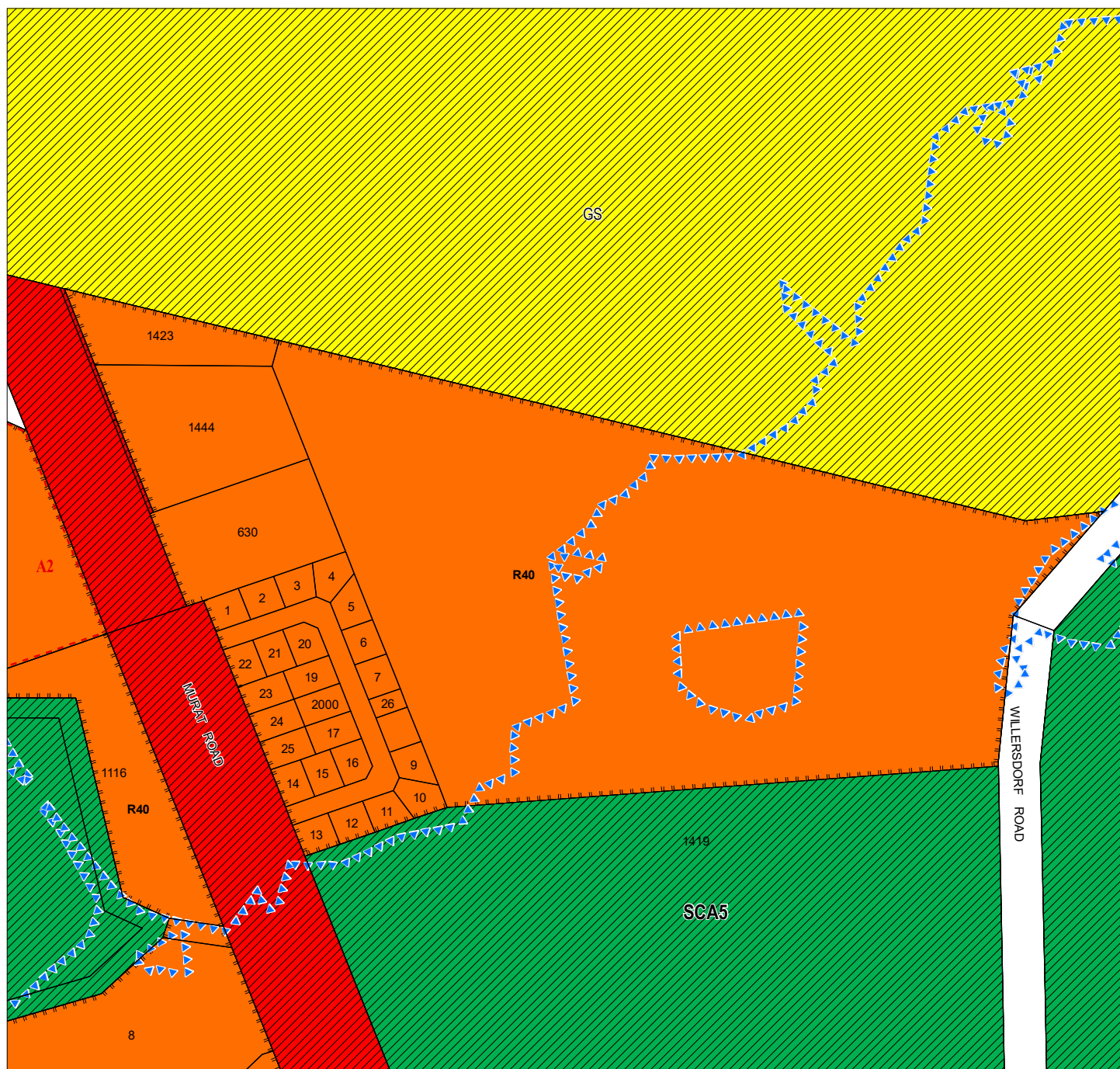
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- (iii) Adding conditions relating to development within Additional Use A8.**

No	Address	Additional Use	Conditions
A8	Lot 1423 on Deposited Plan 219750 (Reserve 45539 and No. 600) Murat Road, Exmouth and portion of Lot 1419 on Deposited Plan 219750 (Reserve 50807) Murat Road, Exmouth.	As an 'A' use <ul style="list-style-type: none">Workforce Accommodation	<ol style="list-style-type: none">The Local Government may require a Local Development Plan to be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, to address the following:<ul style="list-style-type: none">Landform and topography;Vehicular access arrangements;Internal vehicle and pedestrian movements;Indicative site layout, including provision of suitable setbacks and siting of development in a manner that considers surrounding land uses;Servicing, including sewer, water, drainage and power;A bushfire management plan to address State Planning Policy 3.7 – <i>Planning in Bushfire Prone Areas</i>; andSuch other information as may be required by the local government.In considering an application for development approval, the local government shall consider the following matters in addition to those which it may have regard to under the Scheme

			<p>and any approved Local Development Plan:</p> <ul style="list-style-type: none"> • The need, considering the capacity in local housing and supply markets; • Numbers of units; • Occupancy limitations – number of persons occupying the site and employer; • Measures to manage visual amenity impacts (screening, fencing and landscaping etc.); • Decommissioning/transitioning plans; • Time limited approvals; • Rubbish disposal; • On-site carparking; and • Stormwater drainage and impacts on the floodplain. <p>3. The local government is to be satisfied that the proponent has identified appropriate strategies to manage issues by siting of land use in the context of surrounding existing and proposed land uses; and providing adequate screening measures, such as fencing and landscaping.</p> <p>4. Provision of a full-time on-site manager or caretaker.</p> <p>5. Development is to be of a high standard and be compatible with the overall landscape, colours and textures of the areas.</p> <p>6. Development should be designed so that it is capable of being adapted and used for future tourism and/or residential purposes.</p> <p>7. All development shall be in accordance with the local government's adopted colour palette.</p> <p>8. Notwithstanding other Scheme provisions, there are no limitations on:</p> <ul style="list-style-type: none"> • The gross floor area being limited to 40% for permanent residential accommodation, or • Each workforce accommodation unit to contain no more than one (1) bedroom, or • The need to initially approve and construct new or refurbished tourist
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			<p>development where associated with workforce accommodation.</p> <p>9. Workforce accommodation shall comply with the minimum and average lot sizes as per the R40 Density Code.</p>
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EXISTING SCHEME MAP

Legend

- | | | | |
|--|---|-----------------------------|---|
| | Cadastral with Lot number | | Public Open Space |
| | Scheme Boundary | | GS Public Purposes : Government Services |
| | R Codes | LPS Other Categories | |
| | LPS Zones
Tourism | | SCA5 Floodplain Special Control Area 5 |
| | LPS Reserves
Primary Distributor Road | | A2 Additional uses |
| | Local Road | | |



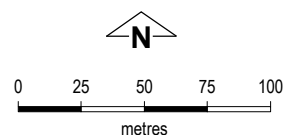
Department of Planning,
Lands and Heritage

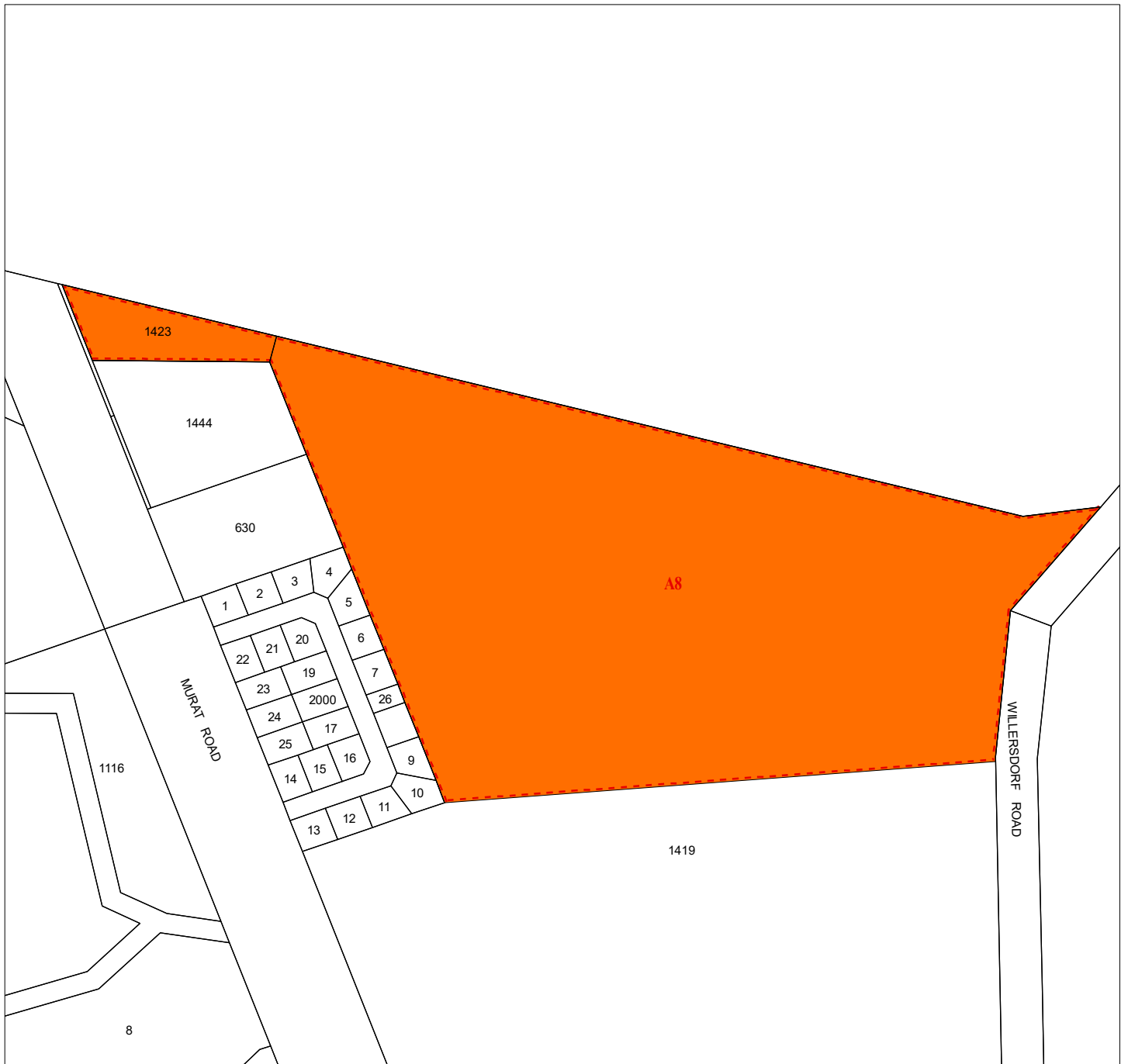
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Produced by Data Analytics Branch,
Department of Planning, Lands and Heritage, Perth WA
Base Information supplied by Western Australian Land
Information Authority SLIP 1180-2020-1





PROPOSED SCHEME AMENDMENT MAP

Legend

 Cadastre with Lot number

LPS Zones and Reserves Amendments

 Tourism

 **A8** Additional uses



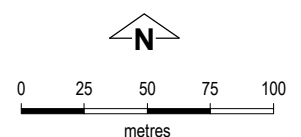
Department of Planning,
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Produced by Data Analytics Branch,
Department of Planning, Lands and Heritage, Perth WA
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COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the Shire of Exmouth at the Ordinary Meeting of the Council held on the ____ day of _____, 2021

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the Shire of Exmouth at the Ordinary Meeting of the Council held on the ____ day of _____ 2021, proceed to advertise this Amendment.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for support by resolution of the Shire of Exmouth at the Ordinary Meeting of the Council held on the ____ day of _____, 20____ and the Common Seal of the Shire of Exmouth was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

.....

**DELEGATED UNDER S.16 OF
THE P&D ACT 2005**

DATE.....

APPROVAL GRANTED

.....

MINISTER FOR PLANNING

DATE.....