



Your ref: ADM1757
Our ref: TPS/2742
Enquiries: Schemes Team

Chief Executive Officer
Shire of Carnarvon
PO Box 459
CARNARVON WA 6701

Transmission via electronic mail to: shire@carnarvon.wa.gov.au

Dear Sir/Madam

LOCAL PLANNING SCHEME NO. 13 - AMENDMENT NO. 1

The Western Australian Planning Commission (Commission) has considered the amendment and submitted its recommendation to the Minister in accordance with section 87(1) of the *Planning and Development Act 2005* (the Act).

The Minister has approved the amendment in accordance with section 87(2)(a) of the Act. In accordance with section 87(3) of the Act, the Commission will cause the approved amendment to be published in the Government Gazette.

The Commission has forwarded notice to the Department of Premier and Cabinet (attached) and it is the local governments' responsibility to make arrangements for the payment of any publication costs. The local government is required under section 87(4B) of the Act, and regulation 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to publish the approved amendment, ensure that it is available to the public, and notify each person who made a submission.

For all payment and purchase order queries, please contact the Department of Premier and Cabinet on (08) 6552 6012. One signed set of the amending documents is returned for your records.

Please direct any queries about this matter to localplanningschemes@dplh.wa.gov.au.

Yours sincerely

Ms Sam Fagan
Secretary
Western Australian Planning Commission

3/02/2023

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT Shire of Carnarvon

LOCAL PLANNING SCHEME No. 13 - AMENDMENT No. 1

Ref: TPS/2742

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Carnarvon Local Planning Scheme amendment on 1 February 2023 for the purpose of:

1. Replace the term 'overnight visitors' with 'beds' throughout Local Planning Scheme No. 13.
2. Modify Schedule 1 No. 4 by rewording condition 1 to:

The maximum number of beds is restricted to 280 (inclusive of workforce accommodation).
3. Replace Restricted Use 3 with the following:

No.	Description of land	Restricted Use	Conditions
3	Parent Lot 308 Coral Bay	Holiday accommodation Holiday House Workforce accommodation	<ol style="list-style-type: none">1. The general development standards of the Scheme apply unless prescribed in a Structure Plan approved under Part 4 of the deemed provisions or a Local Development Plan approved under Part 6 of the deemed provisions; or unless an R-Code is designated, in which case the requirements of the Residential Design Codes shall apply.2. A structure Plan shall be prepared in accordance with Part 4 of the deemed provisions for the whole of the land holding (Parent Lot 308). The Structure Plan shall spatially define the location of 'workforce accommodation', 'holiday house' and 'holiday accommodation' uses.3. The Structure Plan be referred to the Department responsible for the <i>Contaminated Sites Act 2003</i>.4. Notwithstanding any other provision

			<p>of the scheme, for the purposes of Restricted Use 3, the definition of a 'lot' within the 'Holiday House' definition is to also apply to survey-strata lots under the <i>Strata Titles Act 1985</i>.</p> <ol style="list-style-type: none"> 5. Freehold subdivision of the whole of the land holding (Parent Lot 308) shall be limited to 'superlots' with a minimum size of 4,000m² and generally be in accordance with an endorsed Local Structure Plan. 6. Subdivision of the 'superlots' shall be limited to survey strata subdivision. No subdivision of lots in fee simple of less than 4,000m² will be approved. 7. For all lots, both green title and survey strata or lease areas identified on a structure plan, the maximum number of beds is restricted to 920 (inclusive of workforce accommodation). 8. At any stage of subdivision, section 70A notifications under the <i>Transfer of Land Act 1893</i> shall ensure future interest holders are made aware of the provisions that apply to Lot 308 relating to restriction of use. 9. Holiday accommodation and holiday house may require management plans to be submitted to the Local Government for approval prior to occupation and should address the following: <ol style="list-style-type: none"> 9.1 Nomination of a management agent and details of management approval/protocol shall form a legally binding agreement with the Local Government; 9.2 Car Parking and signage provision; and 9.3 The maintenance of a booking register. 10. Strata subdivision under the <i>Strata Titles Act 1985</i> shall only be considered once the Local Government has granted development approval.
--	--	--	---

			<p>11. Strata subdivision may include the following additions to the by-laws contained in the Schedules 1 and 2 of the <i>Strata Titles Act 1985</i>.</p> <p>11.1 Development or redevelopment on the Strata lots must comply with an existing development approval issued by the Shire of Carnarvon, or such alternative development approval as the Local Government may grant, which complies with the requirements of the Scheme.</p> <p>11.2 Controls to ensure the overall management of the short-term accommodation.</p> <p>11.3 Provisions stipulating that the proposed short-term accommodation cannot be used for permanent residential purposes at any time and occupation by any individual shall not exceed 3 months in any 12 month period;</p> <p>11.4 Provisions that the owners of the proposed short-term accommodation may allow their property to be rented out for short-term accommodation purposes;</p> <p>11.5 Provisions requiring all common property, including the communal open space areas, to be landscaped and maintained by the Strata Company/Managing Authority;</p> <p>11.6 Amendment to or repeal of the provisions cannot be effected without approval of the Western Australian Planning Commission.</p>
--	--	--	---

4. Modify Schedule 3 – Restricted Uses for land in Scheme Area, Numbers 1, 4, 5, 6, 7, 8 and 15 in the following way:

No.	Description of Land	Restricted Use	Conditions
1.	Lot 52/66 Robinson Street Coral Bay	Camping ground Caravan park	<ol style="list-style-type: none"> 1. Where development standards are not prescribed in a Local Development Plan approved under the Part 6 of the deemed provisions, the general development standards of the Scheme apply. 2. No short-term accommodation other than for caravans and camping is permitted. 3. The number of beds is restricted to 828 (inclusive of workforce accommodation).
		Workforce Accommodation	<ol style="list-style-type: none"> 1. Where development standards are not prescribed in a Local Development Plan approved under the Part 6 of the deemed provisions, the general development standards of the Scheme apply. 2. Notwithstanding other clauses within the Scheme, Workforce accommodation is to be classed as an 'I' use, it must be demonstrated that approval of the use will support the predominant use.
4.	Lot 800/79 Banksia Drive Coral Bay	Camping ground Caravan park Hotel Motel Tourist development	<ol style="list-style-type: none"> 1. The general development standards of the Scheme apply unless prescribed in a Local Development Plan approved under Part 6 of the deemed provisions; or unless an R-Code is designated, in which case the requirements of the Residential Design Codes shall apply. 2. The number of beds to be accommodated is restricted to 340 (inclusive of workforce accommodation).
		Workforce Accommodation	<ol style="list-style-type: none"> 1. Where development standards are not prescribed in a Local Development Plan approved

			<p>under the Part 6 of the deemed provisions, the general development standards of the Scheme apply.</p> <p>2. Notwithstanding other clauses within the Scheme, Workforce accommodation is to be classed as an 'I' use, it must be demonstrated that approval of the use will support the predominant use.</p>
5	Lot 13/ No 20 Robinson Street,	<p>Caravan Park</p> <p>Camping ground</p> <p>Tourist development</p> <p>Hotel</p> <p>Motel</p>	<p>1. The general development standards of the Scheme apply unless prescribed in a Local Development Plan approved under Part 6 of the deemed provisions; or unless an R-Code is designated, in which case the requirements of the Residential Design Codes shall apply.</p> <p>2. The number of beds to be accommodated is restricted to 534 (inclusive of workforce accommodation).</p>
		Workforce Accommodation	<p>1. Where development standards are not prescribed in a Local Development Plan approved under the Part 6 of the deemed provisions, the general development standards of the Scheme apply.</p> <p>2. Notwithstanding other clauses within the Scheme, Workforce accommodation is to be classed as an 'I' use, it must be demonstrated that approval of the use will support the predominant use.</p>
6.	Lot 1/14 Robinson Street, Coral Bay	<p>Camping ground</p> <p>Caravan park</p> <p>Hotel</p> <p>Motel</p>	<p>1. The general development standards of the Scheme apply unless prescribed in a Local Development Plan approved under Part 6 of the deemed provisions; or unless an R-Codes is designated, in which case the requirements</p>

		Tourist development	<p>of the Residential Design Codes shall apply.</p> <p>2. The number of beds to be accommodated is restricted to 270 (inclusive of workforce accommodation).</p>
		Workforce Accommodation	<p>1. Where development standards are not prescribed in a Local Development Plan approved under the Part 6 of the deemed provisions, the general development standards of the Scheme apply.</p> <p>2. Notwithstanding other clauses within the Scheme, Workforce accommodation is to be classed as an 'I' use, it must be demonstrated that approval of the use will support the predominant use.</p>
7.	Lot 9500, Coral Bay	<p>Camping ground</p> <p>Caravan park</p> <p>Hotel</p> <p>Motel</p> <p>Tourist development</p>	<p>1. The general development standards of the Scheme apply unless prescribed in a Local Development Plan approved under Part 6 of the deemed provisions; or unless an R-Code is designated, in which case the requirements of the Residential Design Codes shall apply.</p> <p>2. The number of beds to be accommodated is restricted to 816 (inclusive of workforce accommodation).</p>
		Workforce Accommodation	<p>1. Where development standards are not prescribed in a Local Development Plan approved under the Part 6 of the deemed provisions, the general development standards of the Scheme apply.</p> <p>2. Notwithstanding other clauses within the Scheme, Workforce accommodation is to be classed as an 'I' use, it must be demonstrated that approval of the use will support the</p>

			predominant use.
8.	Lot 1/44 Robinson Street and Lot 2/24 French Street, Coral Bay	Camping ground Caravan park Hotel Motel Tourist Development	<ol style="list-style-type: none"> 1. The general development standards of the Scheme apply unless prescribed in a Local Development Plan approved under Part 6 of the deemed provisions; or unless an R-Code is designated, in which case the requirement of the Residential Design Codes shall apply. 2. The number of beds to be accommodated is restricted to 546 (inclusive of workforce accommodation).
		Workforce Accommodation	<ol style="list-style-type: none"> 1. Where development standards are not prescribed in a Local Development Plan approved under the Part 6 of the deemed provisions, the general development standards of the Scheme apply. 2. Notwithstanding other clauses within the Scheme, Workforce accommodation is to be classed as an 'I' use, it must be demonstrated that approval of to use will support the predominant use.
15.	Lot 10/16 Robinson Street, Coral Bay	Camping ground Caravan park Hotel Motel	<ol style="list-style-type: none"> 1. The general development standards of the Scheme apply unless prescribed in a Local Development Plan approved under Part 6 of the deemed provisions; or unless an R-Code is designated, in which case the requirements of the Residential Design Codes shall apply. 2. The number of beds to be accommodated is restricted to 265 (inclusive of workforce accommodation).
		Workforce Accommodation	<ol style="list-style-type: none"> 1. Where development standards are not prescribed in a Local Development Plan approved under the Part 6 of the deemed provisions, the

			general development standards of the Scheme apply.
--	--	--	--

5. Insert the following into Schedule 7 – Special Control Areas in Scheme Area:

12. Special Control Area 11: Lot 308 Coral Bay

Purpose	Objectives	Additional Provisions
Future use and development within the Special Control Area 11 boundary is solely for 'Workforce Accommodation'.	Land within the boundary of Special Control Area 11 is to be used solely for the 'Workforce Accommodation' use.	The following provisions apply to all land within SCA 11 as notated on the Scheme Map. 1. Notwithstanding any other provisions of the Scheme, use and development of land within SCA 11 shall be restricted to 'Workforce Accommodation'. 2. All other uses are not permitted ('X').

6. Update the Scheme Maps accordingly.

7. Pursuant to Regulation 35A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the amendment to the above Local Planning Scheme affects the following structure plan(s): Coral Bay Settlement Structure Plan (2014).

Upon the amendment taking effect, the structure plan is to be amend.

E SMITH
SHIRE PRESIDENT

A SELVEY
CHIEF EXECUTIVE OFFICER