



Shire of Halls Creek
Local Planning Scheme No. 2
Omnibus Amendment No. 1

Planning and Development Act 2005

**RESOLUTION TO PREPARE AMENDMENT
TO LOCAL PLANNING SCHEME**

SHIRE OF HALLS CREEK LOCAL PLANNING SCHEME NO. 2

AMENDMENT NO.1

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

1. Correction of Minor Text Errors and Omissions

- 1.1 Throughout the Scheme text, where the word 'Scheme Area' appears in a sentence, modify to 'Scheme area'.
- 1.2 Throughout the Scheme text, where the words 'Local government' or 'Local Government' appear in a sentence, modify to 'local government'.
- 1.3 Throughout the Scheme text, where the word 'Zone' appears in a sentence, modify to 'zone'.
- 1.4 In Table 1 - Reserve objectives, modify 'Environmental conservation' to 'Environmental Conservation'.
- 1.5 In Table 1 - Reserve objectives, modify 'Strategic infrastructure' to 'Strategic Infrastructure'.
- 1.6 In Table 2 - Zone objectives, Rural Residential zone section, modify 'to' at the start of the sentence to 'To'.
- 1.7 In Table 3 – Zoning Table, modify 'Residential Aged Care Facility' to 'Residential aged care facility'.
- 1.8 In Table 3 – Zoning Table, modify 'Residential Building' to 'Residential building'.
- 1.9 In Part 6 - Terms referred to in Scheme, Division 2, Section 38, Land use terms used, modify 'aged or dependent Persons Dwelling' to 'aged or dependent persons dwelling'.
- 1.10 In Part 6 - Terms referred to in Scheme, Division 2, Section 38, Land use terms used, add the definition of "independent living complex":
A development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility.

1.11 In Part 6 - Terms referred to in Scheme, Division 2, Section 38, Land use terms used, modify the definition of "Residential aged care facility" to:

A residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes:

- a) *appropriate staffing to meet the nursing and personal care needs of residents*
- b) *meals and cleaning services*
- c) *furnishings, furniture and equipment.*

This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.

1.12 In Schedule 2 - Additional site and development requirements, Section (1) modify 'Development Standards - Lot size, Setbacks and site coverage requirements' to 'Development Standards - Lot size, setbacks and site coverage requirements'.

1.13 In Schedule 2 - Additional site and development requirements, Tourism Use Considerations, Section (24) Bed and Breakfast (iv) modify 'Zoning Table' to 'Zoning table'.

1.14 In Schedule 2 - Additional site and development requirements, Section (25) Tourist Facilities (a), modify 'Caravan Park' to 'Caravan park', modify 'Holiday Accommodation' to 'Holiday accommodation' and modify 'Holiday House' to 'Holiday house'.

2. Zoning Table

Amend Table 3 - Zoning Table:

2.1 Add "Independent living complex" to the zoning table with the following land use permissibility's: Residential zone 'P', Urban Development zone 'D', Cultural and Natural Resource Use zone 'D', Rural zone 'X', Rural Residential zone 'D', Rural Enterprise zone 'X', General Industry zone 'X', Commercial zone 'D' zone, Mixed Use zone 'D', Tourism zone 'X'.

2.2 Add "Serviced apartment" to the zoning table with the following land use permissibility's: Residential zone 'A', Urban Development zone 'X', Cultural and Natural Resource Use zone 'X', Rural zone 'X', Rural Residential zone 'X', Rural Enterprise zone 'A', General Industry zone 'X', Commercial zone 'D' zone, Mixed Use zone 'A', Tourism zone 'P'.

2.3 Within the Commercial zone, modify 'Residential building' to 'D'.

3. Correction of Minor Mapping Errors and Omissions

Amending the Scheme Maps as follows:

Modification Number	Address	Proposed Modification
3.1	Lot 500 (DP 63361) and Lot 101 (DP 68607) Roberta Avenue, Halls Creek	Amend a portion of Lot 500 and Lot 101 Roberta Avenue, Halls Creek from 'Residential' zone to 'Emergency Services' Reserve.
3.2	Moongardie Aboriginal Settlement Lot 787, Pastoral Lease PL N049790 (DP 76787)	Amend from 'Public Purposes' Reserve to 'Settlement' zone.
3.3	Warmun Aboriginal Settlement A – Lot 504, Crown Reserve 34593 (DP 406074) B – Lot 114 (DP 219259) and Lot 504 (DP 52633) Great Northern Highway	A – Amend from 'Public Purposes' Reserve to 'Settlement' zone. B – Amend from "Primary Distributor Road" Reserve to 'Public Purposes' Reserve.
3.4	Balgo Aboriginal Settlement A – Lot 21, Crown Reserve 46573 (DP 219593) B – Lot 4, Crown Reserve 26399 (DP 240207)	A – Remove the 'Local Distributor' Reserve and amend from 'Local Distributor' Reserve to 'Settlement' zone. B – Amend from 'Local Distributor' Reserve to 'Settlement' zone.
3.5	Mulan Aboriginal Settlement A – Lot 16, Pastoral Lease PL N049428 (DP 194368) B – Lot 16, Pastoral Lease PL N049428 (DP 194368) C - Lot 8, Crown Reserve 39102 (DP 186640)	A – Amend from 'Local Distributor' Reserve to 'Settlement' zone. B – Amend from 'Local Distributor' Reserve to 'Settlement' zone. C – Amend from 'Local Distributor' Reserve to 'Settlement' zone.

Modification Number	Address	Proposed Modification
3.6	Billiluna Aboriginal Settlement Lot 331, Unallocated Crown Land (DP 55300)	Amend from 'Local Distributor' Reserve to 'Settlement' zone.
3.7	Kupartiya Aboriginal Settlement A – Lot 86, Crown Reserve 43061 (DP 190425) B – Lot 51, Pastoral Lease PL N049593 (DP 238069) C – Lot 51, Pastoral Lease PL N049593	A – Remove 'Local Road' Reserve and amend to 'Settlement' zone. B – Remove 'Local Road' Reserve and amend to 'Rural' zone. C – Add (C) portion to existing Settlement zone, to include informal cemetery. Amend from 'Rural' zone to 'Settlement' zone.
3.8	Yarrunga Aboriginal Settlement Lot 51, Crown Lease GE: I126350 (DP 93173)	Amend from 'Settlement' zone to 'Rural' zone.

4. The amendment is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:

- a) It is consistent with the Shire's Local Planning Strategy
- b) It will have minimal impacts on land in the scheme area that is not subject to the amendment; and
- c) it will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this 30th day of June 2021


Acting **Chief Executive Officer**

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

- | | |
|--|----------------------------|
| 1) LOCAL AUTHORITY | SHIRE OF HALLS CREEK |
| 2) DESCRIPTION OF LOCAL PLANNING SCHEME | LOCAL PLANNING SCHEME NO.2 |
| 3) TYPE OF SCHEME | LOCAL PLANNING SCHEME |
| 4 SERIAL NUMBER OF AMENDMENT | AMENDMENT NO. 1 |
| 5) PURPOSE | OMNIBUS AMENDMENT |

AMENDMENT REPORT

1.0 Purpose

On 17 September 2019 the Shire of Halls Creek Local Planning Scheme No. 2 (LPS2) was published in the *Government Gazette* and came into operation. LPS2, which incorporates the Scheme text and Scheme maps, controls and guides development and growth within the Shire of Halls Creek.

It is common practice to undertake a periodic, relatively minor review of local planning schemes. These reviews are usually undertaken as an 'omnibus amendment' to the scheme and in response to a number of matters which, amongst other things, include changes brought about by ongoing strategy and policy formulation, and/or to effect general improvements for administration purposes.

This amendment proposes a number of changes to LPS 2 to correct minor textual and mapping errors.

2.0 Background

The intent and scope of the changes proposed in the amendment can be broadly grouped into the following categories:

- Correction of minor text errors and omissions that were not identified when LPS2 was first gazetted;
- Updating the zoning table to review the permissibility of certain land uses;
- Addressing mapping corrections that have been identified through the process of adopting LPS2 and other minor modifications to the Scheme maps.

This report has been structured to reflect the categories above and provides the rationale for each amendment.

3.0 Planning Considerations

3.1 Shire of Halls Creek Local Planning Strategy

The Shire of Halls Creek Local Planning Strategy was endorsed by the Western Australian Planning Commission on the 25th May 2016. The Local Planning Strategy sets out the medium to long term planning directions for the Shire over the next 10-15 years, and provides the rationale for the zones and other provisions of LPS2. The majority of the changes proposed through this Amendment are minor in nature and do not impact any of the strategic recommendations within the Local Planning Strategy.

4.0 Planning Rationale for Proposed Scheme Amendment Changes

The changes proposed in this Amendment fall into main categories as follows:

- Correction of minor text errors and omissions that were not identified when LPS2 was first gazetted;
- Updating the zoning table to review the permissibility of certain land uses;

- Addressing mapping corrections that have been identified through the process of adopting LPS2 and other minor modifications to the Scheme maps.

This report has been structured to reflect each of these categories and the rationale for each amendment is provided under the headings below.

4.1 Correction of Minor Text Errors and Omissions

The majority of these changes are of a typographical nature. The table below sets out the proposed amendment and the rationale for the change proposed.

Proposed Amendment	Rationale
Throughout the Scheme text, where the word 'Scheme Area' appears in a sentence, modify to 'Scheme area'.	This is an administrative correction to address a grammatical error.
Throughout the Scheme text, where the words 'Local government' or 'Local Government' appear in a sentence, modify to 'local government'.	This is an administrative correction to address a grammatical error.
Throughout the Scheme text, where the word 'Zone' appears in a sentence, modify to 'zone'.	This is an administrative correction to address a grammatical error.
In Table 1 - Reserve objectives, modify 'Environmental conservation' to Environmental Conservation.'	This is an administrative correction to address a grammatical error.
In Table 1 - Reserve objectives, modify 'Strategic infrastructure' to 'Strategic Infrastructure'.	This is an administrative correction to address a grammatical error.
In Table 2 - Zone objectives, Rural Residential zone section, modify 'to' at the start of the sentence to 'To'.	This is an administrative correction to address a grammatical error.
In Table 3 - Zoning Table, modify 'Residential Aged Care Facility' to 'Residential aged care facility'.	This is an administrative correction to address a grammatical error.
In Table 3 - Zoning Table, modify 'Residential Building' to 'Residential building'.	This is an administrative correction to address a grammatical error.
In Part 6 - Terms referred to in Scheme, Division 2 section 38 land use terms used, modify 'aged or dependent Persons Dwelling' to 'aged or dependent persons dwelling'.	This is an administrative correction to address a grammatical error.

Proposed Amendment	Rationale
<p>In Part 6 - Terms referred to in Scheme, Division 2, Section 38 Land use terms used, add the following definition of 'independent living complex':</p> <p><i>A development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility.</i></p>	<p>To ensure consistency with the definition of 'independent living complex' within the <i>Residential Accommodation for Ageing Persons, WAPC Position Statement (2020)</i>.</p>
<p>In Part 6 - Terms referred to in Scheme, Division 2, Section 38 Land use terms used, modify the definition of 'Residential aged care facility' to:</p> <p><i>A residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes:</i></p> <ul style="list-style-type: none"> <i>a) appropriate staffing to meet the nursing and personal care needs of residents</i> <i>b) meals and cleaning services</i> <i>c) furnishings, furniture and equipment.</i> <p><i>This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care, and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.</i></p>	<p>To ensure consistency with the definition of 'residential aged care facility' within the <i>Residential Accommodation for Ageing Persons, WAPC Position Statement (2020)</i>.</p>
<p>In Schedule 2 - Additional site and development requirements, Section (1) modify 'Development Standards - Lot size, Setbacks and site coverage requirements' to 'Development Standards - Lot size, setbacks and site coverage requirements'.</p>	<p>This is an administrative correction to address a grammatical error.</p>
<p>In Schedule 2 - Additional site and development requirements, Tourism Use Considerations, Section (24) Bed and Breakfast (iv) modify 'Zoning Table' to 'Zoning table'.</p>	<p>This is an administrative correction to address a grammatical error.</p>

Proposed Amendment	Rationale
<p>In Schedule 2 - Additional site and development requirements, Section (25) Tourist Facilities (a), modify 'Caravan Park' to 'Caravan park', modify 'Holiday Accommodation' to 'Holiday accommodation' and modify 'Holiday House' to 'Holiday house'.</p>	<p>This is an administrative correction to address a grammatical error.</p>

4.2 Zoning Table

The table below sets out the proposed amendment and the rationale for the change proposed.

Proposed Amendment	Rationale
<p>Add "Independent living complex" to the zoning table with the following land use permissibilities: Residential zone 'P', Urban Development zone 'D', Cultural and Natural Resource Use 'D', Rural zone 'X', Rural Residential zone 'D', Rural Enterprise zone 'X', General Industry zone 'X', Commercial zone 'D' zone, Mixed Use zone 'D' and Tourism zone 'X'.</p>	<p>The proposed amendment is consistent with the <i>Residential Accommodation for Ageing Persons, WAPC Position Statement (2020)</i>. The amendment also takes into account the purpose of the zones, the nature of the land use, land use impacts, and local government advice.</p>
<p>Add "Serviced apartment" to the zoning table with the following land use permissibility's: Residential zone 'A', Urban Development zone 'X', Cultural and Natural Resource Use zone 'X', Rural zone 'X', Rural Residential zone 'X', Rural Enterprise zone 'A', General Industry zone 'X', Commercial zone 'D' zone, Mixed Use zone 'A', Tourism zone 'P'.</p>	<p>The proposed amendment reflects the inclusion of an existing land use term. The amendment also takes into account the purpose of the zones, the nature of land use, land use impacts, and local government experiences and advice.</p>
<p>Within the Commercial zone, modify 'Residential building' to 'D'.</p>	<p>The proposed amendment is informed by a review of land use permissibilities, taking into account the purpose of the zone, the nature of land use, land use impacts, and local</p>

Proposed Amendment	Rationale
	government experiences and advice.

4.3 Correction of Minor Mapping Errors and Omissions

A copy of amended Scheme maps can be found in the appendices.

Address	Proposed Modification	Rationale
Lot 500, Reserve 22898 (DP 63361) and Lot 101 (DP 68607) Roberta Avenue, Halls Creek (Map 4)	Amend a portion of Lot 500 and Lot 101 Roberta Avenue, Halls Creek from 'Residential' zone to 'Emergency Services' Reserve.	The proposed amendment will facilitate the establishment of a Department of Fire and Emergency Services facility.
Moongardie Aboriginal Settlement Lot 787, Pastoral Lease PL N049790 (DP 76787) (Map 1)	Amend the zoning of Lot 787 (DP 76787) from 'Public Purposes' Reserve to 'Settlement' zone.	The proposed amendment is an administrative correction to ensure the zoning reflects the existing on-ground land use and the operating layout plan.
Warmun Aboriginal Settlement Lot 504, Crown Reserve 34593 (DP 406074) Lot 114 (DP 219259) and Lot 504 (DP 52633) Great Northern Highway (Map 1)	Amend zoning over portion of Lot 504 (DP 406074) from 'Public Purposes' Reserve to 'Settlement' zone. Amend zoning over portion of Lot 114 (DP 219259) and Lot 504 (DP 52633) from "Primary Distributor Road" Reserve to a 'Public Purposes' Reserve.	The proposed amendments are administrative corrections to ensure the zoning reflects the existing on-ground land uses and the operating layout plan.

Address	Proposed Modification	Rationale
<p>Balgo Aboriginal Settlement</p> <p>Lot 21, Crown Reserve 46573 (DP 219593)</p> <p>Lot 4, Crown Reserve 26399 (DP 240207)</p> <p>(Map 2)</p>	<p>Remove the 'Local Distributor' Reserve within the central area of the 'Settlement' zone and amend zoning over portion of Lot 21 (DP 219593) from 'Local Distributor' Reserve to 'Settlement' zone.</p> <p>Amend zoning over portion of Lot 4 (DP 240207) from 'Local Distributor' reserve to 'Settlement' zone.</p>	<p>The proposed amendments are to ensure the road intersecting through the settlement area is zoned 'Settlement' consistent with the approach taken in other settlements. The proposed amendment will also ensure that the zoning reflects the existing on-ground land uses and the operating layout plan.</p>
<p>Mulan Aboriginal Settlement</p> <p>Lot 16, Pastoral Lease PL N049428 (DP 194368)</p> <p>Lot 8, Crown Reserve 39102 (DP 186640)</p> <p>(Map 2)</p>	<p>Amend zoning over portion of Lot 16 (DP 194368) from 'Local Distributor' Reserve to 'Settlement' zone.</p> <p>Amend zoning over portion of Lot 8 (DP 186640) from 'Local Distributor' Reserve to 'Settlement' zone.</p>	<p>The proposed amendments are to ensure the road intersecting through the settlement area is zoned 'Settlement' consistent with the approach taken in other settlements. The proposed amendment will also ensure that the zoning reflects the existing on-ground land uses and the operating layout plan.</p>
<p>Billiluna Aboriginal Settlement</p> <p>Lot 331, Unallocated Crown Land (DP 55300)</p> <p>(Map 2)</p>	<p>Amend zoning over portion of Lot 331 (DP 55300) from 'Local Distributor' Reserve to 'Settlement' zone.</p>	<p>The proposed amendment is to ensure the road intersecting through the settlement area is zoned 'Settlement' consistent with the approach taken in other settlements. The proposed amendment will also ensure that the zoning reflects the existing on-ground land uses and the operating layout plan.</p>
<p>Kupartiya Aboriginal Settlement</p>	<p>Remove the 'Local Road' Reserve within the 'Settlement' zone and amend zoning over portion</p>	<p>The proposed amendments are to ensure the road intersecting through the settlement area is zoned 'Settlement' consistent with the approach taken in other</p>

Address	Proposed Modification	Rationale
<p>Lot 86, Crown Reserve 43061 (DP 190425)</p> <p>Lot 51, Pastoral Lease PL N049593 (DP 238069)</p> <p>(Map 1)</p>	<p>of Lot 86 (DP 190425) to 'Settlement' zone.</p> <p>Remove the 'Local Road' Reserve within the adjacent 'Rural' zone and amend zoning over portion of Lot 51 (DP238069) to 'Rural' zone.</p> <p>Add portion of Lot 51 (DP238069) to existing 'Settlement' zone, to include the informal cemetery. Amend from 'Rural' zone to 'Settlement' zone.</p>	<p>settlements. The proposed amendments will also ensure that the zoning reflects the existing on-ground land uses and the operating layout plan.</p>
<p>Yarrunga Aboriginal Settlement</p> <p>Lot 51, Crown Lease GE: I126350 (DP 93173)</p> <p>(Map 1)</p>	<p>Amend Lot 51 (DP 93173) from 'Settlement' zone to 'Rural' zone</p>	<p>Yarrunga is non-compliant with State Planning Policy 3.2- Aboriginal Settlements. An Aboriginal settlement is defined as "a discrete place that is not contiguous with a gazetted town, is inhabited or intended to be inhabited wholly or principally by persons of Aboriginal descent, as defined under the Aboriginal Affairs Planning Authority Act 1972, and which has no less than 5 domestic dwellings and/or is supported by essential services that are provided by one or more state agency(s)"</p> <p>Yarrunga is classified as a seasonal community by the Department of Communities (Housing) and services are not provided by a State agency.</p>

5.0 Conclusion

This amendment is a standard amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:

- a) It is consistent with the Shire's Local Planning Strategy
- b) It will have minimal impacts on land in the Scheme area that is not subject to the amendment; and
- c) it will not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.

The proposed amendment is considered to be consistent with all relevant elements of the State and local planning frameworks.

On the basis of the information contained in this report, it is recommended that the amendment be supported.

**AMENDMENT MAP
(IF APPLICABLE)**

INSERT COLOUR ZONING MAPS HERE

- **INCLUDE EXISTING SCHEME MAP – showing the current zoning of the subject site and surrounding area.**
- **INCLUDE PROPOSED AMENDMENT MAP – identifies the proposed changes to the subject land, all other lots (i.e. those not being changed) are to be shown as white.**
- **Maps should be:**
 - **Legible and Clear;**
 - **Include a legend, north point & scale**
 - **Includes designations (SCA, R codes etc (as required))**

COUNCIL ADOPTION

This **Standard** Amendment was adopted by resolution of the Council of the **Shire of Halls Creek** at the **Ordinary Council Meeting** of the Council held on the **17th** day of **June 2021**.


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SHIRE PRESIDENT


.....
Acting **CHIEF EXECUTIVE OFFICER**

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the **SHIRE OF HALLS CREEK** at the **Ordinary Council Meeting** of the Council held on the **17th** day of **June 2021**, proceed to advertise this Amendment.


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SHIRE PRESIDENT


.....
Acting **CHIEF EXECUTIVE OFFICER**

COUNCIL RECOMMENDATION

This Amendment is recommended **[for support/ not to be supported]** by resolution of the **[SHIRE OF HALLS CREEK]** at the **[NAME]** Meeting of the Council held on the **[number]** day of **[month]**, 20**[year]** and the Common Seal of the **[SHIRE OF HALLS CREEK]** 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.....

