



Shire of Halls Creek
Local Planning Scheme No. 2

Amendment No. 4

Planning and Development Act 2005

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

SHIRE OF HALLS CREEK LOCAL PLANNING SCHEME NO. 2

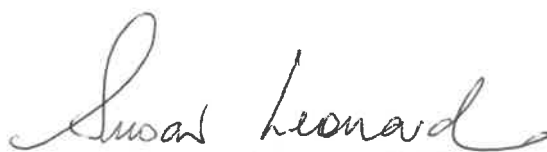
AMENDMENT NO.4

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

1. Rezoning Lot 246 – 25 Roberta Avenue and from Tourism to Mixed-use.
2. **The amendment is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:**

- The amendment will facilitate the development of the site for purposes consistent with the objectives of the Mixed-Use zone and which are compatible with the amenity of the locality;
- The amendment is consistent with the intent of the Local Planning Strategy as it will facilitate
 - the development of residential aged care facilities in proximity to the town centre;
 - the development of uses to meet the needs of visitors to Halls Creek from outlying communities;
 - long-term accommodation options for Aboriginal people in close proximity to health and government services.
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- The amendment is not a complex or basic amendment.

Dated this 22nd day of NOVEMBER 2024



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. 4

- 5) PURPOSE** REZONING OF LOTS 246 FROM TOURISM TO MIXED-USE FOR THE CONSTRUCTION OF A RESIDENTIAL CARE FACILITY.

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.

On 18 March 2022, the Omnibus Amendment 1 was published in the *Government Gazette*. The purpose of Amendment 1 was to correct minor textual and mapping errors.

The purpose of the proposed Amendment 4 is to enable the development of a Residential, and possible staff accommodation and other incidental services in future.

2.0 Background

The amendment proposes to rezone Lot 246 on P181507 from 'Tourism' to 'Mixed Use'. The Lot certificate of title states that it is owned by the Late Rolando Ernesto Naini. The applicants attached a WA Supreme Court Probate granting Jacqueline Nanini the Executrix of the estate of Rolando Ernesto Nanini, which includes Lot 246. In a letter dated 20 August 2024, also attached to the application, Jacqueline Nanini granted approval for YYMS to submit an application for the amendment of the Scheme.

The purpose of the amendment is to enable the development of a Residential Care Facility, and future development which may include staff accommodation and other auxiliary/incidental services.

3.0 Planning Considerations

3.1 Shire of Halls Creek Local Planning Strategy (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 Strategy recognises the positive economic impacts of the tourism sector but also notes that environmental and social impacts require better planning and management. The diminishing tourism business on the site result from social impacts on tourism activities, requiring a change in the strategy of providing suitable accommodation facilities for tourists.

The Shire has faced significant challenges with the land identified as adequate for residential development up 2030. Lot 567 zoned as 'Future development' in LPS2 is subject to Native Title Claims. DevelopmentWA are reluctant to develop Lot 500 due to the significant costs of headworks. Lot 567 also has gully's which will make the costs of headworks high.

The zoning changes in this Amendment are consistent with the objectives, strategies and actions in Clause 6.6 - Residential (Existing and Future), of the Local Planning Strategy.

4.0 Planning Rationale for Proposed Scheme Amendment Changes

The changes proposed in this Amendment are consistent with the Shire of Halls Creek Local Planning Scheme No. 2 (Amendment 3), whose objectives for the 'Mixed Use' zone are,

- *To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.*
- *To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.*
- *To ensure light industrial uses are located so as to avoid land use conflicts with other adjoining uses.*

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:

- The amendment will facilitate the development of the site for purposes consistent with the objectives of the Mixed Use zone and which are compatible with the amenity of the locality;
- The amendment is consistent with the intent of the Local Planning Strategy as it will facilitate
 - the development of residential aged care facilities in proximity to the town centre;
 - the development of uses to meet the needs of visitors to Halls Creek from outlying communities;
 - long-term accommodation options for Aboriginal people in close proximity to health and government services.
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- The amendment is not a complex or basic amendment.

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.

SCHEME AMENDMENT MAP

Shire of Halls Creek

Local Planning Scheme No. 2

Amendment No.4

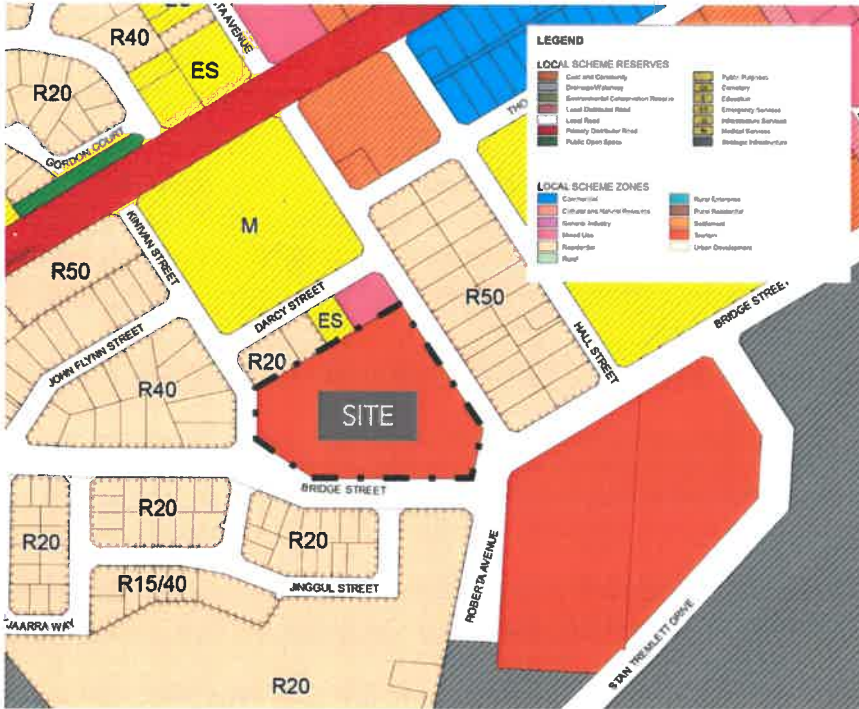


Figure 1 Local Planning Scheme - Existing Zoning

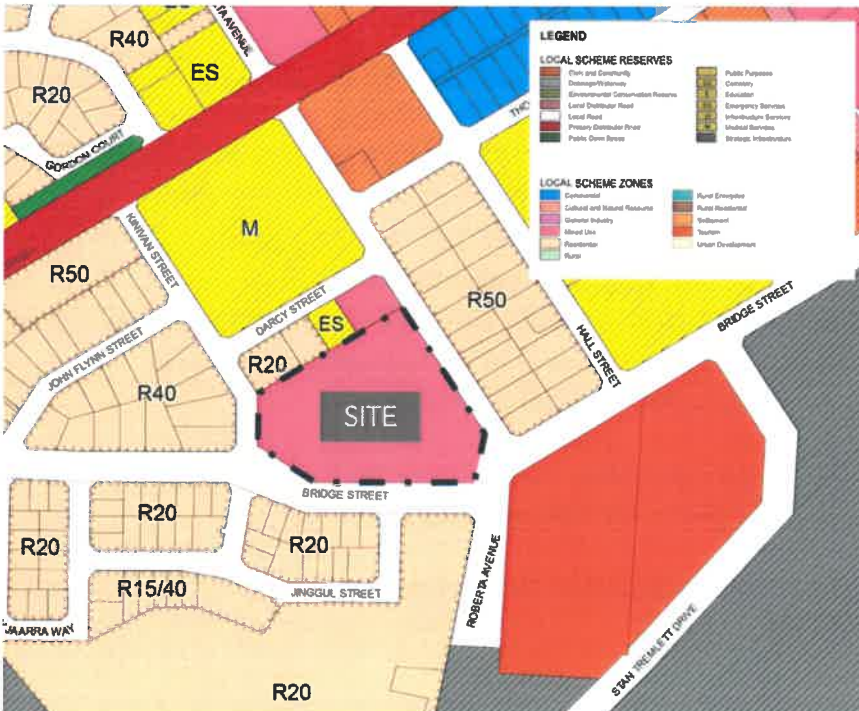


Figure 2 Local Planning Scheme No. 2 - Proposed Zoning

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 14th day of November 2024.

.....
[Signature]
.....
SHIRE PRESIDENT
[Signature: Susan Leonard]
.....

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 14th day of November 2024, proceed to advertise this Amendment.

.....
[Signature]
.....
SHIRE PRESIDENT
[Signature: Susan Leonard]
.....

CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended _____ by resolution of the SHIRE OF HALLS CREEK at the Ordinary Council Meeting of the Council held on the ____ day of _____ 20__ 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.....

