



12/12/2022
SHIRE OF SHARK BAY

Your ref: 4/2022
Our ref: TPS/2857
Enquiries: Schemes Team

Chief Executive Officer
Shire of Shark Bay
65 Knight Terrace
DENHAM WA 6537

Transmission via electronic mail to: admin@sharkbay.wa.gov.au

Dear Sir/Madam

LOCAL PLANNING SCHEME NO. 4 - AMENDMENT NO. 2

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

12/12/2022

PLANNING AND DEVELOPMENT ACT 2005

**APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Shark Bay**

LOCAL PLANNING SCHEME No. 4 - AMENDMENT No. 2

Ref: TPS/2857

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 Shark Bay Local Planning Scheme amendment on 8 December 2022 for the purpose of:

1. Amending 'Schedule B – Special Use Zones' as applicable to Lots 350 and 351 Hamelin Pool Road, Hamelin Pool (SU7) by inserting 'Telecommunication infrastructure' in column 3 after the text stating 'As a 'D' use;' and before the term 'Tourist Development'.

**C COWELL
SHIRE PRESIDENT**

**D CHAPMAN
CHIEF EXECUTIVE OFFICER**

SHIRE OF SHARK BAY

Local Planning Scheme No 4 Scheme Amendment No 2

FORM 2A

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

**SHIRE OF SHARK BAY LOCAL PLANNING SCHEME NO 4
AMENDMENT NO 2**

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

1. Amending 'Schedule B – Special Use Zones' as applicable to Lots 350 and 351 Hamelin Pool Road, Hamelin Pool (SU7) by inserting 'Telecommunication infrastructure' in column 3 after the text stating 'As a 'D' use:' and before the term 'Tourist Development'.

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

- (i) The amendment is consistent with a local planning strategy for the scheme area that has been endorsed by the Commission.
- (ii) The amendment has minimal impact on land in the scheme area that is not the subject of the amendment.
- (iii) The amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this 24 day of November 2021



CHIEF EXECUTIVE OFFICER

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

1 INTRODUCTION

This report has been prepared by Millbridge Services on behalf of Westcom and the owner Patricia Cox, to support an amendment to the Shire of Shark Bay Local Planning Scheme No 4

This proposal is for a minor textual amendment Schedule B Special Use Zones, No SU7 for Lots 350 and 351 Hamelin Pool Road, Hamelin Pool add the Special Use of

- Telecommunication Facility as a "D" use

The minor modification to the Scheme will facilitate development of necessary communication infrastructure that supports the objectives set out in the Local Strategic Plan.

This report: -

- examines the surrounding site characteristics and suitability of the additional use,
- considered the merits of the amendment in the context of relevant strategic plans, and
- provides justification for the proposed Scheme Amendment.

This amendment is considered to be a "standard amendment" as defined under Regulation 34 of the Planning and Development (Local Planning Scheme) Regulations 2015 because it is consistent with the local planning strategy for the Scheme that had been endorsed by the Commission and is not classified as a complex or basic amendment

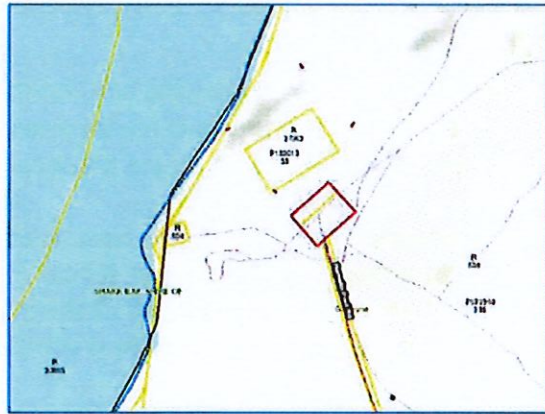
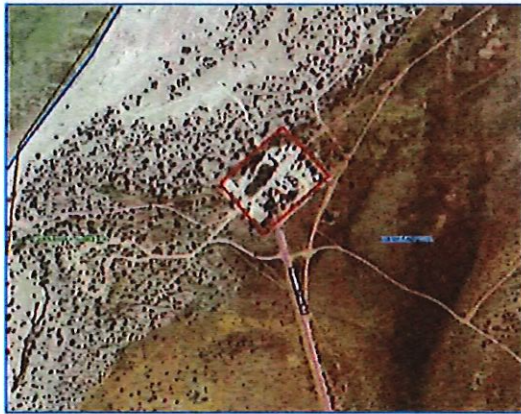
2 BACKGROUND

2.1 Site

The subject sites being Lot 350 & 351 Hamelin Pool Road, Hamelin Pool are owned by Patricia Cox.

The Legal description of the subject site is described as:

Lot	Street	Plan	Vol	Folio	Certificate of Title
350	Hamelin Pool Road, Hamelin Pool 6532	DP301337	1358	540	LR 3158/ 540
351	Hamelin Pool Road, Hamelin Pool 6532	DP301337	1599	949	LR 1599/949



2.2 Regional Context

The site is located within an identified tourism recreational area of Shark Bay. It is identified within the regional area known as Gascoyne.

The site is considered remote with the closest townsite of Denham being approximately 150km northwest of the site, via Shark Bay Road.

The townsite of Kalbarri is located 240km south, and the townsite of Carnarvon is located 220km north. Both townsites can be accessed via the Northwest Coastal Highway.



2.3 Local Context - Current and Surrounding Land uses

The site currently contains a caravan park and is within the Shark Bay Marine Park area.

The site is surrounded by Crown Reserve R658 which is vested in the Shire of Shark Bay "for common purposes".

The site is within the boundary of Shark Bay Work Heritage Area.



2.4 Site Analysis and Development

The site is relatively flat and developed for tourist uses comprising a caravan park, camping ground, museum, shop, and tea rooms. Vehicle access is via Hamelin Pool Road.

▪ Infrastructure

Due to the remote location of the site, all infrastructure that is required to support the mix of uses on the site needs to be contained within lots 350 & 351 including waste, water and power.

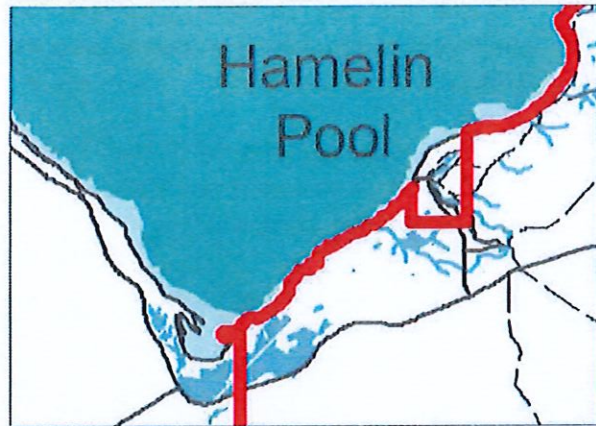
▪ Communication Infrastructure

This scheme amendment will facilitate mobile coverage on the subject site to the benefit of the existing uses, surrounding tourist activities and road users.

2.5 Shark Bay World Heritage

The site is located within the Shark Bay World Heritage area.

The strategic and management plans set out the framework to conserve and protect the unique values, with managing access and providing for diverse and sustainable activities that do not adversely impact on the World Heritage values or overall integrity of the site. The location of necessary telecommunications infrastructure forms part of meeting this objective.



This scheme amendment proposes to incorporate the additional telecommunication infrastructure use on an existing tourist site, whereby minimising environmental and visual impacts on the Shark Bay Marine Bay and coastline.

2.6 Environmental Impacts & Visual Impacts

The Amendment is considered to have minimal environmental impacts, by limiting development to the existing Special Use site. The design, materials and colour selection will be addressed during the development stage to minimise visual impact with facilitating functional and necessary communication infrastructure to the site to benefit tourists and visitors to the area. The proposal will subject to a development application and the required statutory assessment processes.

3 PROPOSED AMENDMENT

3.1 Amendment Details

This proposal is for a minor textual amendment to add a Special Use to Schedule B Special Use Zones - SU7 for Lots 350 and 351 Hamelin Pool Road, Hamelin Pool of:

- Telecommunication Facility as a “D” use

The minor modification to the Scheme will facilitate development of necessary telecommunication infrastructure that supports the objectives set out in the Local Planning Strategy

4 PLANNING FRAMEWORK

This scheme amendment is consistent with State, Regional and Local Planning framework. A summary of relevant planning provisions is listed below.

4.1 State Planning Framework

4.1.1 State Planning Strategy 2050

The Strategy seeks to build planning capacity and capability around the state planning vision. The plan sets a broad strategy for sustained growth and prosperity. The strategy places a priority on economic and population growth as the key drivers of land use and land development, which includes promoting sustainability of Regional Townsites, vibrant activities and supports zoning sufficient land for residential, commercial and tourism.

4.1.2 State Planning Policy 1.1 – State Planning Framework (2017)

This Policy identifies that the primary aim of planning is to provide for the sustainable use and development of land. The general principles of the policy include: -

- Anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities
- providing suitable zoned and serviced land

Local Governments must have due regard to the provision of the framework in preparing schemes. This amendment is consistent with these strategic provisions.

4.1.3 State Planning Policy 2 – Environmental and Natural Resources.

The environment and natural resources policy defines the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues within the framework of the State Planning Strategy. Relevant objectives of the policy are to:

- Integrate environment and natural resource management with broader land use planning and decision-making.
- Protect, conserve and enhance the natural environment.
- Promote and assist in the wise and sustainable use and management of natural resources.

4.1.4 State Planning Policy 3.7 – Planning in Bushfire Prone Areas (2105)

The site currently contains an existing caravan park. Any additional development of the site will be subject to the compliance with the provisions of the SPP3.7.

4.1.5 State Planning Policy 5.2 – Telecommunications Infrastructure (2015)

State Planning Policy 5.2 Telecommunication Infrastructure facilitates the development of an effective state-wide telecommunication network in a manner consistent with the economic environmental and social objectives and orderly and proper planning.

The objectives of the policy include: -

- to facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs
- manage environmental, cultural heritage, visual and social impacts

4.2 Regional Planning Framework

4.2.1 Gascoyne Regional Planning and Infrastructure Framework 2015

The Shire of Shark Bay forms part of the geographic Gascoyne Regional planning area, which identifies tourism as one of the main industries. The key themes of the Framework include connecting the region to the rest of the world and prioritising actions and regional infrastructure that protects and enhances the unique attributes of the region whilst balancing and facilitating further economic and population growth.

This scheme amendment to include telecommunication infrastructure, as a suitable use class, on the subject lots, aligns with the Key Drivers of Tourism (2.1.1) and Telecommunication Infrastructure (2.2.7). The strategy identified: -

- Tourism as representing the region's most valuable industry sector. With the coastal areas being the most accessible and have the greatest visitation. Predominantly tourists by self-drive tourists, stating that *"It is imperative that existing and potential tourism opportunities are maintained and developed"*.

- The vital role of telecommunications infrastructure in keeping the vast and remote region well-connected and through improved reliability and connectivity of telecommunications services, opportunities for regional economic investment.

The Framework identified projects to deliver significant improvements to telecommunications infrastructure in the region including increase coverage of the mobile network, and improvements in bandwidth speeds and connection reliability throughout the region through a combination of optic fibre, fixed wireless, and satellite technology.

This amendment is consistent with and meets the deliverable outcomes of the Gascoyne Regional Planning and Infrastructure Frameworks by facilitating timely delivery of critical telecommunication infrastructure that supports activation and stimulation of tourism.

4.3 Shark Bay World Heritage Framework

4.3.1 Shark Bay World Heritage Strategic Plan 2008 – 2020

The Shark Bay World Heritage Strategic Plan provides a framework for managing the site and meeting international, national, and state obligations. The purpose of the plan is to satisfy the obligations under the World Heritage Convention. The plan complements other planning documents for the Shark Bay Area.

The plan covers the desired future of the site and provides objectives to guide the management and use and enjoyment of the site by the wider community. The primary goal is to protect and conserve the geological, ecological, cultural, and natural significance of the area. In addition to the primary goal, the plan objectives, including recognising the tourism, recreation, and economic values. Tourism activities are identified as a major regional economic industry providing a significant contribution to the interpretation of the natural, cultural, and social values of the area.

This scheme amendment is consistent with the Shark Bay World Heritage Strategic Plan which recognises that including telecommunication facilities is an important aspect of tourism activities. The associated development can be designed to minimise any visual impact on the landscape.

4.3.2 Shark Bay Marine Reserve – Management Plan 1996-2006 (DBCA)

The Shark Bay Marine Reserve Management Plan identifies strategies for the conservation and protection of the ecological significance of the Marine Park and balancing other uses of the area and water. The report identifies five key values for the park and provides direction on achieving the different outcomes. With regard to Tourism and Recreation the report: -

- recognises the recreational and tourism significance of the area which includes the use of the coastline for camping and day use,
- identifies tourism is a major component of the local economy.
- supports opportunities and services to the community which allows them to enjoy the wildlife, lands, waters and resources without compromising conservation and other management objectives.

- Identifies that tourism growth is dependent on ensuring that the attractions and features are maintained or improved, which is achieved through facilities and services.

This scheme amendment is consistent with the values and objectives of the Shark Bay Marine Reserve Management Plan. The inclusion of an additional use within the Special Use - SU7 site does not impact on the ecological significance of the Marine Park waters or direct coastline

5 LOCAL PLANNING FRAMEWORK

5.1 Shire of Shark Bay – Local Planning Strategy (2013)

The Planning Strategy provides the strategic planning direction for a period of 15 years to manage and support growth. The strategic vision and planning principles seek to preserve and enhance the character and culture of the area, which includes scenic places of rare beauty and World Heritage Listed sites that are popular as tourist destinations.

The Strategic objectives include: -

- Provide a range of quality services and amenities to meet the existing and future, needs of the local community and support local tourism in a manner that enhances the existing townscape and does not adversely impact on local character and amenity,
- Promote Shark Bay and its World Heritage Listing as a place for recreation and nature-based tourism, and ensure that the local community continues to enjoy a natural lifestyle experience.

The Strategy identified that some tourist sites may benefit from some broadening of discretionary land uses and improved Scheme provisions. The minor textual amendment is consistent with achieving the objectives as set out in the Local Planning Strategy.

5.2 Shire of Shark Bay – Local Planning Scheme No 4

The aims of the scheme include: -

- the delivery of suitable land for a range of uses supported by appropriate infrastructure that protects and enhances character and amenity of the built and natural environment.
- Protecting and enhancing the environmental values of the nature resources
- Implementing policies for the use of land in compliance with the objectives of the World Heritage listing

The site is zoned Special Use SU7 under the Shire of Shark Bay LPS4. Under the existing provision of the subject Special Use zone, the uses include a mix of tourist, commercial & hospitality activities.

5.2.1 Special Control Areas Provisions

Local Planning Scheme No 4 identifies specific areas that are subject to additional provisions which include Shark Bay World Heritage Property. The purpose is: *“to ensure that all proposals for development, and forms of strata or subdivision are in accordance with the protection of the World Heritage Values”*

The Scheme Special Area Requirements, under Clause 37 set out:-

- Application Requirements that the Shire may require when considering proposal which could include coastal reports or information addressing visual compatibility, and
- Relevant Considerations when considering proposals including scheme amendments and development applications that the Shire will have regard to, including: -
 - Requirements for referral of proposals to the Environmental Protection Authority (EPA)
 - Relevant State Planning Policies
 - Relevant agency recommendation and advice
 - Shark Bay World Heritage Advisory Committee recommendation and advice
- Referral of Applications to the Shark Bay World Heritage Advisory Committee and/or department of Biodiversity, Conservation and Attractions

This Scheme Amendment to facilitate telecommunication infrastructure on the Lots 350 & 351 is consistent with:-

- the Scheme zone objectives to provide the appropriate development control to a land use or combination of land uses that are consistent with the character and amenity of the locality, and by their nature require specific consideration
- the relevant requirements of the Special Control Provisions for the Scheme Amendment.
- the principles of orderly and proper planning.

6 PLANNING JUSTIFICATION

6.1 Compatibility with the Special Use zone

The Shire of Shark Bay Local Planning Strategy identifies the importance of tourism to the local economy this amendment facilitates the provision of necessary telecommunication infrastructure to meet this requirement.

The Special Use zone provides a mix of tourist, accommodation, retail and waste uses. The inclusion of telecommunication infrastructure within Schedule B of the Scheme is compatible with and necessary to support the existing uses on the site, business operational requirements and visitor interactions to the site and surrounding area.

7 CONCLUSION

This report has identified the suitability and appropriateness of the inclusion of telecommunication facilities within Schedule B of the Scheme for Lots 350 & 351 and provided justification that the proposed textual Scheme Amendment is consistent with the planning framework and strategic objectives for the site and area.

It is therefore recommended that the WAPC support this amendment to Local Planning Scheme No 5 to add a use to the Schedule B Special Use Zones, SU7 for Lots 350 and 351 Hamelin Pool Road, Hamelin Pool into add Telecommunication Facility as a "D" use

Planning and Development Act 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

Shire of Shark Bay Local Planning Scheme No 4 Amendment 2

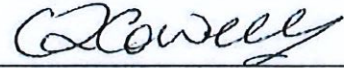
Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Amending 'Schedule B – Special Use Zones' as applicable to Lots 350 and 351 Hamelin Pool Road, Hamelin Pool (SU7) by inserting 'Telecommunication infrastructure' in column 3 after the text stating 'As a 'D' use:' and before the term 'Tourist Development'.

FORM 6A

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Shire of Shark Bay at the Ordinary Meeting of the Council held on 24 day of 11 2021



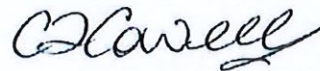
MAYOR / SHIRE PRESIDENT



CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

By Resolution of the Council of the Shire of Shark Bay at the Ordinary Council Meeting of the Council held on the 24 day of 11 2021 proceed to advertise this Amendment.



MAYOR / SHIRE PRESIDENT



CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Standard Amendment is recommended for support / not to be supported by resolution of the Shire of Shark Bay at the Ordinary Meeting of the Council held on the day of month 20 22.... and the Common Seal of the Shire of Shark Bay was hereunto affixed by authority of a resolution of the council in the presence of:



MAYOR / SHIRE PRESIDENT



CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r63)

K Neve

DELEGATED UNDER s.16 OF THE
PLANNING AND DEVELOPMENT ACT (2005)

DATE 07/09/2022

APPROVAL GRANTED

MINISTER FOR PLANNING

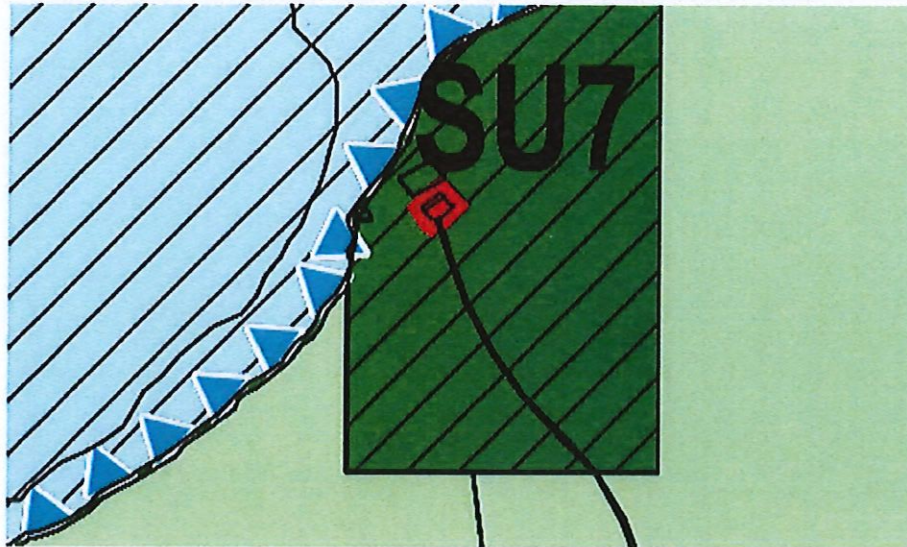
It is hereby certified that this is a true copy of the
Scheme/Amendment, final approval to which was
endorsed by the Minister for Planning on 8/1/2022

DATE

Certified by *[Signature]*

Officer of the Commission Duty authorised pursuant
to Section 24 of the Planning and Development Act
2005 and Regulation 32(3) Scheme and Regulation
63(3) (Amendment) of the Planning and Development
(Local Planning Scheme) Regulations 2015.

EXISTING ZONING PLAN



LEGEND

LOCAL SCHEME RESERVES

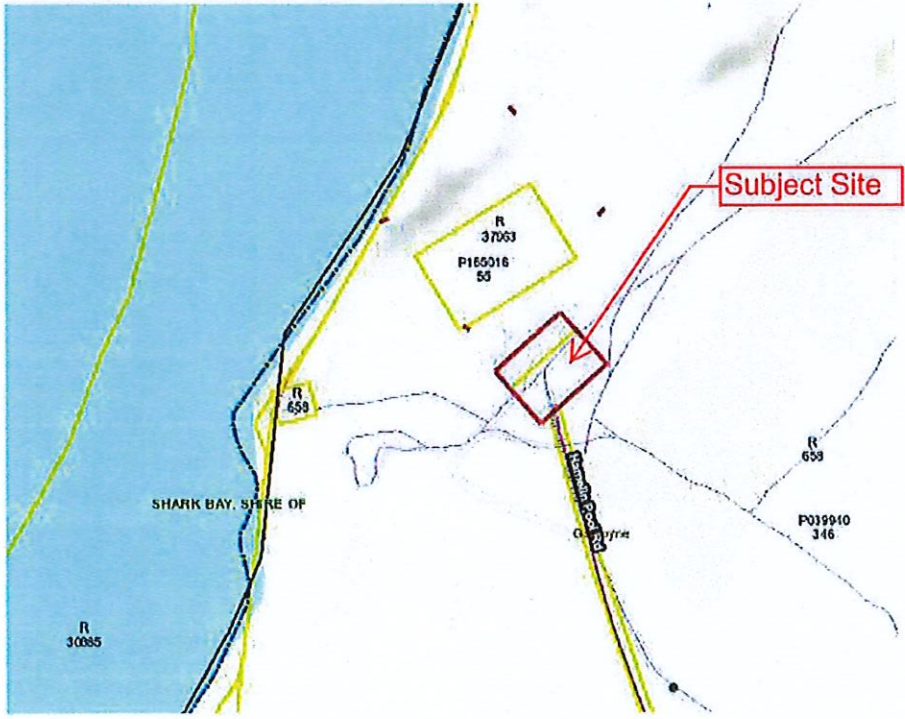
	Civic and Community		Cemetery
	Drainage/Waterway		Education
	Environmental Conservation		Emergency Services
	Local Distributor Road		Government Services
	Local Road		Infrastructure Services
	Primary Distributor Road		Medical Services
	Public Open Space		Special Purpose Reserve
	Public Purposes		

OTHER CATEGORIES

	Scheme Area Boundary
	Local Government Boundary
	R20 R Codes
	SU1 Special Use Area
	SCA (b) Special Control Area - Environment
	SCA (a) Special Control Area - Heritage
	No Zone

LOCAL SCHEME ZONES

	Commercial		Special Use
	General Industry		Tourism
	Residential		Urban Development
	Rural		



**SHIRE OF SHARK BAY – LOCAL PLANNING SCHEME NO 4
SCHEME AMENDMENT NO 2 - SCHEDULE OF SUBMISSIONS**

Name/Address of Submitter	Summary of Submission	Local Government Recommendation	Comment and WAPC Recommendation
<p>1. Department of Planning, Lands and Heritage (Heritage Services) 140 William Street, Perth WA 6000</p>	<p>1a. Thank you for your email and letter dated 25 March 2022, seeking comment regarding the proposed amendment of uses at Lots 350 and 351, Shark Bay, include telecommunications infrastructure. I understand this request for comment will facilitate future development at these lots</p> <p>1b. A review of the Register of Places and Objects as well as the Department of Planning, Lands and Heritage's Aboriginal Heritage Database confirms that the lots in question do not intersect with any recorded Aboriginal heritage place. However, I note that the lots are part of both the National and World Heritage listed areas of the natural landscape.</p>	<p>1a. This statement is noted.</p> <p>1b. Noted. The World Heritage area is a special control area under the Shires Scheme.</p>	<p>The Shire's recommendation is upheld.</p>
<p>1c.</p>	<p>There are no objections to the proposed amendment to the LSP, however we encourage the Shire to consult with the local knowledge holders and representative Aboriginal body (Malgana Aboriginal Corporation, via Yarnatji Maripa Aboriginal Corporation) should they wish to better understand the impact the proposed amendments and any subsequent development may have upon the Aboriginal cultural heritage of the area.</p>	<p>1c. The amendment has been advertised for public comment. No further consultation has been undertaken.</p> <p>That the submission be noted and no changes be made as a result of the submission.</p>	

SHIRE OF SHARK BAY – LOCAL PLANNING SCHEME NO 4 SCHEME AMENDMENT NO 2 - SCHEDULE OF SUBMISSIONS			
Name/Address of Submitter	Summary of Submission	Local Government Recommendation	WAPC Recommendation
2. Department of Mines, Industry Regulation and Safety Locked Bag 100 East Perth WA 6892	2a. The Department of Mines, Industry Regulation and Safety (DMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials. 2b. DMIRS lodges no objection to this amendment.	2a. Noted. 2b. Noted. That the submission be noted and no changes be made as a result of the submission.	The Shire's recommendation is upheld.
3. Water Corporation Land Planning Development Services Email submission	3a. The Corporation advises the Shire that water related services are remote from this location and therefore has no concerns with the proposal proceeding.	3a. Noted. That the submission be noted and no changes be made as a result of the submission.	The Shire's recommendation is upheld.
4. Department of Fire and Emergency Services 20 Stockton Bend	4a. I refer to your email dated 25 and 30 March 2022 regarding the advertising of Amendment No. 2 to Scheme Amendment No. 4. The proposal seeks text changes of: " <i>Telecommunication Facility</i> as a " <i>D</i> " use" as per your correspondence, for Lots 350 and 351 Hamelin Pool Road, Hamelin Pool. This may not be considered an	4a. Noted. TPI would not require any bushfire assessments telecommunications infrastructure.	The Shire's recommendation is upheld.

SHIRE OF SHARK BAY – LOCAL PLANNING SCHEME NO 4 SCHEME AMENDMENT NO 2 - SCHEDULE OF SUBMISSIONS			
Name/Address of Submitter	Summary of Submission	Local Government Recommendation	WAPC Recommendation
	intensification of land use, the application of <i>State Planning Policy 3.7 Planning Bushfire Prone Areas (SPP 3.7)</i> may not be required, in this instance.		
	4b. Please note that the application of SPP 3.7 is ultimately at the discretion of the decision maker.	4b. Noted.	
	4c. Thank you for providing us with the opportunity to make a submission, DFES has no further comments	4c. Noted. That the submission be noted and no changes be made as a result of the submission.	
5. Department of Biodiversity, Conservation and Attractions PO Box 72, Geraldton WA 6531	5a. DBVCA has no objections to the proposal as outlined in your letter. It is anticipated that the proposed works and any associated environmental impacts will be appropriately managed through the existing planning framework.	5a. Noted. That the submission be noted and no changes be made as a result of the submission.	The Shire's recommendation is upheld.
6. Mai Roads Western Australia	6a. Main Roads does not have any comment on the Scheme Amendment.	6a. Noted.	The Shire's recommendation is upheld.

SHIRE OF SHARK BAY – LOCAL PLANNING SCHEME NO 4 SCHEME AMENDMENT NO 2 - SCHEDULE OF SUBMISSIONS			
Name/Address of Submitter	Summary of Submission	Local Government Recommendation	Comment and WAPC Recommendation
PO Box 164 Geraldton WA 6531			That the submission be noted and no changes be made as a result of the submission.