



## **Shire of Carnarvon**

### **Local Planning Scheme No. 13**

### **Amendment No. 7**

#### *Summary of Amendment Details*

1. Rezone Lot 12 North West Coastal Highway, Wooramel 'Rural'.
2. Within Schedule 4, No. 1 Delete "(a) Lot 12 North West Coastal Highway, Wooramel (Wooramel Roadhouse)" and replace with "(a) Lot 1 North West Coastal Highway, Wooramel (Wooramel Roadhouse)".
3. Within Schedule 4, No. 1 insert 'Hotel' within the Special Use Column.
4. Within Schedule 4, No.1 insert the following conditions:
  - "6. 'Hotel' use only applies to Lots 1 and 50 North West Coastal Highway (Roadhouses)
  7. 'Hotel' is considered to be an 'A' use pursuant to Part 3 of the Scheme.
  8. The local government may require the preparation of a local development plan (LDP) to co-ordinate development of the land. The LDP shall respond to and be consistent with the policy objectives and general and roadhouse specific policy measures identified in Development Control Policy 1.10 Freeway service centres and roadhouses, including signage."
5. Update the scheme maps accordingly.

## **Planning and Development Act 2005**

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

#### **Shire of Carnarvon Amendment Number 7**

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

1. Rezone Lot 12 North West Coastal Highway, Wooramel 'Rural'.
2. Within Schedule 4, No. 1 Delete "(a) Lot 12 North West Coastal Highway, Wooramel (Wooramel Roadhouse)" and replace with "(a) Lot 1 North West Coastal Highway, Wooramel (Wooramel Roadhouse)".
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  - 8. The local government may require the preparation of a local development plan (LDP) to co-ordinate development of the land. The LDP shall respond to and be consistent with the policy objectives and general and roadhouse specific policy measures identified in Development Control Policy 1.10 Freeway service centres and roadhouses, including signage."
5. Update the scheme maps accordingly.

**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 will have minimal impact on land within the scheme area, being confined to only 2 sites within the scheme area.
- (ii) The amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
- (iii) The amendment is consistent with the Shire's Local Planning Strategy in that:
  - a. The Strategy identifies a lack of hotel land uses, with less than 30% of accommodation options being hotels; and

- b. The Strategy identifies the need to support the development and growth of local businesses and brands through appropriately zoned land.

Dated this 28<sup>th</sup> day of November 2023

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**(Chief Executive Officer)**

## 1.0 INTRODUCTION

On 3 November 2020 the Shire of Carnarvon Local Planning Scheme No. 13 (LPS 13) was published in the Government Gazette and came into operation. LPS 13 incorporates the Scheme text and Scheme maps. It controls and guides development and growth within the Shire of Carnarvon.

The proposed amendment has come about following a request from the operator of the Minilya Bridge Roadhouse to obtain a Hotel Licence under the Liquor Control Act 1988. The intent of this is to be able to sell liquor to lodgers and sell take away liquor.

Lodgers are already able to stay at the Roadhouses, as short-term accommodation forms part of the Roadhouse definition – however they cannot purchase alcohol unless the premises is licensed as a hotel.

Under LPS 13 the subject land is zoned Special Use Zone 1 which only allows for a Roadhouse land use; Hotel is not a permitted use.

It is intended that the ability to serve liquor will only apply to roadhouses outside of the Carnarvon Townsite (namely the Minilya Bridge and Wooramel Roadhouses).

## 2.0 BACKGROUND

The intent and scope of the proposed changes are as follows:

- Modifying Schedule 4 by inserting the 'Hotel' use, correction of the property description in relation to the Wooramel roadhouse, inserting new conditions specific to the 'Hotel' use for the two road houses and renumber the conditions accordingly.

The ability of roadhouses to sell liquor is not unlike other roadhouses in the region, with the Planning Schemes of the Shires of Shark Bay, Ashburton and the City of Karratha allowing for service stations/roadhouse sites to sell liquor in some capacity.

Adding 'Hotel' to the list of special uses in Schedule 4 will not automatically allow roadhouses to sell liquor. They will first need to apply to the Shire for development approval (planning application) to support the additional Hotel use. A liquor license will then need to be obtained from Racing, Gaming and Liquor (Under the Department of Local Government, Sport, and Cultural Industries).

This amendment allows for the operators to begin that process if they wish.

## 3.0 LOCAL PLANNING CONTEXT

### **3.1 Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015**

The Planning and Development Act 2005 ('P&D Act'), and the Regulations set the procedure to amend a local planning scheme.

### 3.2 Shire of Carnarvon Local Planning Strategy

The Shire's Local Planning Strategy identifies a lack of accommodation options that fall within the definition of 'Hotel', noting that less than 30% of accommodation stock can comfortably fit within the category.

Allowing for diverse land uses is recognised as a potential opportunity in the strategy, with the document noting *'It is important that a business environment is fostered that encourages and facilitates investment and local employment opportunities. A diverse/broad economic base should be viewed as a strength'*.

### 3.3 Shire of Carnarvon Local Planning Scheme No. 13

The Shire of Carnarvon Local Planning Scheme No. 13 (LPS 13) was gazetted on 3 November 2020.

The affected sites fall within Special Use 1 (as prescribed in Schedule 4) which stipulates the following:

No.	Description of Land	Special Use	Conditions
1	<p>(a) Lot 12 North West Coastal Highway, Wooramel (Wooramel Roadhouse)</p> <p>(b) Lot 50 (No 13000) North West Coastal Highway, Minilya (Minilya Bridge Roadhouse)</p> <p>(c) Lot 1 (No 1122) and Lot 2 (No 1134) North West Coastal Highway, Brown Range (BP OPT)</p> <p>(d) Lot 8 (No 1014) North West Coastal Highway, Brown Range (Shell)</p> <p>(e) Lot 1 (No 595) Robinson Street, Kingsford (Caltex Star Mart)</p>	Roadhouse	<p>1. All facilities and services that form part of the definition for 'Roadhouse' are considered to be discretionary uses by the Scheme. All other uses are not permitted by this Scheme.</p> <p>2. The local government may require the preparation of a local development plan (LDP) to co-ordinate development of the land. The LDP shall respond to and be consistent with the policy objectives and general and roadhouse specific policy measures identified in Development Control Policy 1.10 Freeway service centres and roadhouses, including signage.</p> <p>3. Where development standards are not prescribed in a LDP prepared and approved under Part 6 of the deemed provisions, the general development standards of the Scheme shall apply.</p> <p>4. The local government may require the applicant to advertise an application for development approval in accordance with Clause 64 of the deemed provisions.</p> <p>5. When considering a development application, the local government shall have due regard to the policy objectives and the general and roadhouse specific policy measures identified in Development Control Policy 1.10 Freeway service centres and roadhouses, including signage.</p>

Roadhouse is defined under the Scheme as:

**Roadhouse** means premises that has direct access to a State Road other than a freeway and which provides all or some of the following services or facilities but does not provide bulk fuel services —

- (a) service station facilities;
- (b) emergency breakdown and a full range of automotive repair services;
- (c) charging points for electric vehicles;
- (d) facilities for cyclists;
- (e) restaurant or café, excluding the sale or consumption of alcohol under the Liquor Control Act 1988;
- (f) take-away food retailing, without a drive-through facility;
- (g) public ablution facilities, including provision for truckers, disabled access and infant changing rooms;
- (h) parking for passenger and freight vehicles;
- (i) outdoor rest stop facilities such as picnic tables and shade areas;
- (j) dump points for the disposal of black and/or grey water from recreational vehicles;
- (k) wrecking, panel beating and spray-painting services;
- (l) transport depot facilities;
- (m) short-term accommodation for guests; and
- (n) facilities for being a muster point in response to accidents, natural disasters, and other emergencies;

The above definition excludes the service or consumption of alcohol under the Liquor Control Act and does not provide operators to obtain Hotel License under that Act. Hotel is defined by the scheme as:

**'Hotel'** means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises.

### **3.4 WAPC Development Control Policy 1.10 – Freeway Service Centres and Roadhouses**

The WAPC's Development Control Policy 1.10 provides guidance and standards for the development of roadhouses within the State.

Importantly, the policy differentiates between *Freeway Service Centres (FSC)* and *Roadhouses*. The policy specifies that FSCs are excluded from the sale or consumption of alcohol. No such restriction is placed on the standards for Roadhouses, meaning that the policy allows for operators to obtain licensing.

The policy makes no other mention to liquor licensing. As such, this proposal is not counter to the state planning framework as it pertains to roadhouse standards.

## **4.0 PROPOSAL**

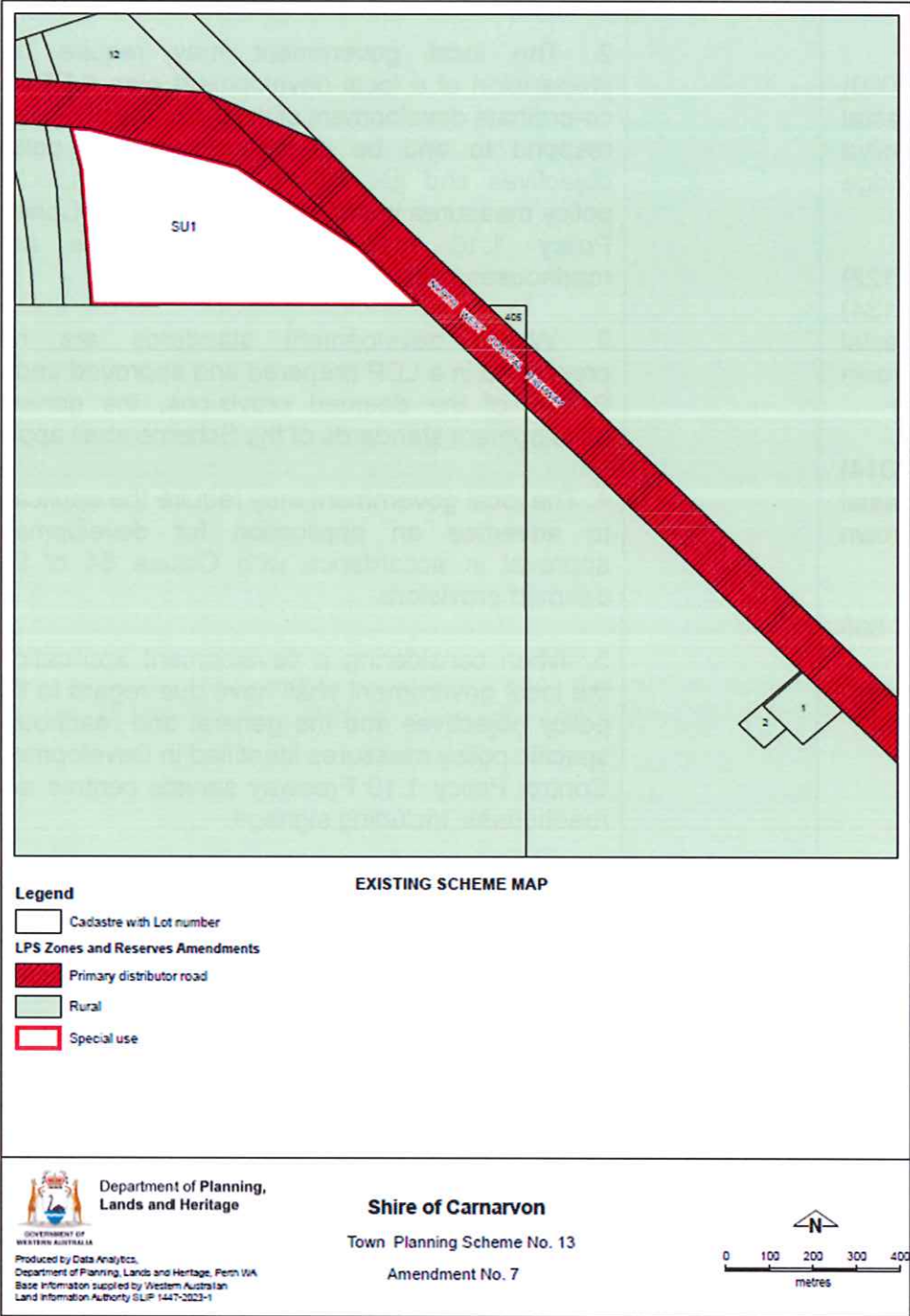
It is proposed that Schedule 4 of the Scheme be amended to read:

<b>No.</b>	<b>Description of Land</b>	<b>Special Use</b>	<b>Conditions</b>
1	(a) Lot 1 North West Coastal Highway,	Roadhouse	1. All facilities and services that form part of the definition for 'Roadhouse' are considered to be

<p>Wooramel (Wooramel Roadhouse)</p> <p>(b) Lot 50 (No 13000) North West Coastal Highway, Minilya (Minilya Bridge Roadhouse)</p> <p>(c) Lot 1 (No 1122) and Lot 2 (No 1134) North West Coastal Highway, Brown Range (BP OPT)</p> <p>(d) Lot 8 (No 1014) North West Coastal Highway, Brown Range (Shell)</p> <p>(e) Lot 1 (No 595) Robinson Street, Kingsford (Caltex Star Mart)</p>	<p>Hotel</p>	<p>discretionary uses by the Scheme. All other uses are not permitted by this Scheme.</p> <p>2. The local government may require the preparation of a local development plan (LDP) to co-ordinate development of the land. The LDP shall respond to and be consistent with the policy objectives and general and roadhouse specific policy measures identified in Development Control Policy 1.10 Freeway service centres and roadhouses, including signage.</p> <p>3. Where development standards are not prescribed in a LDP prepared and approved under Part 6 of the deemed provisions, the general development standards of the Scheme shall apply.</p> <p>4. The local government may require the applicant to advertise an application for development approval in accordance with Clause 64 of the deemed provisions.</p> <p>5. When considering a development application, the local government shall have due regard to the policy objectives and the general and roadhouse specific policy measures identified in Development Control Policy 1.10 Freeway service centres and roadhouses, including signage.</p> <p>6. 'Hotel' use only applies to Lots 1 and 50 North West Coastal Highway (Roadhouses)</p> <p>7. 'Hotel' is considered to be an 'A' use pursuant to Part 3 of the Scheme.</p> <p>8. The local government may require the preparation of a local development plan (LDP) to co-ordinate development of the land. The LDP shall respond to and be consistent with the policy objectives and general and roadhouse specific policy measures identified in Development Control Policy 1.10 Freeway service centres and roadhouses, including signage.</p>
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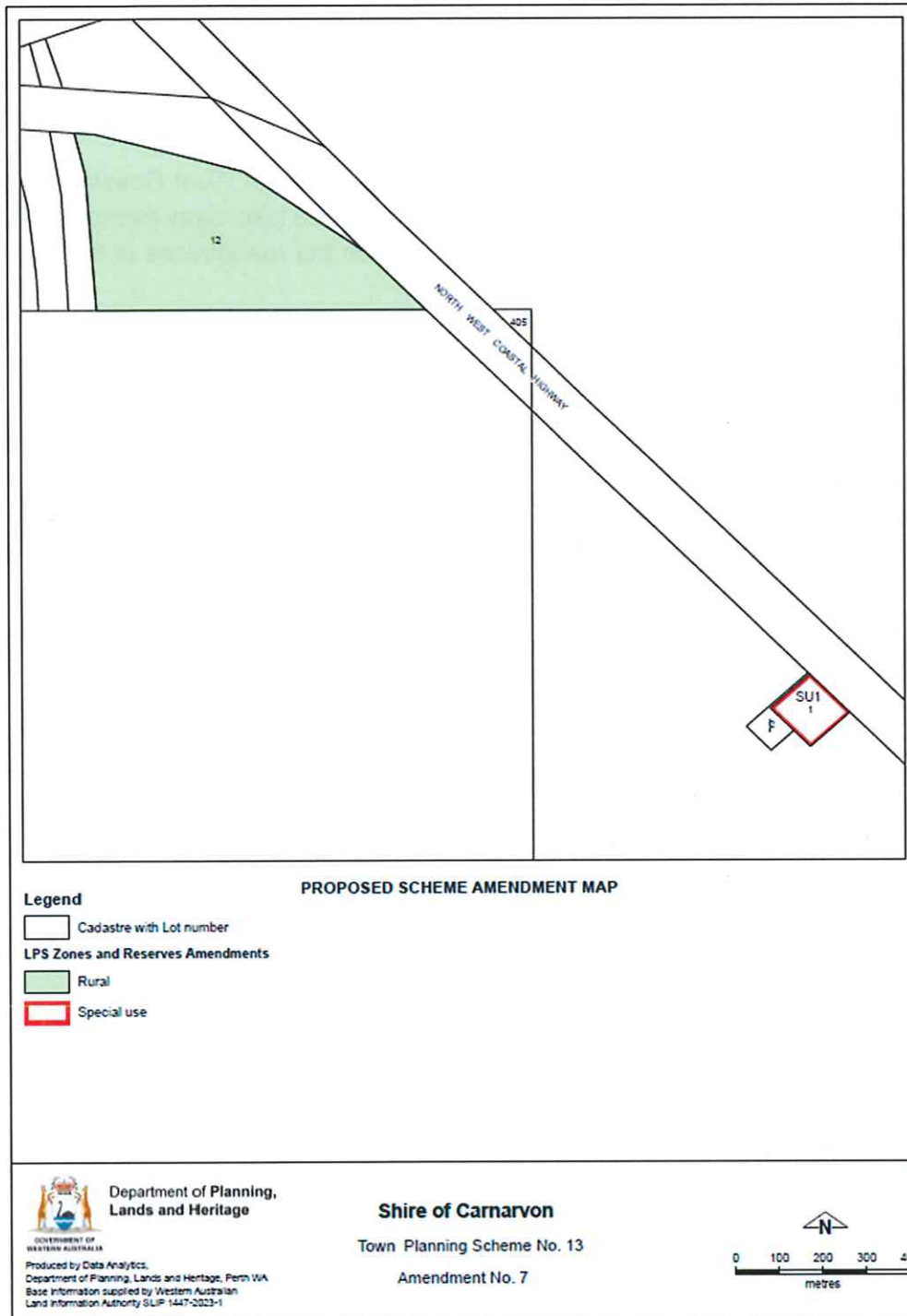
With the description of land relating to special use 1(a) corrected and new special use zone conditions inserted and renumbered accordingly.

It is further proposed to amend the scheme maps in the following way:



Existing Scheme Map





Proposed Scheme Map

## 5.0 Planning Justification

As it stands, the roadhouses are currently permitted to allow for lodgers or provide short term accommodation to guests - this is a listed use under the roadhouse definition. As such, the additional 'Hotel' land use will not result in these sites being able to accommodate travellers where they could not previously.

The 'Hotel' land use is listed as an 'A' use in all zones where it is permitted, meaning that the use is not permitted unless the Shire has used its discretion to grant development approval and the

application was advertised in accordance with clause 64 of the Planning and Development (Local Planning Scheme) Regulations 2015. In order to maintain consistency within the Scheme, it is proposed that the 'Hotel' land use remain as an 'A' use in Special Use Zone 1 (hence the insertion of condition 2).

The intent of the amendment is to allow for the roadhouses along North West Coastal Highway (namely Wooramel and Minilya Bridge) to serve liquor to lodgers and take away packaged liquor. The intent is not to have this service within the townsite – given the roadhouses in the townsite are all within proximity to existing liquor stores.

The ability to provide liquor will enable the roadhouses to further diversify their businesses and provide additional convenience to travellers.

The existing Special Use Zone 1 has been modified to allow the permissibility of the 'Hotel' land use for roadhouses outside of the Carnarvon Townsite only, as well as correcting the land description detail of the Wooramel roadhouse as it refers to a different parcel of land. Scheme Map No. 5 is also being amended to rectify the mapping error relating to the incorrect land description of the Wooramel roadhouse.

This proposal to allow for liquor service is not unlike other local governments in the region.

#### SHIRE OF SHARK BAY

The Overlander and Billabong roadhouses fall within their own special use zones under the Shire of Shark Bay's Local Planning Scheme 4 which list Restaurant/Café as possible uses. This land use definition allows for the service of liquor.

#### SHIRE OF ASHBURTON

The Shire's Local Planning Scheme 7 treats roadhouses as *Motor Vehicle Service Stations*. The definition allows for restaurants and cafes which specifically allow for the service of liquor under the scheme. The Nanutarra and Auski roadhouses are currently licenced to serve liquor to visitors.

#### SHIRE OF EAST PILBARRA

The Shire's Local Planning Scheme 7 allows for restaurant uses within Roadhouse sites. The restaurant definition stipulates that premises approved as restaurant may be licensed to serve liquor. The Pardoo Roadhouse is currently licensed and is able to serve liquor to visitors.

## **6.0 CONCLUSION**

In allowing the roadhouses to obtain approval as a hotel, the Scheme will support further economic potential for the operators and allow them to diversify their business models. The proposed amendment does not automatically allow for the roadhouses to serve liquor; rather, it provides for them to seek development approval and subsequent liquor licenses. This is currently not a possibility under the current scheme.

**COUNCIL ADOPTION**

This Standard Amendment was adopted by resolution of the Council of the Shire of Carnarvon at the Ordinary Meeting of the Council held on the 28th day of November 2023.

  
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**MAYOR/SHIRE PRESIDENT**

  
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**CHIEF EXECUTIVE OFFICER**

**COUNCIL RESOLUTION TO ADVERTISE**

by resolution of the Council of the Shire of Carnarvon at the Ordinary Meeting of the Council held on the 28th day of November 2023, proceed to advertise this Amendment.

  
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**MAYOR/SHIRE PRESIDENT**

  
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**CHIEF EXECUTIVE OFFICER**

**COUNCIL RECOMMENDATION**

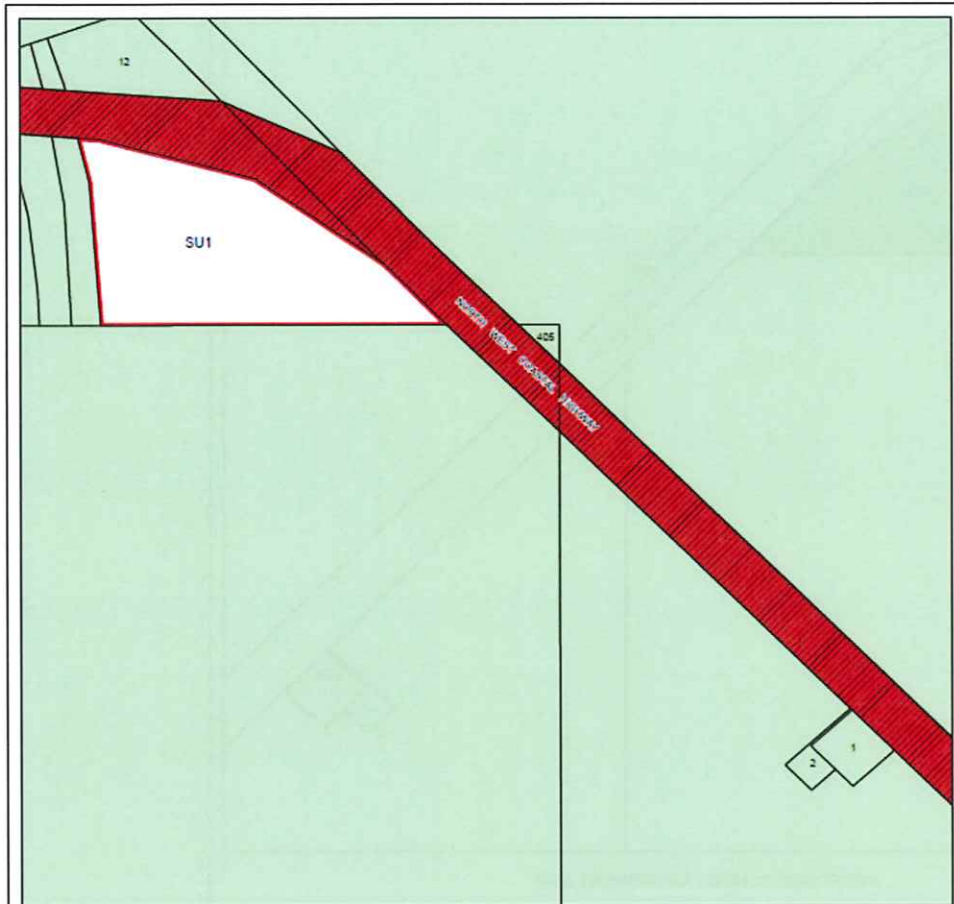
This Amendment is recommended [for support/ not to be supported] by resolution of the [LOCAL GOVERNMENT] at the [NAME] Meeting of the Council held on the [ number ] day of [ month ], 20[ year ] and the Common Seal of the [LOCAL GOVERNMENT] was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....  
**MAYOR/SHIRE PRESIDENT**

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

Currently, the definition of roadhouse permits operators to offer short term accommodation on-site. Adding hotel to the list of permitted uses will not modify current lodging arrangements. Modification to the Scheme Map No. 5 is also being proposed through this amendment, as well as correcting land description detail and administrative changes.

# AMENDMENT MAP



EXISTING SCHEME MAP

**Legend**

Cadastre with Lot number

**LPS Zones and Reserves Amendments**

Primary distributor road

Rural

Special use



Department of Planning,  
Lands and Heritage

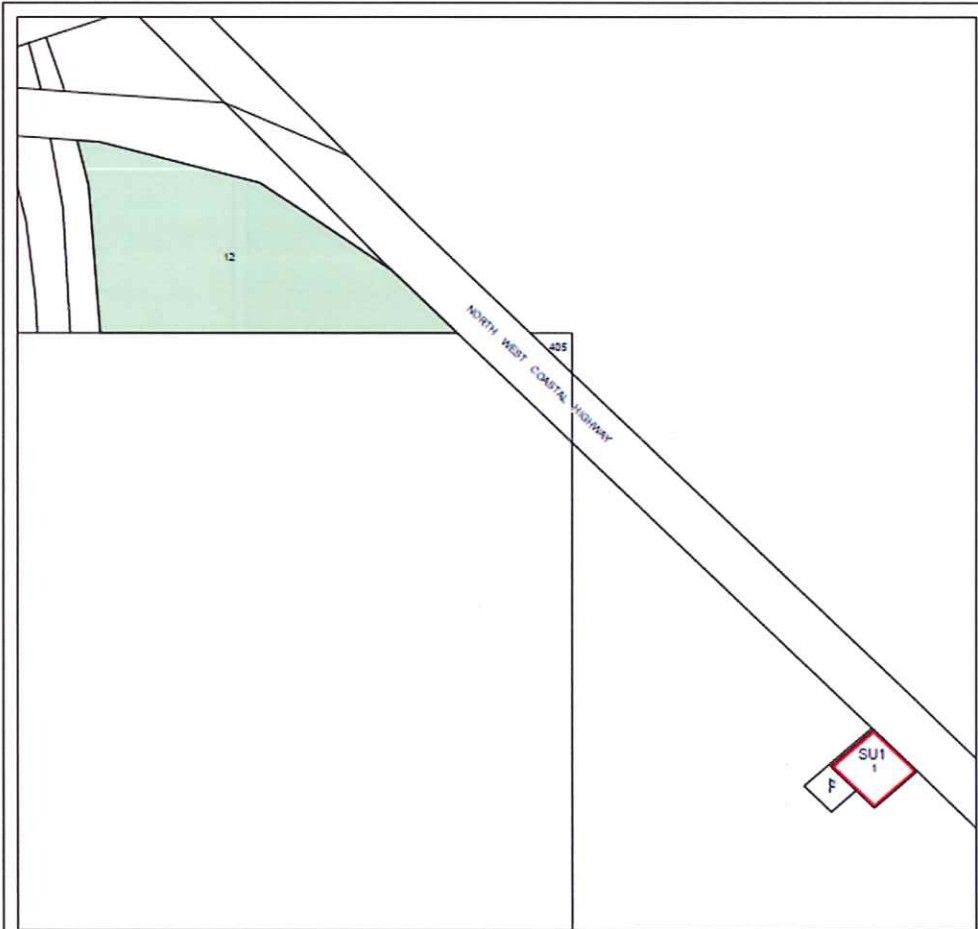
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Department of Planning, Lands and Heritage, Perth WA  
Base information supplied by Western Australian  
Land Information Authority SLIP 1447-2023-1

**Shire of Carnarvon**

Town Planning Scheme No. 13




Amendment No. 7





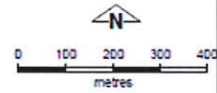
**PROPOSED SCHEME AMENDMENT MAP**

**Legend**

-  Cadastre with Lot number
- LPS Zones and Reserves Amendments**
-  Rural
-  Special use


 Department of Planning,  
 Lands and Heritage  
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 Department of Planning, Lands and Heritage, Perth WA  
 Base Information supplied by Western Australian  
 Land Information Authority SLIP 1447-2023-1

**Shire of Carnarvon**  
 Town Planning Scheme No. 13  
 Amendment No. 7



**WAPC ENDORSEMENT (r.63)**

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

**DATE.....**

**APPROVAL GRANTED**

.....

**MINISTER FOR PLANNING**

**DATE.....**

