

PROPOSED SCHEME AMENDMENT NO. 53 COSSACK TO CITY OF KARRATHA LOCAL PLANNING SCHEME NO. 8		
RECOMMENDED MODIFICATIONS		
No	Recommended Modification	Justification
1	<p>The proposed Scheme Amendment No. 53 Map being modified to include the following land parcels within the Cossack and Jarman Island Low-Impact Tourism Precinct – Special Control Area:</p> <p>i) Lots 101, 112, 116-117, 141, 143-145, 149-153, 165 and 176 on Deposited Plan 222320, Lot 20-21 on Deposited Plan 300866, Lot 121 on Deposited Plan 222342 and Lot 446 on Deposited Plan 192377.</p>	<p>The Scheme Amendment area does not include any private lots. Private lots have not been included within the Scheme Amendment area as they are identified as being susceptible to risks and hazards relating to issues such as coastal erosion, bushfire and heritage conservation in addition to issues regarding utility servicing requirements. Private landowners should be given the opportunity to develop their lots if they can demonstrate compliance with the relevant State Planning Policies and Local Planning Framework. There is however a risk that the Scheme Amendment may be refused if private landowners are included, as the risks to property owners and developers may be considered to be unacceptable.</p> <p>Provisions under the proposed Scheme Amendment will require any application for development approval to address relevant State Planning Policies and any other matter as required by the LG. This includes bushfire, services (sewerage) and coastal hazard risks. Appropriate provisions are in place to ensure that development is not permitted which would directly contradict the intentions of the Scheme Amendment or relevant planning framework. As such, the landowners and the City should be afforded the opportunity to consider a proposal on its merits rather than prohibiting development altogether.</p> <p>Lot 446 contains the historic wharf. As this is not included within the Scheme Amendment Area, Scheme Provision 6.6.2 still applies which effectively stymies development on this lot.</p> <p>The recommended modification does not include the rezoning of these lots within an applicable Special Use Zone. The DPLH should consider the inclusion of these lots and applicable special use zone.</p>
2	<p>The proposed Scheme Amendment No. 53 Map being modified to include a portion of Lots 502- 503 on Deposited Plan 73609 and Lot 440 on Deposited Plan 214695 within the Cossack and Jarman Island Low-Impact Tourism Precinct – Special Control Area.</p>	<p>Portions of these lots have been identified as areas for ‘potential development’ or ‘potential development subject to Native Title’ under the Potential Development Areas Map prepared by the DPLH but are excluded from the proposed Cossack and Jarman Island Low-Impact Tourism Precinct – Special Control Area. Considered appropriate to include these portions considering they are generally unconstrained. Development of this land would need to be in accordance with relevant State Planning Policies.</p>

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3	The proposed Scheme Amendment No. 53 Map being modified to consolidate the existing Special Use Zone 1 (SU1) and Special Use Zone 2 (SU2) zones and reclassifying existing Special Use Zone 3 (SU3) to Special Use Zone 2 (SU2).	Proposed Special Use Zone 1 (SU1) and Special Use Zone (2) are very similar in respect to land use permissibility's and development potential as identified under the Potential Development Areas Map prepared by the DPLH. The only differences in these zones are that 'Art Gallery' and 'Tavern' land uses are 'D' - Discretionary land uses within SU1 and not SU2, and that SU2 areas are subject to Native Title. The SU1 and SU2 zones effectively allow for the same development opportunities and could be easily consolidated. Special Use Zone 3 (SU3) then could be amended to SU2 and cover land parcels which are identified as being highly constrained and subject to Native Title.
4	<p>Amend Table 1 – Special Use Zones in Scheme Area under Part 2 of the “Resolution to Adopt” and “Resolution to Amend Local Planning Scheme” of the proposed Scheme Amendment No. 53 report to:</p> <p>i) Consolidate the ‘Special Use Zone 1’ (SU1) and ‘Special Use Zone 2’ (SU2) zones and rename ‘Special Use Zone 3’ (SU3) to Special Use Zone 2 (SU2).</p> <p>ii) Amend the text within the ‘Special use’ column for both the SU1 and SU2 zones to read: “All other uses are ‘A’ uses”.</p>	<p>Refer to recommended modification No.3. The Scheme Amendment text is also required to be amended to reflect the consolidation of the current SU1 and SU2 zones and the applicable land uses under the newly consolidated SU1. The current SU3 zone should then be revised to SU2.</p> <p>Special use column of Table 1 – Special Use Zones in Scheme Area currently states ‘All other uses are X uses’. The City of Karratha Local Planning Scheme No. 8 (LPS8) Provision 3.2.5 allows for Council to make a determination on a proposed ‘Use Not Listed’, where that use is determined to be consistent with the objectives and purposes of the zone and/or precinct objectives. The proposed amendment will introduce new objectives and provisions which require an application for development approval within the SCA to address relevant State Planning Policies.</p> <p>Making a land use not listed under Table 1 an ‘X’ use negates the current process in which a ‘use not listed’ is dealt with under the Scheme and also potentially prohibits the establishment of required land uses and development at Cossack. A ‘Utility Installation’ land use as defined under the Scheme within the Special Control Area would also be made an ‘X’ use, which is not consistent with State Planning Policy 5.2 – Telecommunications Infrastructure.</p>
5	<p>Amend Part 7 of the “Resolution to Adopt” and “Resolution to Amend Local Planning Scheme” of the proposed Scheme Amendment No. 53 report to read:</p> <p><i>“Amending the Scheme Map to introduce Special Use zones 1 and 2”.</i></p>	<p>Part 7 of the Resolution to “Adopt and Resolution” to “Amend Local Planning Scheme within the Scheme Amendment” No. 53 report currently reads <i>“Amending the Scheme Map to introduce Special Use zones 1, 2, 3, 4 and 5.”</i></p> <p>There are three Special Use zones within the advertised version of the proposed Scheme Amendment, and two special use zones recommended as modifications to the proposed amendment. The text needs to be updated to reflect the correct</p>

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		number of Special Use zones within the Cossack and Jarman Island Low Impact Tourism Precinct Special Control Area.
6	<p>Amend Part 9 of the “Resolution to Adopt” and “Resolution to Amend Local Planning Scheme” of the proposed Scheme Amendment No. 53 report to read:</p> <p><i>“Amending the City of Karratha Local Planning Scheme No. 8 Scheme Map No. 13 – Wickham Townsite to rezone portions of ‘Urban Development Area No. 23’, ‘Urban Development’, ‘Tourism’ and reclassify portions of the Conservation, recreation and natural landscapes reserve to the applicable Special Use Zone.</i></p>	<p>Recommended modification No. 1 seeks to include various lots within the proposed Scheme Amendment area. A number of the privately owned lots are zoned ‘Urban Development’ and would need to be rezoned to the applicable Special Use Zone under the Cossack and Jarman Island Low-Impact Tourism Precinct Special Control Area.</p>
7	<p>A Bushfire Attack Level Assessment and Bushfire Management Plan to be undertaken in accordance with State Planning Policy 3.7 – Planning in Bushfire Prone Areas as part of finalising proposed Scheme Amendment No. 53.</p>	<p>The draft Scheme Amendment proposes to introduce a new Scheme provision which states the Local Government may require supporting documentation including a Bushfire Management Plan (BMP) and Emergency Evacuation Plan in accordance with State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7).</p> <p>The whole of the proposed Scheme Amendment Area is located within a designated bushfire prone area and an applicant/owner would be required to address SPP 3.7 at the development application stage.</p> <p>Only a Bushfire Assessment Report (BAR) has been prepared in support of the proposed amendment. It is standard for a Bushfire Attack Level (BAL) Assessment and BMP to be prepared in support of a strategic planning proposal in accordance with SPP 3.7 and the accompanying guidelines. Where a BAL Assessment or BMP is not prepared at the Scheme Amendment Stage, it may be undertaken at the Structure Plan stage. In this case, there will be no Structure Plan prepared over Cossack which then only leaves the development application stage.</p> <p>In 2019, the Minister for Planning refused proposed Scheme Amendment No. 44, a key reason being:</p>

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		<p><i>'It has not been demonstrated that bushfire risk could be appropriately managed in subsequent planning stages, pursuant to State Planning Policy 3.7 – Planning in Bushfire Prone Areas'.</i></p> <p>The proposed amendment will result in an intensification of land uses within Cossack. It is considered that a BMP should be prepared prior to the finalisation of the amendment to address policy requirements of State Planning Policy 3.7 – Planning in Bushfire Prone Areas.</p>