

Local Planning Scheme No. 9

Scheme Amendment No. 3

Shire of Wyndham East Kimberley

**Lot 328 Mulligan's Lagoon Road on
Deposited Plan 65737
Kununurra**

Prepared by Jointly Planning & Mapping on behalf of
Wirrum Pty Ltd
April 2026

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Form 2A.

Planning and Development Act 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

Shire of Wyndham East Kimberley Local Planning Scheme No. 9

Amendment No. 3

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

- 1. Designating Additional Use No. 16 (A16) over Lot 328 Mulligan’s Lagoon Road, Kununurra;
- 2. Amending Schedule 1 – Additional Uses in LPS No. 9 to include the following provisions relating to A16 -

No.	Description of Land	Additional Uses	Conditions
A16	Lot 328 Mulligan’s Lagoon Road, Kununurra	Holiday Accommodation (Chalet)	1. The additional use shall be considered an ‘A’ use - the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with the advertising requirements of clause 64 of the deemed provisions.

- 3. Designating Additional Use No. 17 (A17) over Lot 328 Mulligan’s Lagoon Road, Kununurra;
- 4. Amending Schedule 1 – Additional Uses in LPS No. 9 to include the following provisions relating to A17 -

No.	Description of Land	Additional Uses	Conditions
A17	Lot 328 Mulligan’s Lagoon Road, Kununurra	‘Caravan Park’ ‘Car Park’	1. The additional use shall be considered a ‘D’ use – the use is not permitted unless the local government has exercised its discretion by granting development approval. 2. The purpose of the additional use is to facilitate a ‘major event’ within the Shire. 3. The proposed caravan and camping sites are to comply with the provisions of the Caravan Parks and Camping Grounds Act 1995. 4. In considering an application for development approval, the local government may consider the following matters in addition to those which it may have regard to under the Scheme: • Whether the use is connected to and will facilitate the major event within the Shire; • The need, considering the capacity in local housing and current tourism accommodation; • Occupancy limitations; • Provision of suitable setbacks and siting of development in the manner that considers surrounding land uses;

No.	Description of Land	Additional Uses	Conditions
			- Measures to manage visual amenity impacts; - Site rehabilitation plans; - Transitioning plans; - Rubbish disposal; - Servicing including: - wastewater disposal (ensure temporary onsite wastewater facilities and amenities are available for all proposed guests); - water and drainage - and power; and - Toilet and other facilities. 5. The local government is to be satisfied that the proponent has identified appropriate strategies to manage issues by siting of land use in the context of surrounding existing and proposed land uses; and providing adequate screening measures such as fencing. 6. The additional use shall [effectively] start from 08 July 2028. 7. The additional use shall cease after the 05 August 2028. 8. Any development approval issued by the local government for the additional use shall be no later than 08 July 2028. 9. Non-conforming use rights do not apply to the additional use. 10. After 05 August 2028, all structures that had been used for the additional use shall be removed unless separate development approval is granted for uses consistent with the zoning.

5. Amending the Scheme map accordingly.

The amendment is standard under the provisions of Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
- the amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- the amendment is not considered a complex or basic amendment.

Dated this day of20
(Chief Executive Officer)

1. Introduction.

Jointly Planning and Mapping (Jointly) acts on behalf of the registered proprietors of Lot 328 Mulligan’s Lagoon Road, Kununurra, Western Australia (hereafter referred to as the subject site).

Jointly has prepared this report to seek support from the Western Australian Planning Commission to initiate an amendment to the Local Planning Scheme No. 9 (LPS 9). The proposed amendment seeks to introduce an Additional Use to facilitate the approval and subsequent development of low-impact tourist accommodation on the subject site.

The proposed tourist accommodation is intended to operate as an ancillary and subordinate land use, supporting the ongoing use of the land while enabling a form of small-scale, land-based rural diversification consistent with the objectives of the agricultural zoning.

In addition, the proposal seeks to facilitate the provision of temporary caravan park, camping and associated ancillary uses to respond to the significant increase in visitor demand anticipated during the 2028 Total Solar Eclipse Western Australia.

The amendment text has been structured to establish two discrete Additional Uses, ensuring a clear distinction between:

- an ongoing, ancillary tourism accommodation use; and
- time-limited, event-based accommodation uses.

Each use is supported by separate provisions and tailored development controls.

This approach is intended to ensure that the proposed short-term, event-based accommodation (including caravan park and camping uses) does not result in ongoing or unintended intensification of land use and remains clearly distinguishable from the permanent tourism component.

This report addresses the key planning considerations relevant to the proposed amendment, including:

- The site context and surrounding land uses;
- The applicable strategic and statutory planning framework;
- An overview of the proposed amendment;
- A description of the intended use and operational characteristics; and
- A detailed planning justification in support of the amendment.

2. Background/Strategic Context

The subject site is owned and managed by Wirrum Pty Ltd, an Aboriginal-owned, not-for-profit organisation based in Kununurra in the East Kimberley region. Wirrum’s core purpose is to improve the social, cultural and economic wellbeing of people across the region through the delivery of culturally grounded training programs, with a focus on creating long-term employment pathways and building local capability.

Wirrum is currently working in partnership with the Department of Primary Industries and Regional Development (DPIRD) and other stakeholders to deliver the Kimberley Agri-STEM Training and Community Hubs (KATCH) program.

This initiative is a community-led model designed to establish small-scale horticultural systems across remote Kimberley communities, operating as training and demonstration hubs that support agri-food production, biosecurity capability and pathways into employment and further education in agriculture and related industries.

The KATCH program integrates on-Country training delivery with community-led food production and resilience, reinforcing both local knowledge systems and technical skill development. Importantly, the initiative is structured as a community-owned and locally driven model, with Aboriginal corporations maintaining governance and decision-making roles, ensuring that outcomes are responsive to local needs and priorities.

Within this broader framework, the subject site is intended to function as a local training and demonstration hub, supporting horticultural production, land-based training and community participation in agri-food systems.

The proposed permanent Additional Use (AU) introduces a low-impact tourism component that is directly linked to this model. It is intended to operate as an ancillary and subordinate use, providing a supplementary income stream to support the long-term viability of the KATCH initiative, while also

enabling on-Country experiences and engagement opportunities. In this regard, the permanent tourism use is integrated with, and supportive of, the site’s primary agricultural and training function, rather than operating as a standalone development.

In addition, the proposed temporary Additional Use (AU) has been specifically conceived to respond to the anticipated influx of visitors associated with the 2028 Total Solar Eclipse Western Australia. It provides a time-limited accommodation offering, including camping and caravan facilities, to meet short-term demand during this period only.

This approach is consistent with the planning response adopted for the 2023 Total Solar Eclipse Exmouth, where temporary accommodation was enabled through controlled planning provisions to support a significant, short-duration increase in visitation.

Importantly, the temporary Additional Use is distinct from the permanent tourism component and is structured to operate on a strictly time-limited basis. It enables the subject site to contribute to regional accommodation capacity in a planned and coordinated manner, while ensuring that all associated infrastructure is temporary and the land is reinstated following the event.

This ensures that the proposal does not result in any ongoing or unintended intensification of land use.

Accordingly, the proposed Additional Uses should be understood as forming part of an integrated, agriculture-led and community-based initiative, where the permanent tourism component provides ongoing support to the primary land use, and the temporary component responds to a specific, short-term regional demand, each operating within clearly defined and controlled parameters.

3. Regional Context

The subject site is located at Lot 328 Mulligan’s Lagoon Road, Kununurra, approximately 10km from the Kununurra town centre, within the Shire of Wyndham-East Kimberley. Ownership details of the lot are shown in the table below.

Lot / Street	Address / Land	Area	Volume / Folio	Proprietor
Lot 328	Mulligan’s Lagoon Road, Kununurra	4569696m ²	4019 / 690	Wirrum Pty Ltd

Kununurra functions as a key regional service centre within the East Kimberley, supporting surrounding communities and the broader Ord River Irrigation Area. The locality is well connected via Victoria Highway, which forms part of the National Land Transport Network and provides regional access between Western Australia and the Northern Territory.

The subject site is accessed via Mulligan’s Lagoon Road, which services rural and agricultural landholdings within the locality and connects to the broader regional road network. The surrounding area is characterised by:

- large agricultural landholdings associated with the Ord River Irrigation Area;
- horticultural and cropping activities; and
- rural residential and associated land uses.

The East Kimberley region, and Kununurra in particular, is recognised for its:

- significant agricultural production and expansion potential; and
- growing role as a tourism destination, supported by its natural landscapes, cultural values and proximity to key regional attractions.

The subject site is located within a broader rural landscape that supports both:

- primary production activities, consistent with the objectives of the agricultural zoning; and
- compatible, small-scale tourism and visitor experiences, which are increasingly contributing to the regional economy.

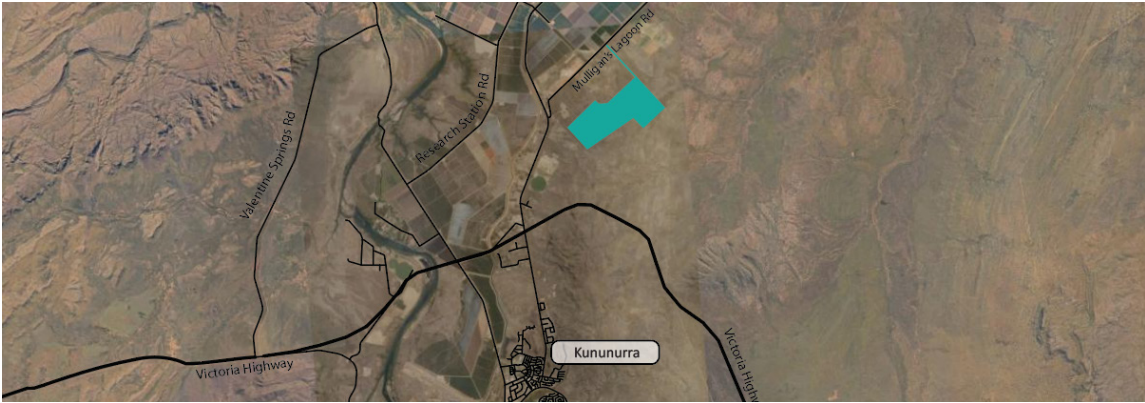


Figure 1: Regional Context

In addition, Kununurra is anticipated to experience a significant increase in visitation associated with the 2028 Total Solar Eclipse Western Australia, with the region identified as a prime viewing location within the path of totality. This is expected to place increased demand on existing accommodation supply and supporting infrastructure.

The subject site’s proximity to Kununurra, combined with its rural setting and accessibility, positions it as a suitable location to accommodate low-impact, land-based tourism activities as well as temporary, event-based accommodation, in a manner that is consistent with the regional context and does not detract from the ongoing agricultural use of the land.

4. Local Context

The subject site comprises Lot 328 Mulligan’s Lagoon Road, Kununurra, located within the rural hinterland of Kununurra in the East Kimberley region of Western Australia.

The site is zoned Agriculture – State or Regional Significance under Local Planning Scheme No. 9 and is identified as land intended to be protected for agricultural production and associated rural activities.

- The locality is characterised by:
- large rural landholdings utilised for agricultural and horticultural purposes;
 - a low-density settlement pattern; and
 - a mix of agricultural, rural living and associated land uses.

The subject site itself comprises a large landholding with varying topography, including areas suitable for agricultural use; as well as portions of land constrained by topography, including inclined and less arable areas.

The proposed location of the tourism-related components has been deliberately identified within those topographically constrained areas of the site that are not readily suited to productive agricultural use.

This approach ensures that:

- productive agricultural land is retained;
- fragmentation of agricultural areas is avoided; and
- the long-term agricultural capability of the land is not compromised.

Access to the site is provided via Mulligan’s Lagoon Road, with the surrounding road network servicing rural and agricultural activities within the locality.

Surrounding land uses are predominantly agricultural in nature, with separation distances typical of rural environments.

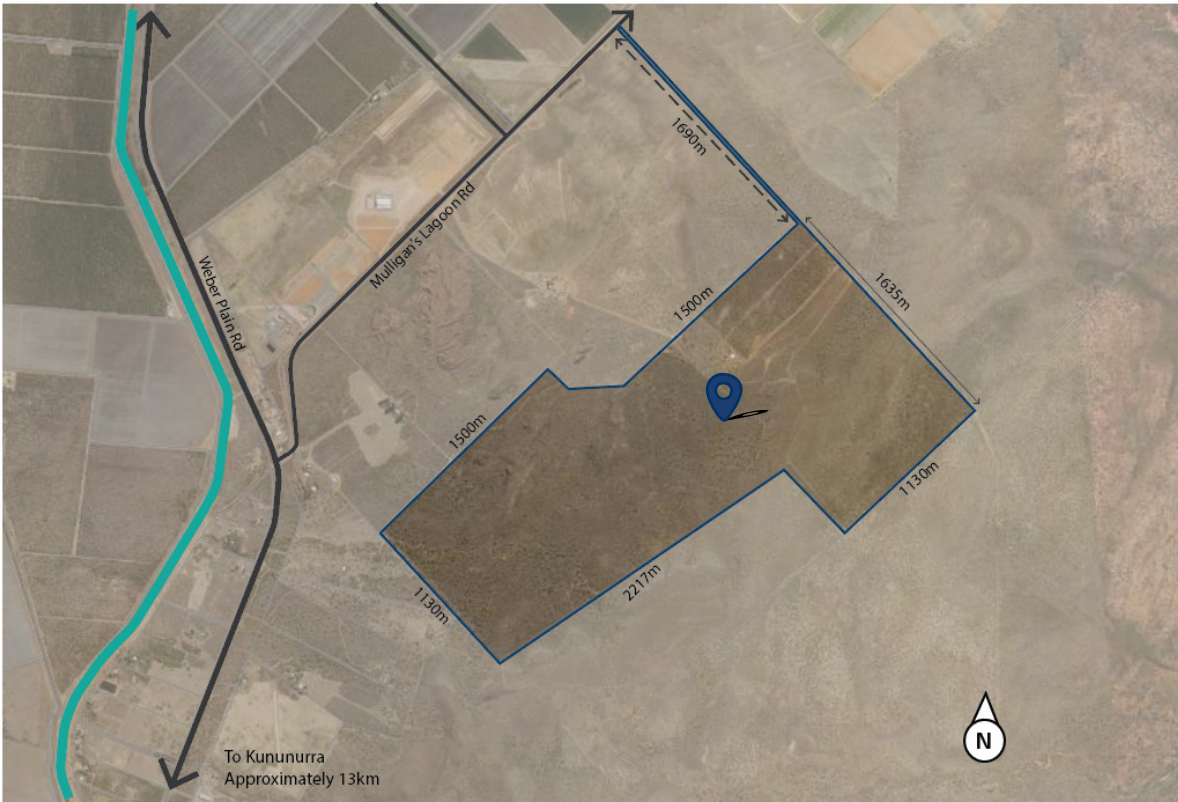


Figure 2: Aerial Photograph (PlanWA)

5. Planning Framework

5.1 State Planning Framework

5.1.1 State Planning Strategy

The proposed permanent amendment supports the State Planning Strategy’s vision for sustained growth. It will assist in building the State’s identity, generating a sense of place, as well as building a resilient region through economic diversification.

The proposed temporary amendment will provide access to and enhance an experience that will be unique in a global perspective. The TSE’s potential to draw in significant tourism numbers is a unique opportunity which will have significant economic flow on effects.

5.1.2 State Planning Policies

The proposal was also considered against relevant State Planning Policies as set out below.

State Planning Policy 2.5 – Rural Planning

Overall, the proposal is considered to be consistent with the intent and measures of SPP 2.5, as it facilitates a controlled and compatible form of rural diversification while maintaining the primacy of agricultural land use.

Clause	Requirement	Assessment / Response	
		Permanent Additional Use – Tourist Accommodation	Temporary Additional Uses – Caravan Park / Camping / Car Parking
2 – Policy Intent	Protect rural land and ensure compatible land uses	Maintains agricultural primacy, with tourism operating as a low-impact, ancillary use	Temporary use only, ensuring no permanent change to land use or agricultural function
4(a), (b)	Support primary production and regional development	Supports agricultural training and horticulture (KATCH), with tourism providing supplementary income	Supports regional economy during peak events without long-term land use change
4(e)	Avoid land use conflict	Located on non-arable land and designed to operate at low intensity	Short duration and limited scale reduces potential for ongoing land use conflict
5 – Policy Measures (General)	Encourage compatible rural land uses	Consistent with rural diversification objectives	Temporary and controlled, avoiding establishment of incompatible permanent use
5.1(a)	Land use change to be planned through a scheme	Facilitated via Additional Use (Scheme Amendment)	Also enabled via separate Additional Use, ensuring planned and controlled application
5.1(b)	Retain priority agricultural land	Productive agricultural areas retained and not fragmented	No permanent land take; land returns to agricultural use post-event

5.1(g)	Sensitive land uses must be carefully planned	Low-scale accommodation with separation and management controls	Temporary nature limits exposure; impacts managed through short duration and site controls
5.1(h)	Accept impacts of primary production	Users will be located within an active rural setting and subject to normal rural impacts	Temporary users subject to same expectations, with no long-term sensitivity created
5.5(c)	Support small-scale tourism in rural areas	Directly aligns as small-scale, land-based accommodation	Supports short-term tourism demand without establishing permanent tourism infrastructure
5.12	Manage impacts and buffers	Managed through siting, scale and future DA conditions /management plan	Managed through time limits, temporary infrastructure and removal requirements

State Planning Policy 2.9 – Water

Given the low scale of the permanent use and the temporary nature of the event-based uses, the proposal is not expected to result in significant impacts on water resources, subject to appropriate detailed design and management at the development application stage.

Clause	Requirement	Assessment / Response	
		Permanent Additional Use – Tourist Accommodation	Temporary Additional Uses – Caravan Park / Camping / Car Parking
2 – Policy Intent	Ensure planning considers all water matters and delivers sustainable outcomes	Water considerations will be addressed at development stage, including supply, wastewater and stormwater management	Temporary use limits long-term water demand and infrastructure requirements
5.1, 5.4	Protect water resources and ensure sustainable water supply and use	Low-scale development with limited demand; water supply to be fit-for-purpose and demonstrated at DA stage	Short duration reduces cumulative demand and avoids permanent servicing requirements
6.1	Maintain water quality and ecological values	Development footprint is small and located on constrained land, minimising disturbance and risk to water resources	Temporary use avoids long-term impact on hydrology or water quality
6.8, 6.9	Minimise water demand and ensure secure, sustainable supply	Water demand is inherently low and can be managed through water-sensitive design and efficient use	Demand is temporary and event-based, reducing pressure on local water resources
6.10, 6.11	Provide appropriate wastewater servicing	Wastewater management (reticulated or on-site) will be resolved at DA stage in accordance with site capability and health requirements	Temporary facilities (e.g. ablutions) will be managed through temporary, controlled servicing solutions

7.1(a), (b)	Consider water issues early and provide supporting information	Water management will be addressed in detail at development stage, consistent with policy requirements	Temporary use will require appropriate management planning where implemented
7.4(a), (b)	Demonstrate water supply and minimise demand	The proposal will demonstrate a fit-for-purpose water supply and efficient use as part of future approvals	Temporary use will rely on short-term, managed supply arrangements, avoiding permanent infrastructure
7.4(i), (j)	Ensure appropriate wastewater disposal	On-site wastewater (if required) will be designed to meet standards and protect environmental and public health	Temporary wastewater solutions will be used and removed post-event, avoiding long-term impacts

State Planning Policy 3.7 – Bushfire

Bushfire risk will be addressed in detail at the development application stage, including the preparation of a Bushfire Management Plan and, where required, emergency management procedures appropriate to the scale and nature of each use.

Clause	Requirement	Assessment / Response	
		Permanent Additional Use – Tourist Accommodation	Temporary Additional Uses – Caravan Park / Camping / Car Parking
2 – Policy Intent	Avoid or mitigate bushfire risk	Bushfire risk will be addressed through appropriate siting and design at development stage	Temporary nature limits exposure and allows flexible management of bushfire risk
6.1, 6.2	Avoid high-risk areas and manage siting/design	Development can be located to avoid higher risk areas and minimise vegetation clearing	Temporary infrastructure can be positioned to avoid higher risk areas and adjusted as required
6.3, 6.4	Provide access, egress and water for emergency response	To be addressed at DA stage, including vehicular access, water supply and emergency planning	Temporary use will incorporate appropriate access, evacuation and water provisions for event periods
7.1	Bushfire considered early and supported by documentation	A Bushfire Management Plan (BMP) will be prepared at development stage, if required	Temporary use to be supported by appropriate management measures and/or event planning
7.4	Additional requirements for vulnerable uses	Tourist accommodation is recognised as a vulnerable land use, however the small scale and managed nature reduces overall risk and allows mitigation through design and management	Temporary accommodation (camping/caravan) is considered a vulnerable land use, particularly during peak events, and will require appropriate emergency management, evacuation planning and operational controls

5.1.3 WAPC Position Statements

The proposal was also considered against relevant State Position Statements as set out below.

Position Statement: Planning for Tourism and Short-term Rental Accommodation Guidelines

The proposal is consistent with the evolving State planning framework for tourism, representing a contemporary and controlled application of tourism land uses within a rural context, while maintaining alignment with the primacy of agricultural land use.

Clause	Requirement	Assessment / Response	
		Permanent Additional Use – Tourist Accommodation	Temporary Additional Uses – Caravan Park / Camping / Car Parking
1 – Policy Intent	Facilitate appropriate tourism development and quality planning outcomes	Provides low-impact, land-based tourism consistent with rural context	Facilitates short-term accommodation demand in a controlled and planned manner
4 – Policy Objectives	Support sustainable tourism and recognise economic contribution	Supports regional tourism and Aboriginal economic development, integrated with agriculture and training	Responds to peak tourism demand (eclipse) without requiring permanent infrastructure
5.1 – General Measures	Encourage a range of tourism accommodation and experiences	Provides small-scale, nature-based accommodation, consistent with evolving tourism models	Provides flexible accommodation options during peak demand periods
5.1 Ecotourism & Cultural Values	Encourage tourism that complements environment and Aboriginal culture	Aligns strongly through on-Country experiences, training and cultural integration	Temporary use supports visitation without long-term environmental impact
5.1 – Rural Land	Tourism in rural areas should be secondary to agricultural use	Explicitly ancillary to agriculture, consistent with SPP 2.5	Temporary use does not displace or compete with agricultural use
5.1 – Flexibility in tourism product	Recognise need for flexibility in product mix and design	Allows a range of low-impact accommodation formats (e.g. glamping)	Enables temporary scaling of accommodation without permanent intensification
5.2 – Strategic Planning	Identify tourism opportunities and respond to demand	Demonstrates a site-specific opportunity aligned with regional context	Responds to a clearly identifiable event-driven demand (2028 eclipse)
5.4 – Statutory Planning	Schemes should provide clear land use definitions and permissibility	The proposal introduces an Additional Use consistent with emerging tourism land use definitions	Temporary use is clearly defined and controlled through separate Additional Use provisions

Land Use Defs (Key Direction)	Promote consistent and contemporary tourism land use definitions	The proposal aligns with the emerging “Tourist and Visitor Accommodation” land use class, which consolidates traditional forms such as “Holiday Accommodation” and reflects current policy direction	Temporary accommodation remains distinct and does not rely on this classification, reinforcing its event-based nature
5.4.1 – Caravan Parks	Caravan parks may be supported as additional uses where ancillary to primary use	Not applicable as a permanent use (intentionally excluded to avoid intensification)	Directly aligns as a secondary, site-specific and temporary Additional Use, consistent with policy guidance

Position Statement: Dark Sky and Astrotourism Position Statement (2022)

The proposal represents a direct application of the State’s policy direction to facilitate astrotourism in regional Western Australia, while ensuring that development can be designed and managed to minimise light and dust impacts.

Clause	Requirement	Assessment / Response	
		Permanent Additional Use – Tourist Accommodation	Temporary Additional Uses – Caravan Park / Camping / Car Parking
1 & 4 – Policy Intent and Objectives	Facilitate appropriate tourism development	Directly supports the development of astrotourism experiences, including dark sky viewing and on-Country tourism opportunities	Supports short-term visitation associated with major astronomical events, including the 2028 solar eclipse
2.3 – Benefits of Astro tourism	Support sustainable tourism and recognise economic contribution	Leverages the East Kimberley’s high-quality dark sky environment to provide unique, regionally significant tourism experiences	Enables the region to accommodate peak visitor demand associated with astronomical events
2.0 – Astro tourism Oppor tunities	Encourage a range of tourism accommodation and experiences	Aligns with the State’s recognition of astrotourism as a growing tourism sector, particularly in regional and remote areas	Provides a flexible mechanism to support event-based tourism growth without permanent infrastructure
5 – Policy Measures (General)	Encourage tourism that complements environment and Aboriginal culture	The scale and nature of development is inherently low-impact, with minimal lighting required and no anticipated discernible light spill	Temporary uses are short-term and low intensity, with negligible long-term influence on dark sky values
5.6 – Develop- ment	Tourism in rural areas should be secondary to agricultural use	Any lighting associated with the development can be designed to be minimal and consistent with dark sky principles, although impacts are expected to be negligible	Temporary infrastructure will be limited in duration and can be managed operationally to maintain dark sky conditions

5. Planning Framework Cont’d

5.2 Regional Planning Framework

5.2.1 Kimberley Regional Planning And Infrastructure Framework

The proposal is consistent with the strategic direction set out in the Kimberley regional planning and infrastructure framework (the Framework), which identifies the Kimberley as a region with significant opportunities for economic diversification, particularly across the agriculture, horticulture and tourism sectors.

The Framework recognises that future growth in the region will be driven by these industries, supported by increased visitation and demand for regionally distinctive experiences. The proposed development directly aligns with this direction by integrating agricultural training, land-based activities and tourism, thereby contributing to a more diverse and resilient regional economy.

The Framework also emphasises the importance of Aboriginal participation in land use planning and economic development, as well as the need to balance growth with the protection of the region’s unique environmental and cultural values. The proposal strongly aligns with these objectives through its delivery by an Aboriginal corporation, its focus on community-led training and employment pathways, and its low-impact, site-responsive design.

Finally, the proposal supports the Framework’s vision of leveraging the region’s natural assets and cultural heritage to drive sustainable tourism growth, while maintaining the primacy of rural land uses and environmental values.

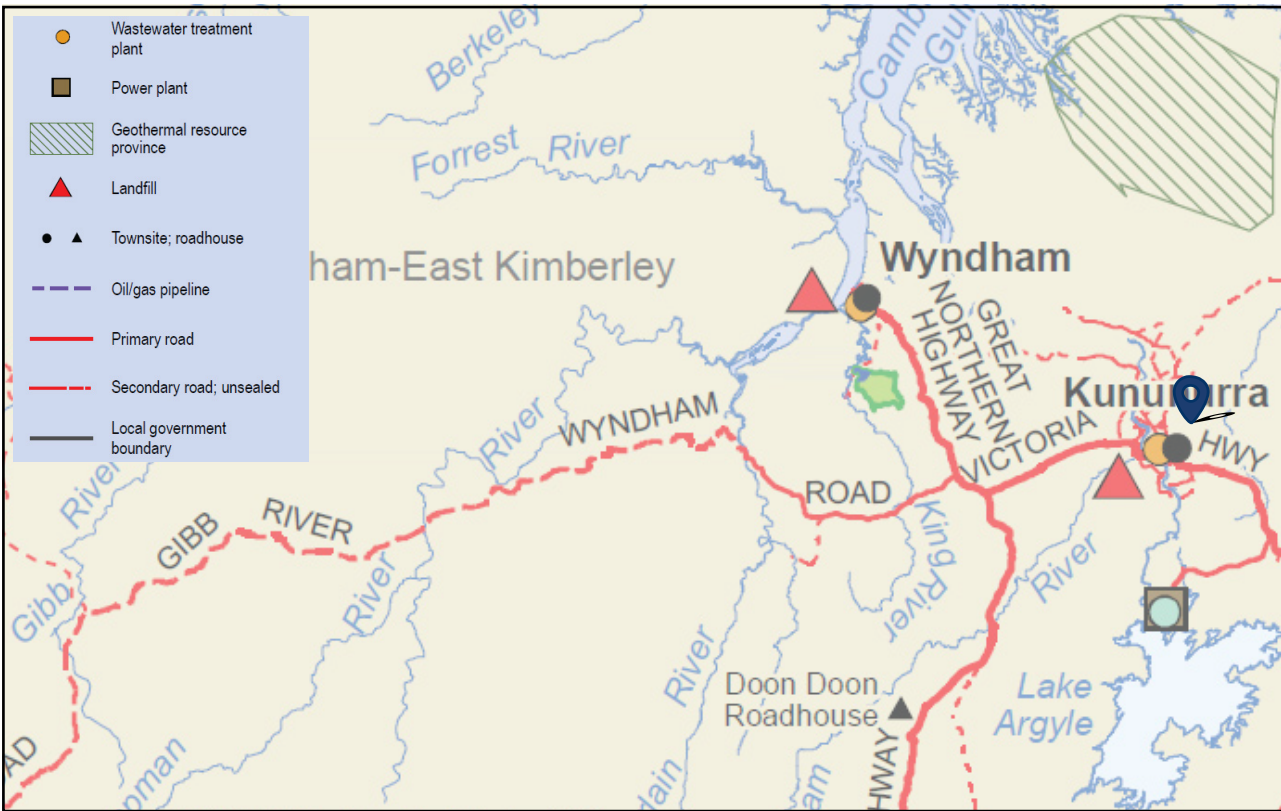


Figure 3: Kimberley Regional Planning And Infrastructure Framework Excerpt

5.3 Local Planning Framework

5.3.1 Local Planning Strategy

The proposal has been considered in the context of the Shire of Wyndham-East Kimberley’s Local Planning Strategy, which provides the overarching strategic framework for land use planning across the municipality. The Strategy places a strong emphasis on supporting the region’s key economic drivers, including agriculture, tourism and regional development, while recognising the need to protect land of agricultural significance and manage land use conflict.

The proposed amendment aligns with these broader strategic directions by facilitating a small-scale, land-based tourism use that is integrated with agricultural activity and contributes to regional economic diversification. The proposal also supports the Strategy’s objectives relating to Aboriginal engagement, local employment and community development, through the delivery of a community-led training and enterprise model.



Figure 4: SWEK Local Planning Strategy Excerpt

Notwithstanding the above, it is acknowledged that the proposal introduces an Additional Use within the Agriculture – State or Regional Significance zone, and therefore somewhat departs from the primary intent of the zoning framework to limit non-agricultural land uses. However, the proposed uses have been deliberately structured and designed to ensure they remain ancillary, low-impact and compatible with the ongoing agricultural use of the land.

The separation of permanent and temporary uses, together with the application of targeted development controls, ensures that the proposal does not result in the fragmentation or sterilisation of agricultural land, nor does it introduce an inappropriate level of intensity. On this basis, the proposal is considered to represent a reasonable and controlled form of rural diversification, consistent with the broader strategic intent of the Local Planning Strategy.

5.3.1 Local Planning Scheme No. 9

Under the provisions of the Local Planning Scheme No. 9, the subject site is zoned ‘Agriculture – State or Regional Significance’, as illustrated in Figure 6 below.

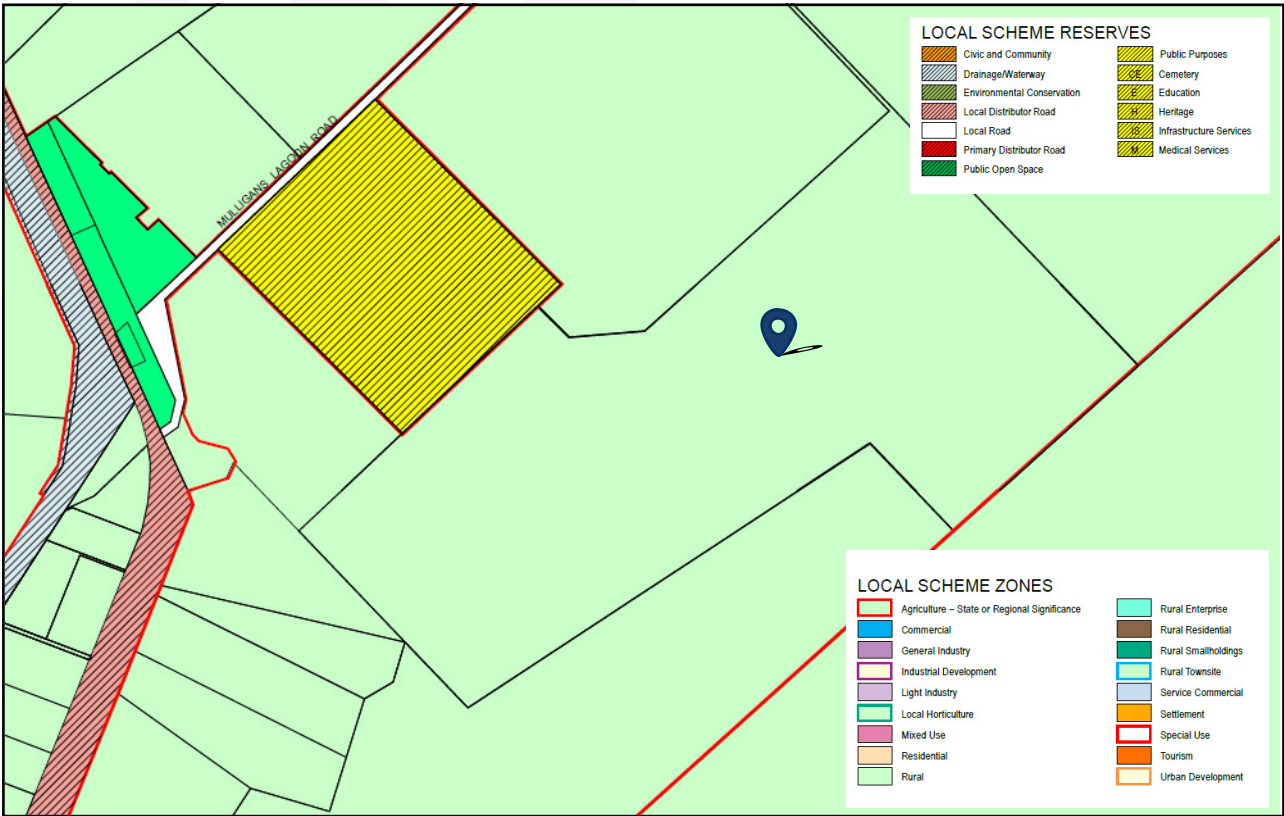


Figure 5: Local Planning Scheme No.9 Excerpt

As outlined in the preceding sections, the proposed Scheme Amendment seeks to introduce Additional Use provisions to enable:

- a permanent, low-impact tourism accommodation use; and
- a separate, temporary accommodation use to respond to short-term peak demand events.

For the purposes of the Scheme, the closest equivalent land use is currently defined as ‘Holiday Accommodation’, being:

holiday accommodation means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.

At present, ‘Holiday Accommodation’ is an ‘X’ (not permitted) use within the ‘Agriculture – State or Regional Significance’ zone under LPS9 and therefore cannot be approved without an amendment to the Scheme.

The proposed amendment seeks to introduce a site-specific Additional Use to enable this form of development in a controlled and limited manner.

It is also noted that the proposed use aligns more closely with the emerging land use classification of ‘Tourist and Visitor Accommodation’, as promoted through recent State planning guidance, which consolidates and modernises traditional tourism land use definitions such as ‘Holiday Accommodation’.

In this regard, the proposed amendment reflects contemporary planning policy direction, notwithstanding that the current Scheme has not yet been updated to incorporate this terminology.

The objectives of the ‘Agriculture – State or Regional Significance’ zone are as follows:

- To identify land of State, regional or local significance for agricultural and food production purposes;
- To retain priority agricultural land for agricultural purposes; and
- To limit the introduction of sensitive land uses which may compromise existing, future and potential agricultural production.

While the proposed uses are not expressly contemplated within the zoning framework, they have been deliberately structured to ensure that they remain ancillary, low-impact and compatible with the primary agricultural function of the land.

The use of an Additional Use mechanism allows for a site-specific planning outcome, supported by tailored provisions and controls, which ensure that:

- agricultural land is retained and not fragmented;
- the scale and intensity of development remains limited; and
- potential land use conflicts are appropriately managed.

On this basis, the proposed amendment is considered to represent a reasonable and controlled departure from the base zoning, while maintaining consistency with the underlying intent of the Scheme.

In addition, as will be further discussed in the subsequent section, the Additional Use mechanism is an established tool within LPS 9, and an established precedent for enabling site-specific land uses within the Agriculture zone where appropriately justified.

6. Amendment Proposal

The proposed Scheme Amendment seeks to enable approval of a low-impact and ancillary permanent Additional Use of ‘Holiday Accommodation (Chalet)’ at the subject site.

The proposed Scheme Amendment also seeks to introduce a time-limited and temporary Additional Use of ‘Caravan Park’ and associated ‘Car Park’ at the subject site to accommodate the expected influx of tourist for the TSE event in 2028.

Specifically, the amendment seeks to modify the Scheme by:

- 1. Designating Additional Use No. 16 (A16) over Lot 328 Mulligan’s Lagoon Road, Kununurra as designated on the Scheme Amendment map (refer Figure 7 /Appendix 2); and,
- 2. Amending Schedule 1 – Additional Uses in LPS No. 9 to include the following provisions relating to A16 (refer Table 1 below).

No.	Description of Land	Additional Uses	Conditions
A16	Lot 328 Mulligan’s Lagoon Road, Kununurra	Holiday Accommodation (Chalet)	1. The additional use shall be considered an ‘A’ use - the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with the advertising requirements of clause 64 of the deemed provisions.

- 3. Designate Additional Use No. 17 (A17) over Lot 328 Mulligan’s Lagoon Road, Kununurra as designated on the Scheme Amendment map (refer Figure 7 /Appendix 2); and,
- 4. Amending Schedule 1 – Additional Uses in LPS No. 9 to include the following provisions relating to A17 (refer Table 2 below).

No.	Description of Land	Additional Uses	Conditions
A17	Lot 328 Mulligan’s Lagoon Road, Kununurra	‘Caravan Park’ ‘Car Park’	1. The additional use shall be considered a ‘D’ use – the use is not permitted unless the local government has exercised its discretion by granting development approval. 2. The purpose of the additional use is to facilitate a ‘major event’ within the Shire. 3. The proposed caravan and camping sites are to comply with the provisions of the <i>Caravan Parks and Camping Grounds Act 1995</i> . 4. In considering an application for development approval, the local government may consider the following matters in addition to those which it may have regard to under the Scheme: • Whether the use is connected to and will facilitate the major event within the Shire; • The need, considering the capacity in local housing and current tourism accommodation;

No.	Description of Land	Additional Uses	Conditions
			• Occupancy limitations; • Provision of suitable setbacks and siting of development in the manner that considers surrounding land uses; • Measures to manage visual amenity impacts; • Site rehabilitation plans; • Transitioning plans; • Rubbish disposal; • Servicing including: • wastewater disposal (ensure temporary onsite wastewater facilities and amenities are available for all proposed guests); • water and drainage • and power; and • Toilet and other facilities. 5. The local government is to be satisfied that the proponent has identified appropriate strategies to manage issues by siting of land use in the context of surrounding existing and proposed land uses; and providing adequate screening measures such as fencing. 6. The additional use shall [effectively] start from 08 July 2028. 7. The additional use shall cease after the 05 August 2028. 8. Any development approval issued by the local government for the additional use shall be no later than 08 July 2028. 9. Non-conforming use rights do not apply to the additional use. 10. After 05 August 2028, all structures that had been used for the additional use shall be removed unless separate development approval is granted for uses consistent with the zoning.

- 5. Amending the Scheme map accordingly.

The amendment is considered standard under the provisions of Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- 1. the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
- 2. the amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- 3. the amendment is not considered a complex or basic amendment.

6. Amendment Proposal Cont’d

6.1 Existing Scheme Map

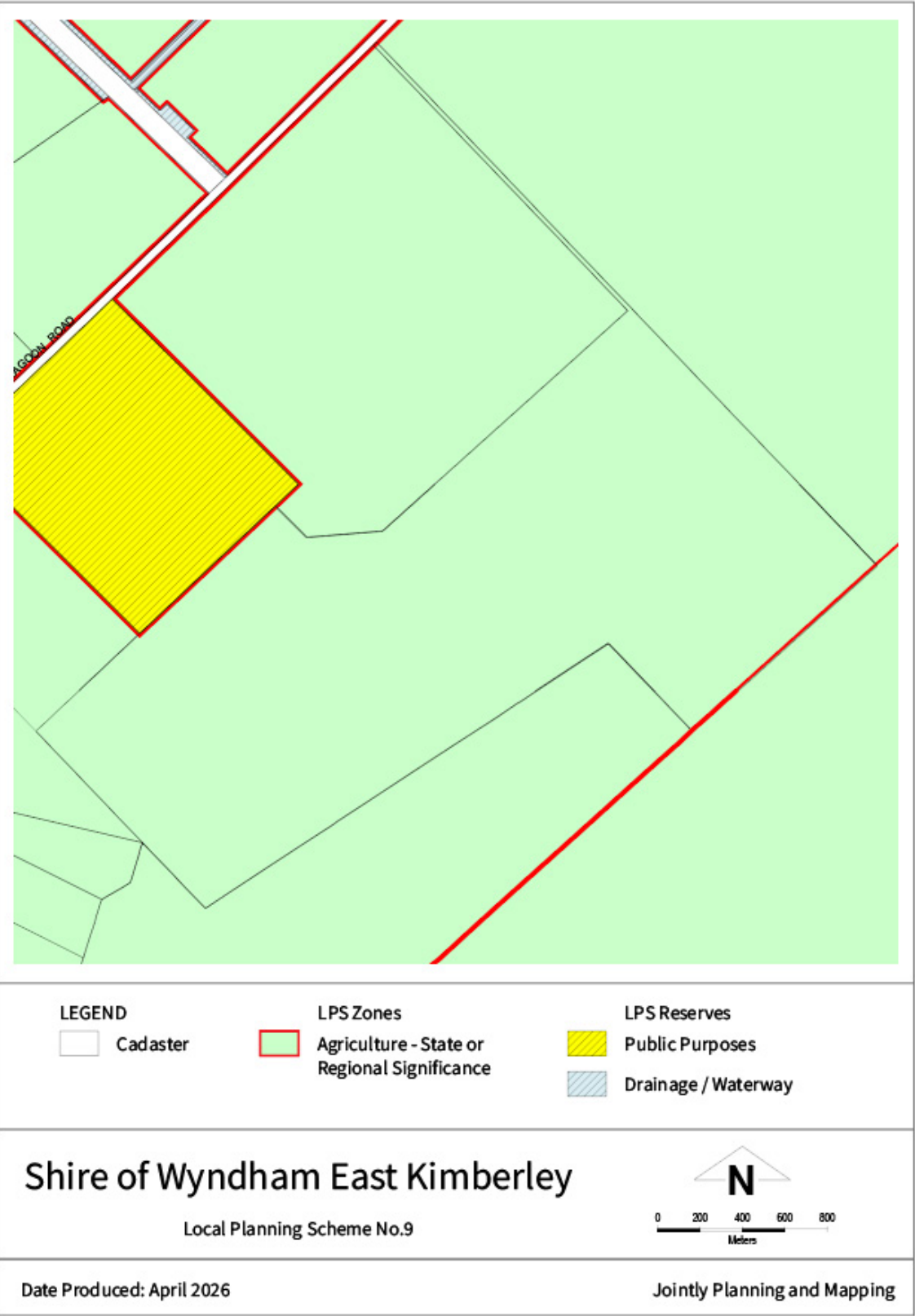


Figure 6: Existing Scheme Map

6.2 Proposed Scheme Amendment Map

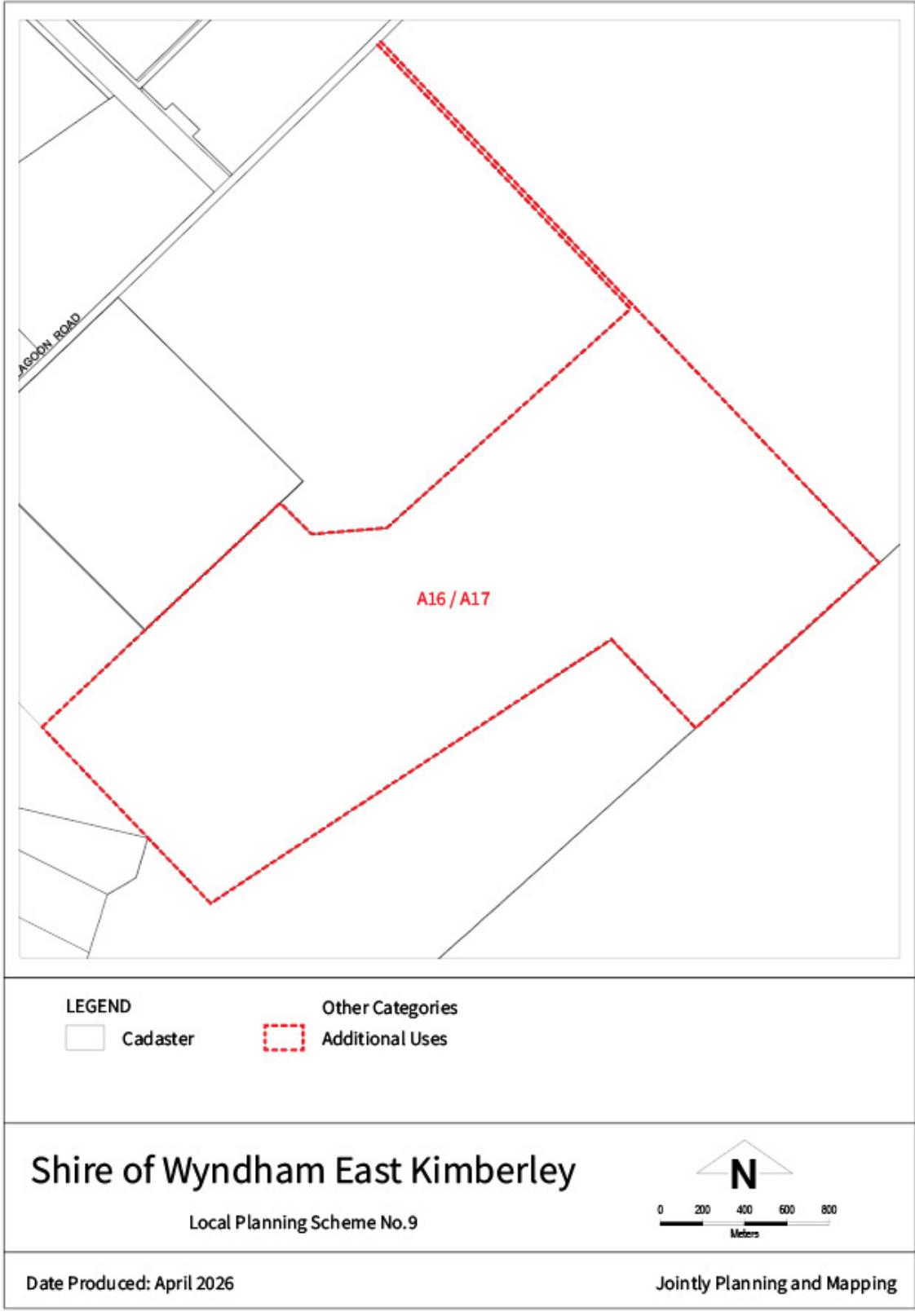


Figure 7: Proposed Scheme Amendment No. 3

6.3 Indicative Concept Plan

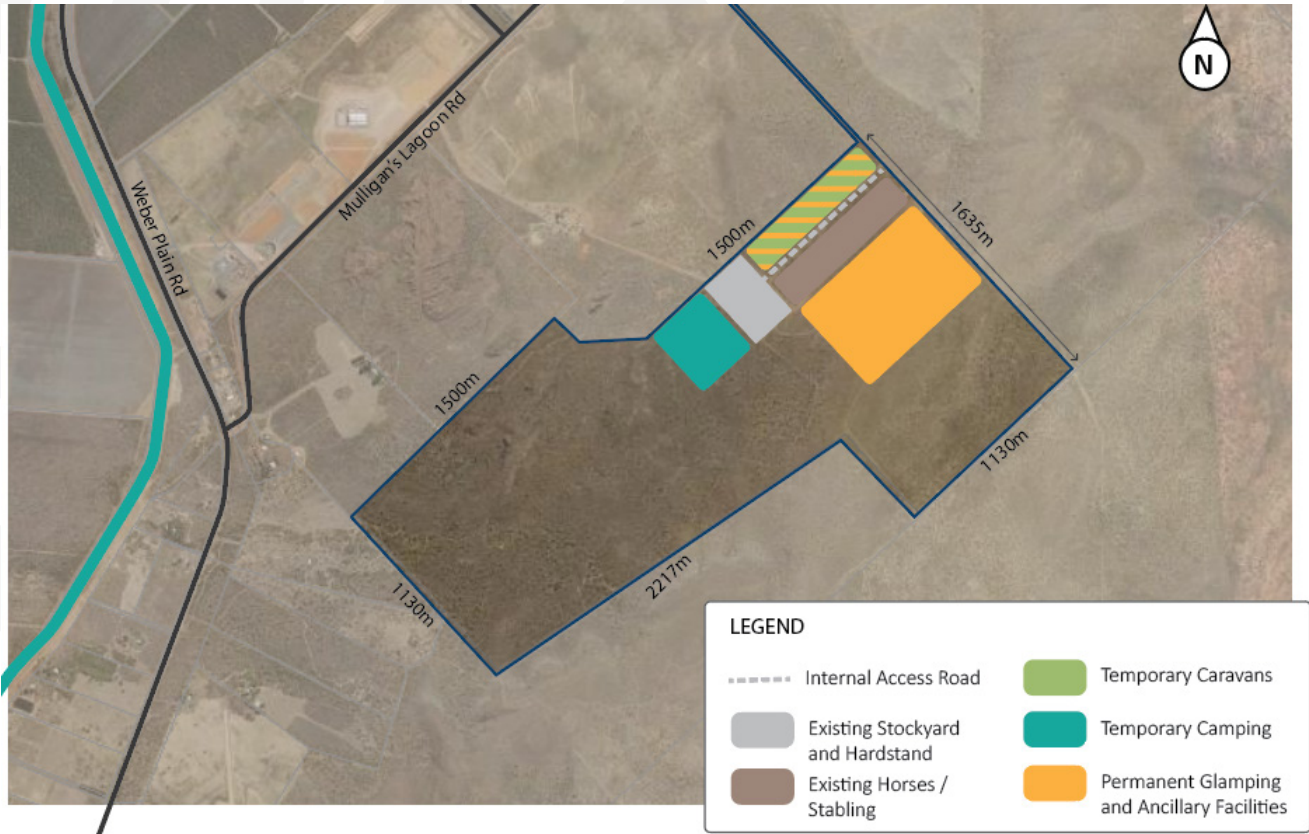


Figure 8: Proposed Concept Site Plan (details and approximate locations to be refined during development application stage)

An indicative concept plan is included for the WAPC's reference to illustrate the broad development intent associated with the proposed Additional Uses.

It is not a final development layout, but demonstrates how the permanent and temporary components may be accommodated having regard to site topography, existing access and the retention of substantial land for agricultural and training purposes.

Detailed siting, design, servicing and operational matters would be refined at the future development application stage.

The proposed permanent Additional Use is indicatively located within the south-eastern portion of the site, comprising a low-impact glamping area and ancillary visitor facilities. This area has been identified due to its inclined and less arable characteristics, thereby avoiding land better suited to horticulture and training activities.

The flatter western and central portions of the site are intended to be progressively developed for agricultural production, community gardens and training facilities associated with the KATCH initiative.

The concept plan also identifies areas capable of accommodating the proposed temporary Additional Use, including caravan, camping and associated facilities intended primarily to respond to short-term peak demand events such as the 2028 Total Solar Eclipse Western Australia.

These areas utilise existing access and hardstand areas, while maintaining separation from the permanent tourism and agricultural components.

Overall, the concept plan demonstrates that both Additional Uses can be accommodated in an orderly manner without compromising the long-term agricultural capability of the site.

7. Justification

It is acknowledged that the proposal introduces Additional Uses within the 'Agriculture – State or Regional Significance' zone under Local Planning Scheme No. 9 and therefore requires careful consideration against the intent of the Scheme.

Notwithstanding this, the proposed Scheme Amendment is considered appropriate and justified for the following reasons:

1. The proposal responds to a unique and site-specific opportunity to integrate agriculture, training and tourism within a regional context

The subject site is not being developed for tourism in isolation, but as part of a broader agriculture-led initiative centred on horticultural training, land management and community development. The proposed tourism component is intrinsically linked to this model, providing a supplementary revenue stream to support long-term viability, while also enabling on-Country engagement and education.

This represents a unique and site-specific opportunity to deliver an integrated rural enterprise that aligns with regional development objectives and cannot readily be replicated in a standard zoning framework.

2. The proposal does not undermine the primary agricultural function of the land

The Scheme Amendment does not seek to alter the underlying zoning, and the land will continue to operate as a rural property. Development has been deliberately confined to non-arable and constrained portions of the site (i.e. north-east corner), ensuring that productive land is retained for agricultural use and training purposes.

The scale and configuration of the proposal avoids fragmentation or sterilisation of agricultural land, thereby maintaining the primacy of agricultural use consistent with the intent of the zone.

3. The permanent tourism use is low-impact and compatible with the rural character of the locality

The proposed accommodation has been designed as a small-scale, land-based and ancillary use that complements the existing and intended use of the land.

It does not introduce an urban form or intensity of development, nor does it rely on high visitor volumes or infrastructure demands. In this regard, the proposal is consistent with the rural character of the locality and does not give rise to land use conflict or an erosion of rural amenity.

4. The temporary accommodation use is clearly distinguished and will not result in ongoing intensification

A key feature of the amendment is the explicit separation between permanent and temporary uses. The temporary caravan park, camping and associated uses are time-limited, event-based and reversible, and do not involve permanent infrastructure. This ensures that the land can be reinstated following use and prevents any pathway toward the establishment of a permanent higher-intensity tourism use. The proposal therefore represents a controlled and appropriate response to short-term demand.

5. The Additional Use mechanism is a well-established precedent within LPS 9

A review of Local Planning Scheme No. 9 confirms that the Additional Use mechanism has been applied across the Scheme to enable site-specific land uses within the agricultural zone. This demonstrates that the Scheme anticipates the need for flexibility in responding to particular circumstances, particularly in a regional context.

The proposal is therefore consistent with the established operation of the Scheme, rather than representing a departure from it.

6. The proposal is consistent with broader State planning practice

Across Western Australia, planning authorities have routinely facilitated low-impact tourism and accommodation uses within rural and agricultural zones through Additional Use provisions, Special Use zones and scheme amendments.

This reflects a broader State planning approach that supports economic diversification while maintaining the integrity of rural land use frameworks. The proposal aligns with this established practice and is not reliant on a unique or unprecedented planning outcome.

7. The proposal responds to a recognised shortage of tourism accommodation in the East Kimberley

The East Kimberley is a significant tourism destination but is characterised by a relatively limited diversity of accommodation offerings, particularly those that provide nature-based and culturally grounded experiences. This constraint is further amplified during peak visitation periods. The proposal contributes to addressing this gap by introducing a low-impact and regionally appropriate form of accommodation, without requiring large-scale or intensive development.

8. The temporary use responds appropriately to the 2028 Total Solar Eclipse

The 2028 Total Solar Eclipse Western Australia represents a rare and significant event that is expected to generate substantial visitation to the region.

Previous planning responses to similar events have demonstrated that temporary Additional Use provisions provide an effective mechanism to accommodate short-term demand in a planned and coordinated manner, while avoiding unregulated development. The proposed amendment adopts this approach, ensuring that any temporary accommodation remains controlled, time-limited and reversible.

9. The proposal delivers a net community and economic benefit

The proposed amendment will deliver a range of tangible benefits, including supporting Aboriginal-led enterprise, creating employment and training opportunities, enhancing agricultural capability, and contributing to the diversification of the regional economy. These outcomes align with broader State and regional planning objectives and are achieved without compromising agricultural land use or environmental values.

10. The proposal is capable of being appropriately controlled

The Additional Use provisions, together with the requirement for development application approval, provide a robust framework to manage scale, intensity and potential impacts.

This ensures that the proposal remains site-specific, limited in scope and consistent with the intent of the planning framework, while allowing sufficient flexibility to respond to changing circumstances over time.

8. Conclusion

The Scheme Amendment represents a considered and site-specific response to the characteristics of Lot 328 Mulligan’s Lagoon Road and the broader East Kimberley context.

It facilitates a low-impact, ancillary tourism use that complements the ongoing agricultural and training functions of the land, while also enabling a temporary and controlled response to peak visitation demand, including the 2028 Total Solar Eclipse.

The proposed tourism component also forms part of the broader KATCH initiative, providing a supplementary income stream to support its long-term viability while enabling on-Country experiences, community engagement and regional visitation.

In this context, the proposal should not be viewed as a standalone tourism development, but rather as an integrated, agriculture-led and community-based initiative, where tourism performs a supporting and enabling role.

Importantly, the proposal does not alter the underlying zoning or compromise the long-term agricultural use of the land. Instead, it applies the Additional Use mechanism to deliver a structured, limited and manageable outcome, ensuring that development remains compatible with the rural environment and does not result in unintended intensification.

The amendment is supported by its consistency with State planning policy and guidance, alignment with regional and local strategic objectives, established precedent within the Scheme and across Western Australia, and the delivery of tangible economic, social and community benefits.

On this basis, the support of the WAPC and the Hon. Minister for Planning are respectfully requested to initiate the amendment request.

APPENDIX 1 - Certificate of Title (Copy)

WESTERN



AUSTRALIA

TITLE NUMBER

Volume

Folio

4019

690

RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BCRoberts



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 328 ON DEPOSITED PLAN 65737

REGISTERED PROPRIETOR:

(FIRST SCHEDULE)

WIRRUM DAWANG PTY LTD OF 5 KENTIA WAY KUNUNURRA WA 6743

(AN Q262713) REGISTERED 20/12/2024

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:

(SECOND SCHEDULE)

1. M653985 MEMORIAL. LAND ADMINISTRATION ACT 1997. SECTION 17. REGISTERED 29/5/2014.

Warning:

A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:

DP65737

PREVIOUS TITLE:

LR3013-347

PROPERTY STREET ADDRESS:

NO STREET ADDRESS INFORMATION AVAILABLE.

LOCAL GOVERNMENT AUTHORITY:

SHIRE OF WYNDHAM-EAST KIMBERLEY

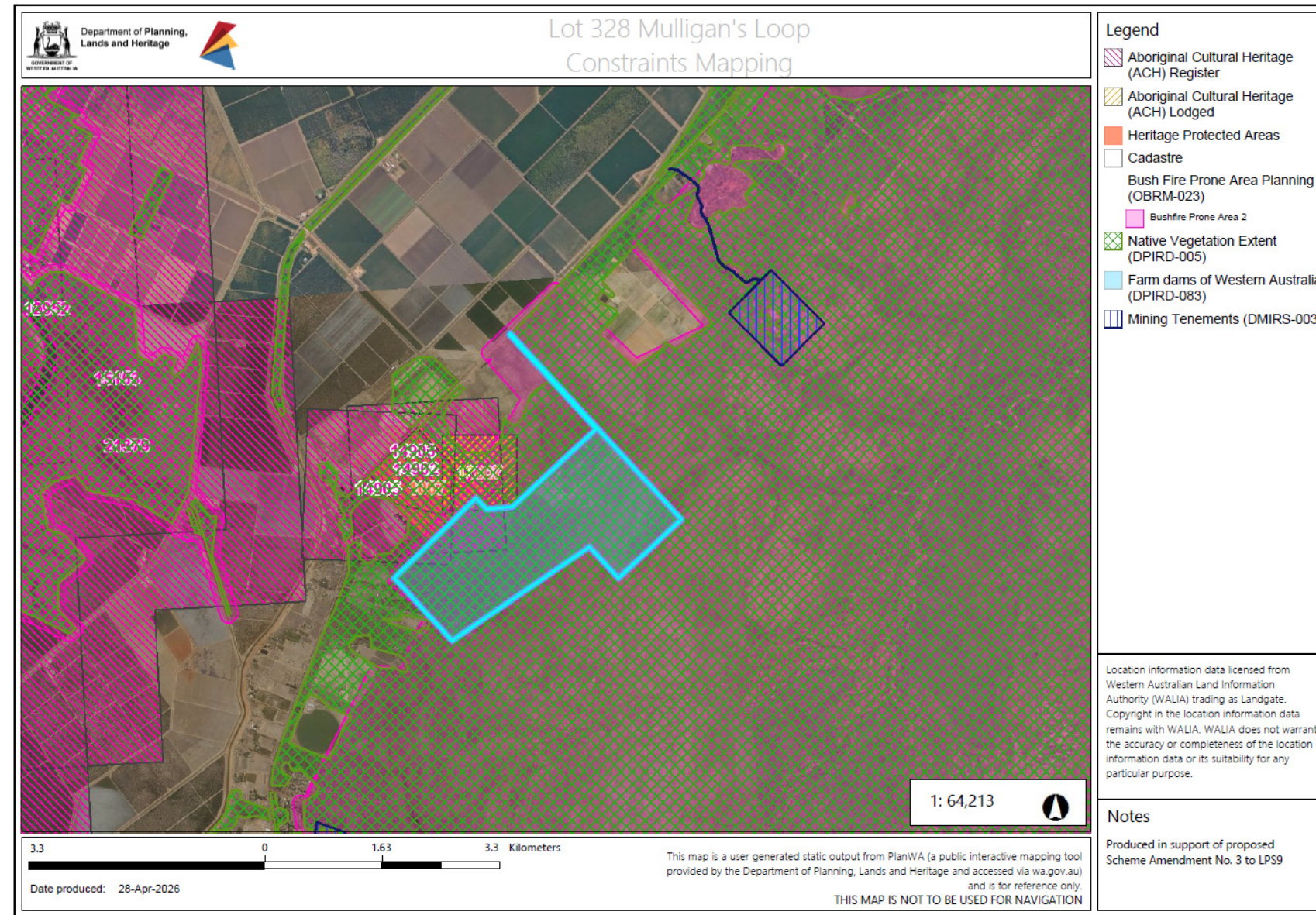
LANDGATE COPY OF ORIGINAL NOT TO SCALE 22/01/2025 07:11 AM Request number: 67687398



Landgate

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APPENDIX 2 - Constraints Map



APPENDIX 3 - Scheme Map

