



SHIRE OF ESPERANCE

LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 4

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION TO ADOPT AMENDMENT
TO LOCAL PLANNING SCHEMESHIRE OF ESPERANCE
LOCAL PLANNING SCHEME NO. 24
AMENDMENT NO. 4

Resolved that the local government, in pursuance of Section 75 of the *Planning and Development Act, 2005* amend the above local planning scheme by;

1. Amending Schedule 1 by inserting a new clause 37 as follows:

'37. Unrestricted Length of Stay

- (a) Where permissible in the Zoning and Land Use Table (Table 4), Additional Use (Schedule 3), Restricted Use (Schedule 4) or Special Use (Schedule 5), holiday house, holiday accommodation and serviced apartment uses are to be designed and constructed to comply with all requirements of a single house, grouped dwelling or multiple dwelling in accordance with the R-Codes and the specific requirements of the Building Code of Australia, and must be able to be occupied either permanently as a dwelling or temporarily for short-term accommodation purposes.'

2. Amending Schedule 1 by inserting a new clause 38 as follows:

'38. Environmental, Public Health and Amenity Protection

- (a) The emission of noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, chemicals and/or any other type of emission that may potentially impact on environmental and/or public health are to be mitigated within the boundaries of the premises and must not impact on public health and/or cause nuisance to users or occupants of adjoining premises.
- (b) All building services, plant and equipment associated with a mixed use or non-residential development is to be -
 - (i) acoustically and visually screened from any adjoining and/or adjacent residential land uses or other sensitive land uses; or alternatively;
 - (ii) incorporated within the building, or is housed external to the building and is to be contained within a solid structure and located no closer than 1.5 metres to any adjoining property boundary.
- (c) Where non-residential development occurs within an area serviced by refuse collection the storage of refuse on-site is to be screened from view from a street and/or public open space.

- (d) Non-residential development and land uses adjacent to residential development shall not be permitted to trade and/or undertake activities (e.g. deliveries) unless in accordance with the *Environmental Protection (Noise) Regulations 1997*, unless supported by a noise impact assessment submitted for consideration at the development application stage.

Note: *Prepared to the specifications and satisfaction of the local government, any development impact statement should address the scope of issues that have the potential to impact upon the amenity of existing and future residents, such as noise, lighting and crime prevention, and propose appropriate mitigating measures for consideration.*

- (e) A noise impact assessment prepared by a suitably qualified person, to the specifications and satisfaction of the local government, may be required to be submitted as part of any application for development approval for any development where there is the potential for noise impacts.

3. Amending Schedule 1 by inserting a new clause 39 as follows:

‘39. Residential Development in the Commercial and Local Centre Zones

- (a) A maximum density of R80 applies within the Local Centre Zone.
 (b) A maximum density of R160 applies within the Commercial Zone.’

4. Amending Schedule 3 and the Scheme Map by adding an Additional Use with the following:

No.	Location	Base Zone	Additional Use(s)	Development Standards/Conditions
A21	Lot 307 Goldfields Road, Castletown	Residential	As a ‘D’ use: <ul style="list-style-type: none"> • Shop • Restaurant/café 	As determined by the local government.

5. Amending Clause 30.(a) in Schedule 1 by replacing ‘Residential or Rural Residential’ with ‘Residential, Rural Residential or Rural Townsite’.
6. Amending the Scheme Map by reclassifying Lot 862 on Plan 201769 from ‘Rural’ to ‘Environmental Conservation’ as depicted on the Amendment Map.
7. Amending the Scheme Map by reclassifying Lots 1247 and 1407 on Plan FITZGL from ‘Rural’ to ‘Environmental Conservation’ as depicted on the Amendment Map.

8. Amending the Scheme Map by reclassifying Lots 465 and 466 on Plan 408922 from 'Rural' and 'Public Open Space' to 'Environmental Conservation' as depicted on the Amendment Map.
9. Amending the Scheme Map by reclassifying all of Reserve 19315 as 'Public Open Space' as depicted on the Amendment Map.
10. Amending the Scheme Map by reclassifying Lot 1440 on Plan 152676 from 'Rural' to 'Environmental Conservation' as depicted on the Amendment Map.
11. Amending the Scheme Map by reclassifying Lots 1517 and UCL on McCrea Road from 'Rural' to 'Environmental Conservation' as depicted on the Amendment Map.
12. Amending the Scheme Map by reclassifying UCL on Starcevich Road from 'Rural' to 'Environmental Conservation' as depicted on the Amendment Map.
13. Amending the Scheme Map by reclassifying Lot 36 on Plan 151214, Lot 570 on Plan 407219 and UCL on Guests Road from 'Rural' to 'Environmental Conservation' as depicted on the Amendment Map.
14. Amending the Scheme Map by reclassifying Portion of Reserve 15042 to Public Open Space and a Portion of Connolly Street as 'Local Distributor Road' as depicted on the Amendment Map.
15. Amending Schedule 2 by inserting a new Clause 11. as follows:

'11. SCA 11 – Sewerage Sensitive Areas Special Control Area

(a) The purpose of SCA 11 is to provide guidance for land use and development within the Sewerage Sensitive Area as identified in the Government Sewerage Policy and amended on the Scheme Map.

(b) Objectives

The objectives of SCA 11 are to –

(i) identify land that has been designated as a sewerage sensitive area;

(ii) ensure that the development and use of land does not detrimentally impact on a sewerage sensitive area; and

(iii) implement Scheme controls that are designed to mitigate any adverse effects on a sewerage sensitive area.

(c) Application Requirements

Despite any other provision of the Scheme development approval is required for all land use and development not connected to a reticulated sewerage system.

(d) Development Requirements

- (i) The local government may refuse any application for development approval or impose conditions on any development approval so as to –
 - i. protect public health and amenity;
 - ii. protect the environment: and
 - iii. promote the efficient use of infrastructure.
- (ii) New property titles (including strata titles) should warn of the proximity of the Sewerage Sensitive Area. This notification pursuant to Section 165 of the *Planning and Development Act 2005* is to state “*This lot is located in a Sewerage Sensitive Area and limitations may be applied to on-site effluent disposal.*”
- (iii) The requirements of Schedule 1 Clause 17 will apply to all development and land use.
- (iv) Where a lot is also located within SCA 4 – Public Drinking Water Source Protection Areas the requirements of SCA 4 will apply in addition to the requirements of SCA 11.

(e) Relevant Considerations

In addition to provisions of the Scheme the local government in considering applications for development approval is to have due regard to –

- (i) The potential impact of the proposal on the quality of the water and environmental resources in the Sewerage Sensitive Area;
- (ii) The practicability and cost of any measures proposed for the protection of the water and environmental resources;
- (iii) The existing level of protection of the resource provided, with reference to management of land and location of development;
- (iv) The nature, location and performance of any existing or proposed effluent disposal system;
- (v) The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to manage run-off and drainage.
- (vi) The Analysis of Surficial Ground Water Landscapes and Hydrological Pathways linking the Ramsar Listed Lake Warden Wetlands by Tilo Massenbauer.

Note: The report referenced in subclause (e)(vi) can be found in the Shire’s Electronic document and records

- (f) Minimum Lot Sizes
 - (i) Where subdivision of land is proposed within Special Control Area 11 and consistent with the requirements of the Local Planning Strategy no lot is to be less than one hectare.
- (g) Referral of Applications
 - (i) The Local Government will refer applications for development approval (except for Agriculture – Extensive, Single House and other related incidental uses) to the Department of Health, Department of Biodiversity Conservation and Attractions and the Department of Water and Environmental Regulation and the Local Government is to have due regard to recommendations and advice received from those authorities when determining applications.
- (h) Modification of Boundary

Any modification to the Government Sewerage Policy will trigger a Basic Amendment.'

- 16. Amending the Scheme map by classifying the unclassified portion of Reserve 48754 as 'Public Open Space' as depicted on the Amendment Map.
- 17. Amending the Scheme Map by reclassifying Portion of Thomas Road and unnamed road from 'Cultural and Natural Resource' to 'Local Road' as depicted on the Amendment Map.
- 18. Amending Clause 38 by inserting in alphabetical order:

'**art studio** means a premise used to manufacture works of art and does not involve the sale of works unless by means of the internet;'
- 19. Amending Table No. 4 by inserting 'Art studio' as a use with an 'A' permissibility in the 'Residential' zone, 'D' permissibility in the 'Rural', 'Rural Residential', 'Rural Smallholdings', 'Rural Townsite', 'Light Industry' and 'Tourism' zones and an 'X' use in all other zones.
- 20. Amending Schedule 5 SU5 by replacing 'Lot 1 and Part Lot 5 Orleans Bay Road' within the Description of Land with 'Lot 6 Wharton Road'.
- 21. Amending the Scheme map by zoning all of Lot 6 Wharton Road 'Special Use' and all of Lot 7 Wharton Road as 'Tourism' as depicted on the Amendment Map.
- 22. Amending Schedule 2 Clause 1.(d) by replacing all references to 'TRIM' to 'Electronic document and records management system' within the notes.

23. Amending Schedule 1 Clause 29.(b) by inserting ‘, unless in accordance with subclause (a),’ after ‘supported’
24. Deleting Additional Use ‘A2’ in Schedule 3, renumbering the remainder of the Schedule and amending the Scheme Map accordingly to reflect the renumbered additional uses.
25. Amending Schedule 1 Clause 12.(b) by replacing all instances of ‘A6’ with ‘A5’.
26. Amending Schedule 1 Clause 15.(b) by replacing ‘A6’ with ‘A5’.
27. Amending Schedule 2 Clause 1.(i)(v) by replacing ‘A6’ with ‘A5’.

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

- (c) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (g) any other amendment that is not a complex or basic amendment.

Dated this...²³.....day
of...~~October~~.....2018



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CHIEF EXECUTIVE OFFICER

SCHEME AMENDMENT REPORT

1. Introduction

Notice of Final Approval of the Shire of Esperance Local Planning Scheme No. 24 ('the Scheme') was published in the Government Gazette on 2 August 2017.

A provision is inserted that requires that where short term accommodation is proposed it must be developed in accordance with the R-Codes and the specific requirements of the Building Code of Australia.

A Provision is inserted that requires that Multiple Dwellings within the Commercial Zone and Local Centre Zone are developed in accordance with the R-Codes as a part of a mixed use development. A number of modifications are related to this and are detailed throughout this document.

A Provision is inserted to apply environmental, public health and amenity protection provisions and to manage impacts of development on sensitive premises. It should be noted that the proposed provision reflect current practice in assessing development applications.

A new Additional Use (A21) is proposed to reflect a long standing non-conforming use that has been on Lot 307 Goldfields Road, Castletown.

This amendment seeks to amend the Scheme Map to reflect the correct reservation for a number of lots as identified throughout this document.

This amendment seeks to introduce specific Scheme requirements for the Sewerage Sensitive Area as established by the Government Sewerage Policy.

This amendment also seeks to introduce the use of 'art studio' with associated use permissibilities within Table No. 4.

2. AMENDMENT PROPOSAL

2.1 Amend Schedule 1 by inserting a new Clause 37

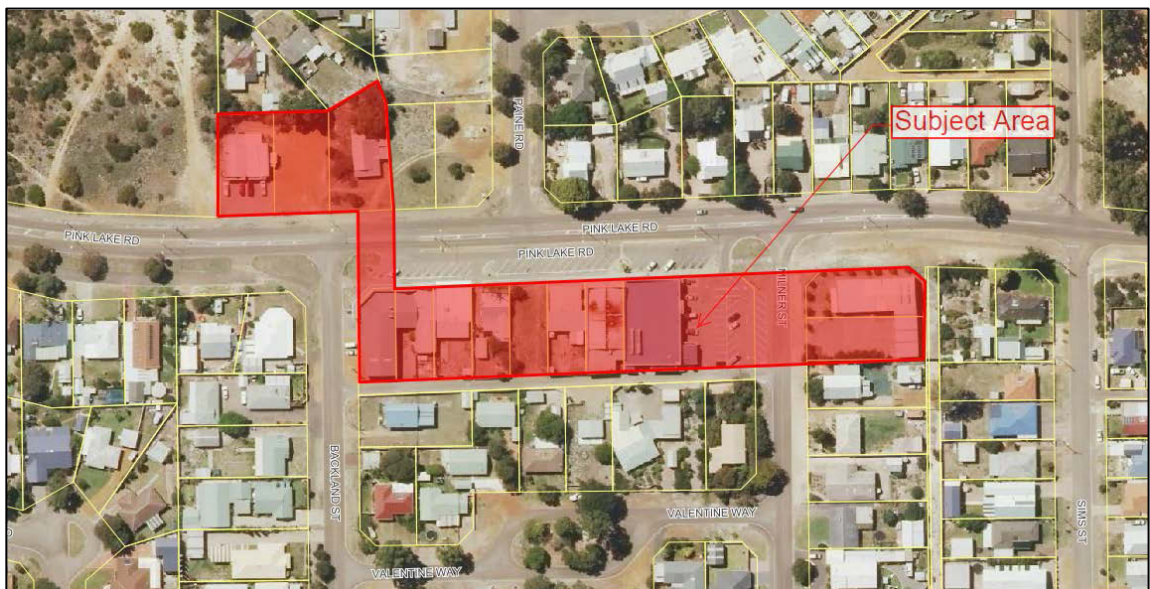
This provision is proposed to be inserted into the Scheme to ensure that where short term accommodation is proposed it must be developed in accordance with the R-Codes and the specific requirements of the Building Code of Australia, and must be able to be occupied either permanently as a dwelling or temporarily for short-term accommodation purposes.

2.2 Amend Schedule 1 by inserting a new Clause 38

This provision is proposed to be inserted into the Scheme to apply Environmental, Public Health and Amenity Protection provisions and to manage impacts of development on sensitive premises. It should be noted that the proposed provision reflect current practice in assessing development applications.

2.3 Amend Schedule 1 by inserting a new Clause 39

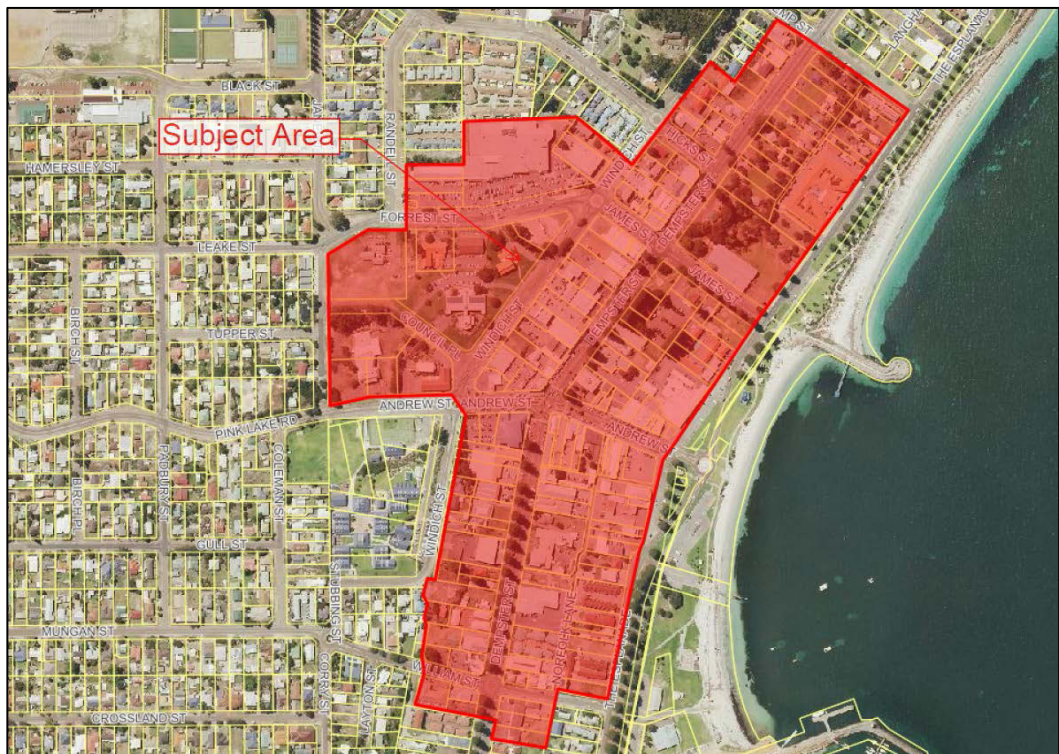
The 'Local Centre' zone has a plot ratio of 1.0 and no Residential Density is applied on the Scheme Map.





By applying the R80 density the control present in the R-Codes residential development will be consistent with the plot ratio provided for in the Scheme.

The 'Commercial' zone has a plot ratio of 2.0 and no Residential Density is applied on the Scheme Map.



By applying the R160 density the control present in the R-Codes will be consistent

with the plot ratio provided for in the Scheme. This will enable a 'Multiple Dwelling' to be developed to the full theoretical extent that is provided for by current Scheme provisions. It should also be noted that if a 'grouped dwelling' in an areas coded R100, R160 and R-AC the standards of the R80 code apply.

2.4 Amend Schedule 3 and the Scheme Map by adding an Additional Use A21

This modification introduces the uses of 'Shop' and 'Office' to Lot 307 Goldfields Road, Castletown. A non-conforming use currently applies and the development would be difficult to convert back to a 'Single house'. Given the long standing non-conforming use on the site it is recommended that the additional use be used to permanently the assign the stated uses to the site.



2.5 Amend Clause 30.(a) in Schedule 1 by replacing 'Residential or Rural Residential' with 'Residential, Rural Residential or Rural Townsite'

This provision is being amended so that the 'Rural Townsite' zone can have an outbuilding developed prior to a dwelling as long as development approval has already been issued for the erection of a single house, grouped dwelling or multiple dwelling on the lot.

2.6 Amend the Scheme Map by reclassifying Lot 862 on Plan 201769 from 'Rural' to 'Environmental Conservation'

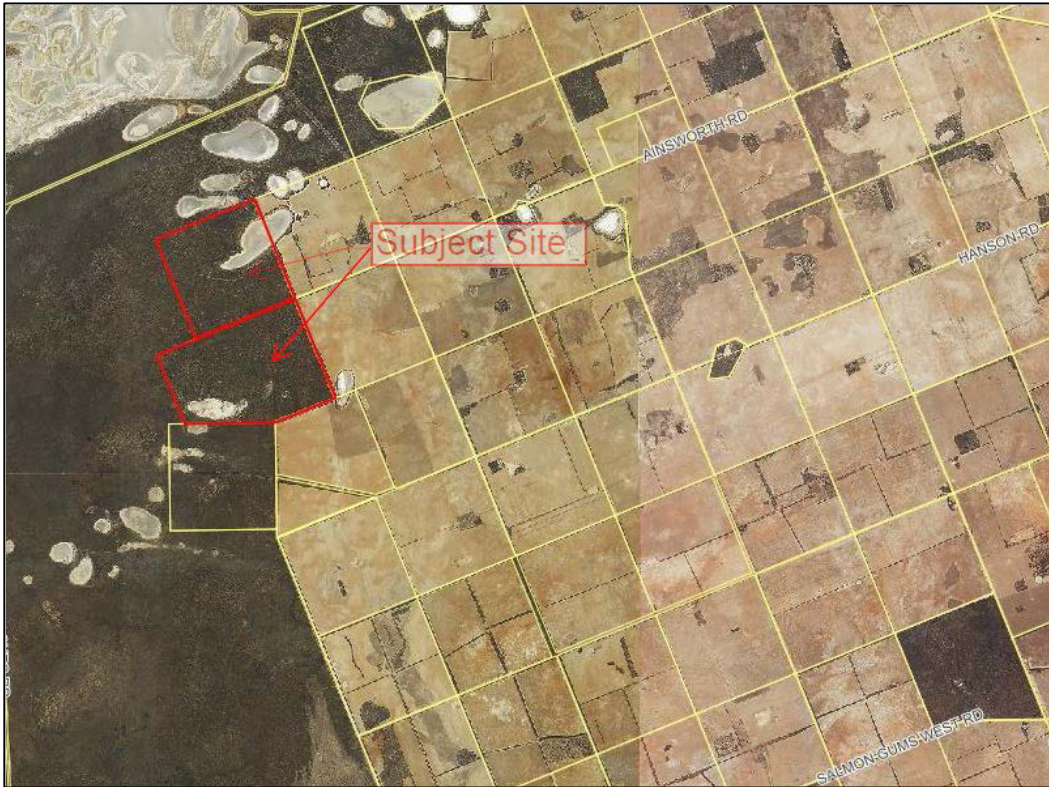
This modification is proposed as a portion of Lot 862 on Plan 201769 from 'Rural' in error.



To correct this omission it is proposed to rezone the subject site as 'Environmental Conservation'.

2.7 Amend the Scheme Map by reclassifying Lots 1247 and 1407 on Plan FITZGL from 'Rural' to 'Environmental Conservation'

This modification is proposed as a portion of Lots 247 and 1407 on Plan FITZGL from 'Rural' in error.



To correct this omission it is proposed to rezone the subject site as 'Environmental Conservation'.

2.8 Amend the Scheme Map by reclassifying Lots 465 and 466 on Plan 408922 from 'Rural' and 'Public Open Space' to 'Environmental Conservation'

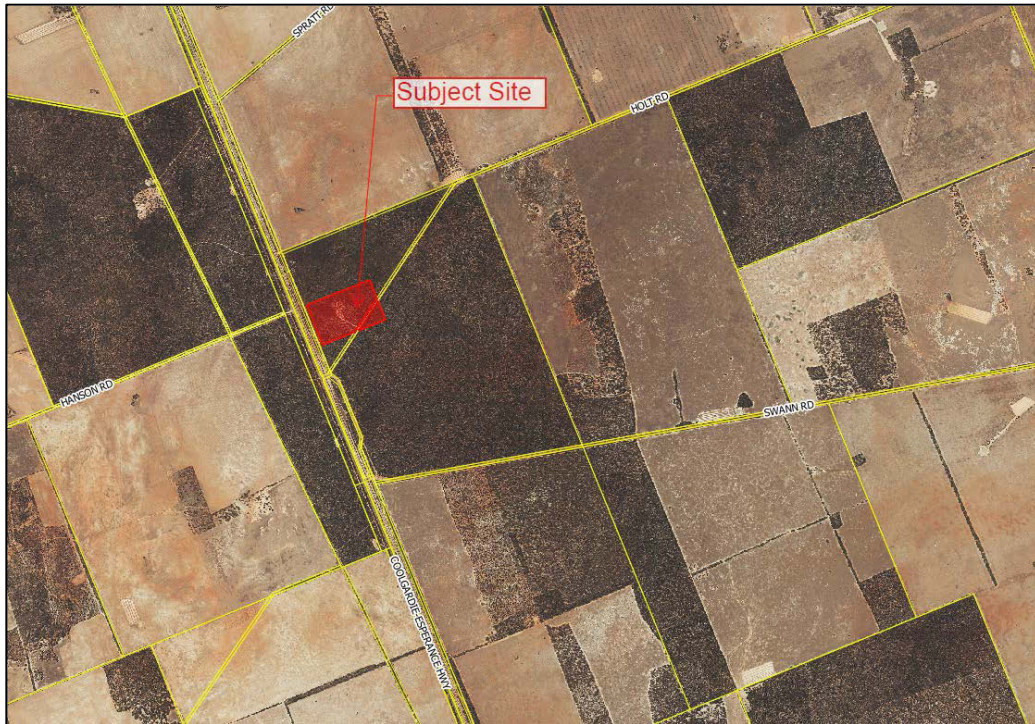
This modification is proposed as a portion of Lots 465 and 466 on Plan 408922 from 'Rural' and 'Public Open Space' in error.



To correct this omission it is proposed to rezone the subject site as 'Environmental Conservation'.

2.9 Amend the Scheme Map by reclassifying all of Reserve 19315 as 'Public Open Space'

This modification is proposed as a portion of Reserve 19315 has been zoned 'Rural' in error.



To correct this it is proposed that the 'Public Open Space' reservation applies to the entire reserve.

2.10 Amend the Scheme Map by reclassifying Lot 1440 on Plan 152676 from 'Rural' to 'Environmental Conservation'

This modification is proposed as a portion of Lot 1440 on Plan 152676 from 'Rural' in error.



To correct this omission it is proposed to rezone the subject site as 'Environmental Conservation'.

2.11 Amending the Scheme Map by reclassifying Lots 1517 and UCL on McCrea Road from 'Rural' to 'Environmental Conservation'

This modification is proposed as a portion of Lots 1517 and UCL on McCrea Road from 'Rural' in error.



To correct this omission it is proposed to rezone the subject site as 'Environmental Conservation'.

2.12 Amend the Scheme Map by reclassifying UCL on Starcevich Road from 'Rural' to 'Environmental Conservation'

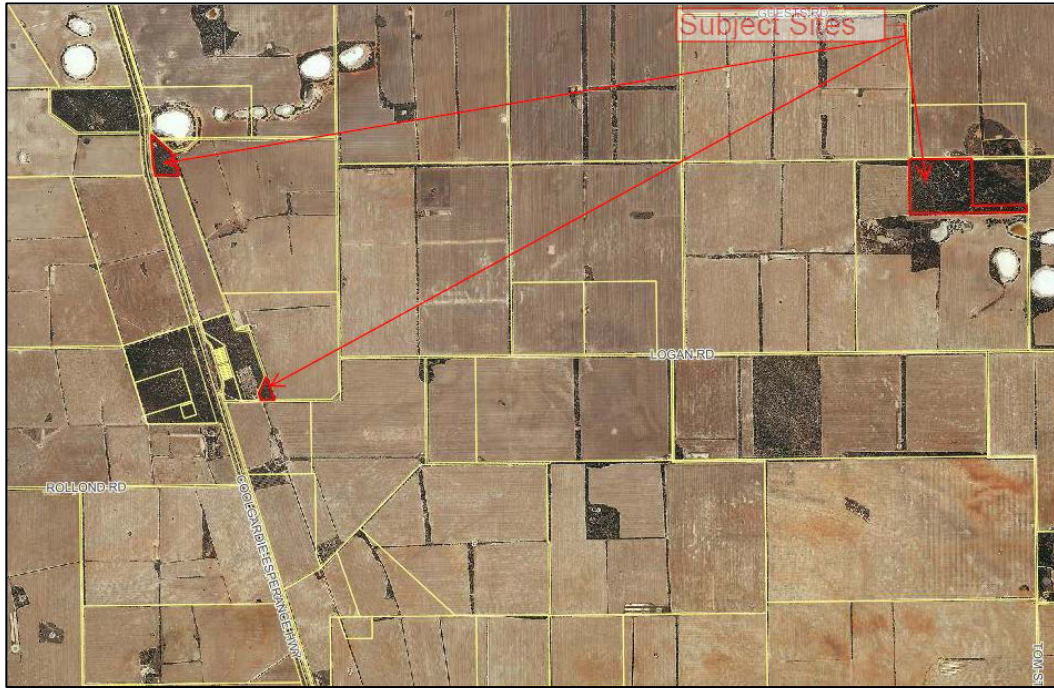
This modification is proposed as a portion of UCL on Starcevich Road from 'Rural' in error.



To correct this omission it is proposed to rezone the subject site as 'Environmental Conservation'.

2.13 Amend the Scheme Map by reclassifying Lot 36 on Plan 151214, Lot 570 on Plan 407219 and UCL on Guests Road from 'Rural' to 'Environmental Conservation'

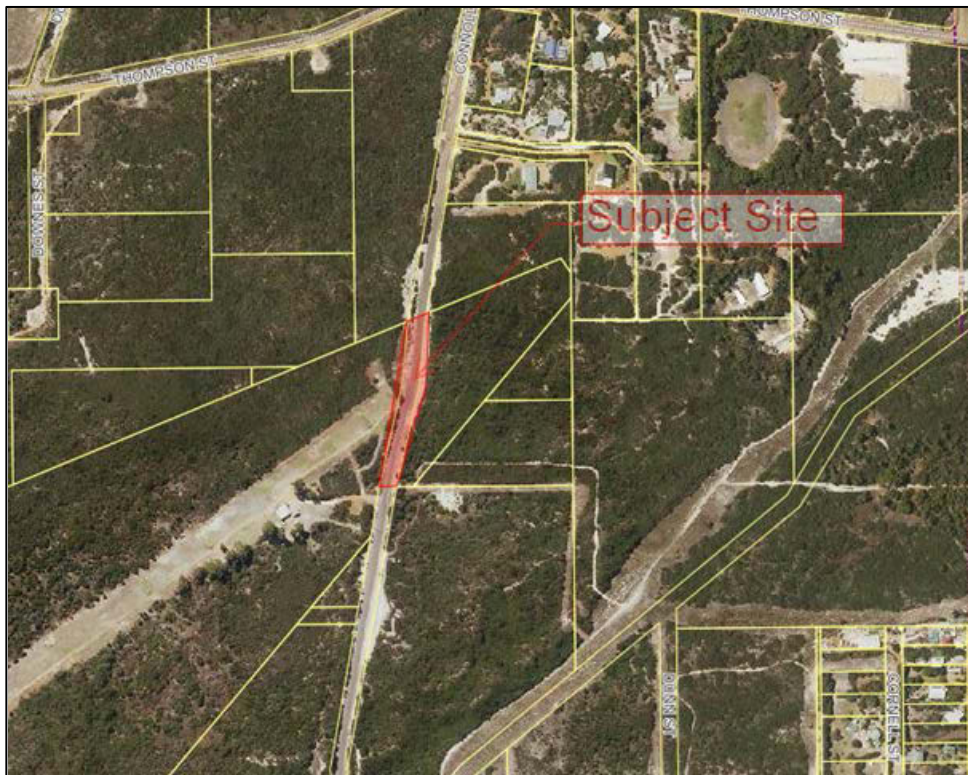
This modification is proposed as a portion of Lot 36 on Plan 151214, Lot 570 on Plan 407219 and UCL on Guests Road from 'Rural' in error.



To correct this omission it is proposed to rezone the subject sites as 'Environmental Conservation'.

2.14 Amend the Scheme Map by reclassifying Portion of Reserve 15042 to 'Public Open Space' and a Portion of Connolly Street as 'Local Distributor Road'

This modification is proposed as the dedicated section of Connolly Street (formerly part of Reserve 15042 (the Rifle Range) shown below requires minor modification to reflect its actual alignment on the Scheme Map.

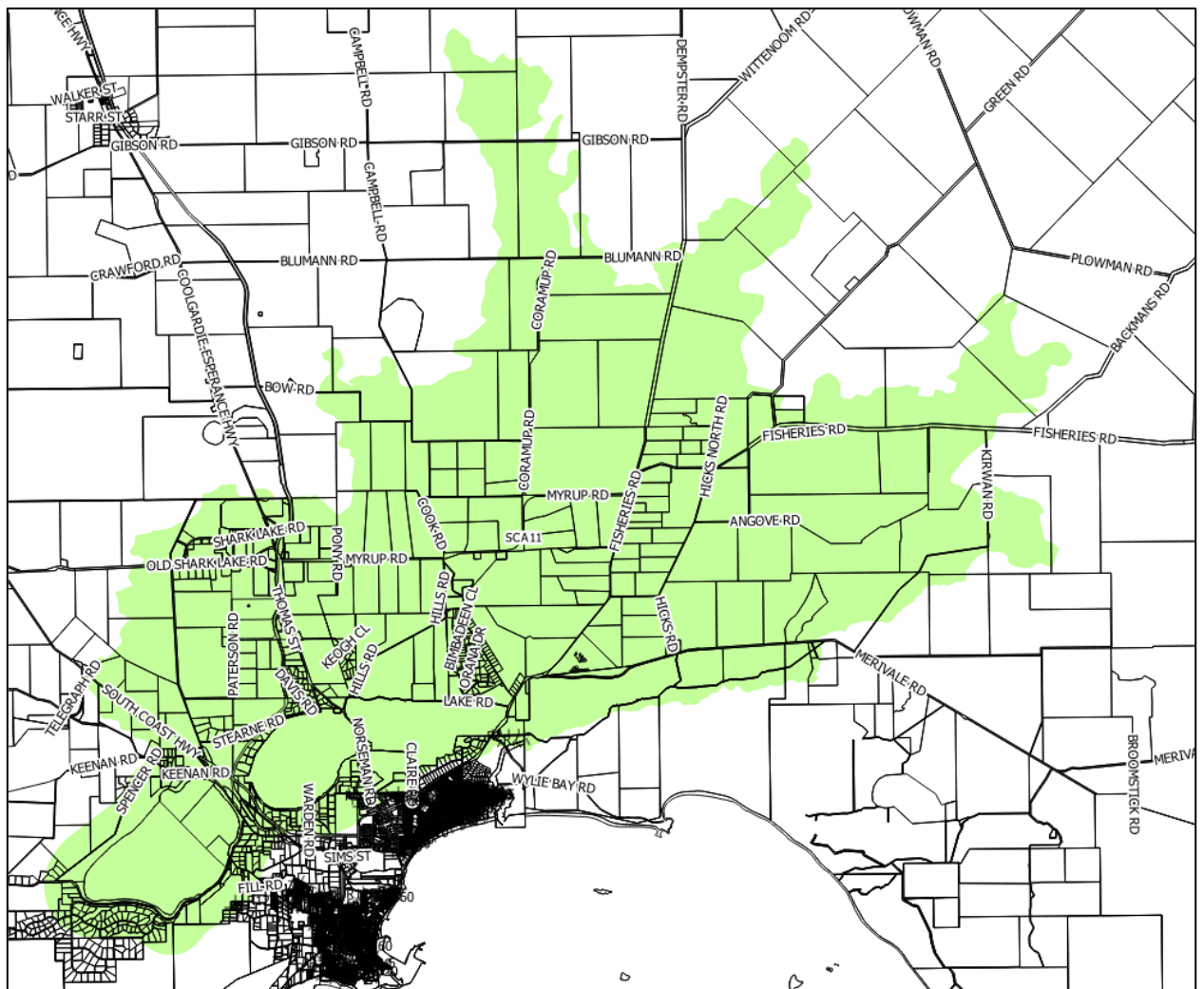


To correct the road alignment minor modifications are required to a portion of Reserve 15042 and a portion of Connolly Street.

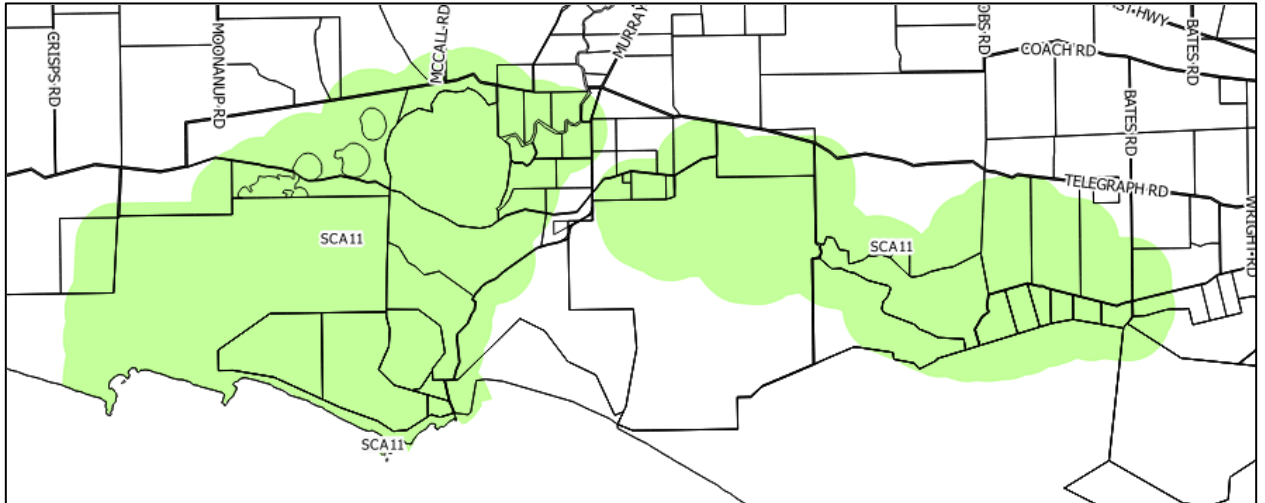
2.15 Amend Schedule 2 by inserting a new Clause 11

The amendment introduces specific controls within the Sewerage Sensitive Area where land use or development is not connected to a reticulated sewerage system.

Two areas of the Shire are impacted on by a Sewerage Sensitive Area; the first is to the North of Esperance buffering the lake systems as well as the groundwater dependent threatened and priority lake ecological communities within Pink Lake.



A second area is also impacted on by a Sewerage Sensitive Area; this area includes Lake Gore, a RAMSAR listed wetland, as well as a number of other significant wetlands.



Objectives

The objectives of SCA 11 have been developed to provide overarching guidance and provide guidance for the interpretation of the Special Control Area. The specific objectives relate to the identification and management of the sewerage sensitive area.

Development Requirements

The Special Control Area allows the Shire to refuse or impose conditions on development. This power is limited to the protection of public health and amenity, the environment and the promotion of the efficient use of infrastructure. Provision is also made to apply notifications to new titles advising that a lot is located in a Sewerage Sensitive Area and limitations may be applied to on-site effluent disposal.

Rather than duplicating provisions within the Special Control Area a reference is made the existing effluent disposal provisions that are in the Scheme at Schedule 1 Clause 17.

As SCA11 will in part overlap SCA4 – Public Drinking Water Source Protection Areas the provisions of both Special Control Areas will apply to a lot in the overlap area.

Relevant Considerations

The Special Control Area introduces specific matters for consideration within the SCA 11 boundary. The criteria introduced allow specific assessment within the sewerage sensitive area in addition to the general requirement of the Scheme.

Minimum Lot Sizes

Consistent with the Draft Government Sewerage Policy the minimum lot size in the

sewerage sensitive area is one hectare. The provision proposed also limits subdivision to where it is consistent with the requirements of the Local Planning Strategy.

Referral Requirements

Provisions are inserted to allow the referral of applications for development approval (except for Agriculture – Extensive, Single House and other related incidental uses) to the Department of Health, Department of Biodiversity Conservation and Attractions and the Department of Water and Environmental Regulation. The Shire is to have due regard to any recommendations and advice received when determining applications when comment is received from these authorities in line with the requirements of the Special Control Area.

Future Amendments

Due to the status of the Government Sewerage Policy as a draft a provision is also included within the Special Control Area to ensure that a future amendment the result of a change to this policy is dealt with as a basic amendment.

2.16 Amend the Scheme map by classifying the unclassified portion of Reserve 48754 as 'Public Open Space'

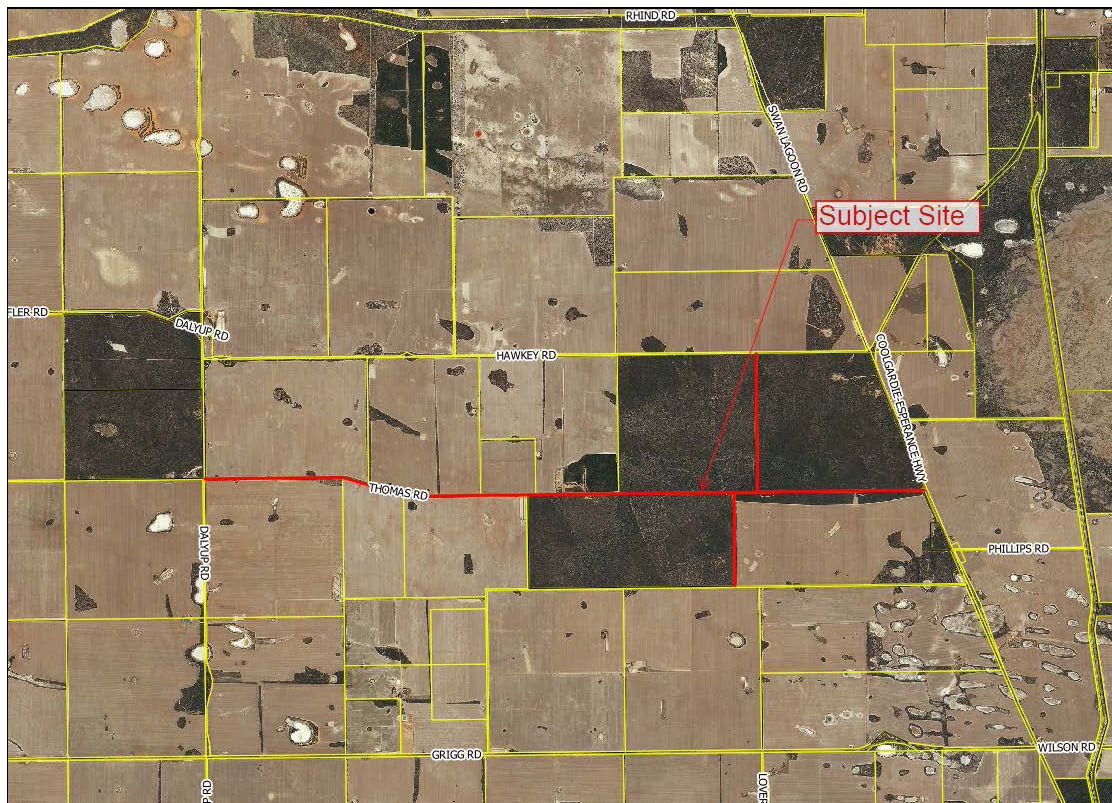
This modification is proposed as a portion of Reserve 48754 was not allocated a zone or reservation in error.



To correct this omission it is proposed to reclassify the subject site to 'Public Open Space'.

2.17 Amend the Scheme Map by reclassifying Portion of Thomas Road and unnamed road from 'Cultural and Natural Resource' to 'Local Road'

This modification is proposed as a portion of Thomas Road and unnamed road was zoned 'Cultural and Natural Resource' in error.



To correct this omission it is proposed to reclassify the subject site to 'Local Road'.

2.18 Amend Clause 38 by inserting in alphabetical order the definition for art studio

It is proposed to introduce a new definition of 'art studio'. This has been proposed as the current definition of 'art gallery' excludes the manufacture of works of art which were permitted under the previous definition of arts and craft studio in Local Planning Scheme No. 23.

2.19 Amend Table No. 4 by inserting 'Art studio' as a land use

It is proposed to introduce the land use of 'Art Studio' into the Zoning and Land Use Table with an 'A' permissibility in the 'Residential' zone, 'D' permissibility in the 'Rural', 'Rural Residential', 'Rural Smallholdings', 'Rural Townsite', 'Light Industry' and 'Tourism' zones and an 'X' use in all other zones.

2.20 Amend Schedule 5 SU5 by replacing ‘Lot 1 and Part Lot 5 Orleans Bay Road’ within the Description of Land with ‘Lot 6 Wharton Road’

This modification is proposed as Deposited Plan 410717 amended the boundary between former Lots 1 and 5. The new reference of the lot subject to the ‘Special Use’ is Lot 6 Wharton Road.

2.21 Amend the Scheme map by zoning all of Lot 6 Wharton Road ‘Special Use’ and all of Lot 7 Wharton Road as ‘Tourism’

As referenced in 2.20 above the boundary of the Special Use is based on an old lot layout that has been superseded.



To correct the zoning it is proposed to zone Lot 6 as ‘Special Use’ and Lot 7 as ‘Tourism’.

2.22 Amend Schedule 2 Clause 1.(d) by replacing all references to ‘TRIM’ to ‘Electronic document and records management system’ within the notes

This modification is required as the records management system in which the referenced records are found has changed names. To ensure this modification takes into account any future changes it is proposed to replace ‘TRIM’ with ‘Electronic document and records management system’.

2.23 Amend Schedule 1 Clause 29.(b) by inserting ‘, unless in accordance with subclause (a),’ after ‘supported’

The Department of the Environment and Energy have advised that a person proposing to take an action that is likely to have a significant impact on a matter of national environmental significance must refer their proposal to the Department of the Environment and Energy (Commonwealth) for assessment and approval under the *Environment Protection and Biodiversity Conservation Act 1999* before it can proceed.

The current Clause 29(b) does not distinguish between a significant impact and a minor impact and as such a modification is proposed to ensure that only applications of a significant scale have a condition placed on them advising of the requirement for EPBC referral. This has been done by removing those clearing activities listed in subclause (a).

It should be noted that even with this modification lots that are developed within this vegetation complex will still have an advice note placed on the advising of the requirement for a referral to the Department of the Environment and Energy if there is a significant impact.

2.24. Delete Additional Use ‘A2’ in Schedule 3, renumbering the remainder of the Schedule and amending the Scheme Map accordingly to reflect the renumbered additional uses.

This modification is proposed as the additional use that was first introduced into Town Planning Scheme No. 2 by Amendment No. 23 is no longer required as the use has ceased.



To reflect the deletion of this use the remainder of the additional uses are renumbered.

2.25. Amend Schedule 1 Clause 12.(b) by replacing all instances of 'A6' with 'A5'.

With the amendment referenced in 2.24 all references to 'A6' within the Scheme need to be replaced with 'A5'.

2.26. Amend Schedule 1 Clause 15.(b) by replacing 'A6' with 'A5'.

With the amendment referenced in 2.24 all references to 'A6' within the Scheme need to be replaced with 'A5'.

2.27. Amend Schedule 2 Clause 1.(i)(v) by replacing 'A6' with 'A5'.

With the amendment referenced in 2.24 all references to 'A6' within the Scheme need to be replaced with 'A5'.

3. LOCAL PLANNING STRATEGY

The proposed amendment is consistent with the Local Planning Strategy.

4. CONCLUSION

This omnibus amendment details numerous modifications to the Scheme text.

The modifications fall into eight broad categories:

1. Inserting new provisions for Unrestricted Length of Stay
2. Inserting new provisions for Environmental, Public Health and Amenity Protection
3. Assigning R-Codes within the 'Local Centre' and 'Commercial' zones within the Scheme text.
4. Inserting an Additional Use to reflect a long term non-conforming use.
5. Correcting omissions and oversights in the original drafting of the Scheme.
6. Addressing the introduction of the Government Sewerage Policy.
7. Inserting a definition and use classification of an art studio.
8. Deleting an Additional use and renumbering the rest of Schedule 3.

The proposed provisions are consistent with the Local Planning Strategy.

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF ESPERANCE

LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 4

The Shire of Esperance under and by virtue of the power conferred upon it in that behalf by the *Planning and Development Act, 2005*, hereby amends the above local planning scheme by:

1. Amending Schedule 1 by inserting a new clause 37 as follows:

'37. Unrestricted Length of Stay

- (a) Where permissible in the Zoning and Land Use Table (Table 4), Additional Use (Schedule 3), Restricted Use (Schedule 4) or Special Use (Schedule 5), holiday house, holiday accommodation and serviced apartment uses are to be designed and constructed to comply with all requirements of a single house, grouped dwelling or multiple dwelling in accordance with the R-Codes and the specific requirements of the Building Code of Australia, and must be able to be occupied either permanently as a dwelling or temporarily for short-term accommodation purposes.'

2. Amending Schedule 1 by inserting a new clause 38 as follows:

'38. Environmental, Public Health and Amenity Protection

- (a) The emission of noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, chemicals and/or any other type of emission that may potentially impact on environmental and/or public health are to be mitigated within the boundaries of the premises and must not impact on public health and/or cause nuisance to users or occupants of adjoining premises.
- (b) All building services, plant and equipment associated with a mixed use or non-residential development is to be -
 - (i) acoustically and visually screened from any adjoining and/or adjacent residential land uses or other sensitive land uses; or alternatively;
 - (ii) incorporated within the building, or is housed external to the building and is to be contained within a solid structure and located no closer than 1.5 metres to any adjoining property boundary.
- (c) Where non-residential development occurs within an area serviced by refuse collection the storage of refuse on-site is to be screened from view from a street and/or public open space.
- (d) Non-residential development and land uses adjacent to residential development shall not be permitted to trade and/or undertake activities (e.g. deliveries) unless in accordance with the *Environmental Protection (Noise)*

Regulations 1997, unless supported by a noise impact assessment submitted for consideration at the development application stage.

Note: *Prepared to the specifications and satisfaction of the local government, any development impact statement should address the scope of issues that have the potential to impact upon the amenity of existing and future residents, such as noise, lighting and crime prevention, and propose appropriate mitigating measures for consideration.*

- (e) A noise impact assessment prepared by a suitably qualified person, to the specifications and satisfaction of the local government, may be required to be submitted as part of any application for development approval for any development where there is the potential for noise impacts.

3. Amending Schedule 1 by inserting a new clause 39 as follows:

‘39. Residential Development in the Commercial and Local Centre Zones

- (a) A maximum density of R80 applies within the Local Centre Zone.
- (b) A maximum density of R160 applies within the Commercial Zone.’

4. Amending Schedule 3 and the Scheme Map by adding an Additional Use with the following:

No.	Location	Base Zone	Additional Use(s)	Development Standards/Conditions
A21	Lot 307 Goldfields Road, Castletown	Residential	As a ‘D’ use: <ul style="list-style-type: none"> • Shop • Restaurant/café 	As determined by the local government.

- 5. Amending Clause 30.(a) in Schedule 1 by replacing ‘Residential or Rural Residential’ with ‘Residential, Rural Residential or Rural Townsite’.
- 6. Amending the Scheme Map by reclassifying Lot 862 on Plan 201769 from ‘Rural’ to ‘Environmental Conservation’ as depicted on the Amendment Map.
- 7. Amending the Scheme Map by reclassifying Lots 1247 and 1407 on Plan FITZGL from ‘Rural’ to ‘Environmental Conservation’ as depicted on the Amendment Map.
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- 9. Amending the Scheme Map by reclassifying all of Reserve 19315 as ‘Public Open Space’ as depicted on the Amendment Map.
- 10. Amending the Scheme Map by reclassifying Lot 1440 on Plan 152676 from ‘Rural’ to ‘Environmental Conservation’ as depicted on the Amendment Map.

11. Amending the Scheme Map by reclassifying Lots 1517 and UCL on McCrea Road from 'Rural' to 'Environmental Conservation' as depicted on the Amendment Map.
12. Amending the Scheme Map by reclassifying UCL on Starcevich Road from 'Rural' to 'Environmental Conservation' as depicted on the Amendment Map.
13. Amending the Scheme Map by reclassifying Lot 36 on Plan 151214, Lot 570 on Plan 407219 and UCL on Guests Road from 'Rural' to 'Environmental Conservation' as depicted on the Amendment Map.
14. Amending the Scheme Map by reclassifying Portion of Reserve 15042 to Public Open Space and a Portion of Connolly Street as 'Local Distributor Road' as depicted on the Amendment Map.
15. Amending Schedule 2 by inserting a new Clause 11. as follows:

'11. SCA 11 – Sewerage Sensitive Areas Special Control Area

(a) The purpose of SCA 11 is to provide guidance for land use and development within the Sewerage Sensitive Area as identified in the Government Sewerage Policy and amended on the Scheme Map.

(b) Objectives

The objectives of SCA 11 are to –

- (i) identify land that has been designated as a sewerage sensitive area;
- (ii) ensure that the development and use of land does not detrimentally impact on a sewerage sensitive area; and
- (iii) implement Scheme controls that are designed to mitigate any adverse effects on a sewerage sensitive area.

(c) Application Requirements

Despite any other provision of the Scheme development approval is required for all land use and development not connected to a reticulated sewerage system.

(d) Development Requirements

(v) The local government may refuse any application for development approval or impose conditions on any development approval so as to –

- i. protect public health and amenity;
- ii. protect the environment: and
- iii. promote the efficient use of infrastructure.

- (vi) New property titles (including strata titles) should warn of the proximity of the Sewerage Sensitive Area. This notification pursuant to Section 165 of the *Planning and Development Act 2005* is to state “*This lot is located in a Sewerage Sensitive Area and limitations may be applied to on-site effluent disposal.*”
- (vii) The requirements of Schedule 1 Clause 17 will apply to all development and land use.
- (viii) Where a lot is also located within SCA 4 – Public Drinking Water Source Protection Areas the requirements of SCA 4 will apply in addition to the requirements of SCA 11.

(e) Relevant Considerations

In addition to provisions of the Scheme the local government in considering applications for development approval is to have due regard to –

- (i) The potential impact of the proposal on the quality of the water and environmental resources in the Sewerage Sensitive Area;
- (ii) The practicability and cost of any measures proposed for the protection of the water and environmental resources;
- (iii) The existing level of protection of the resource provided, with reference to management of land and location of development;
- (iv) The nature, location and performance of any existing or proposed effluent disposal system;
- (v) The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to manage run-off and drainage.
- (vi) The Analysis of Surficial Ground Water Landscapes and Hydrological Pathways linking the Ramsar Listed Lake Warden Wetlands by Tilo Massenbauer.

Note: The report referenced in subclause (e)(vi) can be found in Shire’s Electronic document and records management system – Ref: D18/20641

(f) Minimum Lot Sizes

- (i) Where subdivision of land is proposed within Special Control Area 11 and consistent with the requirements of the Local Planning Strategy no lot is to be less than one hectare.

(g) Referral of Applications

- (i) The Local Government will refer applications for development approval (except for Agriculture – Extensive, Single House and other related incidental uses) to

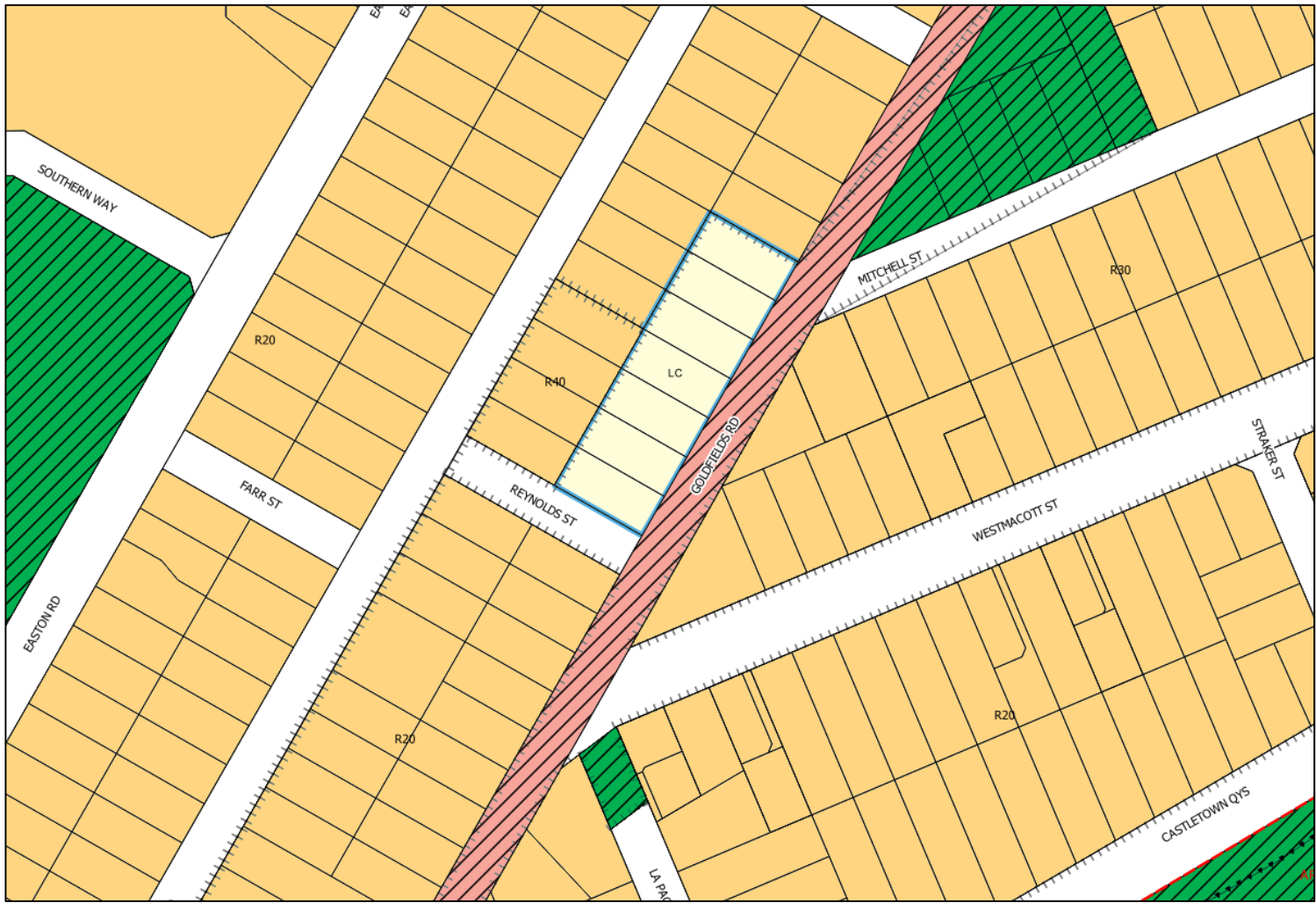
the Department of Health, Department of Biodiversity Conservation and Attractions and the Department of Water and Environmental Regulation and the Local Government is to have due regard to recommendations and advice received from those authorities when determining applications.

(h) Modification of Boundary

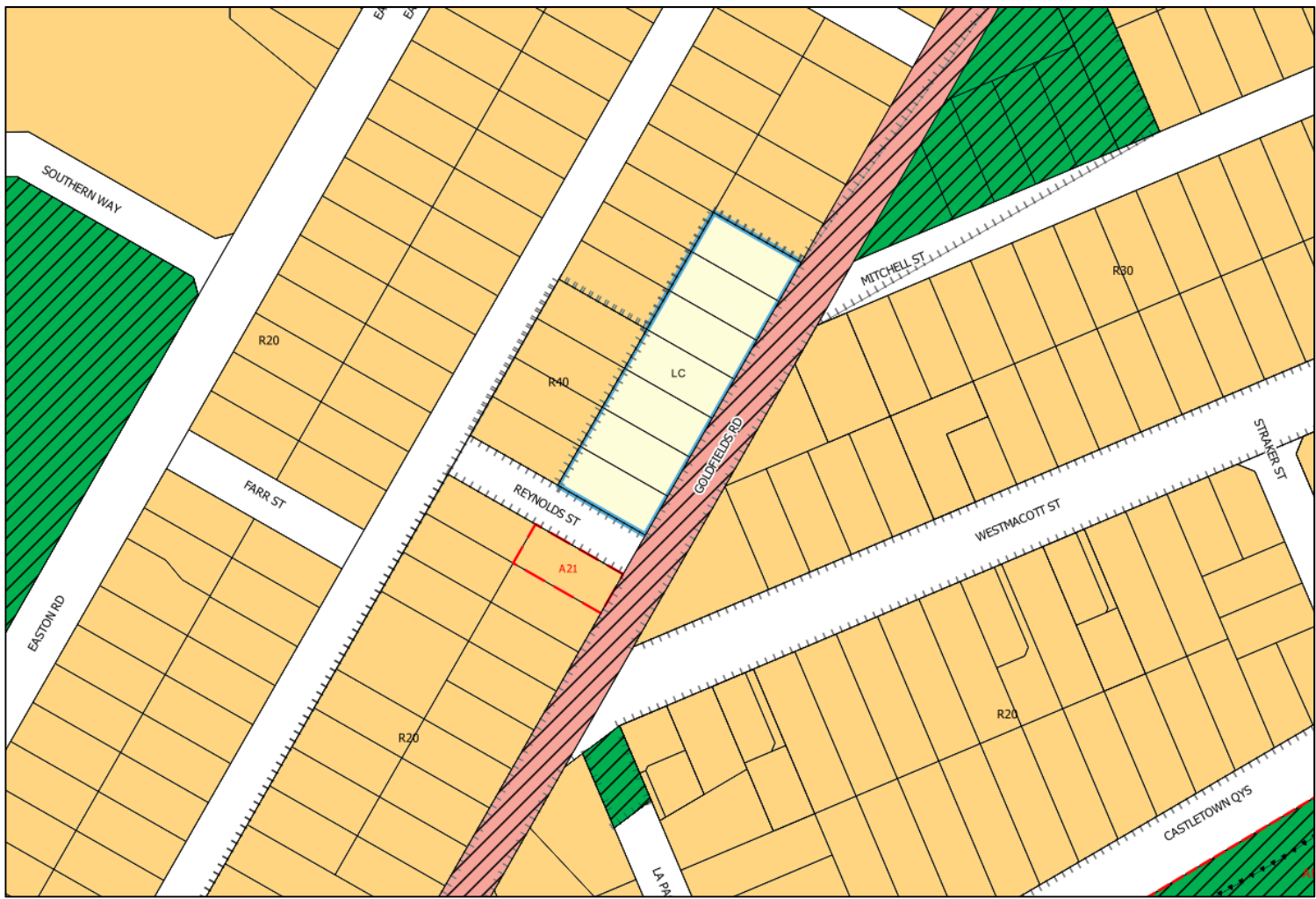
Any modification to the Government Sewerage Policy will trigger a Basic Amendment.'

16. Amending the Scheme map by classifying the unclassified portion of Reserve 48754 as 'Public Open Space' as depicted on the Amendment Map.
17. Amending the Scheme Map by reclassifying Portion of Thomas Road and unnamed road from 'Cultural and Natural Resource' to 'Local Road' as depicted on the Amendment Map.
18. Amending Clause 38 by inserting in alphabetical order:

'**art studio** means a premise used to manufacture works of art and does not involve the sale of works unless by means of the internet;'
19. Amending Table No. 4 by inserting 'Art studio' as a use with an 'A' permissibility in the 'Residential' zone, 'D' permissibility in the 'Rural', 'Rural Residential', 'Rural Smallholdings', 'Rural Townsite', 'Light Industry' and 'Tourism' zones and an 'X' use in all other zones.
20. Amending Schedule 5 SU5 by replacing 'Lot 1 and Part Lot 5 Orleans Bay Road' within the Description of Land with 'Lot 6 Wharton Road'.
21. Amending the Scheme map by zoning all of Lot 6 Wharton Road 'Special Use' and all of Lot 7 Wharton Road as 'Tourism' as depicted on the Amendment Map.
22. Amending Schedule 2 Clause 1.(d) by replacing all references to 'TRIM' to 'Electronic document and records management system' within the notes.
23. Amending Schedule 1 Clause 29.(b) by inserting ', unless in accordance with subclause (a),' after 'supported'
24. Deleting Additional Use 'A2' in Schedule 3, renumbering the remainder of the Schedule and amending the Scheme Map accordingly to reflect the renumbered additional uses.
25. Amending Schedule 1 Clause 12.(b) by replacing all instances of 'A6' with 'A5'.
26. Amending Schedule 1 Clause 15.(b) by replacing 'A6' with 'A5'.
27. Amending Schedule 2 Clause 1.(i)(v) by replacing 'A6' with 'A5'.



Current Zoning

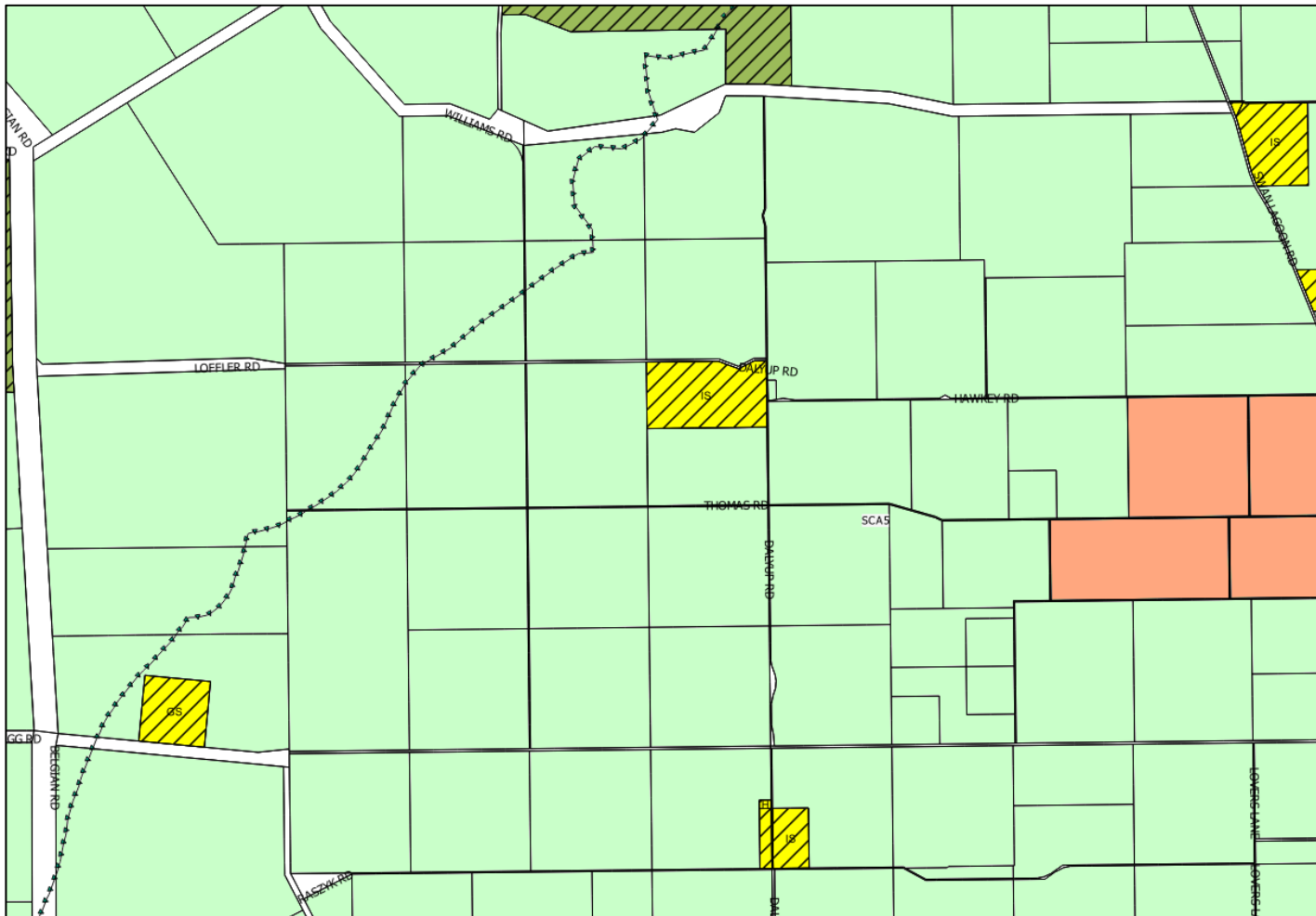


Proposed Zoning

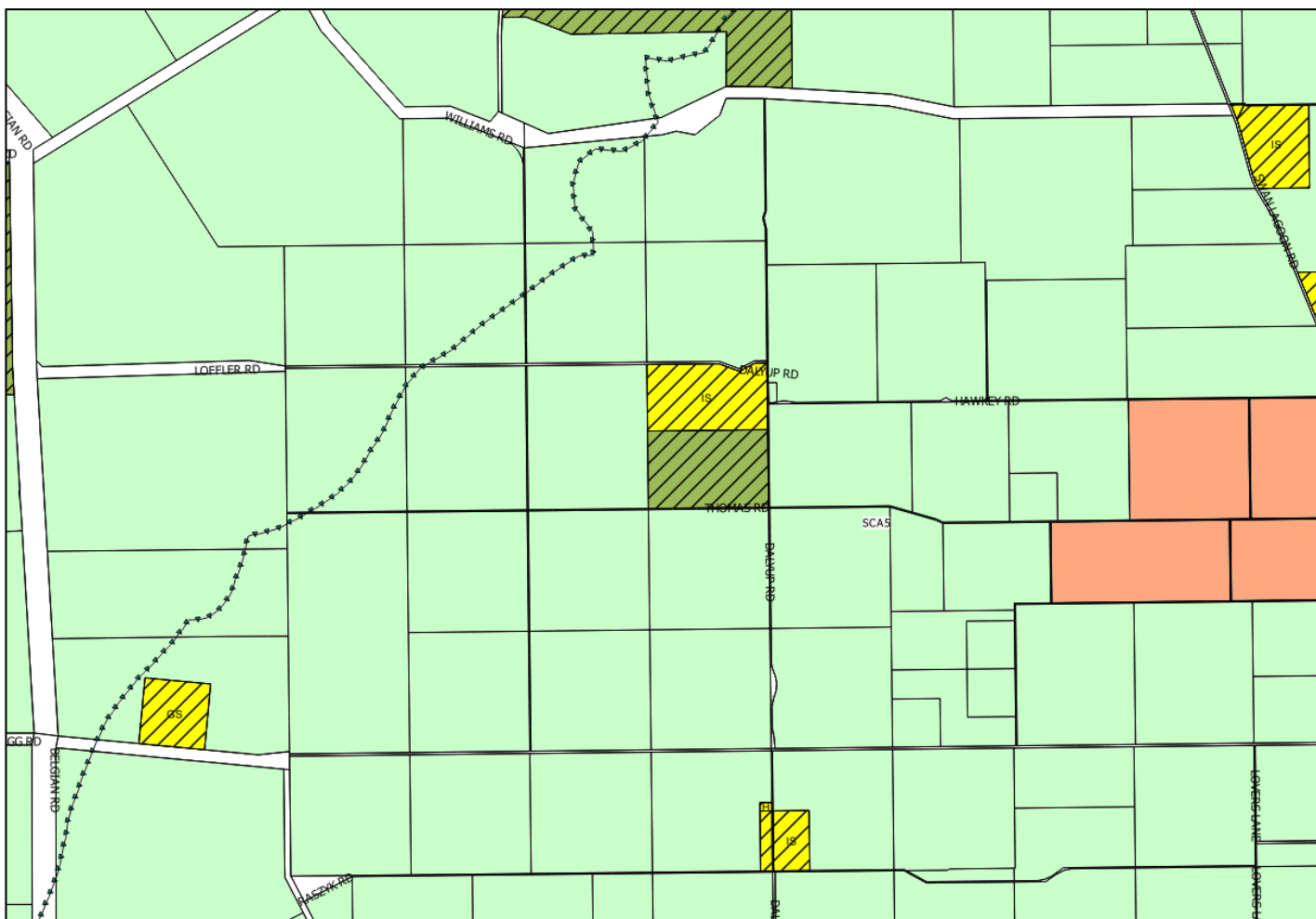
LEGEND		
Zones	Reserves	Others
Residential	Public Open Space	R-Codes
Local Centre	Local Distributor Road	Additional Uses
	Local Road	A1 See Scheme Text
		Special control area

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24






AMENDMENT NO. 4



Current Zoning

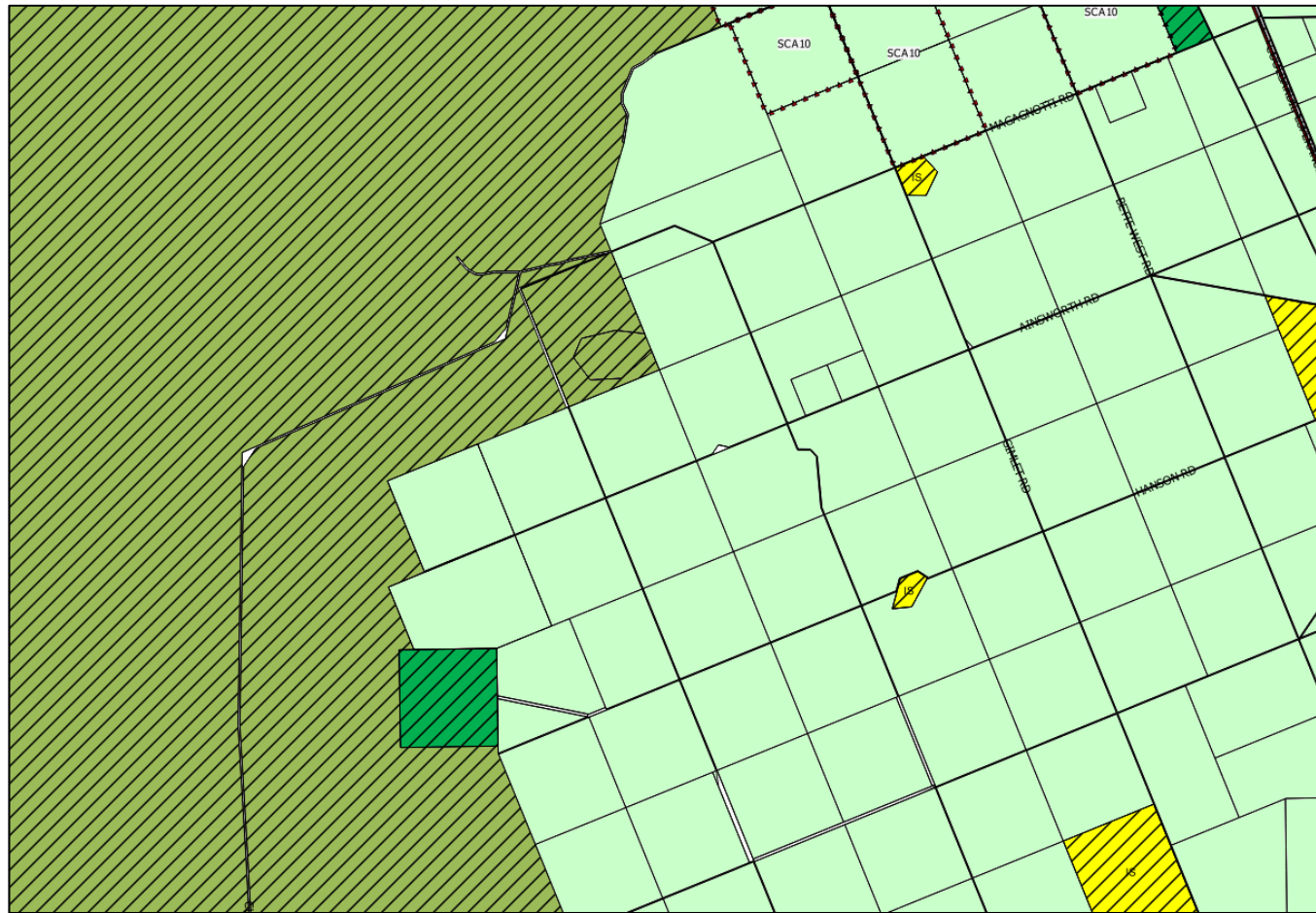


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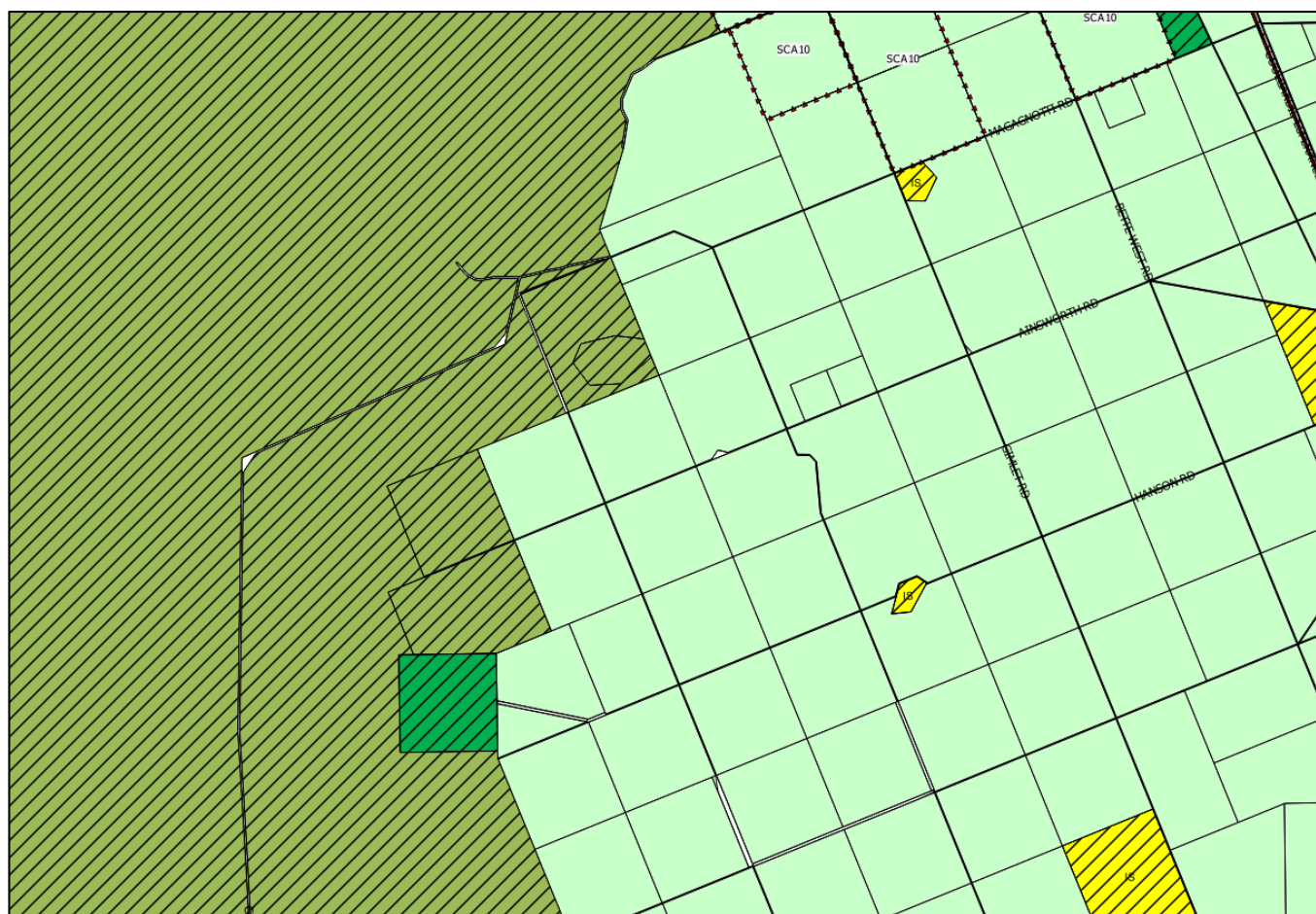
LEGEND		
Zones	Reserves	Others
 Rural	 Environmental Conservation	 Special control area - Environment
 Cultural and Natural Resource Zone	 GS - Government Services	
	 IS - Infrastructure Services	
	 Local Road	

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24









AMENDMENT NO. 4



Current Zoning

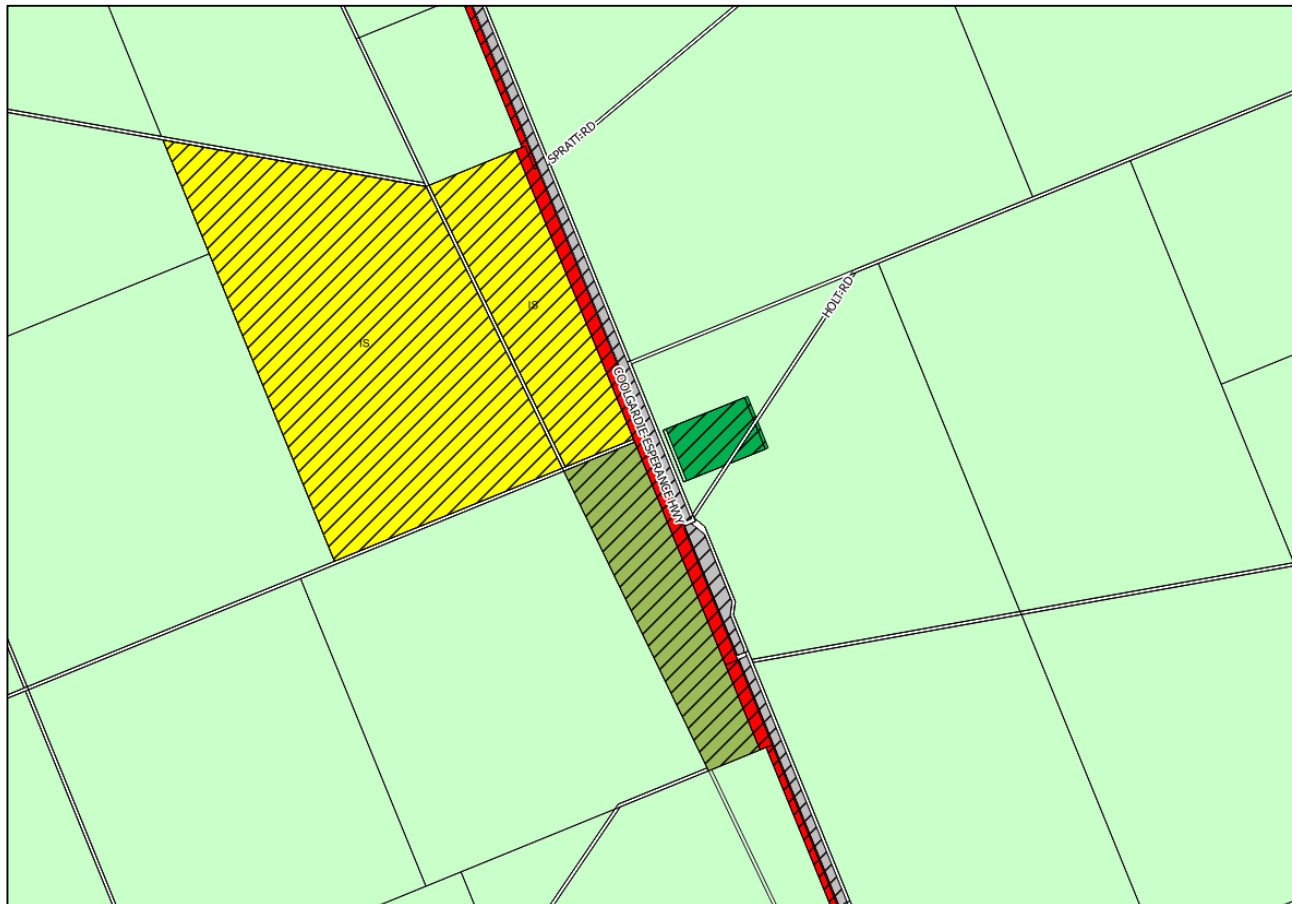


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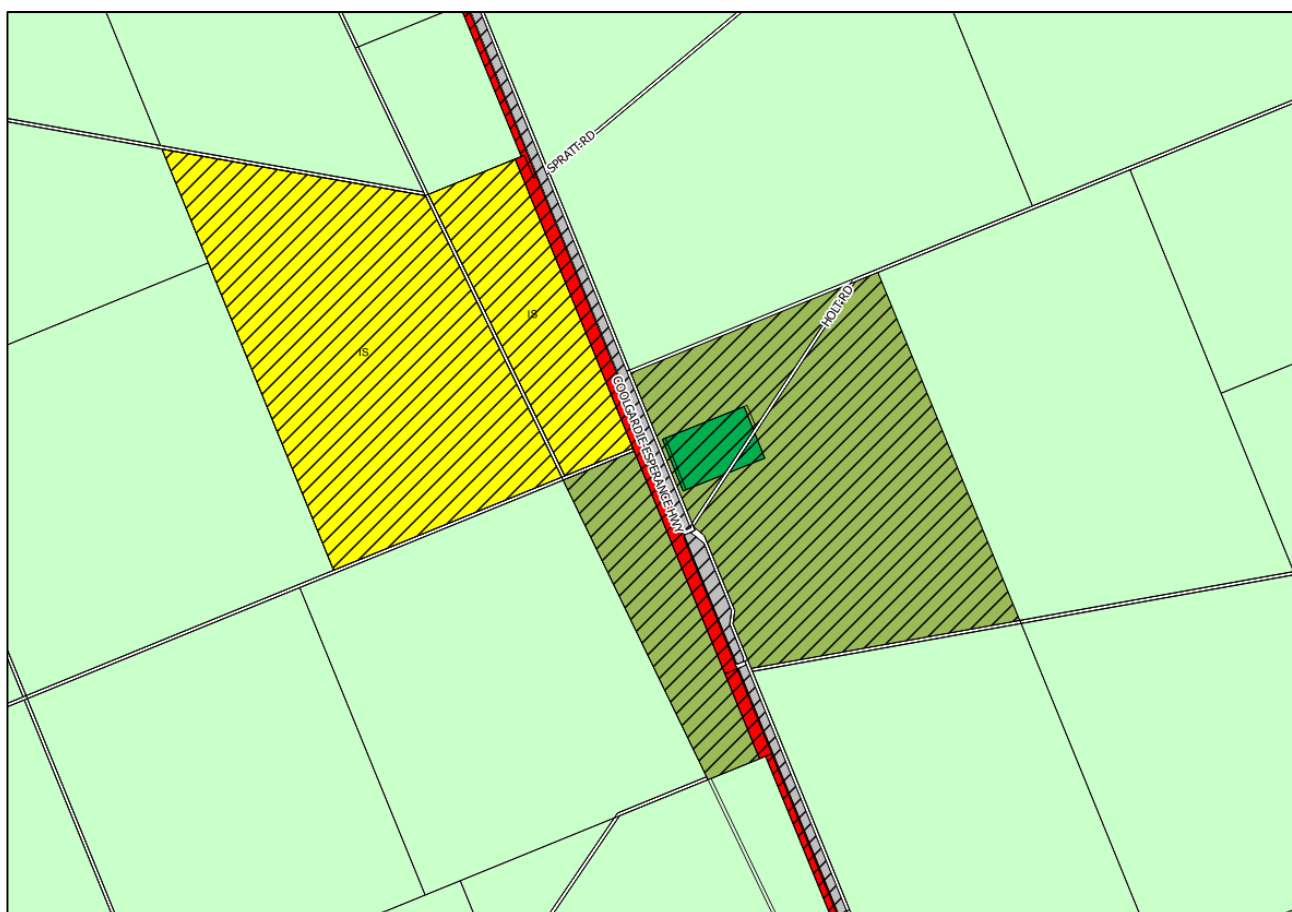
LEGEND		
Zones		
	Rural	
Reserves		
	Environmental Conservation	
	Public Open Space	
	IS - Infrastructure Services	
	Primary Distributor Road	
	Local Road	
	Railways	
Others		
	Special control area	

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24








AMENDMENT NO. 4



Current Zoning

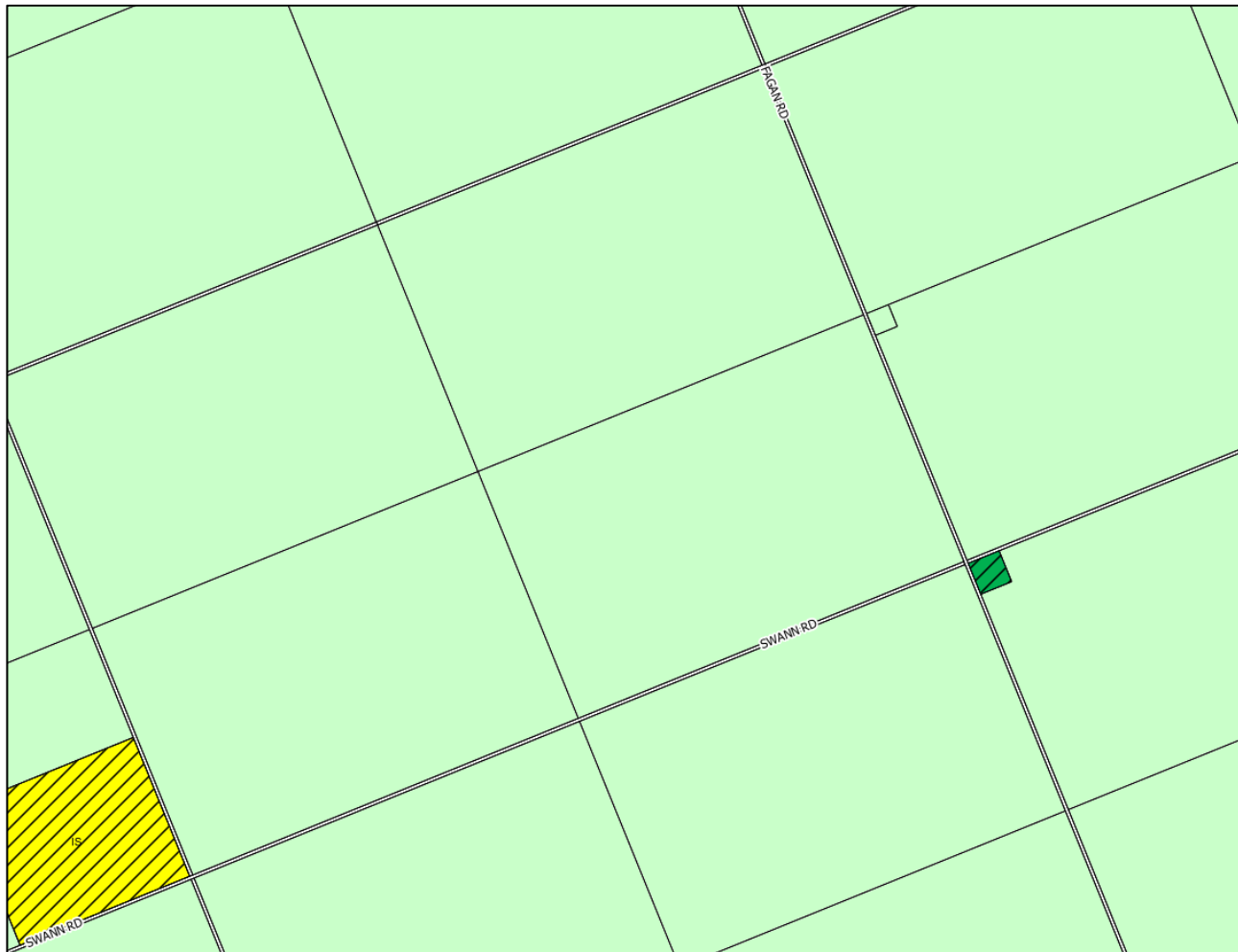


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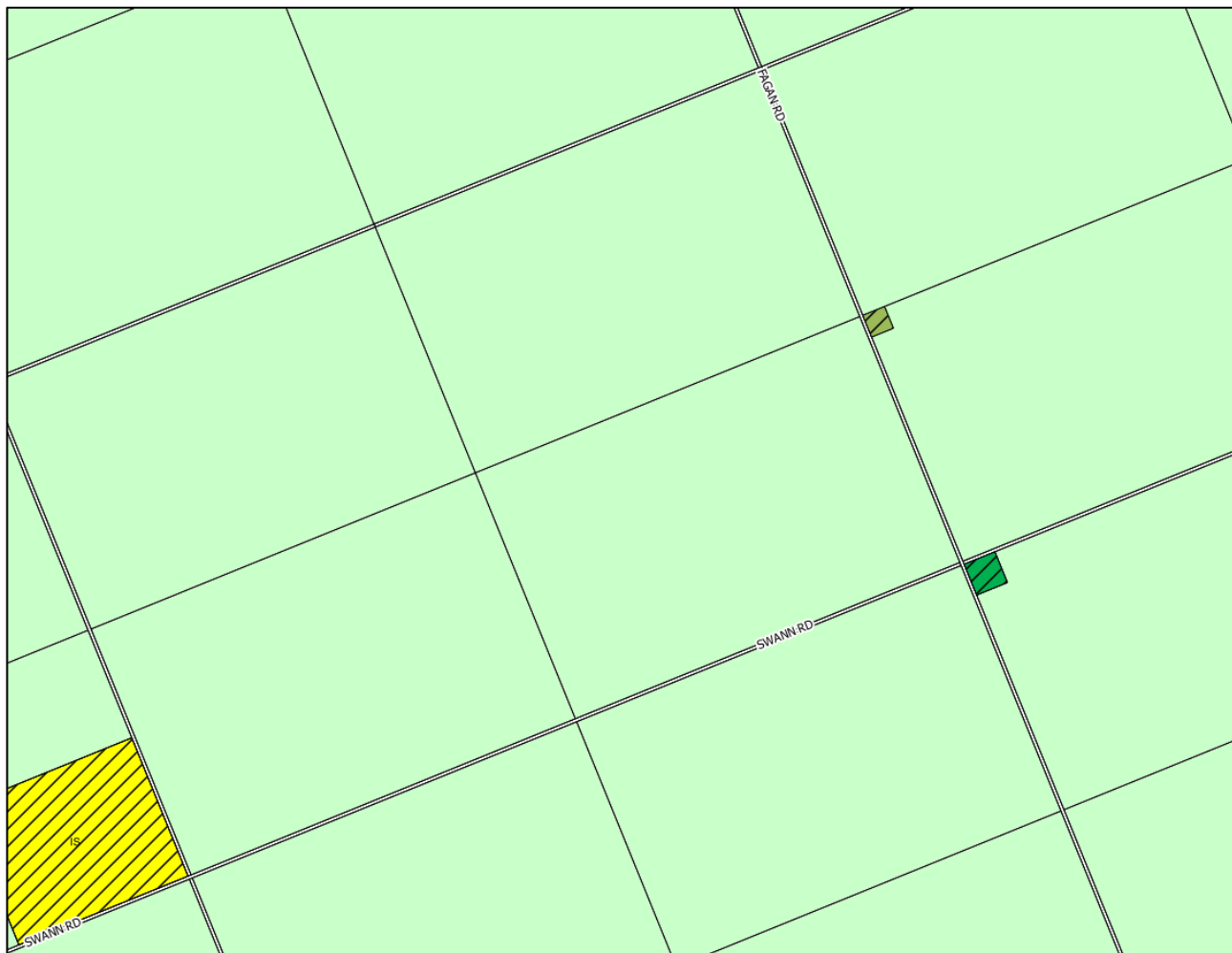
LEGEND	
Zones	
	Rural
Reserves	
	Environmental Conservation
	Public Open Space
	IS - Infrastructure Services
	Primary Distributor Road
	Local Road
	Railways

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24






AMENDMENT NO. 4



Current Zoning

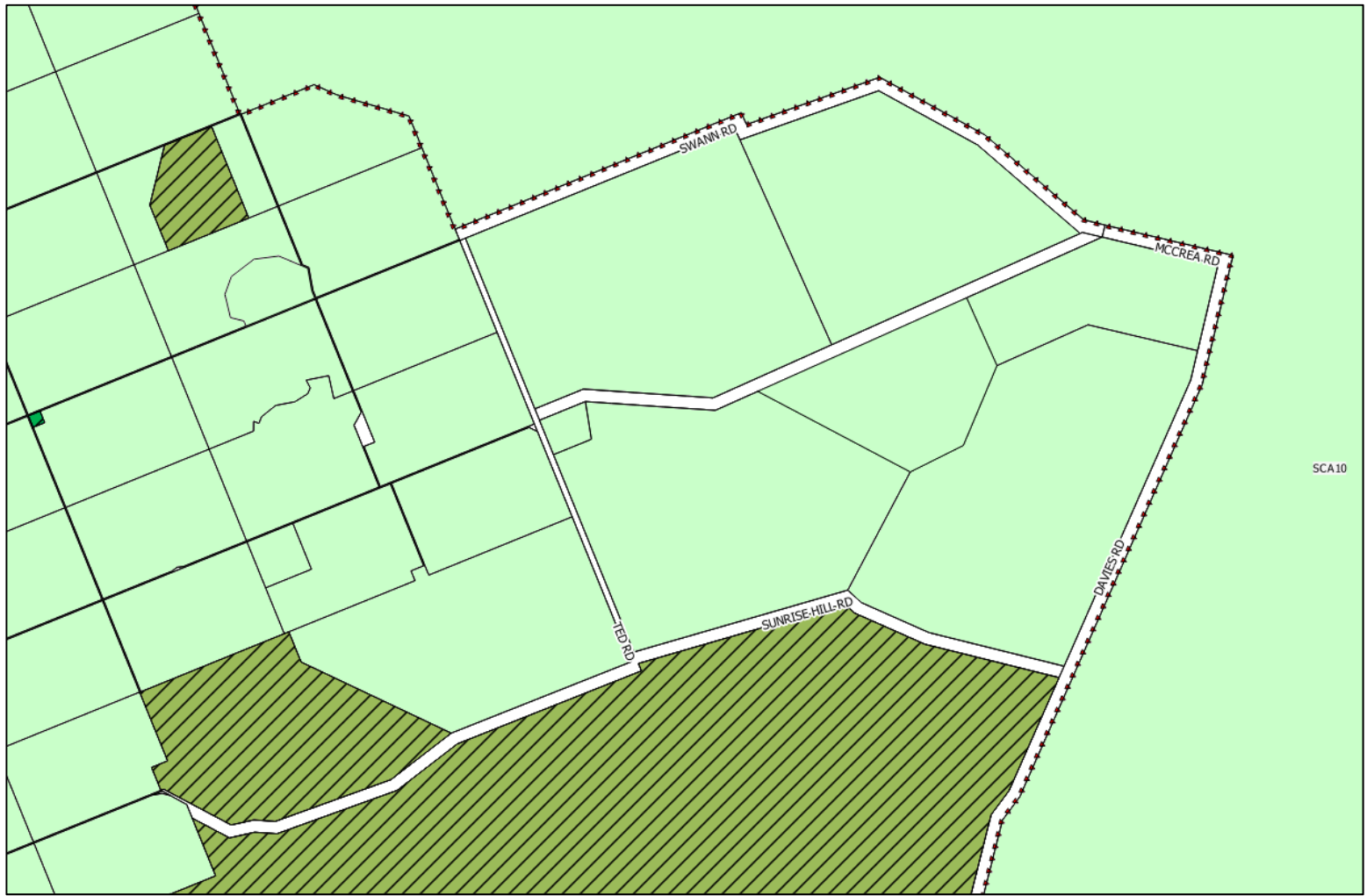


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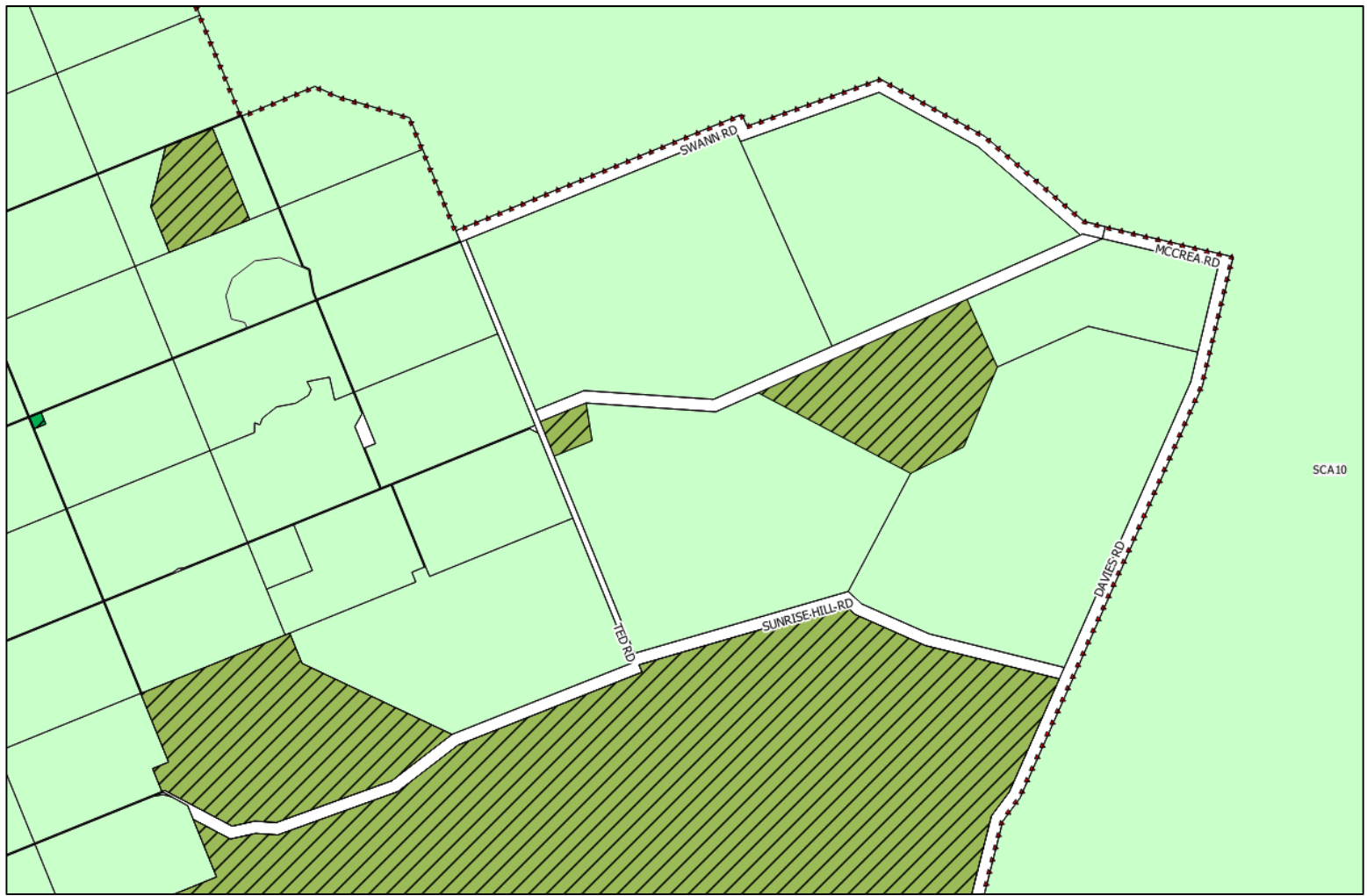
LEGEND	
Zones	
	Rural
Reserves	
	Environmental Conservation
	Public Open Space
	IS - Infrastructure Services
	Local Road

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 4



Current Zoning

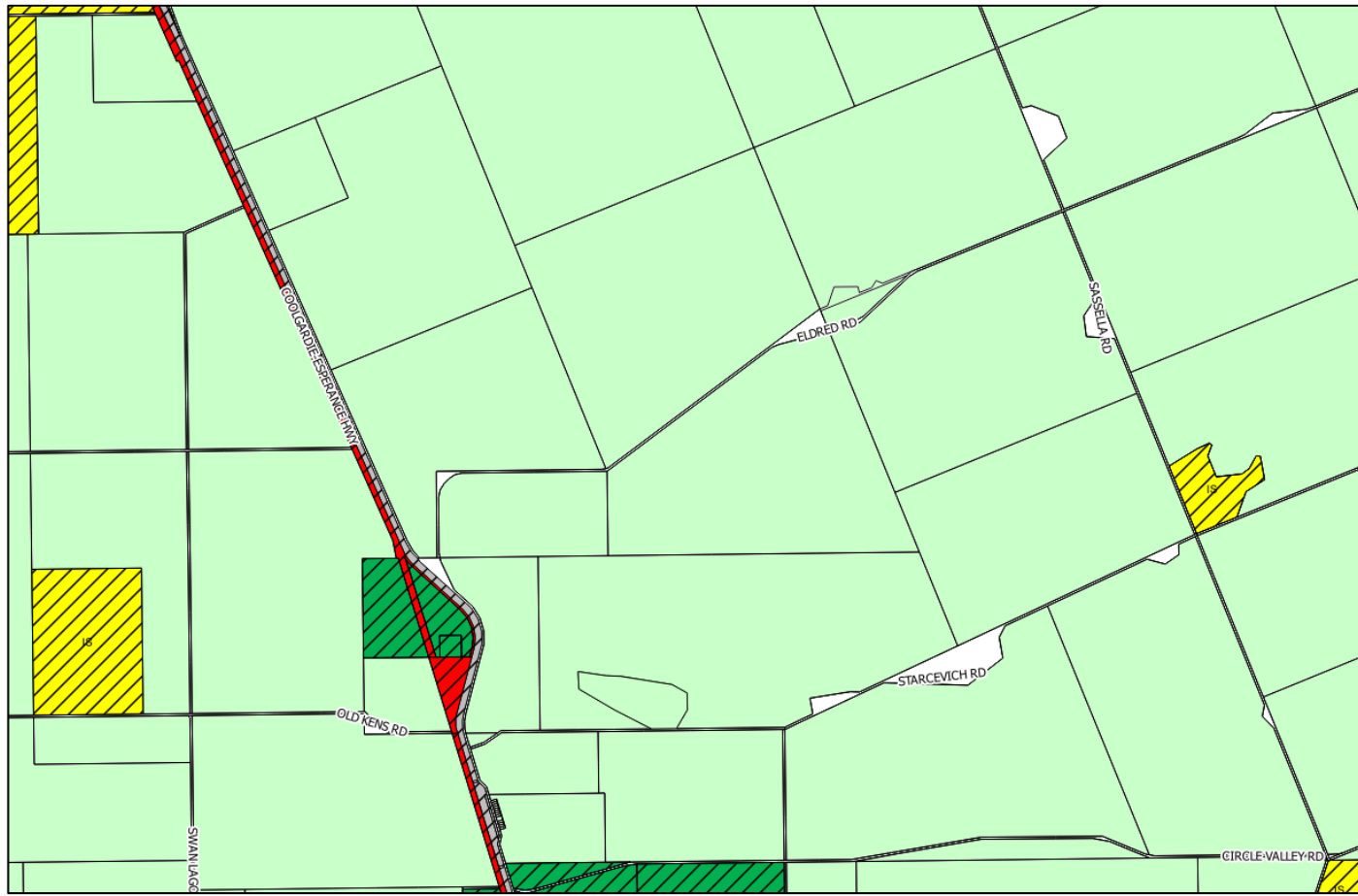


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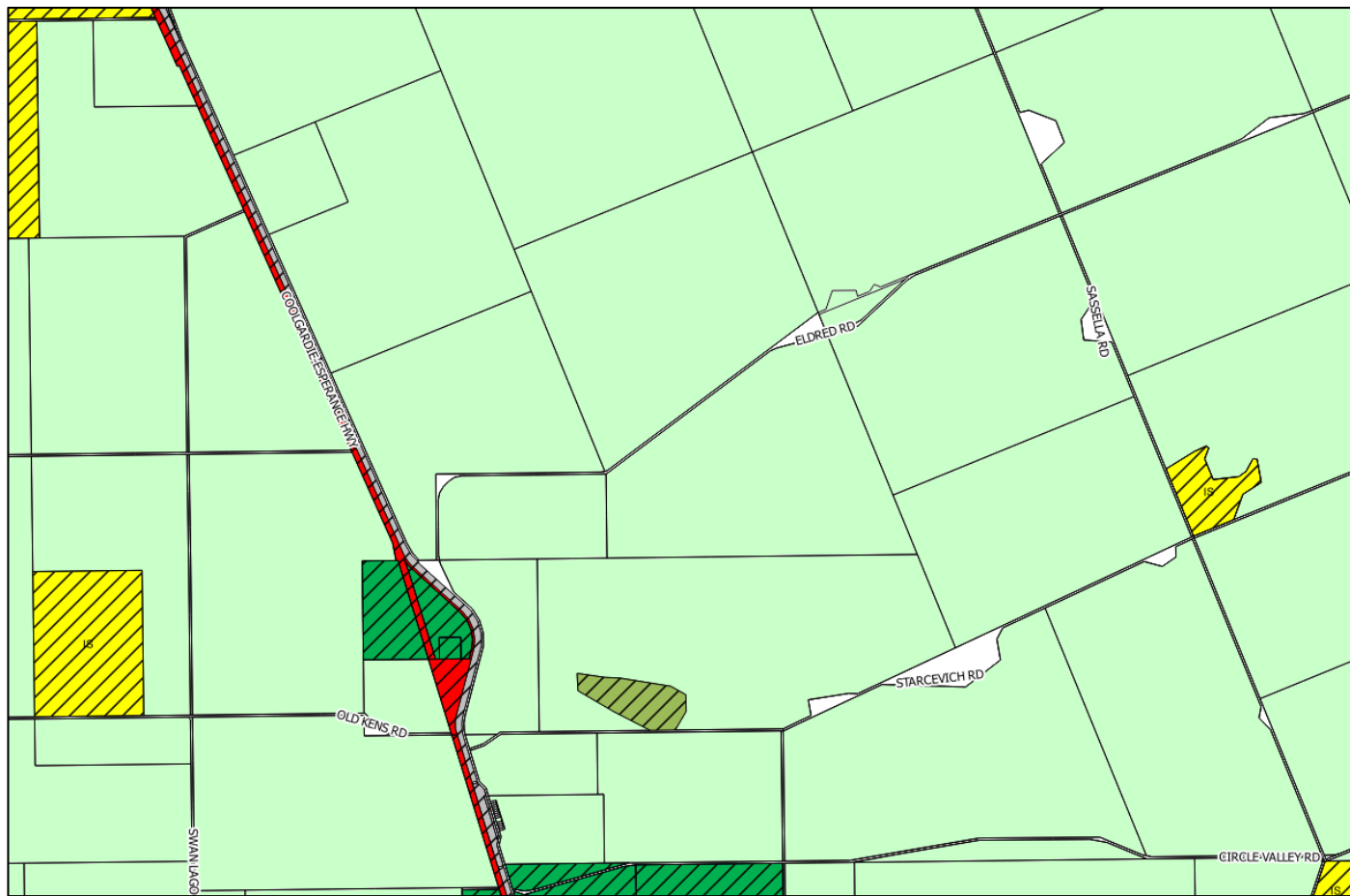
LEGEND		
Zones	Reserves	Others
Rural	Environmental Conservation	Special control area
	Public Open Space	
	Local Road	

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24








AMENDMENT NO. 4



Current Zoning

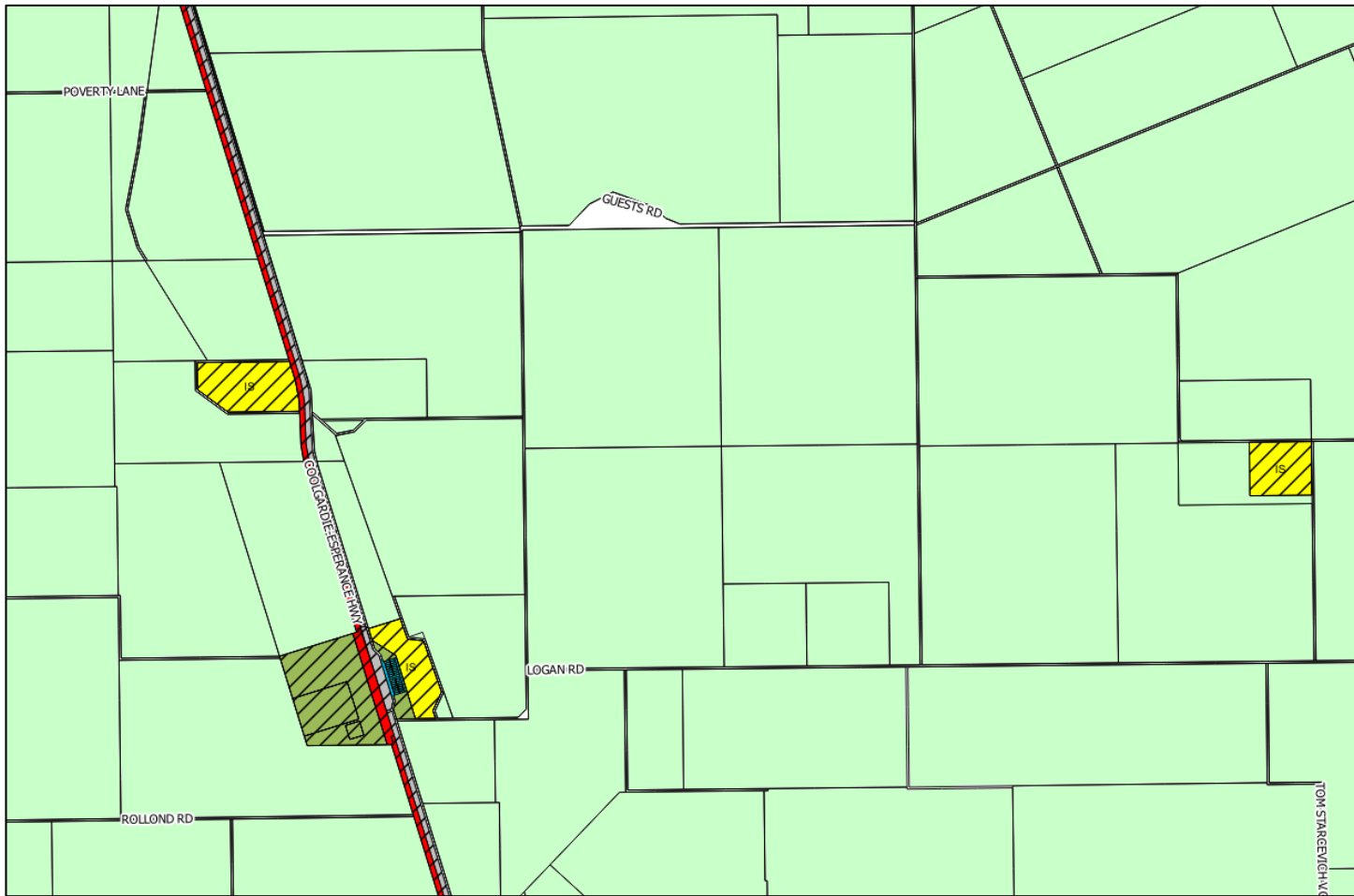


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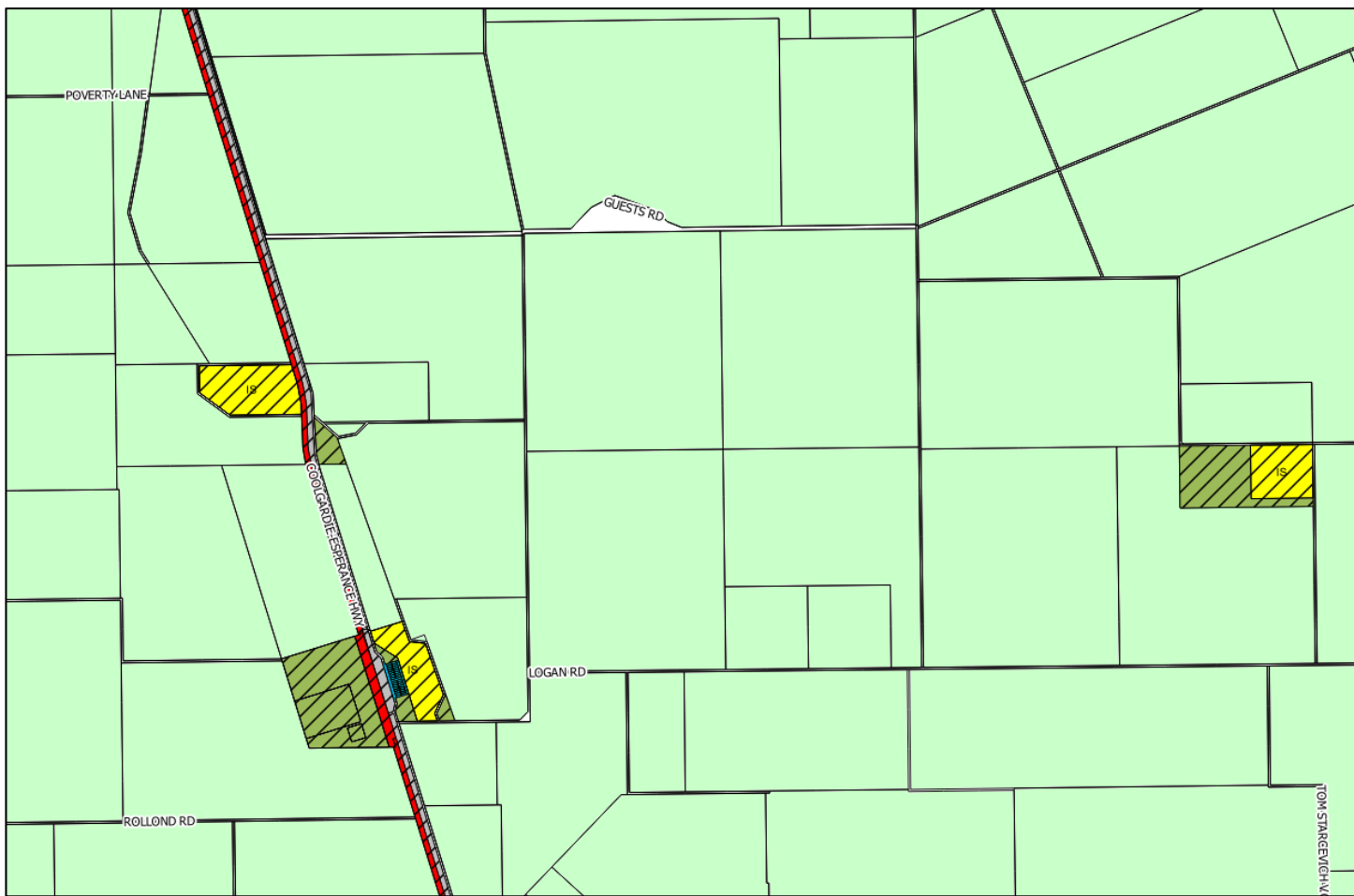
LEGEND	
Zones	
	Rural
Reserves	
	Environmental Conservation
	Public Open Space
	Primary Distributor Road
	Local Road
	Railways
	IS - Infrastructure Services

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24








AMENDMENT NO. 4



Current Zoning

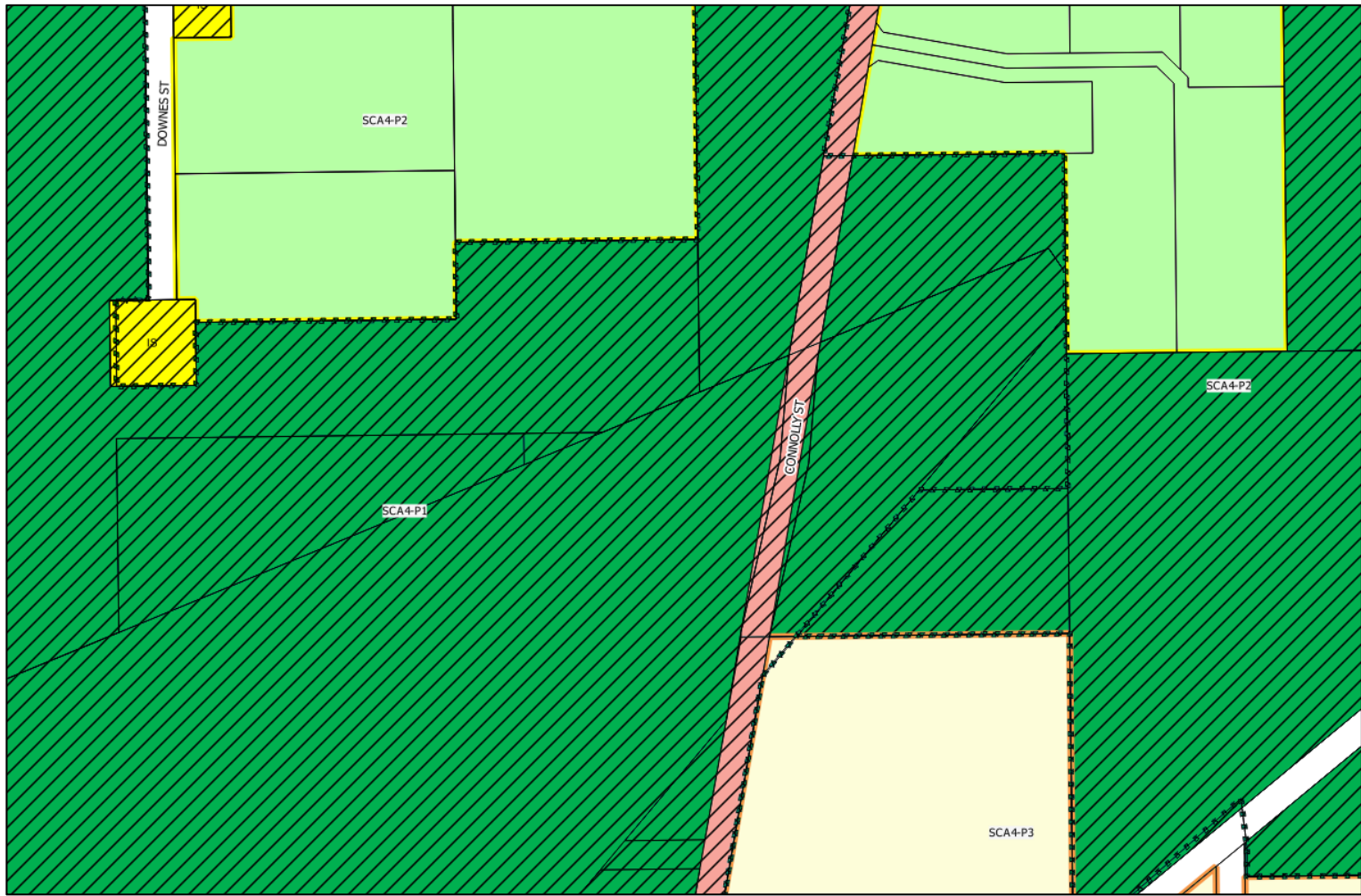


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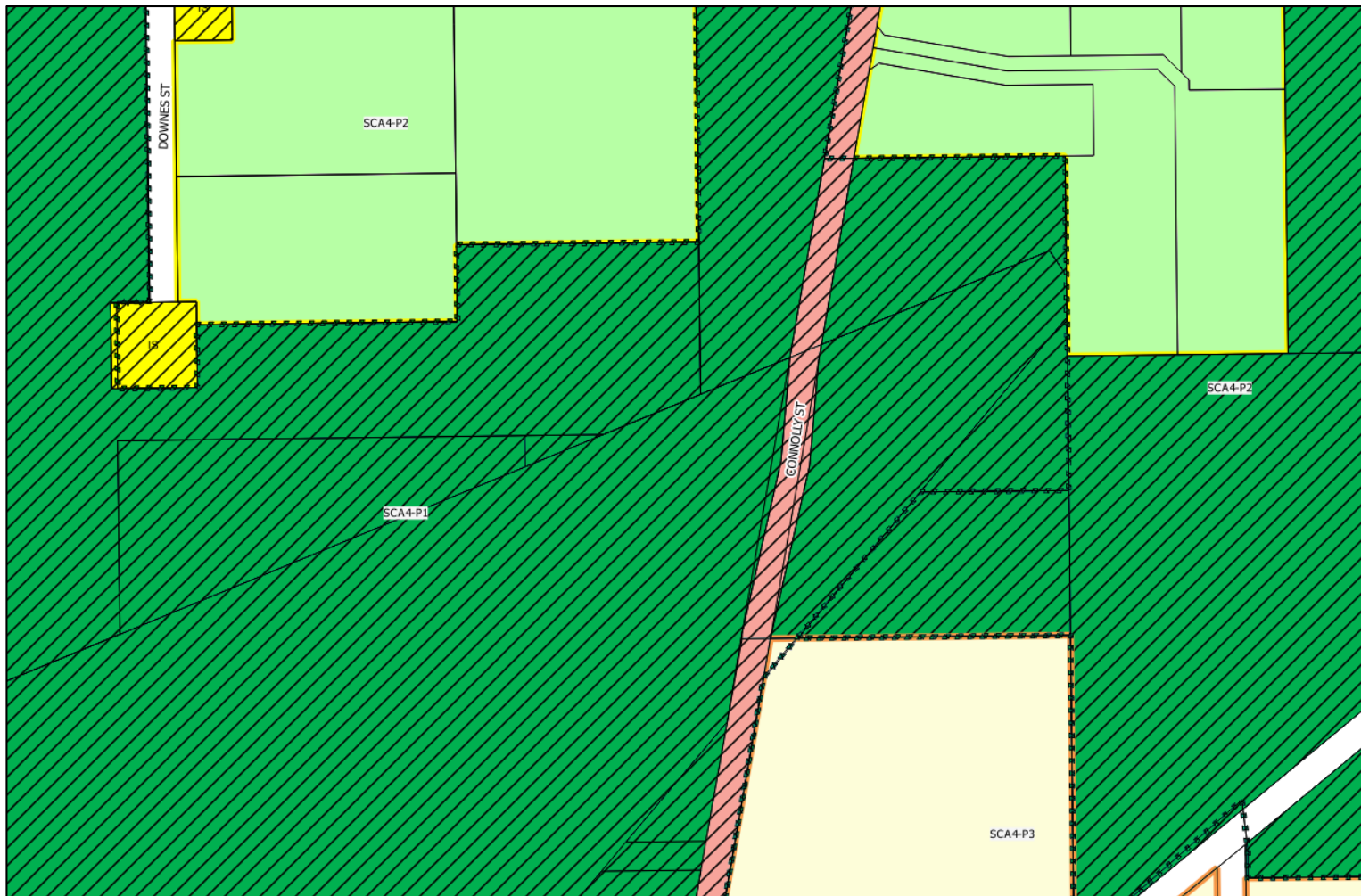
LEGEND	
Zones	
	Rural
	Rural Townsite Zone
Reserves	
	Environmental Conservation
	Primary Distributor Road
	Local Road
	Railways
	IS - Infrastructure Services

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 4



Current Zoning

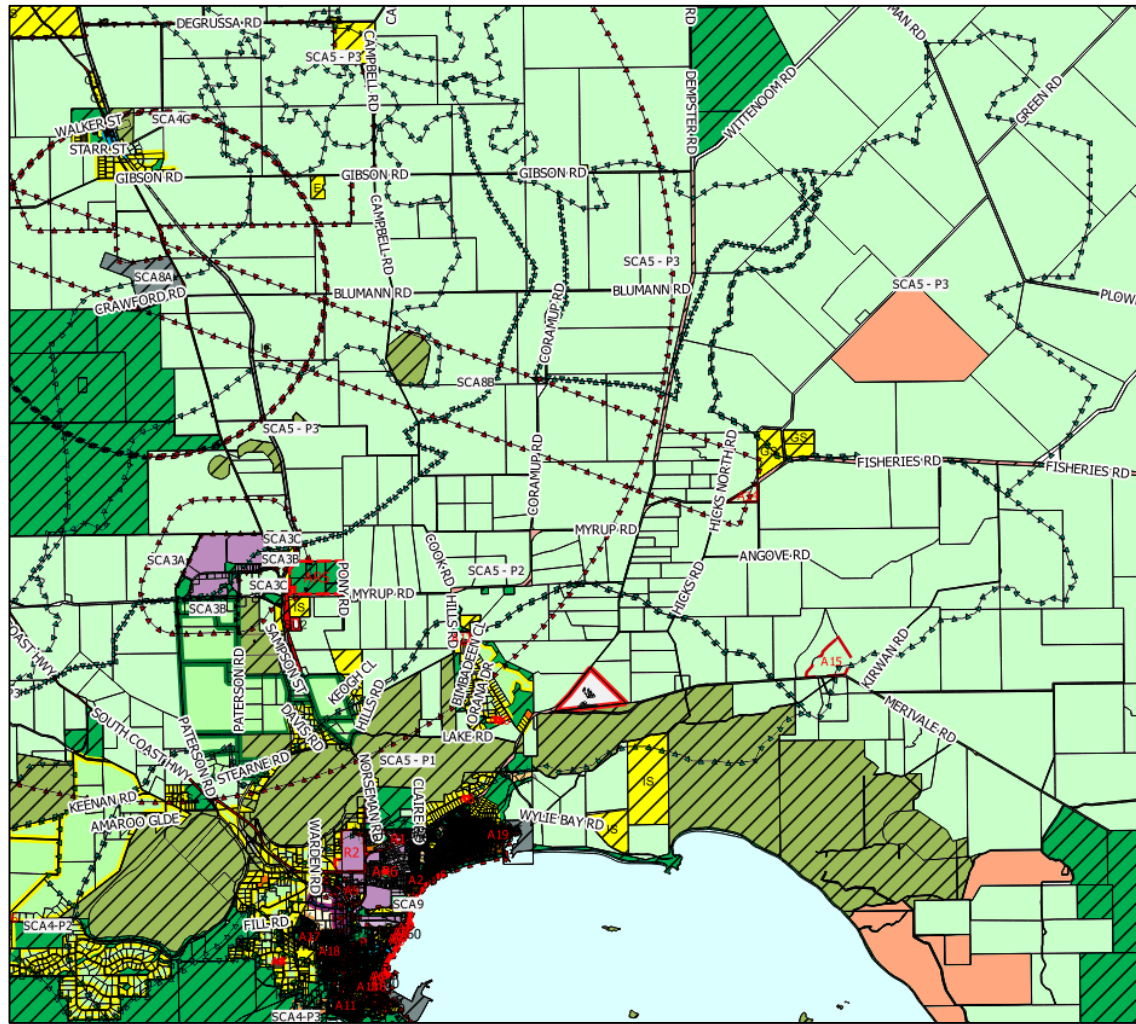


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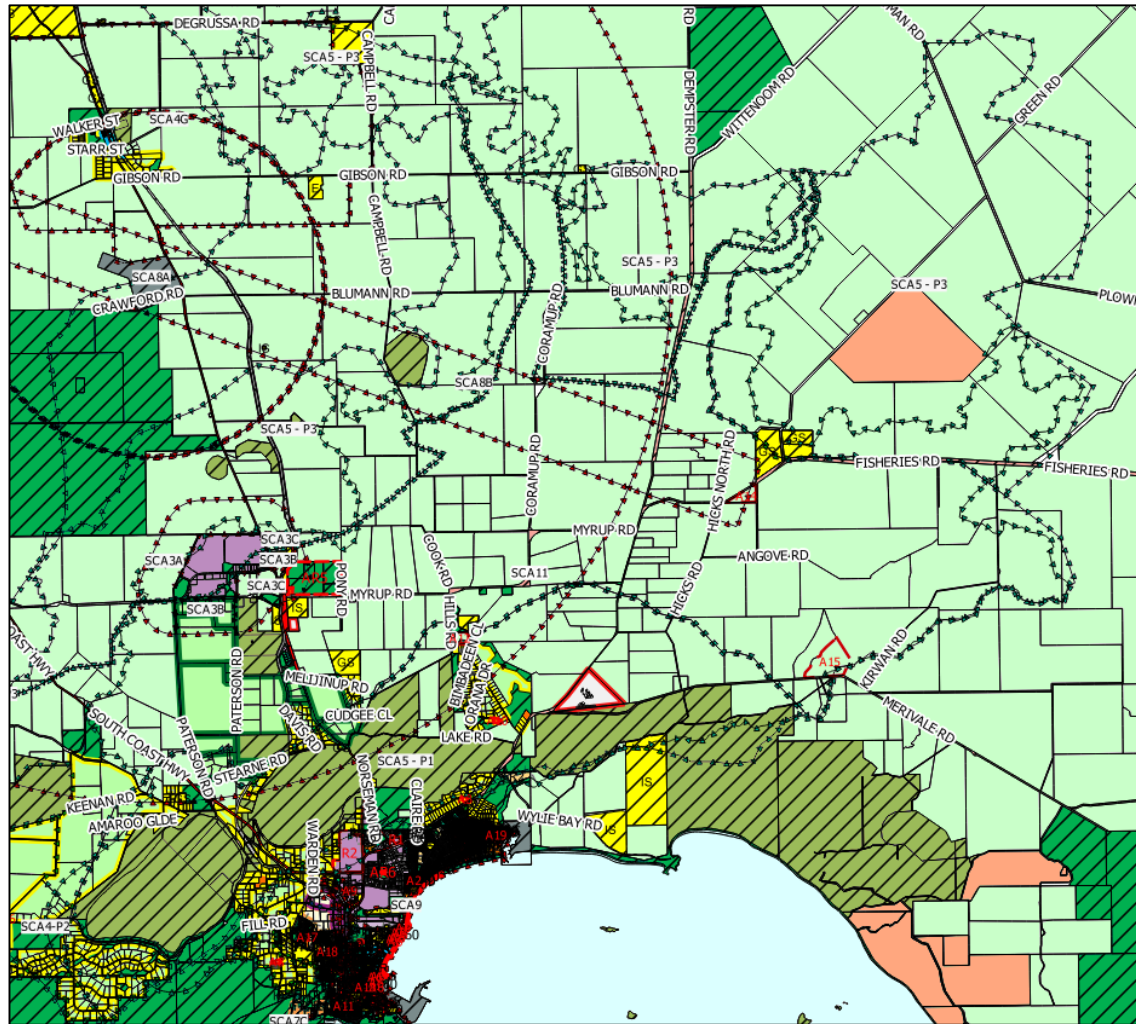
LEGEND		
Zones	Reserves	Others
Rural Residential	Local Distributor Road	Special control area
Urban Development	IS - Infrastructure Services	
	Local Road	

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 4



Current Zoning

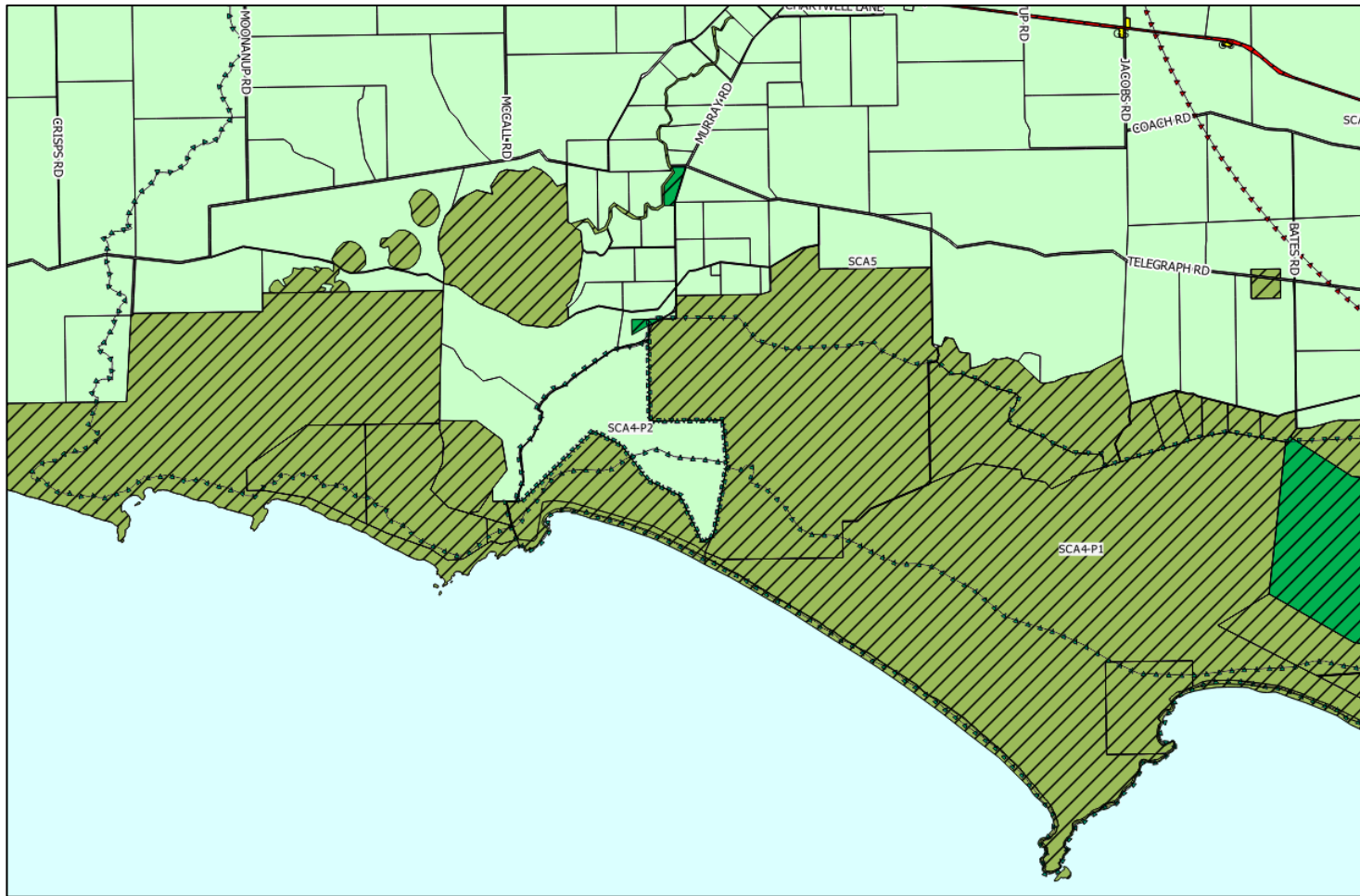


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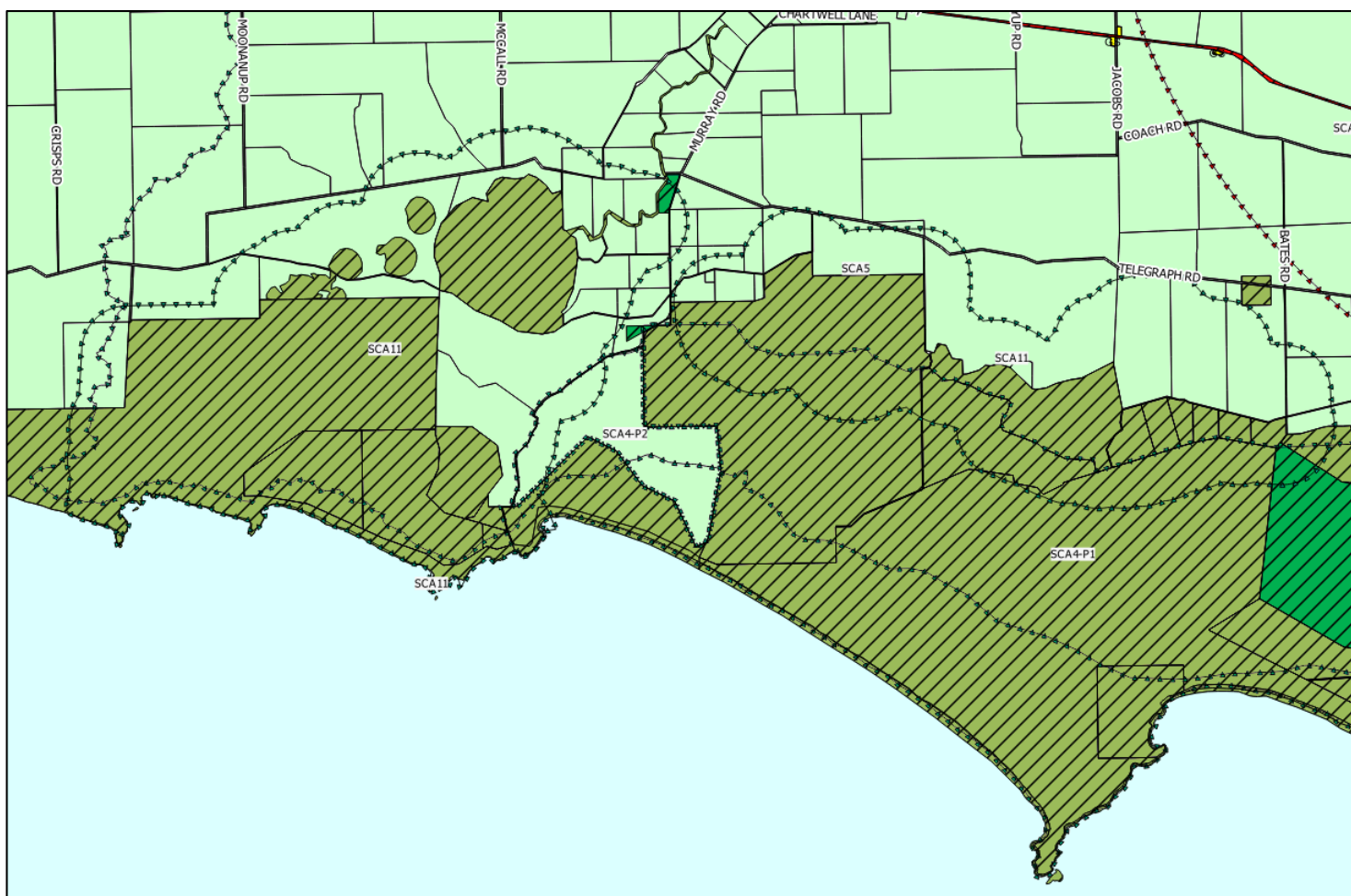
LEGEND		
Zones	Reserves	Others
Rural	Environmental Conservation	Special control area
Rural Smallholdings	Public Open Space	Special control area
General Industry	Primary Distributor Road	Additional Uses Reserves
Rural Residential	Local Distributor Road	AR1 - See Scheme Text
Cultural and Natural Resource Zone	Local Road	Additional Uses
Special Uses	Railways	A1 See Scheme Text
SU1 - See Scheme Text	Strategic Infrastructure	Oceans/Waterways

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24









AMENDMENT NO. 4



Current Zoning

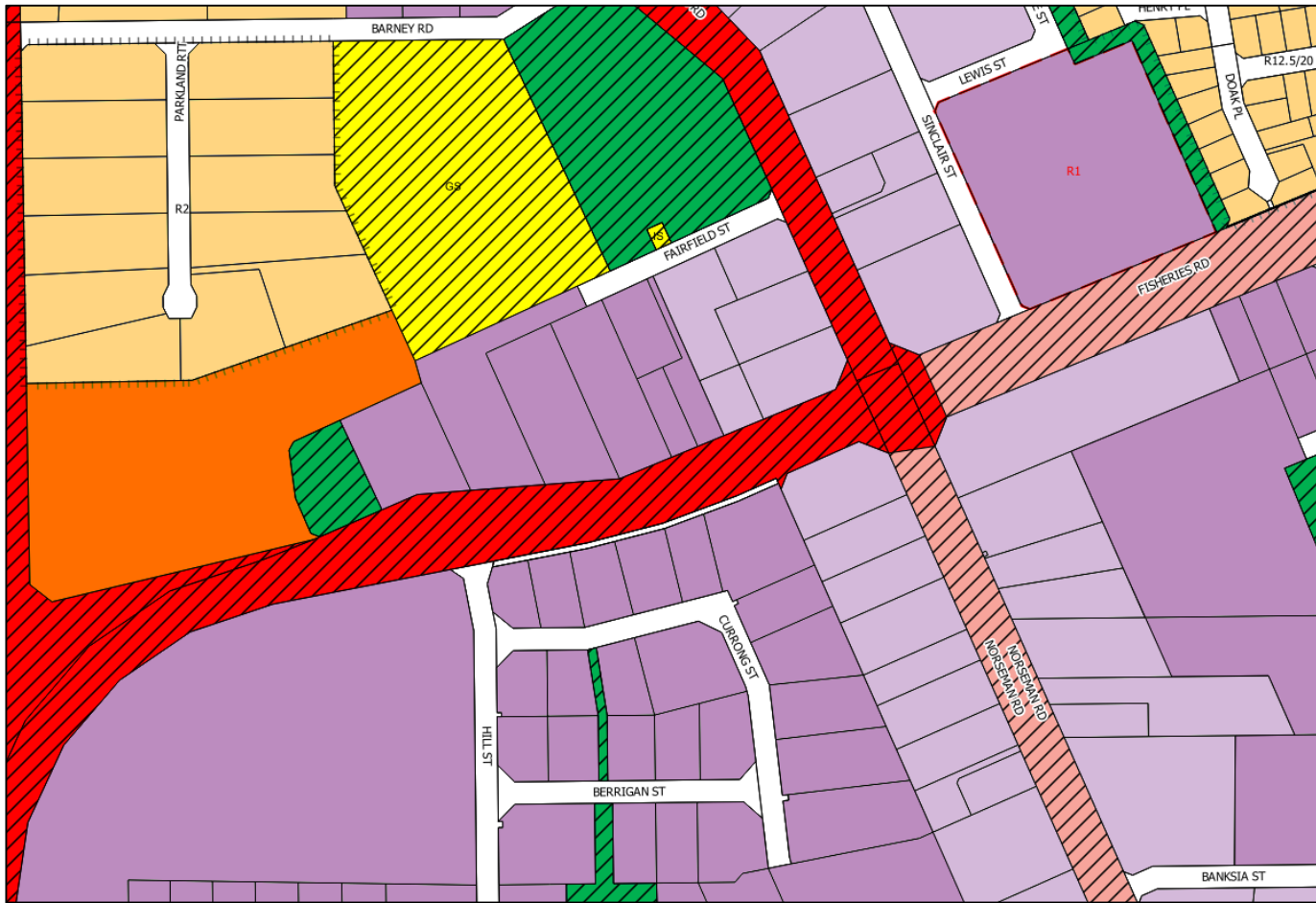


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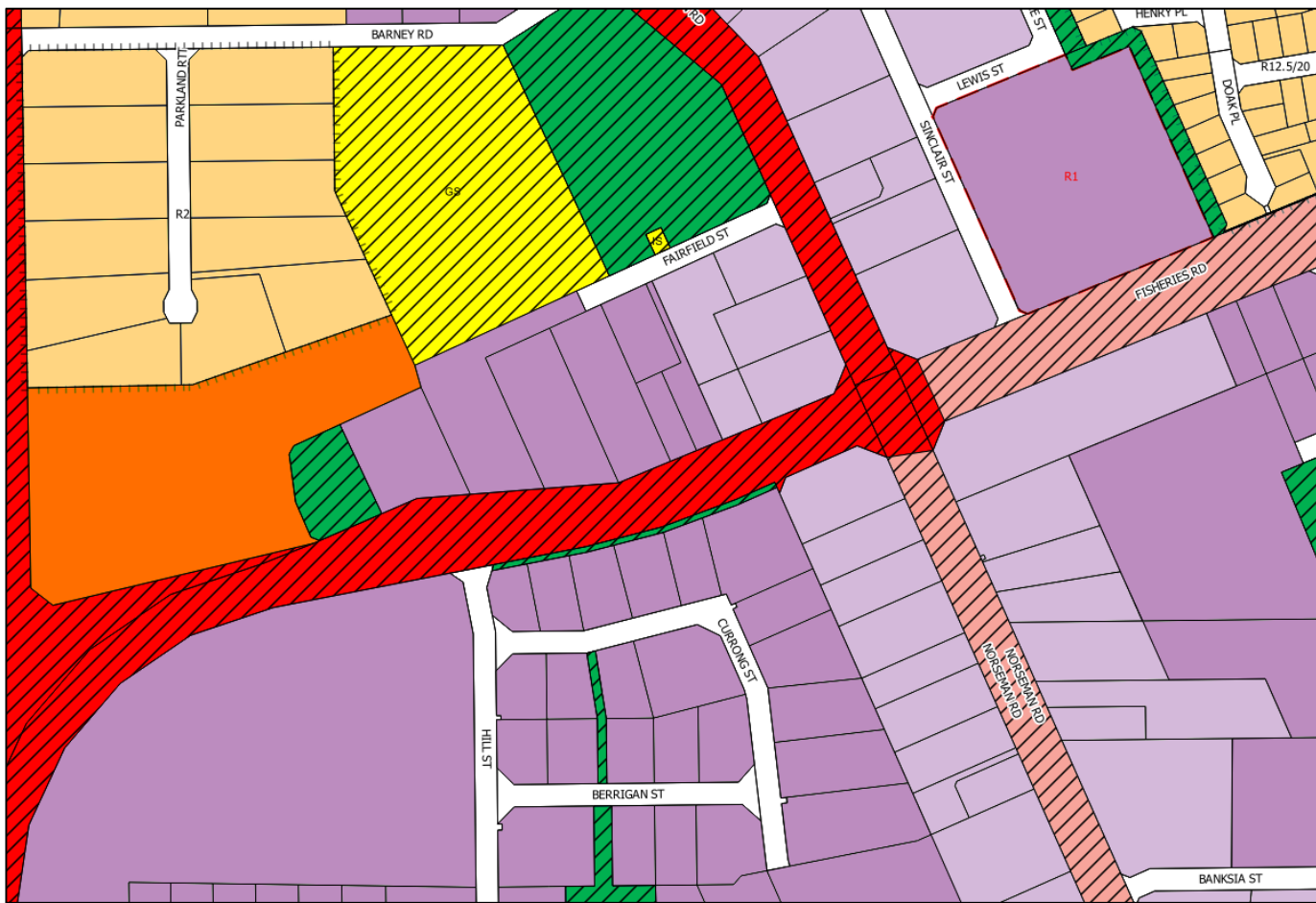
LEGEND		
Zones		
	Rural	
Reserves		
	Environmental Conservation	
	Public Open Space	
	GS - Government Services	
	Primary Distributor Road	
	Local Road	
Others		
	Special control area	
	Special control area	

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 4



Current Zoning

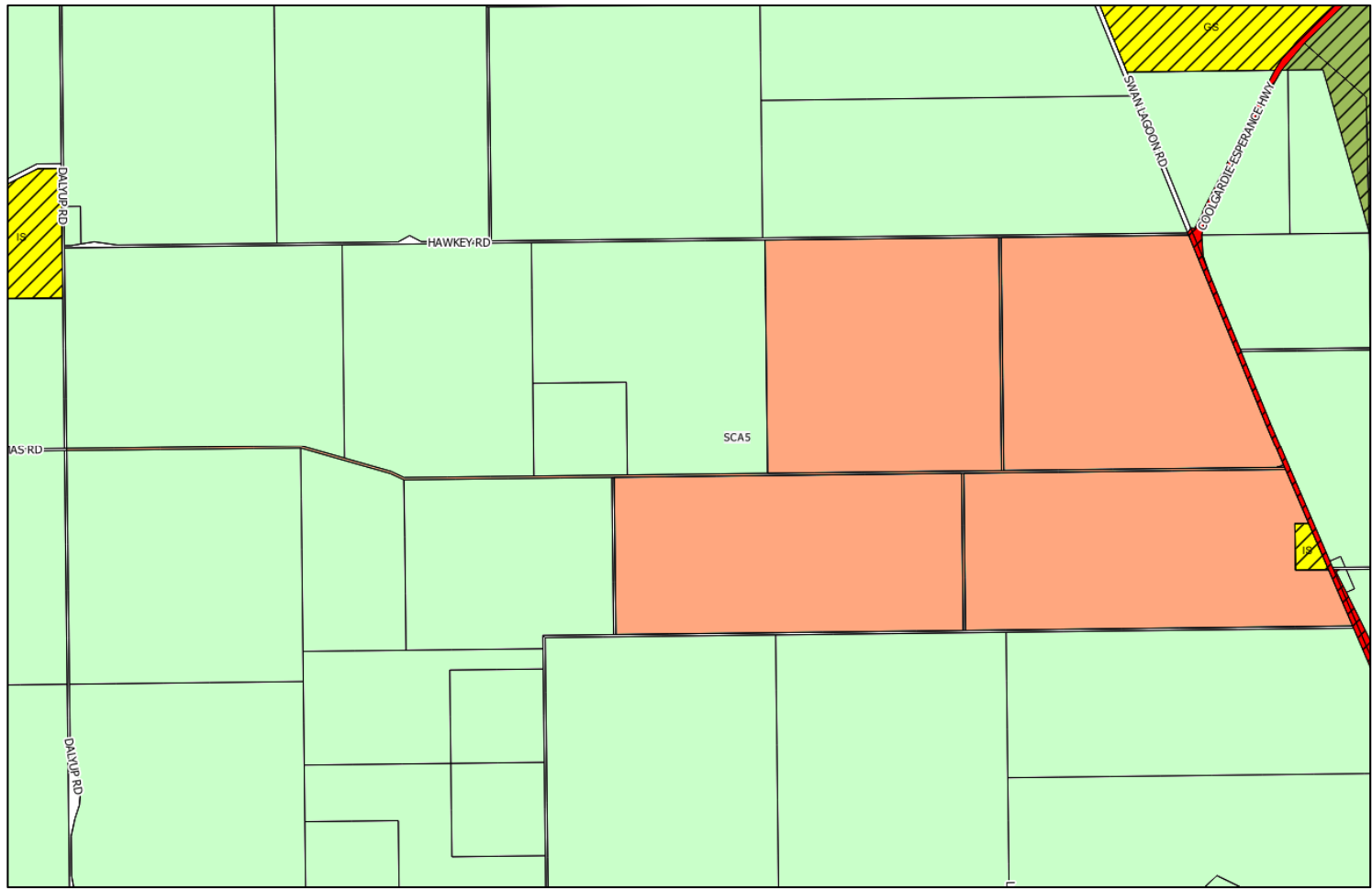


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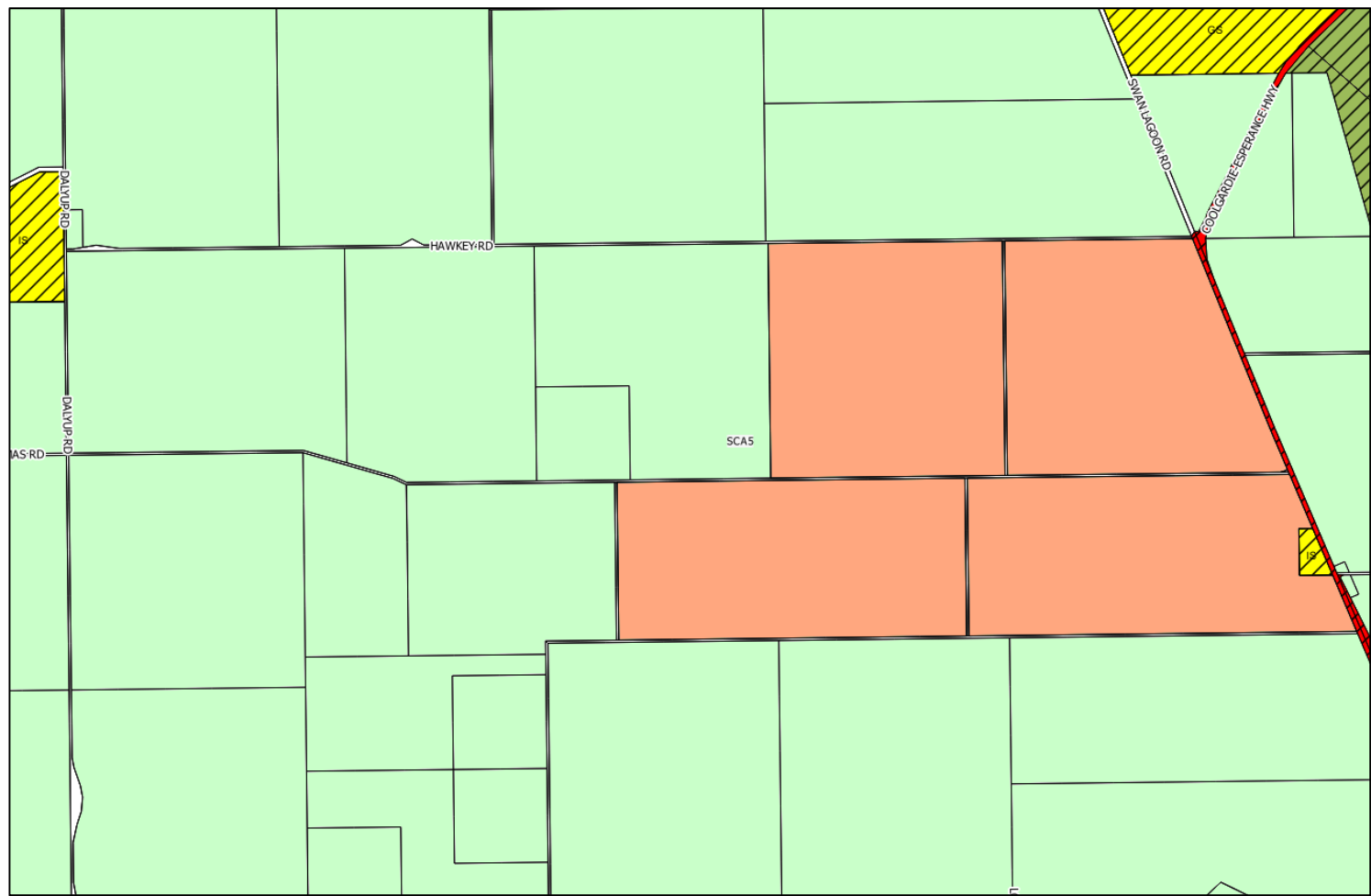
LEGEND		
Zones		
	Residential	
	Light Industry	
	General Industry	
	Tourism	
Reserves		
	IS - Infrastructure Services	
	GS - Government Services	
	Public Open Space	
	Primary Distributor Road	
	Local Distributor Road	
	Local Road	
Others		
	R-Codes	
	Restricted Uses	
	R1 - See Scheme Text	

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24








AMENDMENT NO. 4



Current Zoning

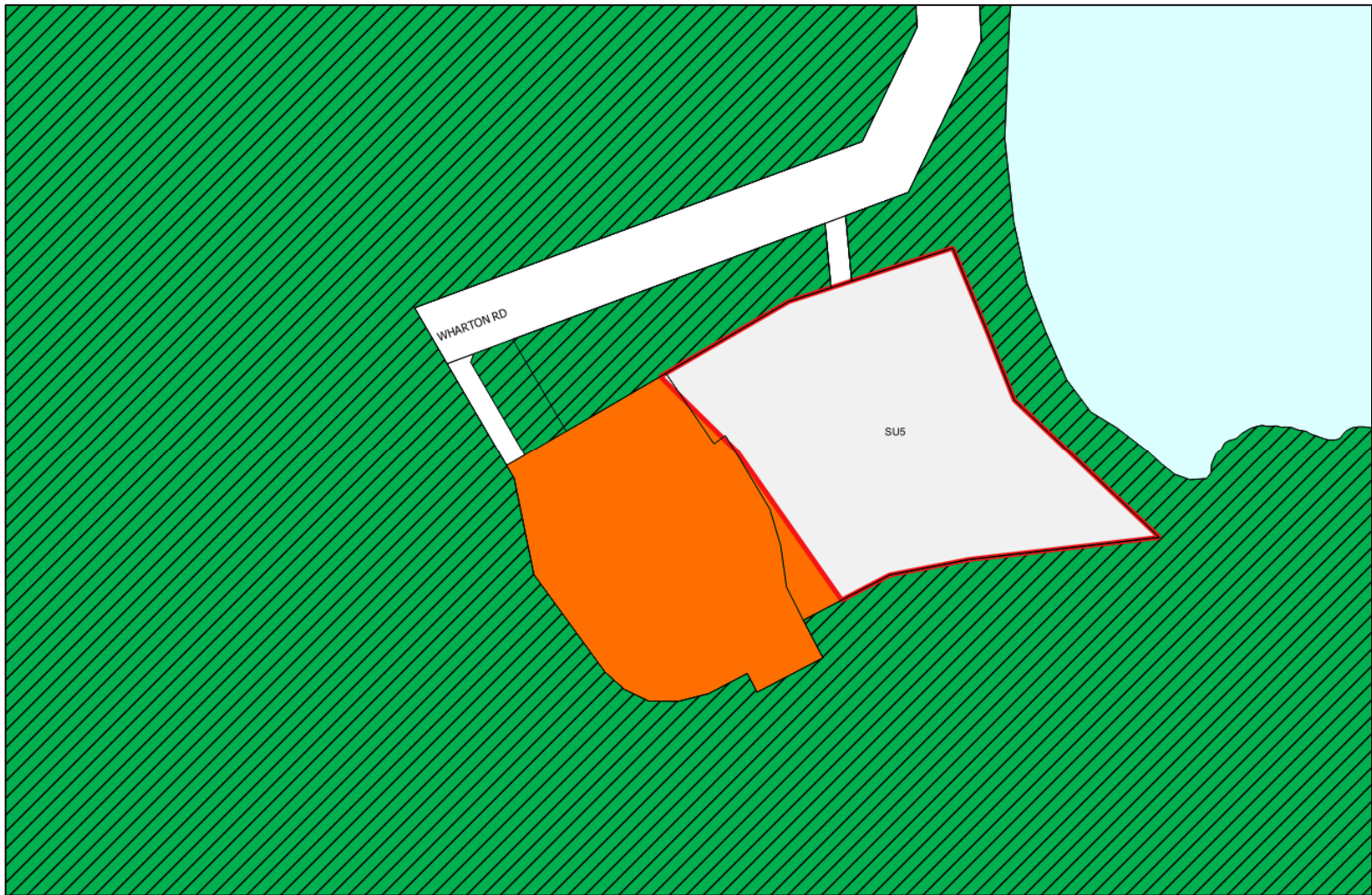


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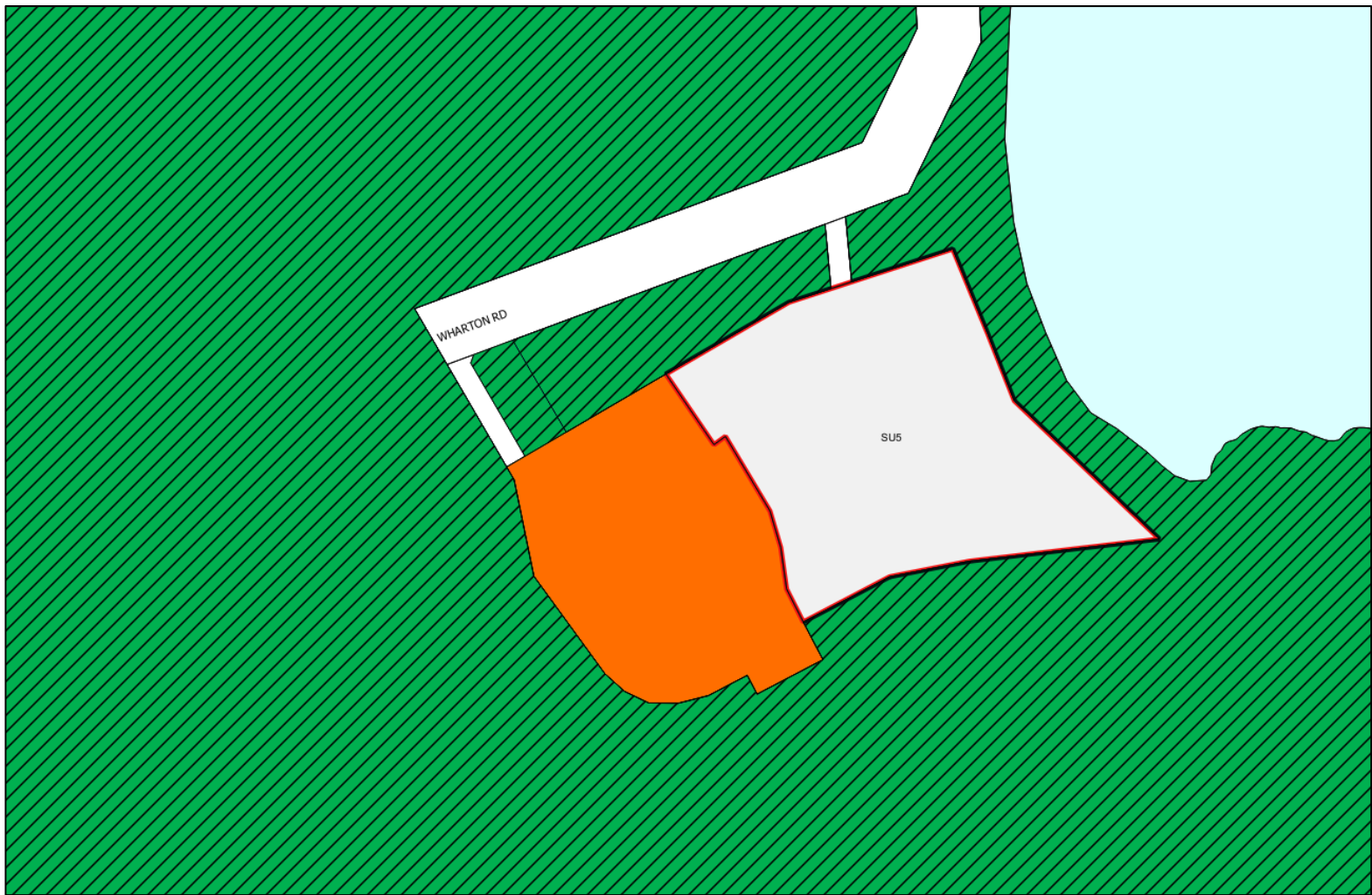
LEGEND	
Zones	Reserves
 Rural	 IS - Infrastructure Services
 Cultural and Natural Resource Zone	 GS - Government Services
	 Environmental Conservation
	 Primary Distributor Road
	 Local Road

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 4



Current Zoning

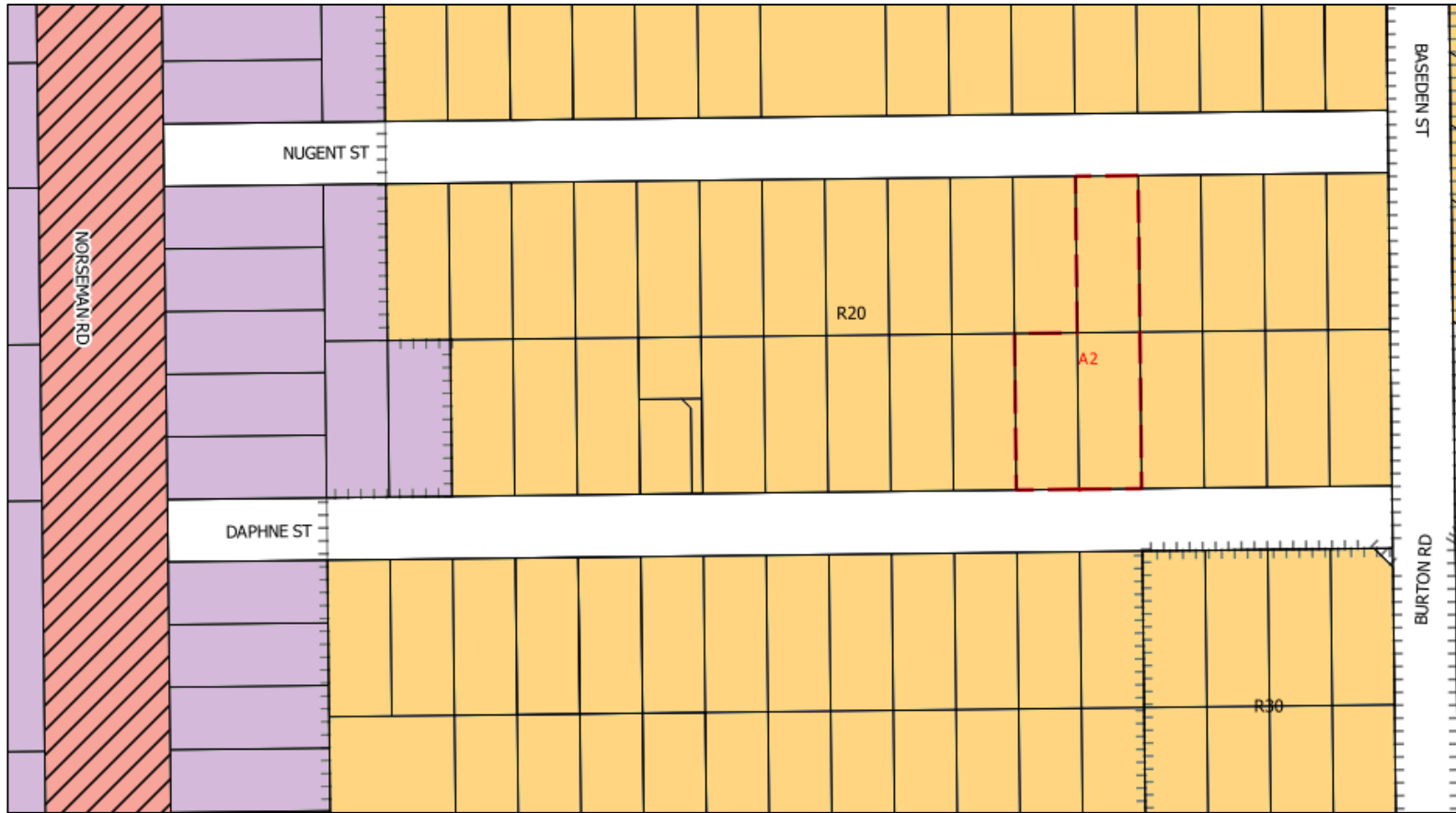


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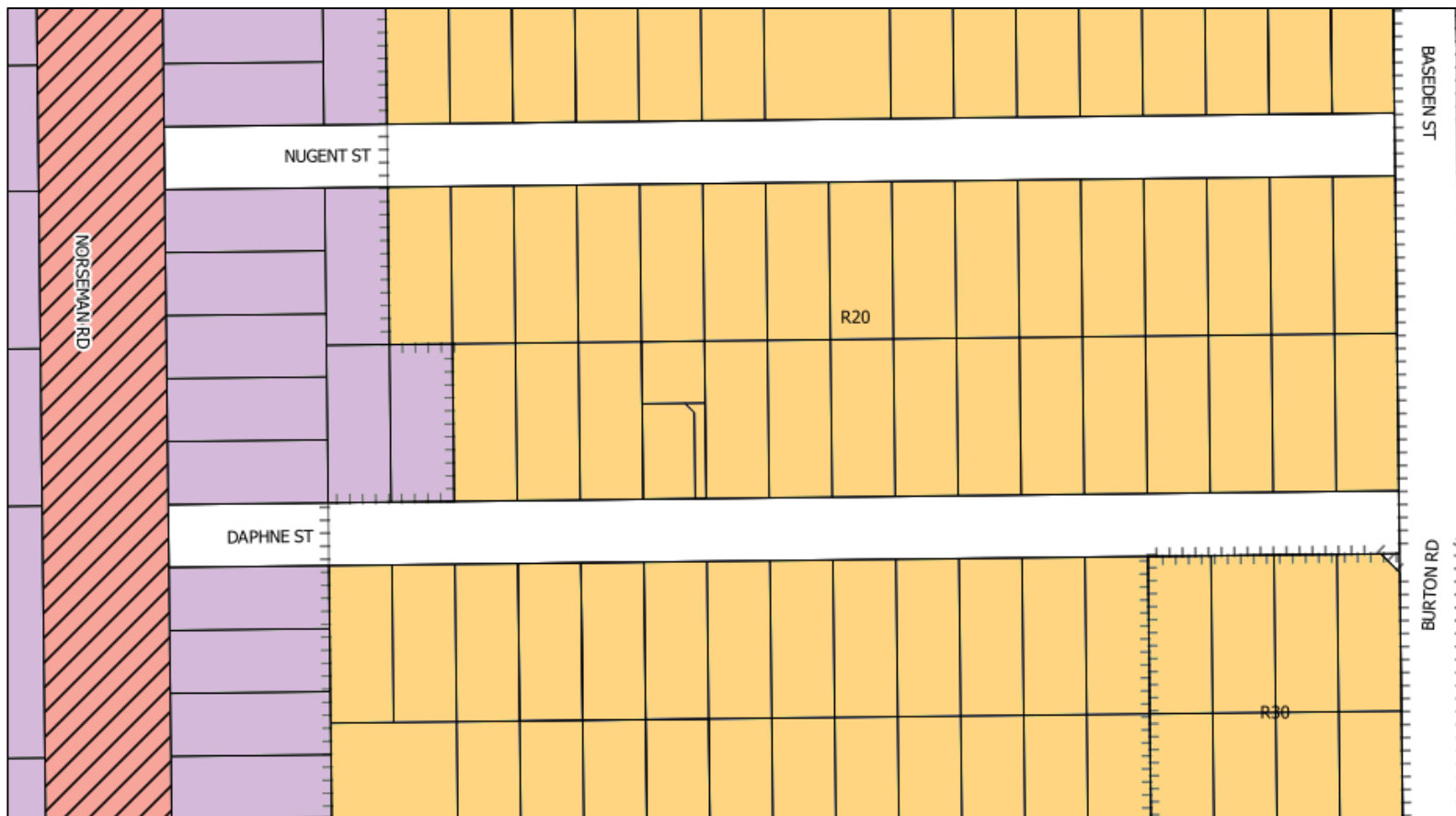
LEGEND		
Zones	Reserves	Others
Tourism	Environmental Conservation	Oceans/Waterways
Special Uses	Local Road	
SU1 - See Scheme Text		

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24







AMENDMENT NO. 4



Current Zoning



Proposed Zoning

LEGEND		
Zones	Reserves	Others
 Residential	 Local Distributor Road	Additional Uses
 Light Industry	 Local Road	 A1 See Scheme Text
		 R-Codes

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 4

Form 6A

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the Shire of Esperance at the Ordinary Meeting of the Council held on the 23 day of October, 2018

Victoria Brown

SHIRE PRESIDENT

CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the Shire of Esperance at the Ordinary Meeting of the Council held on the 23 day of October, 2018, proceed to advertise this Amendment.

Victoria Brown

SHIRE PRESIDENT

CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for approval by resolution of the Shire of Esperance at the Ordinary Meeting of the Council held on the . day of _____, 20____ and the Common Seal of the Shire of Esperance was hereunto affixed by the authority of a resolution of the Council in the presence of:

SHIRE PRESIDENT

CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

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

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....