



SHIRE OF ESPERANCE

LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 1

PLANNING AND DEVELOPMENT ACT 2005**RESOLUTION TO ADOPT AMENDMENT
TO LOCAL PLANNING SCHEME****SHIRE OF ESPERANCE
LOCAL PLANNING SCHEME NO. 24
AMENDMENT NO. 1**

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 Clause 1.(b) in Schedule 1 by replacing it with:

‘Schedule 7 – Parking and Landscaping by Land Use applies when referenced though Schedule 6 – Development Provisions by Zone and when Schedule 7 – Parking and Landscaping by Land Use references Schedule 6 - Development Provisions by Zone.’
2. Amending Schedule 6 by inserting the following under Minimum Landscaping and Minimum Car Spaces (Space/Sq. Metre) for the ‘Residential’ zone ‘Where the use is listed in the R-Codes development is to be as per the R-Codes. Where the use is not defined in the R-Codes development is to be as per Schedule 7.’
3. Amending Schedule 7 by inserting ‘Family day care’ with no landscaping and parking requirements of 1 bay per 2 children rounded up.’
4. Amending Schedule 7 by splitting ‘Fast food outlet/lunch bar’ into ‘Fast food outlet’ and ‘Lunch bar’ and keep the original development standards for both.
5. Amending Schedule 7 by inserting ‘Industry’ and having the same landscaping and parking requirements as ‘General Industry’ in Schedule 6.
6. Amending Schedule 7 by inserting ‘Industry - light’ and having ‘The same landscaping and parking requirements as ‘Light Industry’ in Schedule 6 excluding the reference to Schedule 7’.
7. Amending Schedule 7 by inserting ‘Repurposed dwelling’ and having ‘The same parking requirements as single house’.
8. Amending Schedule 7 by inserting ‘Residential Building’ and having the same parking requirements as Single house in the R-Codes with one extra bay per bedroom over 4 bedrooms.’
9. Amending Schedule 7 by inserting ‘Second-hand dwelling’ and having the same parking requirements as single house’.
10. Amending Table No. 4 – Zoning and Land Use Table by changing the permissibility of ‘Special purpose dwelling’ to ‘X’ in the ‘Commercial’ zone.
11. Amending Table No. 4 – Zoning and Land Use Table by changing ‘Special purpose dwelling’ to ‘Aged or dependent persons’ dwelling;

12. Amending Table No. 4 – Zoning and Land Use Table by inserting ‘Single bedroom dwelling with a ‘D’ in the ‘Residential’ and ‘Rural Townsite’ zones and an ‘X’ in all other zones;
13. Renumbering Schedule 1 Clause 15 to Schedule 1 Clause 16 and renumber all subsequent clauses and related references accordingly.
14. Amending Schedule 1 by inserting as Clause 15 – Car Parking
 - (a) ‘Where the development is a use not listed within Schedule 7 or have an alternative parking calculation in Schedule 6, the number of parking spaces is to be determined by the local government having due regard to:
 - (i) the nature of the proposed development;
 - (ii) the number of employees or others likely to be engaged in the use of the land;
 - (iii) the anticipated demand for visitor parking;
 - (iv) The availability of on street parking; and
 - (v) the orderly, proper and sustainable planning of the area.
 - (b) Where a proposed development is adjacent to on street parking and is within the Commercial zone or Additional Use A6, the local government may approve a reduced number of bays specified in Schedule 6 or 7 having due regard to subclause (a) when considering the total number of parking spaces required for the development.’
15. Amending Schedule 3 Additional Use A6 by deleting Clause 6 (b) and the ‘and’ after Clause 6(a).
16. Amending Schedule 3 Additional Use A6 by inserting after Clause 6(a):
 - (b) ‘Existing and proposed dwellings shall be connected to reticulated sewerage system, prior to occupation of new development.
 - (c) The difference in natural ground levels within the site and adjacent land will not result in excessive bulk, visual privacy or overlooking problems and will not require excessively high retaining walls. ‘
17. Amending Schedule 1 Clause 4.(j) by replacing the ‘Rural Residential Areas’ with ‘Rural Smallholding Areas’.
18. Amending the heading in Schedule 1 Clause 5 by inserting ‘, Rural Residential’ after ‘Rural’.
19. Amending Schedule 1 Clause 5 by inserting ‘(Unless located within SCA 1 where Schedule 2 Clause 1 applies) ‘ after ‘100 metres’.
20. Amending Schedule 1 Clause 11 (iii) by replacing the word ‘of’ with ‘or’.
21. Amending Schedule 1 Clause 17 (c) by inserting ‘, Tourism’ after ‘Commercial’.
22. Amending Schedule 8 No. RR2 by deleting Clause 10.
23. Amending Schedule 1 Clause 34 by inserting at the beginning and renumbering the remainder of the clause:
 - (a) ‘An application for development approval is required for the development of Telecommunications Infrastructure excluding those

listed in the Telecommunications Low Impact Facilities Determination 1997 and subsequent amendments to that determination.'

24. Amending the Scheme Map by rezoning a portion of Reserve 22796 to 'Environmental Conservation' as depicted on the Amendment Map.
25. Amending the Scheme Map by rezoning Reserve 42379 to 'Infrastructure Services' as depicted on the Amendment Map.
26. Amending the Scheme Map by rezoning Reserve 48955 to 'Infrastructure Services' as depicted on the Amendment Map.
27. Amending the Scheme Map by rezoning a portion of Lot 3030 White Street, Nulsen from 'Residential' R20 to 'Residential' R40 as depicted on the Amendment Map.
28. Amending Schedule 1 Clause 24 by renumbering subclause '(a)' to '(b)'
29. Amending Schedule 1 Clause 24 by inserting the following as subclause (a):

'Notwithstanding any other requirement of the Scheme, all Repurposed dwelling require the planning approval of the local government.'

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.....day
of.....2017

.....
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.

This amendment seeks insert a provisions into Schedules 6 and 7 relating to parking and landscaping for a number of uses that were not included in those schedules at the gazettal of the Scheme.

The amendment also seeks to clarify which standard applies to development between Schedules 6 and 7.

A new clause is proposed that deals with car parking when the use does not appear in Schedules 6 or 7.

Revised clauses for the density provisions are also proposed to make the clear criteria used when applying the bonus.

Corrections have also been made to zonings within the Recherche Archipelago.

2. AMENDMENT PROPOSAL

2.1 Amending Clause 1.(b) in Schedule 1

Clause 1.(b) in Schedule 1 currently establishes Schedule 7. Given the amendments that are proposed below this clause is modified to reflect Schedule 7 being referenced in Schedule 6.

2.2 Landscaping and Parking Requirements for 'Residential' zone

Schedule 6 current defaults the 'Residential' zone to the R-Codes which is appropriate for residential development. An issue arises however when non-residential development can be approved in the 'Residential' zone. This modification that caters for both scenarios.

2.3 Landscaping and Parking Requirements for 'Family day care'

Schedule 7 does not currently list 'Family Day care' and as such there are not specific parking standards applied. This amendment resolves this omission in the Scheme by requiring 1 bay per two children cared for.

2.4 Amend Schedule 7 by splitting 'Fast food outlet/lunch bar' into 'Fast food outlet' and 'Lunch bar'

This modification results in no change to the requirements of the Scheme but is appropriate to shown both as separate uses as they are in the zoning table rather than the combined use that they currently are in Schedule 7.

2.5 Landscaping and Parking Requirements for 'Industry'

Schedule 7 does not currently list 'Industry'; and as such there are not specific parking standards applied other than in the 'General Industry' and Light Industry' zones. This amendment resolves this omission in the Scheme by applying the 'General Industry' standard as the default parking and landscaping requirement for the use.

2.6 Landscaping and Parking Requirements for 'Industry - light'

Schedule 7 does not currently list 'Industry – light' and as such there are not specific parking standards applied other than in the 'General Industry' and Light Industry' zones. This amendment resolves this omission in the Scheme by applying the 'Light Industry' standard as the default parking and landscaping requirement for the use.

2.7 Parking Requirements for 'Repurposed dwelling' and having the same landscaping and parking requirements as 'Single house'.

Schedule 7 does not currently list 'Repurposed dwelling' and as such there are not specific parking standards applied. This amendment resolves this omission in the Scheme by requiring the same parking requirement as a 'Single house'.

2.8 Parking Requirements for 'Residential Building'

Schedule 7 does not currently list 'Residential Building' and as such there are not specific parking standards applied. This amendment resolves this omission in the Scheme by requiring a parking requirement of an additional bay per bedroom over four bedrooms when compared to a 'Single house'.

2.9 Parking Requirements for 'Second-hand dwelling'

Schedule 7 does not currently list 'Second-hand dwelling' and as such there are not specific parking standards applied. This amendment resolves this omission in the Scheme by requiring the same parking requirement as a 'Single house'.

2.10 Amend permissibility of 'Special purpose dwelling' in the 'Commercial' zone

Table No. 4 – Zoning and Land Use Table shows a 'Special purpose dwelling' being

an 'A' use in the 'Commercial' zone. It is proposed to make this land use an 'X' use in the 'Commercial' zone as it is not consistent with the zones objectives and is an inappropriate development type in the town centre.

2.11 Amend Table No. 4 – Zoning and Land Use Table by changing 'Special purpose dwelling' to 'Aged or dependent persons' dwelling'

'Special purpose dwelling' consists of three different uses being 'Ancillary accommodation', 'Aged or dependent persons' dwelling' and 'Single bedroom dwelling'. It is proposed to remove this definition and in its place have the three uses defined separately. It should be noted that 'Ancillary accommodation' is already separately listed

2.12 Amend Table No. 4 – Zoning and Land Use Table by inserting 'Single bedroom dwelling with a 'D' in the 'Residential' and 'Rural Townsite' zones and an 'X' in all other zones

It is proposed to insert 'Single bedroom dwelling' as the final component of the former 'Special purpose dwelling' use. The permissibility of uses are proposed to be the same as 'Aged or dependent persons' dwelling'.

2.13 Renumber Schedule 1 Clause 15 to Schedule 1 Clause 16

Clause 15 needs to be moved to Clause 16 to allow the insertion of a new clause. In renumbering this clause all subsequent clauses and related references should be renumbered accordingly.

2.14 Amend Schedule 1 by inserting as Clause 15 – Car Parking

It is proposed to insert a new clause that deals with the assessment criteria for determining parking requirements where a use is not listed within Schedule 7 or have an alternative parking calculation in Schedule 6.

A second component of this provision provides the parameters to determine a relaxation in the parking requirement within the 'Commercial' Zone or the area subject to Additional Use A6.

2.15 Amend Schedule 3 Additional Use A6 by deleting Clause 6 (b)

Clause 6(b) does not provide adequate criteria and as such it is proposed to add new criteria under the next modification.

2.16 Amend Schedule 3 Additional Use A6 by inserting new provision after Clause 6(a)

It is proposed to insert two new criteria to gain the density bonus in the R40 coded

areas. The proposed controls are the same as those applied in Local Planning Scheme No. 23. The new requirements are that the development must be connected to a reticulated sewerage system, prior to occupation of new development and that it must not result in excessive bulk, visual privacy or overlooking problems.

2.17 Amend Schedule 1 Clause 4.(j) by replacing the 'Rural Residential Areas' with 'Rural Smallholding Areas'.

It is proposed to correct a reference that is incorrect. The referenced Schedule 9 refers to 'Rural Smallholdings Area' and as such the reference needs to be replaced.

2.18 Amend the heading in Schedule 1 Clause 5 by inserting ', Rural Residential' after 'Rural'.

It is proposed to amend the heading so that it clearly references all the zones to which this provision applies.

2.19 Amend the heading in Schedule 1 Clause 5 by inserting provision relating to SCA 1

It is proposed to amend Schedule 1 Clause 5 by inserting '(Unless located within SCA 1 where Schedule 2 Clause 1 applies) ' after '100 metres'. This is required as there is overlap between this clause and SCA 1 in one area and as such SCA 1 should take priority.

2.20 Amend Schedule 1 Clause 11 (iii) by replacing the word 'of' with 'or'.

This modification is the correction of a typographical error.

2.21 Amend Schedule 1 Clause 17 (c) by inserting ', Tourism' after 'Commercial'

It is proposed to amend the building height requirement for the Tourism zone so that it is limited by Plot ratio rather than by a specified height. This will increase the flexibility of the zone.

2.22 Amend Schedule 8 No. RR2 by deleting Clause 10

It is proposed to delete Clause 10 of RR2 in Schedule 8 as the Clause is contradictory to Schedule 1 Clause 4 (e) which states that a permanent water supply of no less than 10,000 litres is to be maintained for bush fire fighting purposes outside of urban areas. This water supply is in addition to the requirements under clause 18 of Schedule 1.

2.23 Amend Schedule 1 Clause 34 by inserting a provision relating to Telecommunications Infrastructure

It is proposed to insert a new clause at the start of Clause 34 in Schedule 1 to

identify that application for development approval is required for the development of Telecommunications Infrastructure excluding those listed in the Telecommunications Low Impact Facilities Determination 1997 and subsequent amendments to that determination.

2.24 Amend a portion of Reserve 22796 to 'Environmental Conservation'

Since the gazettal of Local Planning Scheme No. 24 it has become apparent that a portion of Reserve 2796 was zoned 'Ocean/Waterways' in error. This amendment seeks to apply an appropriate reservation.

2.25 Amend Reserve 42379 to 'Infrastructure Services'

Since the gazettal of Local Planning Scheme No. 24 it has become apparent that Reserve 42379 located on figure of Cull Island (part of Reserve 22796) was unzoned. To correct this and reflect the purpose of the reserve which is conservation, navigation, communication, meteorology and survey is deemed that 'Infrastructure Services' fits best.

2.26 Amend Reserve 48955 to 'Infrastructure Services'

Since the gazettal of Local Planning Scheme No. 24 it has become apparent that Reserve 48955 located on figure of Eight Island (part of Reserve 22796) was unzoned. To correct this and reflect the purpose of the reserve which is Navigation, communication, meteorology, survey and conservation is deemed that 'Infrastructure Services' fits best.

2.27 Amend a portion of Lot 3030 White Street, Nulsen to 'Residential' R40

Since the gazettal of Local Planning Scheme No. 24 it has become apparent that a portion of Lot 3030 White Street, Nulsen was given a density of R20 in error. This portion of the site had a density of R40 under LPS No. 23 and is consistent with the Structure Plan endorsed for the site.

2.28 Amend Schedule 1 Clause 24 by renumbering subclause '(a)' to '(b)'

It is proposed to move subclause (a) to allow the insertion of a new subclause.

2.29 Amending Schedule 1 Clause 24 by inserting a new subclause (a)

It is proposed to insert a new subclause (a) that requires all 'Repurposed dwelling' to obtain planning approval.

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 five broad categories:

1. Assigning landscaping and parking requirements in Schedule 7
2. Relating Schedule 6 and 7
3. Introducing parking provisions
4. Clarifying density bonus provisions
5. Correct omissions in the drafting of Scheme 24.

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. 1

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:

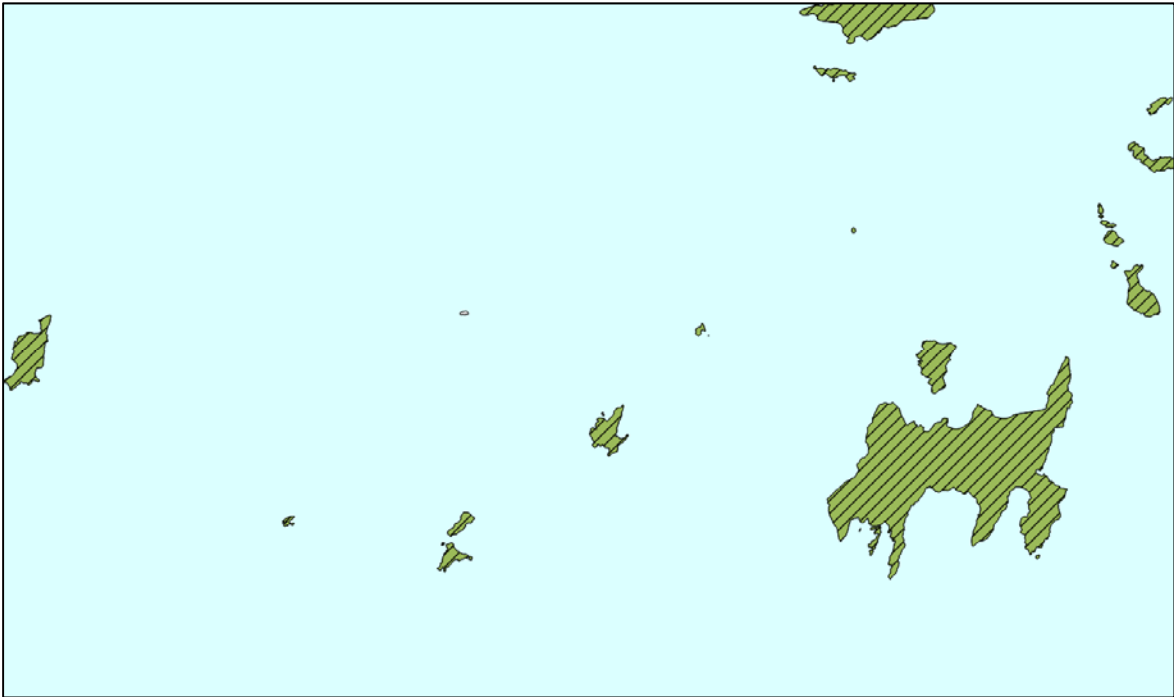
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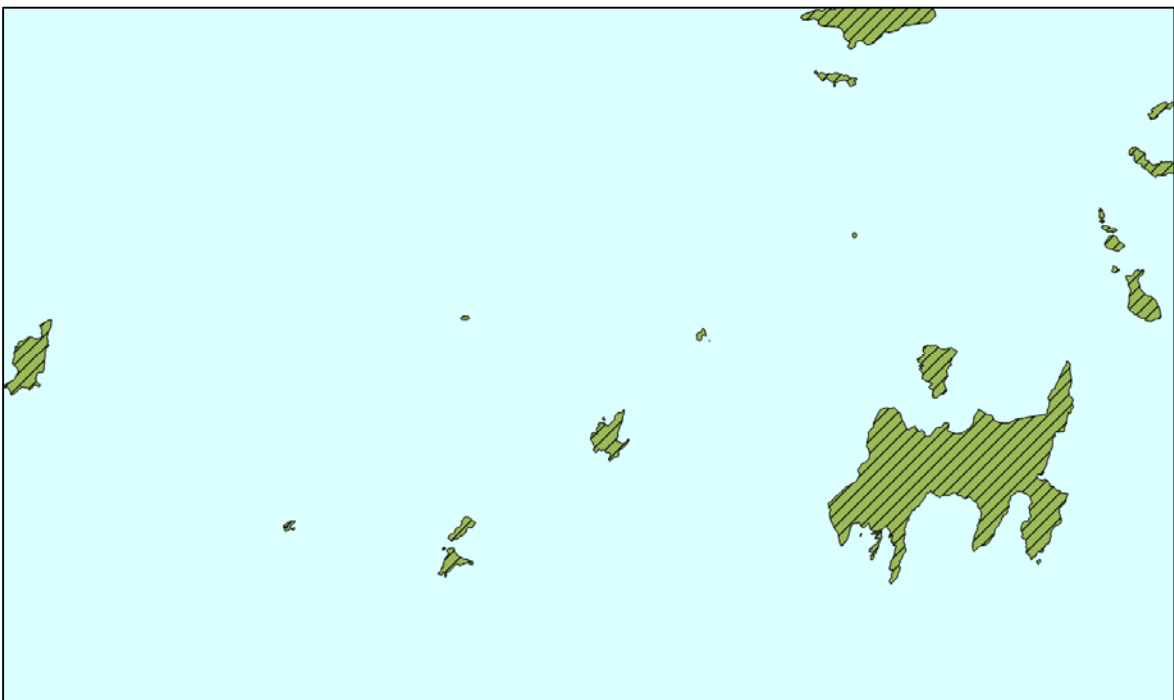
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 - (b) Where a proposed development is adjacent to on street parking and is within the Commercial zone or Additional Use A6, the local government may approve a reduced number of bays specified in Schedule 6 or 7 having due regard to subclause (a) when considering the total number of parking spaces required for the development.'
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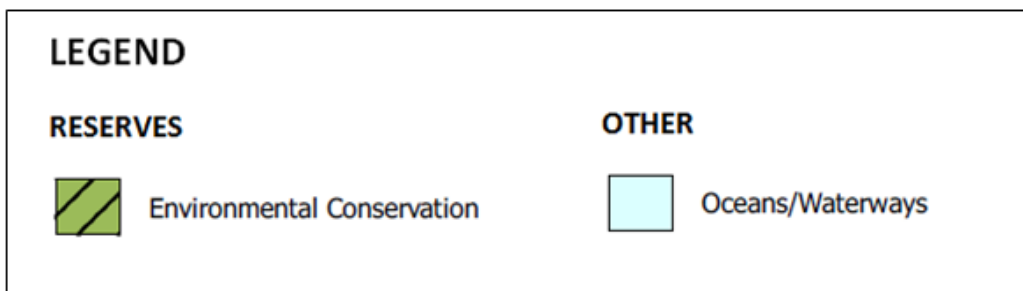
'Notwithstanding any other requirement of the Scheme, all Repurposed dwelling require the planning approval of the local government.'



Current Zoning

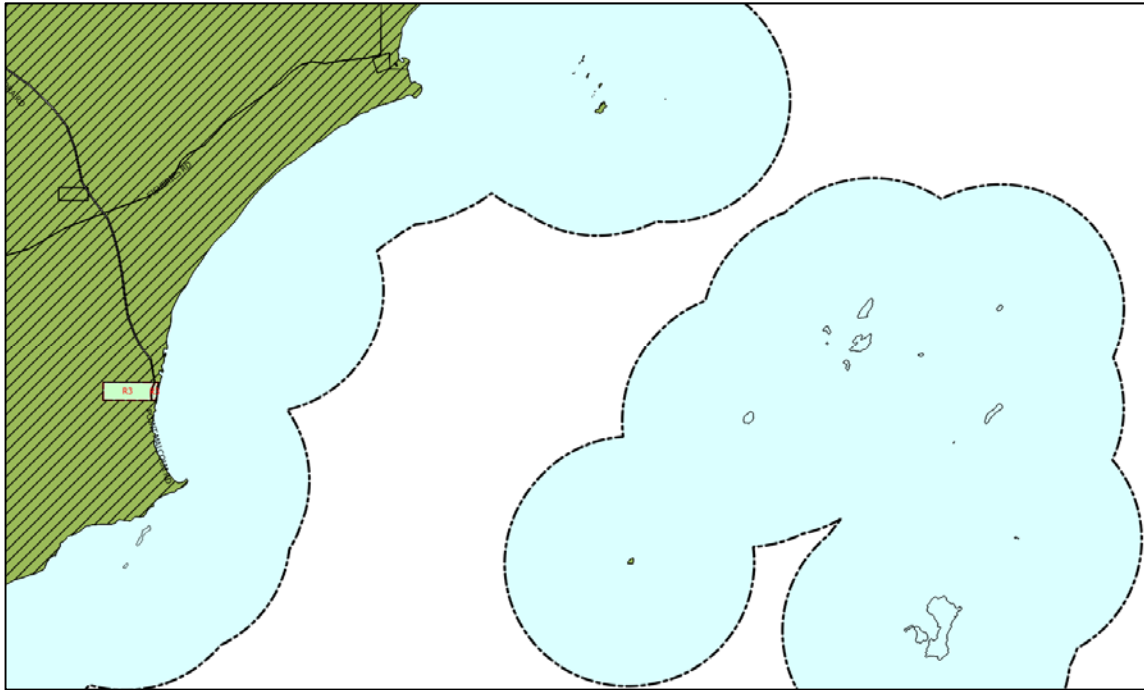


Proposed Zoning

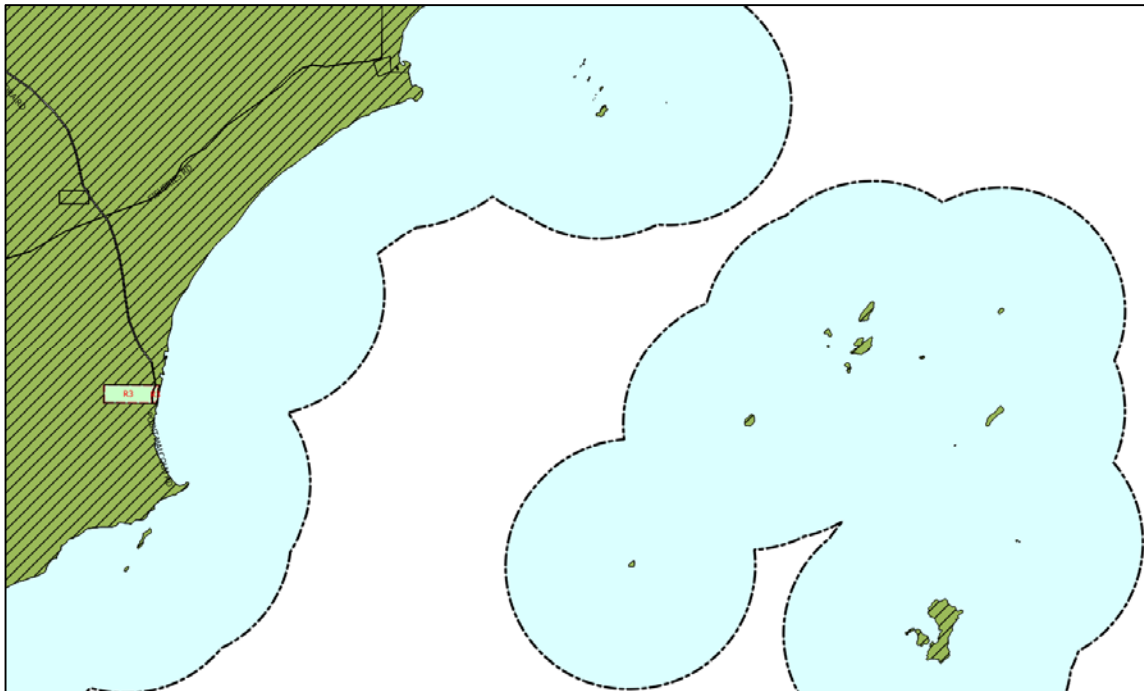


SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24




AMENDMENT NO. 1



Current Zoning

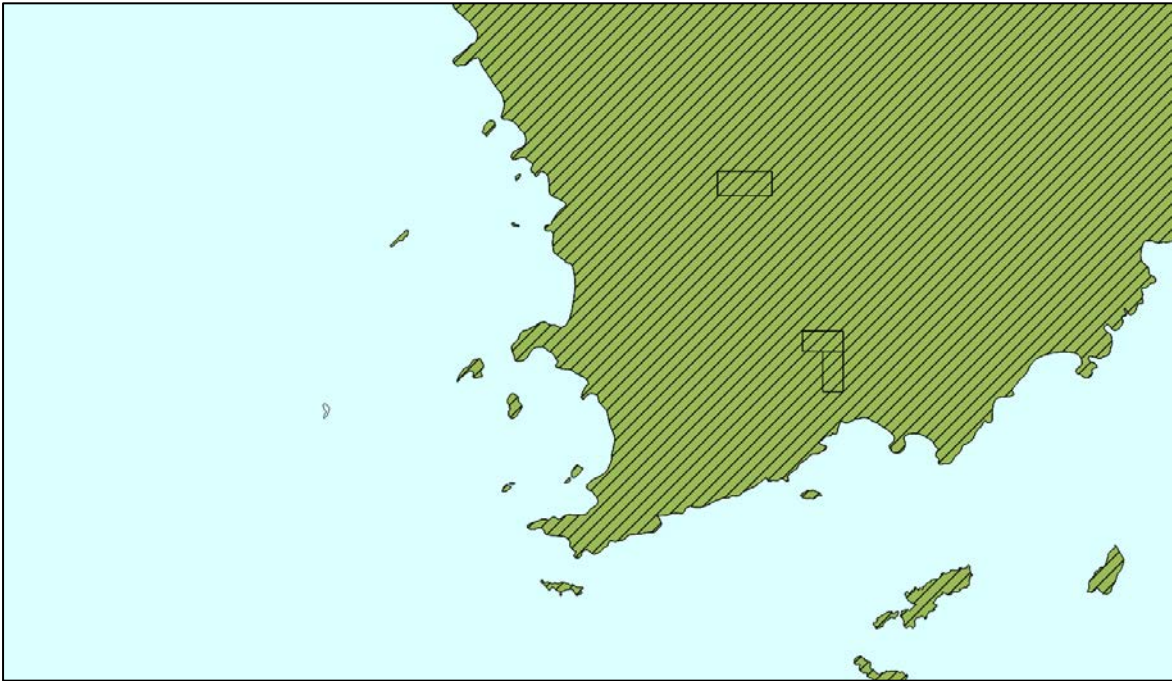


Proposed Zoning

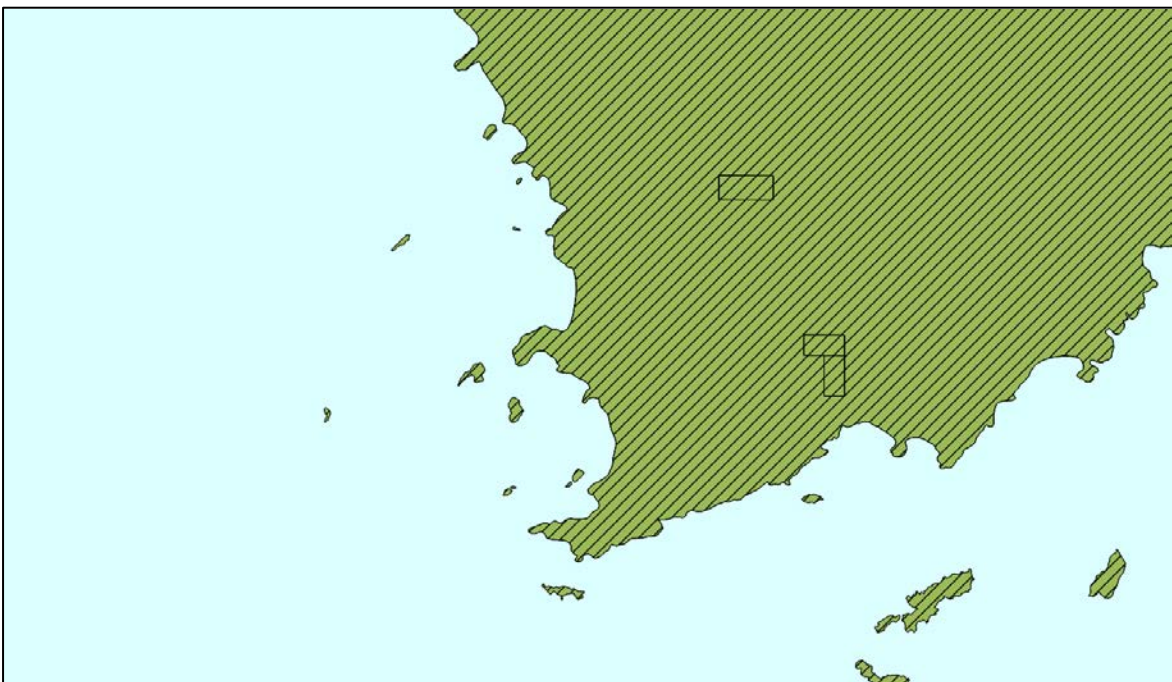
LEGEND	
RESERVES	
	Environmental Conservation
OTHER	
	Oceans/Waterways
	Scheme Boundary

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24



AMENDMENT NO. 1



Current Zoning

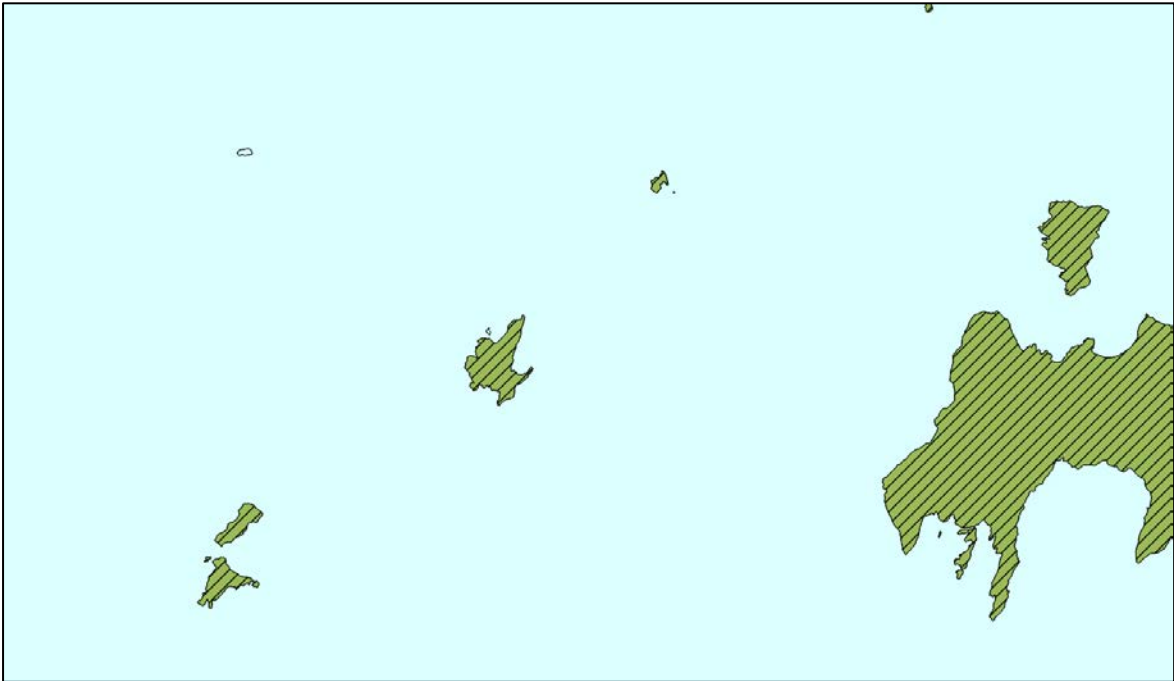


Proposed Zoning

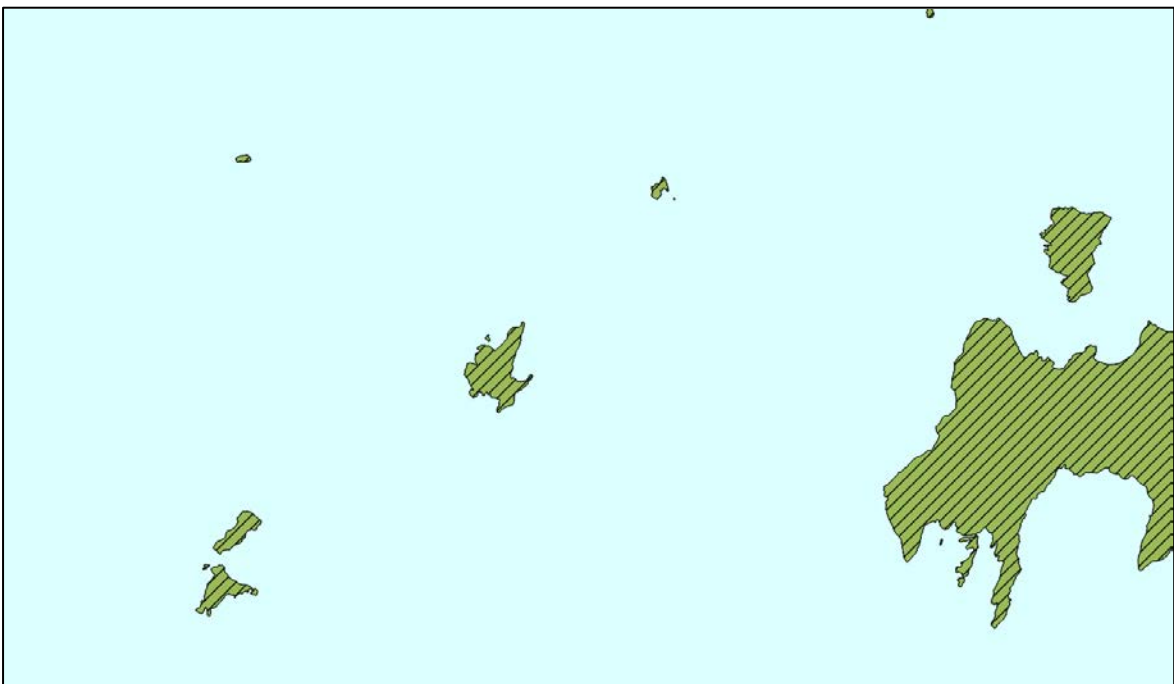
LEGEND	
RESERVES	OTHER
 Environmental Conservation	 Oceans/Waterways

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

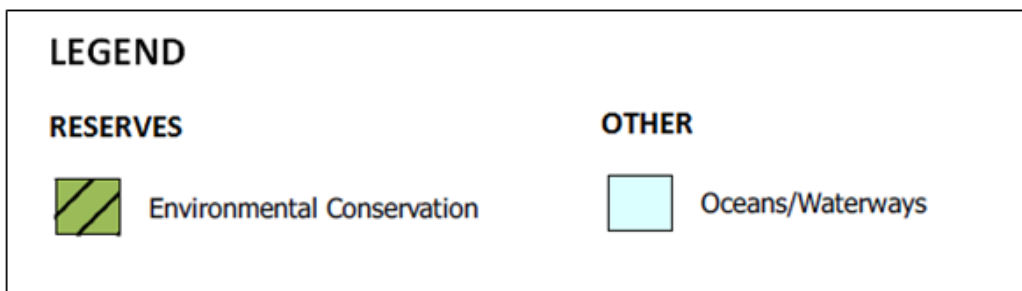
AMENDMENT NO. 1



Current Zoning

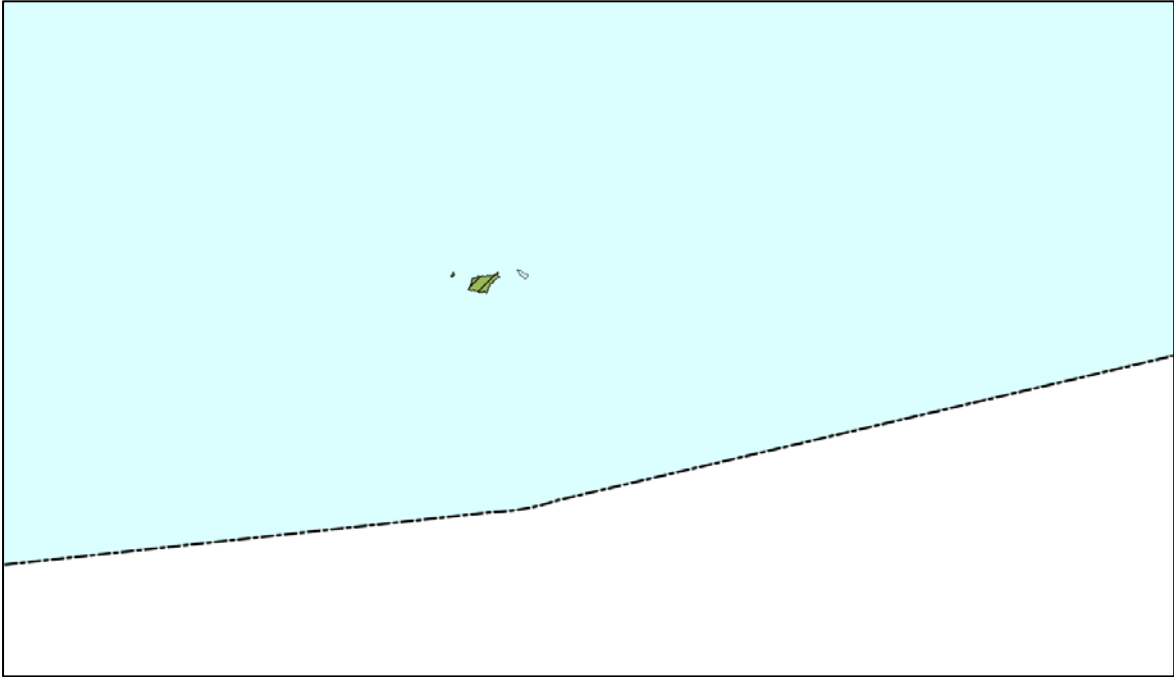


Proposed Zoning

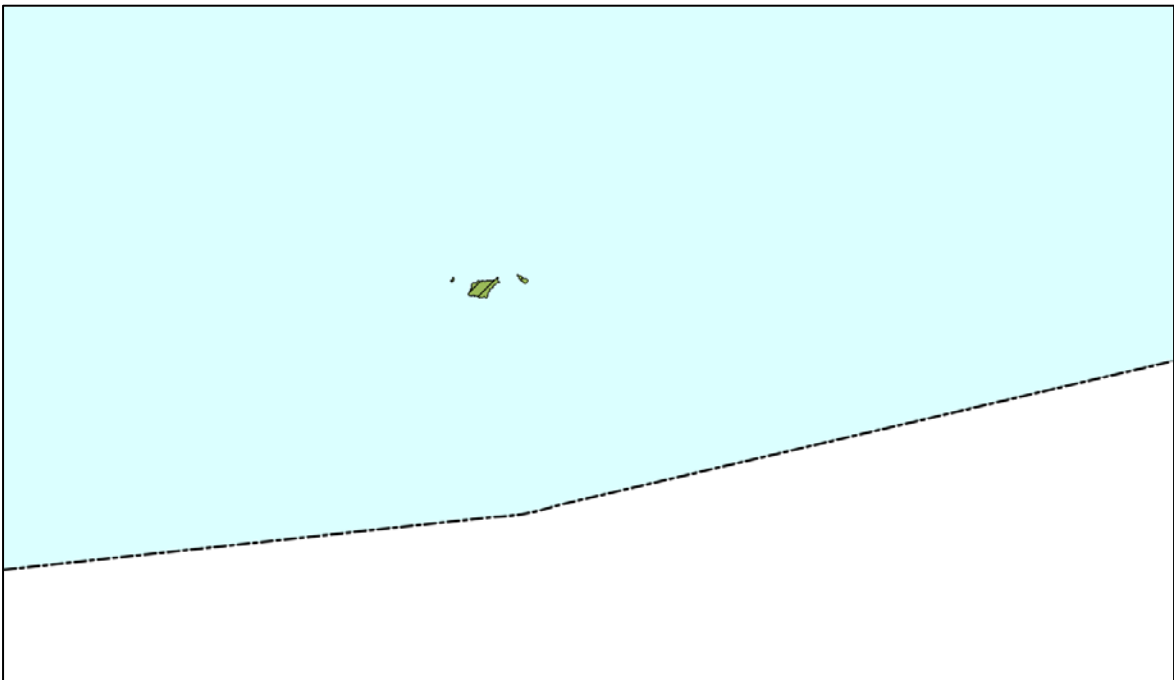


SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24




AMENDMENT NO. 1



Current Zoning

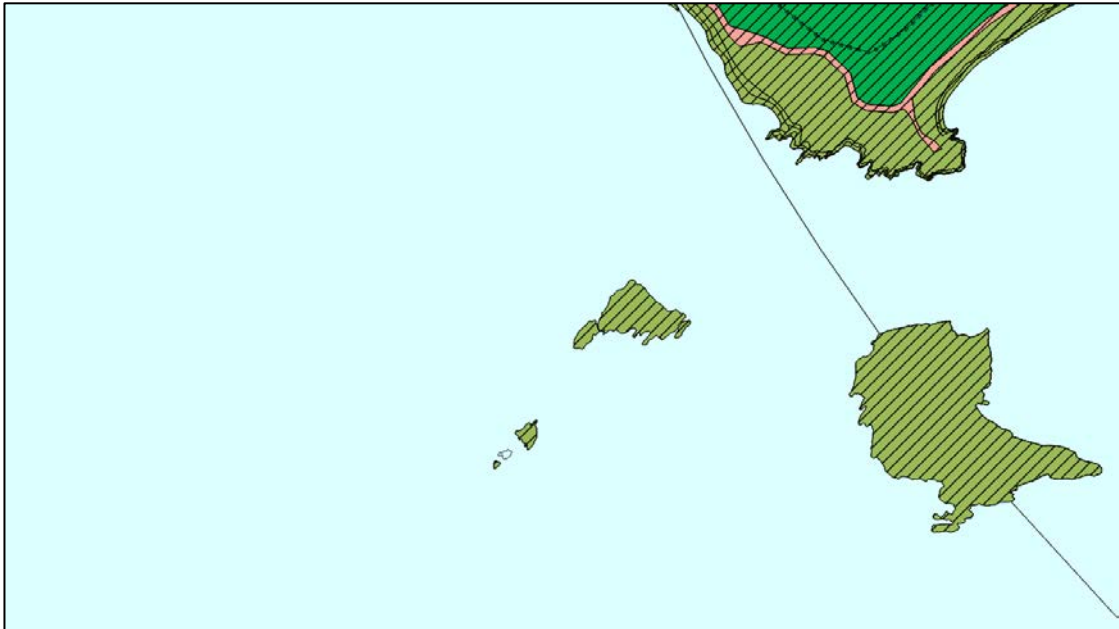


Proposed Zoning

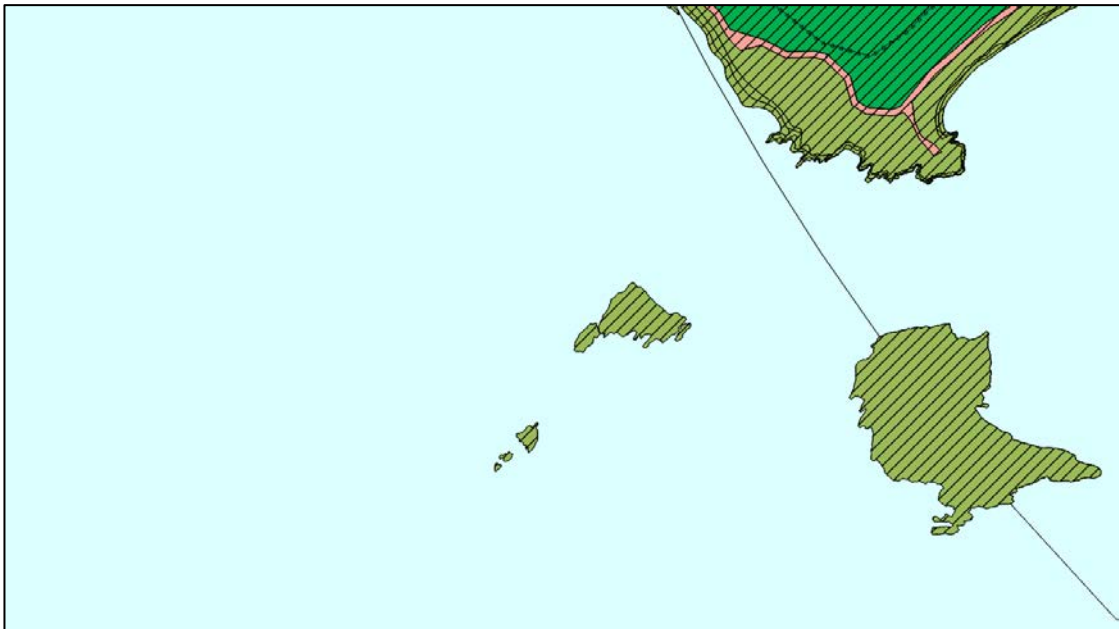
LEGEND	
RESERVES	OTHER
 Environmental Conservation	 Oceans/Waterways
	 Scheme Boundary

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24





AMENDMENT NO. 1



Current Zoning

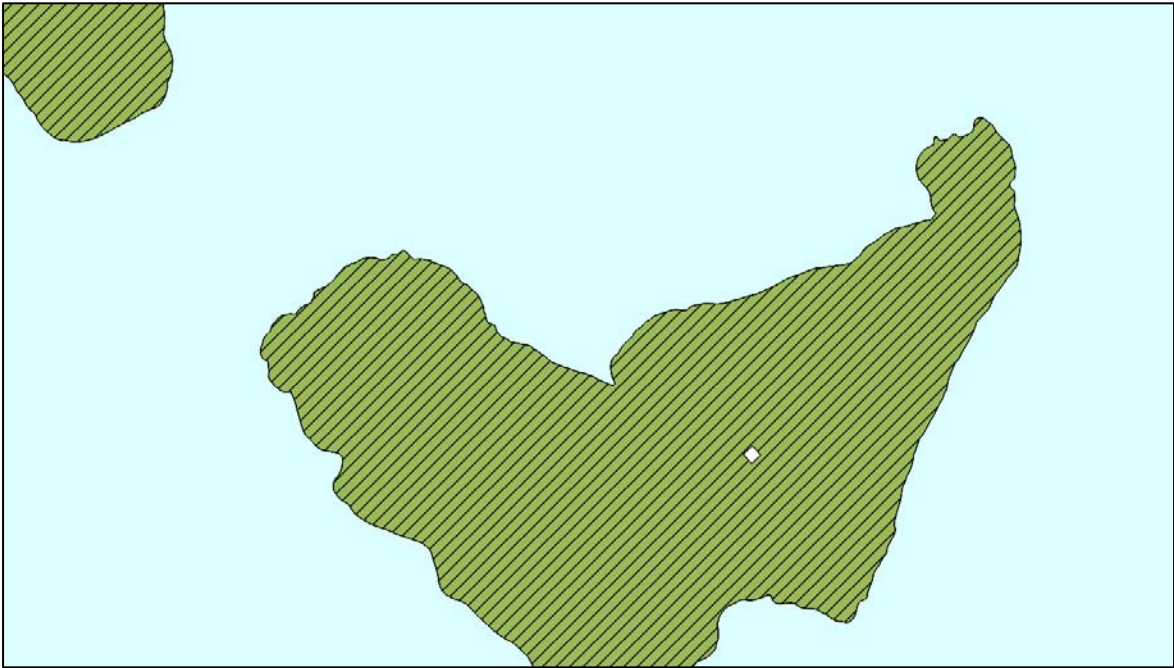


Proposed Zoning

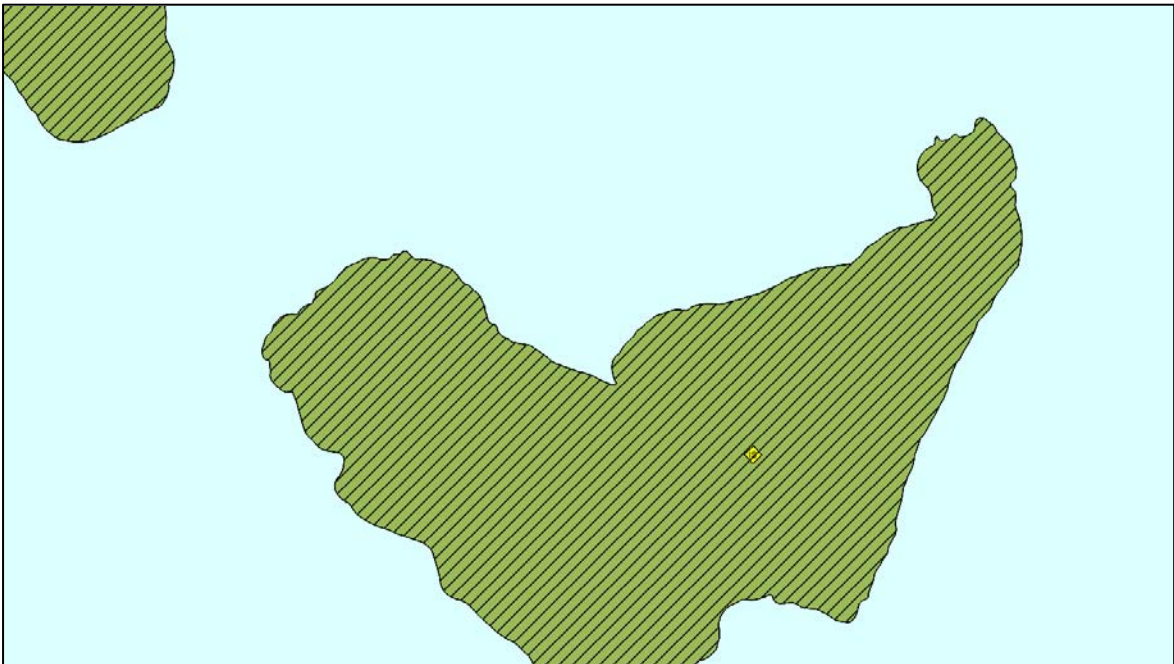
LEGEND	
RESERVES	OTHER
 Environmental Conservation	 Oceans/Waterways
 Public Open Space	
 Local Distributor Road	

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 1



Current Zoning



Proposed Zoning

LEGEND

RESERVES



Environmental Conservation



IS - Infrastructure Services

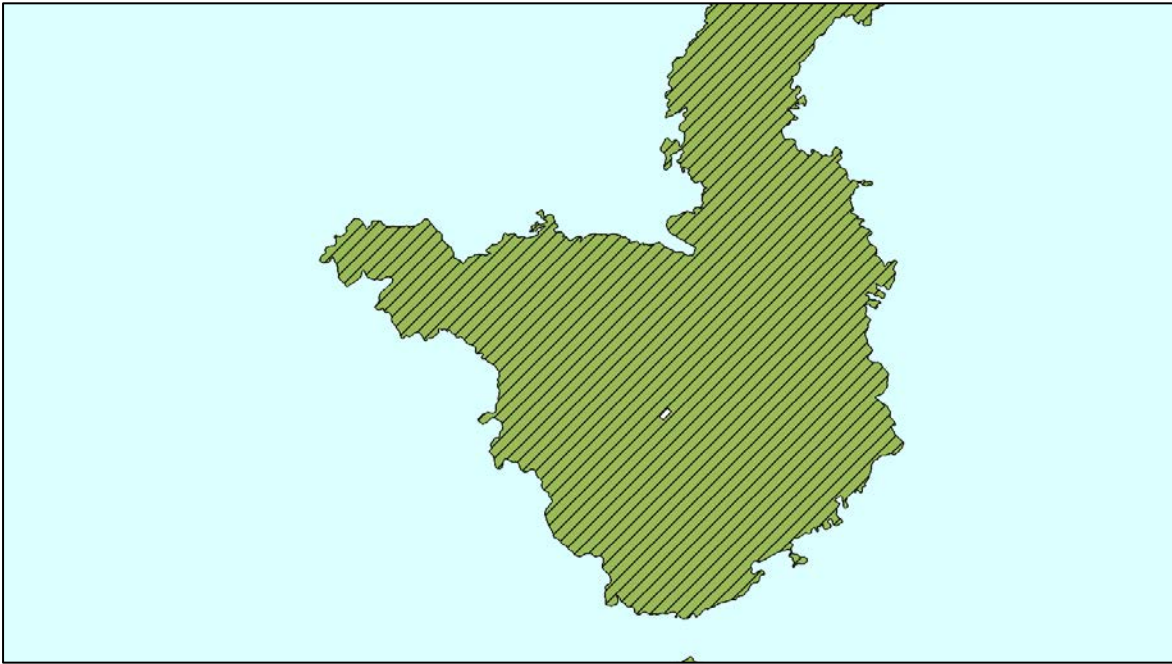
OTHER



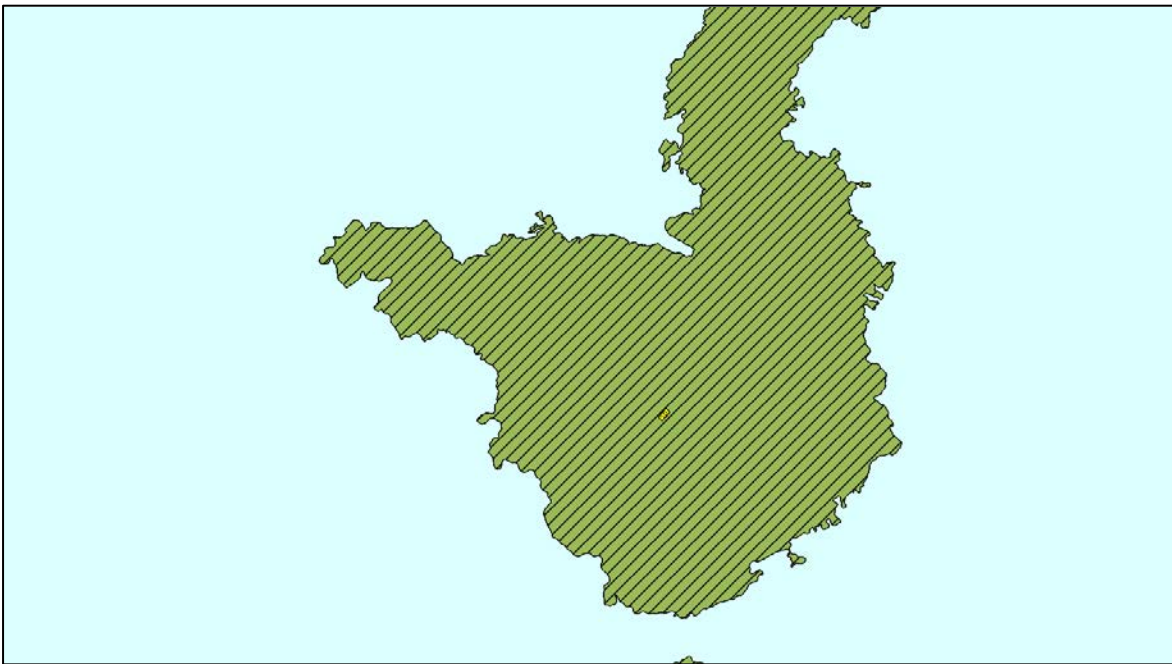
Oceans/Waterways

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 1



Current Zoning



Proposed Zoning

LEGEND

RESERVES



Environmental Conservation



IS - Infrastructure Services

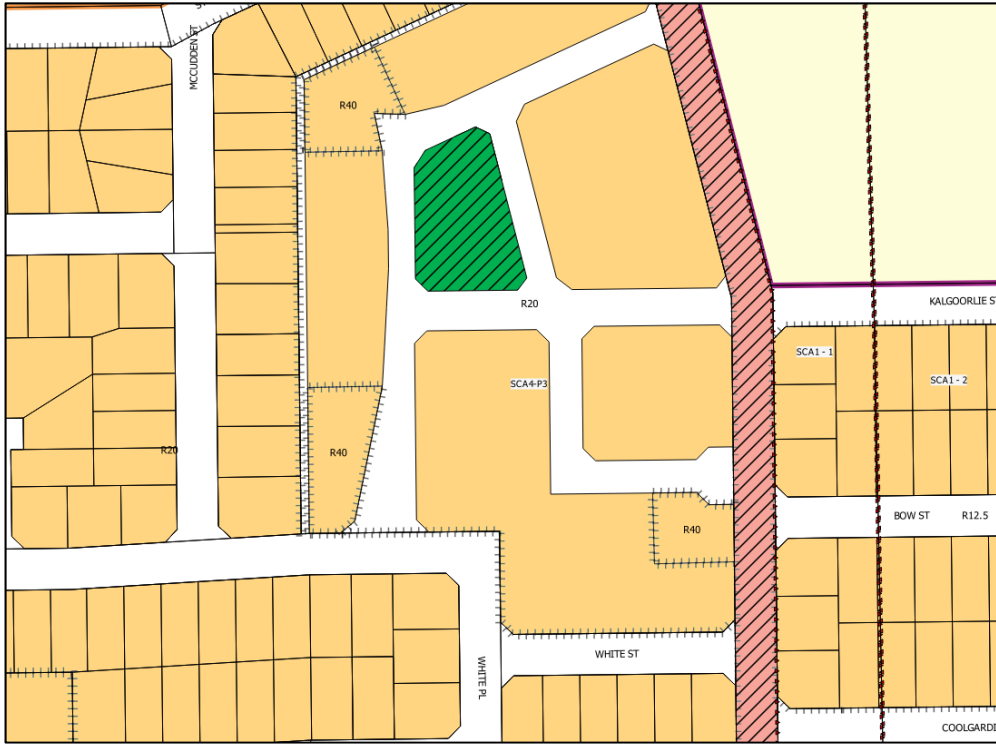
OTHER



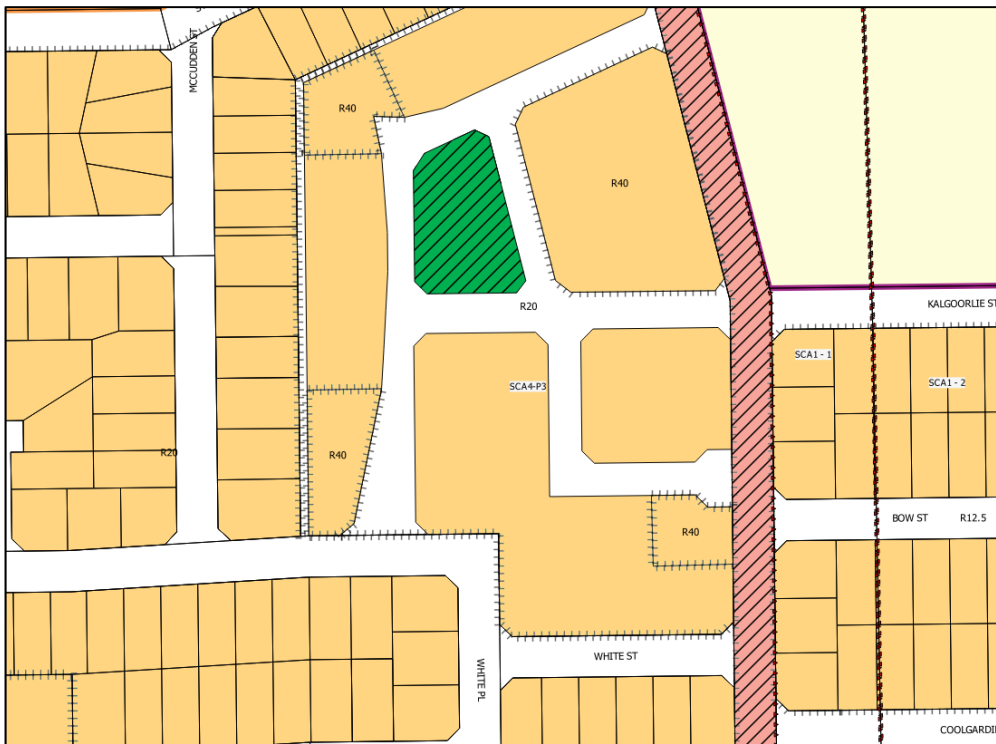
Oceans/Waterways

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24






AMENDMENT NO. 1



Current Zoning



Proposed Zoning

LEGEND		RESERVES	OTHER
ZONES			
 Residential		 Local Distributor Road	 R-Codes
 Industrial Development		 Public Open Space	


SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 1

COUNCIL ADOPTION

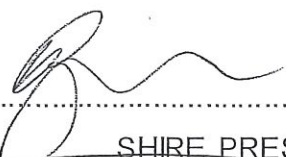
This Standard Amendment was adopted by resolution of the Council of the Shire of Esperance at the Ordinary Meeting of the Council held on the 22 day of AUGUST, 2017



.....
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 22 day of AUGUST, 2017, proceed to advertise this Amendment.


.....
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.....