



Shire of
Esperance
We make it happen!

SHIRE OF ESPERANCE
LOCAL PLANNING SCHEME NO. 24
AMENDMENT NO. 9

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION TO ADOPT AMENDMENT
TO LOCAL PLANNING SCHEMESHIRE OF ESPERANCE
LOCAL PLANNING SCHEME NO. 24
AMENDMENT NO. 9

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 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Aged care facility' in the 'Rural Townsite' zone.
2. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'X' with an 'D' for 'Art gallery' in the 'Rural Smallholdings' zone.
3. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Brewery' in the 'Rural Residential' zone and the 'A' with an 'I' in the 'Local Centre' and 'Mixed Use' zones.
4. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'X' with an 'I' for 'Brewery' in the 'Tourism' zone.
5. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Civic use' in the 'Residential' zone and the 'D' with an 'X' in the 'Rural Residential', 'Rural Smallholdings' and 'Tourism' zones.
6. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Club premises' in the 'Rural Smallholdings' zone.
7. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Corrective institution' in the 'General Industry' zone.
8. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'D' with an 'X' for 'Exhibition centre' in the 'Rural Residential' zone.
9. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'D' for 'Home business' in the 'Residential' zone.
10. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'D' with an 'I' for 'Home business' in the 'Tourism' zone.
11. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'D' for 'Hotel' in the 'Tourism' zone.
12. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'X' with an 'I' for 'Office' in the 'Tourism' zone.
13. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'X' with an 'I' for 'Outbuilding' in the 'Commercial', 'Local Centre' and 'Tourism' zones.
14. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'X' with an 'D' for 'Residential building' in the 'Tourism' zone.

15. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'I' for 'Service Station' in the 'Tourism' zone.
16. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'I' with an 'D' for 'Single House' in the 'Tourism' zone.
17. Amending Schedule 1 Clause 28 by inserting new subclauses after (c) as follows:
 - (d) Unless determined otherwise by the Local Government, any approval granted for the development of a holiday house will have a limited duration as follows:
 - (i) An initial approval of one year (12 months) from the date of issuance, with any subsequent renewal being for a period of up to four years (48 months).
 - (ii) Any application for renewal must be made prior to the approved time period expiring. Any application received after the approved time period expires will be treated as a new application.
 - (iii) Where complaints against an approved Holiday House are received by the Shire of Esperance, further approval may not be granted unless the matters outlined in the complaints are adequately addressed.
 - (e) Any renewal will be treated as a minor amendment, with the appropriate application fees applying.
 - (f) The renewal of a holiday house will not require advertising in accordance with clause 64 of the deemed provisions
18. Amending Schedule 1 by inserting a new Clause 40 as follows:

'40. Cat Control

 - (a) All cats are to be registered in accordance with the provisions of *the Cat Act 2011*.
 - (b) No cat is permitted to leave a property unless under the control of a responsible person.
 - (c) If the local government forms the opinion that there has been a breach of the requirements of subclauses (a) and (b) it may, in writing, require the owner to make good the breach in the manner and within the time stated in the notice. The notice may be served on the owner personally or by posting it to the last address of the owner known by the local government, and if served by post, shall be deemed to have been served three (3) clear days after the date of posting.
 - (d) A person to whom a notice under this clause is given may apply for a review of the requirement to the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14.
 - (e) Failure to comply with a notice under this clause shall be a breach of the provisions of this Scheme.'
19. Amending Schedule 3 Additional Use A28 by inserting a new point in the Development Standards/Conditions column as 'Strata subdivision for tourism development is to comply with the R50 density.'
20. Amending Schedule 3 and the Scheme Map as depicted on the Scheme Amendment Map by adding an Additional Use with the following:

No.	Location	Base Zone	Additional Use(s)	Development Standards/Conditions
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A30	Lots 70 – 74 The Esplanade, Esperance	Commercial	As a 'D' use • Single house	As determined by the local government.
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21. Amending the Scheme Map by rezoning Lot 501 on Plan 415326 from 'Local Road' to 'Public Open Space' as depicted on the Scheme Amendment Map.
22. Amending the Scheme Map by rezoning the portion of unnamed road surrounded by Reserve 3473 from 'Local Road' to 'Cemetery' as depicted on the Scheme Amendment Map.
23. Amending the Scheme Map by rezoning the road widening shown on Deposited Plan 421653 from 'Rural Residential' to 'Primary Distributor Road' as depicted on the Scheme Amendment Map.
24. Amending the Scheme Map by rezoning portions of Lot 100 on Plan 421077 from 'Local Road' and 'Public Open Space' to 'Residential' with a density of R12.5 as depicted on the Scheme Amendment Map.
25. Amending the Scheme Map by rezoning portions of Lot 100 on Plan 416189 from 'Local Road' and 'Commercial' as depicted on the Scheme Amendment Map.
26. Amending the Scheme Map by rezoning Lot 134 on Plan 222409 from 'Residential' with a density of 'R30' to Tourism as depicted on the Scheme Amendment Map.

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

- (b) 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 20 day
of December 2022


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 review of land use permissibilities has been undertaken.

This amendment seeks to Introducing requirements for cat control.

This amendment seeks to implement a renewal process for Holiday Homes as a result of the recent consultation process undertaken on the Regulation of Holiday Houses in the Shire of Esperance.

A new additional use is proposed taking into account current land usage.

This amendment proposes several modifications to the Scheme Map to take into account and changes to reserves and roads as well as taking into account adjoining land use and ownership

The specific details of this amendment are specified below.

2. AMENDMENT PROPOSAL

2.1 Amend Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Aged care facility' in the 'Rural Townsite' zone.

Table 4 – Zoning and Land Use Table shows an 'Aged care facility' as an 'A' use within the 'Rural Townsite' zone. It is proposed to make this land use a 'X' use in the 'Rural Townsite' zone as it is not consistent with the zone objectives and it is considered an inappropriate development type in the zone. It also should be noted that there are no 'Rural Townsite' zoned properties of sufficient size to permit an 'Aged Care Facility'.

2.2 Amend Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'X' with an 'D' for 'Art gallery' in the 'Rural Smallholdings' zone

Table 4 – Zoning and Land Use Table shows an 'Art gallery' as an 'X' use within the 'Rural Smallholdings' zone. It is proposed to make this land use an 'D' use in the 'Rural Smallholdings' zone as it is considered to be compatible with the zone objectives and it is considered an appropriate development type in the zone.

2.3 Amend Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Brewery' in the 'Rural Residential' zone and the 'A' with an 'I' in the 'Local Centre' and 'Mixed Use' zones.

Table 4 – Zoning and Land Use Table shows a 'Brewery' as an 'A' use within the 'Rural Residential', 'Local Centre' and 'Mixed Use' zones. It is proposed to make this land use an 'X' use in the 'Rural Residential' zone and an 'I' use in the 'Local Centre' and 'Mixed Use' zones. The proposed changes in the 'Local Centre' and 'Mixed Use' zones are considered to be compatible with the zone objectives. The proposed

change to the 'Rural Residential' zone to take into account the environmental sensitive areas that are in close proximity to 'Rural Residential' zoned land.

- 2.4 Amend Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'X' with an 'I' for 'Brewery' in the 'Tourism' zone.**

Table 4 – Zoning and Land Use Table shows a 'Brewery' as a 'X' use within the 'Tourism' zone. It is proposed to make this land use an 'A' use in the 'Tourism' zone as the nature of the use is considered compatible with the objectives for the zone.

- 2.5 Amend Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Civic use' in the 'Residential' zone and the 'D' with an 'X' in the 'Rural Residential', 'Rural Smallholdings' and 'Tourism' zones.**

Table 4 – Zoning and Land Use Table shows a 'Civic use' as a 'A' use within the 'Residential' zone and a 'D' use in the 'Rural Residential', 'Rural Smallholdings' and 'Tourism' zones. It is proposed to make this land use an 'X' use in the 'Residential', 'Rural Residential', 'Rural Smallholdings' and 'Tourism' zones as the nature of the use is considered incompatible with the objectives for each of the zones.

- 2.6 Amend Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Club premises' in the 'Rural Smallholdings' zone.**

Table 4 – Zoning and Land Use Table shows a 'Club premises' as a 'A' use within the 'Rural Smallholdings' zone. It is proposed to make this land use an 'X' use in the 'Rural Smallholdings' zone as the nature of the use is considered incompatible with the objectives of the zone.

- 2.7 Amend Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Corrective institution' in the 'General Industry' zone.**

Table 4 – Zoning and Land Use Table shows a 'Corrective institution' as a 'A' use within the 'General Industry' zone. It is proposed to make this land use an 'X' use in the 'General Industry' zone as the nature of the use is considered incompatible with the objectives of the zone.

- 2.8 Amend Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'D' with an 'X' for 'Exhibition centre' in the 'Rural Residential' zone.**

Table 4 – Zoning and Land Use Table shows an 'Exhibition centre' as a 'D' use within the 'Rural Residential' zone. It is proposed to make this land use an 'X' use in the 'Rural Residential' zone as the nature of the use is considered incompatible with the objectives of the zone.

- 2.9 Amend Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'D' for Home business' in the 'Residential' zone.**

Table 4 – Zoning and Land Use Table shows a 'Home Business' as a 'A' use within the 'Residential' zone. It is proposed to make this a 'D' use in the 'Residential' zone and this is consistent with the Actions identified in the Small Business Friendly Program Workshop held by the Small Business Development Corporation.

- 2.10 Amend Clause 17, Table 4 – Zoning and Land Use Table by replacing the ‘D’ with an ‘I’ for Home business’ in the ‘Tourism’ zone.**

Table 4 – Zoning and Land Use Table shows a ‘Home Business’ as a ‘D’ use within the ‘Tourism’ zone. It is proposed to make this land use an ‘I’ use in the ‘Tourism’ zone as the nature of the use is considered broadly compatible with the objectives for the zone.

- 2.11 Amend Clause 17, Table 4 – Zoning and Land Use Table by replacing the ‘A’ with an ‘D’ for ‘Hotel’ in the ‘Tourism’ zone**

Table 4 – Zoning and Land Use Table shows a ‘Hotel’ as an ‘A’ use within the ‘Tourism’ zone. It is proposed to make this land use an ‘D’ use in the ‘Tourism’ zone as the nature of the use is considered compatible with the objectives for the zone

- 2.12 Amend Clause 17, Table 4 – Zoning and Land Use Table by replacing the ‘X’ with an ‘I’ for ‘Office’ in the ‘Tourism’ zone.**

Table 4 – Zoning and Land Use Table shows an ‘Office’ as an ‘X’ use in the ‘Tourism’ zone. It is proposed to make this land use an ‘I’ use in the ‘Tourism’ zone as the incidental nature of this use is considered compatible with the objectives for the zone.

- 2.13 Amend Clause 17, Table 4 – Zoning and Land Use Table by replacing the ‘X’ with an ‘I’ for ‘Outbuilding’ in the ‘Commercial’, ‘Local Centre’ and ‘Tourism’ zones.**

Table 4 – Zoning and Land Use Table shows an ‘Outbuilding’ as an ‘X’ use in the ‘Commercial’, ‘Local Centre’ and ‘Tourism’ zones. It is proposed to make this land use an ‘I’ use in the ‘Commercial’, ‘Local Centre’ and ‘Tourism’ zones as the nature of the use is considered compatible with development in each of these zones.

- 2.14 Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the ‘X’ with an ‘D’ for ‘Residential building’ in the ‘Tourism’ zone.**

Table 4 – Zoning and Land Use Table shows a ‘Residential building’ as an ‘X’ use in the ‘Tourism’ zone. It is proposed to make this land use an ‘D’ use in the ‘Tourism’ zone as the nature of the use is considered compatible with the objectives for the zone

- 2.15 Amend Clause 17, Table 4 – Zoning and Land Use Table by replacing the ‘A’ with an ‘I’ for ‘Service Station’ in the ‘Tourism’ zone**

Table 4 – Zoning and Land Use Table shows a ‘Service Station’ as an ‘A’ use in the ‘Tourism’ zone. It is proposed to make this land use an ‘I’ use in the ‘Tourism’ zone as the nature of the use as incidental to a tourism development is considered compatible with the objectives for the zone.

- 2.16 Amend Clause 17, Table 4 – Zoning and Land Use Table by replacing the ‘I’ with an ‘D’ for ‘Single House’ in the ‘Tourism’ zone.**

Table 4 – Zoning and Land Use Table shows a ‘Residential building’ as an ‘I’ use in the ‘Tourism’ zone. It is proposed to make this land use an ‘D’ use in the ‘Tourism’ zone as the nature of the use is considered compatible with the objectives for the zone

2.17 Amend Schedule 1 Clause 28 by inserting new subclauses after (c) to apply a renewal process for Holiday home

This amendment seeks to implement a renewal process for Holiday Homes as a result of the recent consultation process undertaken on the Regulation of Holiday Houses in the Shire of Esperance.

The proposal introduces a first year requirement for a renewal to be sought with all subsequent approvals being issued on a 4 year rotation. In order to qualify for a renewal; an application must be made prior to the previously approved time period expiring.

In addition, where complaints against an approved Holiday House are received by the Shire, further approval may not be granted unless the matters outlined in the complaints are adequately addressed.

This proposal will only apply to new applications any existing Holiday houses can continue to operate under their original approvals.

2.18 Amend Schedule 1 by inserting a new Clause 40

It is proposed to introduce a new provision into Schedule 1 of the Scheme to apply controls on the cats. This is proposed as there are limitations as to what can be implemented in a Cat Local Law. Whilst this cannot be accommodated in the Cat Local Law it is consistent with the objective of the Scheme.

2.19 Amend Schedule 3 Additional Use A28 by inserting a new point in the Development Standards/Conditions column

It is proposed to introduce a new point in the Development Standards/Conditions column to enable the strata subdivision of the site of 'Strata subdivision for tourism development is to comply with the R50 density.'. The condition proposed is consistent with the Plot Ratio of the site which is 2.0.

2.20 Amend Schedule 3 and the Scheme Map as depicted on the Scheme Amendment Map by adding an Additional Use

It is proposed to introduce a new additional use in Schedule 3 on Lots 70 - 74 The Esplanade Esperance for a 'Single house' as a 'D' use. The additional use is consistent with the current use of the land.



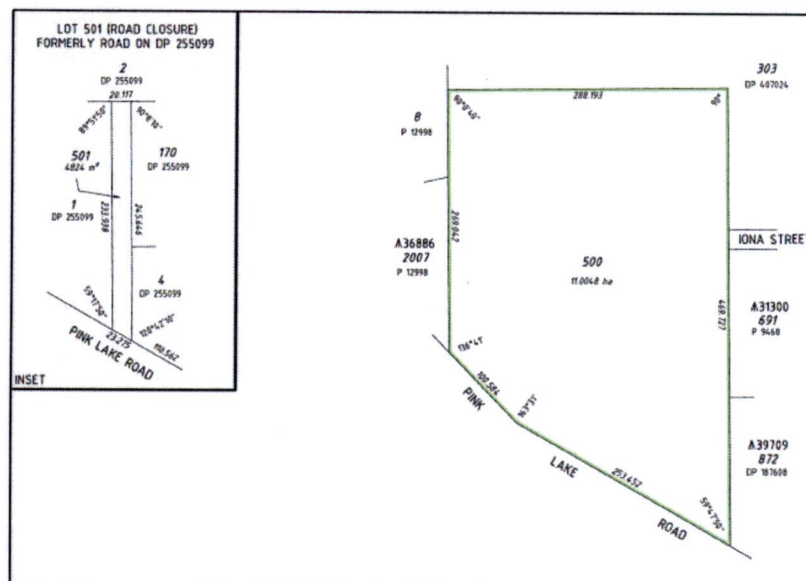
2.21 Amend the Scheme Map by rezoning Lot 501 on Plan 415326 from 'Local Road' to 'Public Open Space' as depicted on the Scheme Amendment Map.

Lot 501 on Plan 415326 on Grigg Street, Scaddan is a closed road that has been incorporated into Reserve 34514. This modification applies the same reservation as the remainder of Reserve 34514.



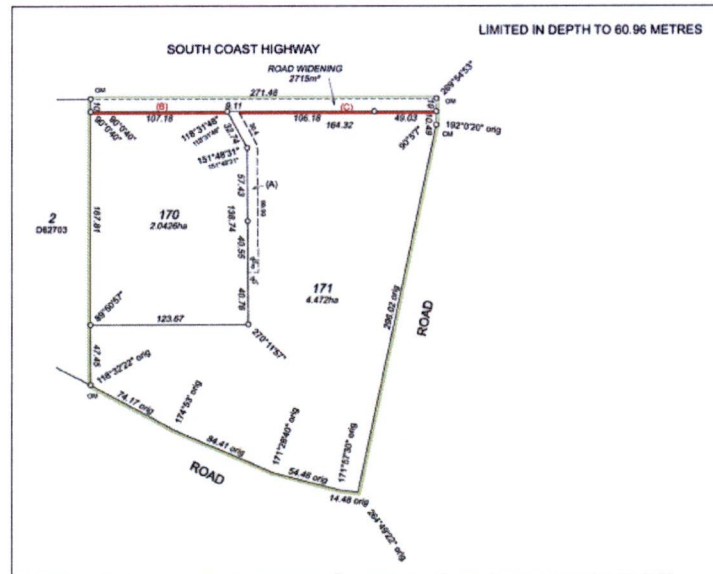
2.22 Amend the Scheme Map by rezoning the portion of unnamed road surrounded by Reserve 3473 from 'Local Road' to 'Cemetery' as depicted on the Scheme Amendment Map.

The portion of unnamed road that is within the Esperance Cemetery has been closed and is being amalgamated with the surrounding reserve. This modification applies the same reservation as the remainder of Reserve 3473.



2.23 Amend the Scheme Map by rezoning the road widening shown on Deposited Plan 421653 from 'Rural Residential' to 'Primary Distributor Road' as depicted on the Scheme Amendment Map.

As part of the subdivision approval that created Lots 170 and 171 South Coast Highway a 10-metre-wide section adjacent to South Coast Highway was seceded as a Road widening. This modification applies the same reservation as the remainder of South Coast Highway.



- 2.24 Amend the Scheme Map by rezoning portions of Lot 100 on Plan 421077 from 'Local Road' and 'Public Open Space' to 'Residential' with a density of R12.5 as depicted on the Scheme Amendment Map.**

A recent road closure and surrender of a portion of Reserve 39453 require the zoning to be changed to reflect the new tenure of the land.



- 2.25 Amend the Scheme Map by rezoning portions of Lot 100 on Plan 416189 from 'Local Road' and 'Commercial' as depicted on the Scheme Amendment Map.**

A recent road closure and its amalgamation with the adjoining lot require the zoning to be changed to reflect the new tenure of the land.



- 2.26 Amend the Scheme Map by rezoning Lot 134 on Plan 222409 from 'Residential' with a density of 'R30' to Tourism as depicted on the Scheme Amendment Map.** A review of the Scheme Map identified that Lot 134 Dempster Street, Esperance was zoned differently to the remainder of the commonly held lots that contain the Bayview Motel. This modification applies the same zoning across all of the subject lots.



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 broad categories as follows:

- Amending use permissibility based on the objectives for the zone;

- Introducing a renewal process for Holiday homes;
- Introducing requirements for cat control;
- Amending an Additional Use to take into account usage of a site;
- Introducing new Additional Use to take into account non-conforming uses; and
- Modifications to the Scheme Map to account for omissions and changes to reserves as well as recently closed and dedicated roads.
- Modification to the Scheme Map to take into account adjoining land use and ownership

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. 9

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 Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Aged care facility' in the 'Rural Townsite' zone.
2. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'X' with an 'D' for 'Art gallery' in the 'Rural Smallholdings' zone.
3. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Brewery' in the 'Rural Residential' zone and the 'A' with an 'I' in the 'Local Centre' and 'Mixed Use' zones.
4. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'X' with an 'D' for 'Brewery' in the 'Tourism' zone.
5. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Civic use' in the 'Residential' zone and the 'D' with an 'X' in the 'Rural Residential', 'Rural Smallholdings' and 'Tourism' zones.
6. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Club premises' in the 'Rural Smallholdings' zone.
7. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Corrective institution' in the 'General Industry' zone.
8. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'D' with an 'A' for 'Exhibition centre' in the 'Rural Residential' zone.
9. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'D' for 'Home business' in the 'Residential' zone.
10. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'D' with an 'I' for 'Home business' in the 'Tourism' zone.
11. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'A' with an 'D' for 'Hotel' in the 'Tourism' zone.
12. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'X' with an 'I' for 'Office' in the 'Tourism' zone.
13. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'X' with an 'I' for 'Outbuilding' in the 'Commercial', 'Local Centre' and 'Tourism' zones.
14. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'X' with an 'D' for 'Residential building' in the 'Tourism' zone.

15. Amending Clause 17, Table 4 – Zoning and Land Use Table by replacing the 'I' with an 'D' for 'Single house' in the 'Tourism' zone.
16. Amending Schedule 1 Clause 7 Tourism Zone Provisions by adding a new subclause (c) A Brewery development shall be connected to a reticulated sewerage system to provide for the management of trade waste.
17. Amending Schedule 1 Clause 28 by inserting new subclauses after (c) as follows:
- (d) Unless determined otherwise by the Local Government, any approval granted for the development of a holiday house will have a limited duration as follows:
 - (i) An initial approval of one year (12 months) from the date of issuance, with any subsequent renewal being for a period of up to four years (48 months).
 - (ii) Any application for renewal must be made prior to the approved time period expiring. Any application received after the approved time period expires will be treated as a new application.
 - (iii) Where complaints against an approved Holiday House are received by the Shire of Esperance, further approval may not be granted unless the matters outlined in the complaints are adequately addressed.
 - (e) Any renewal will be treated as a minor amendment, with the appropriate application fees applying.
 - (f) The renewal of a holiday house will not require advertising in accordance with clause 64 of the deemed provisions
18. Amending Schedule 3 and the Scheme Map as depicted on the Scheme Amendment Map by adding an Additional Use with the following:

No.	Location	Base Zone	Additional Use(s)	Development Standards/Conditions
A31	Lots 70 – 74 The Esplanade, Esperance	Commercial	As a 'D' use <ul style="list-style-type: none"> • Single house 	As determined by the local government.

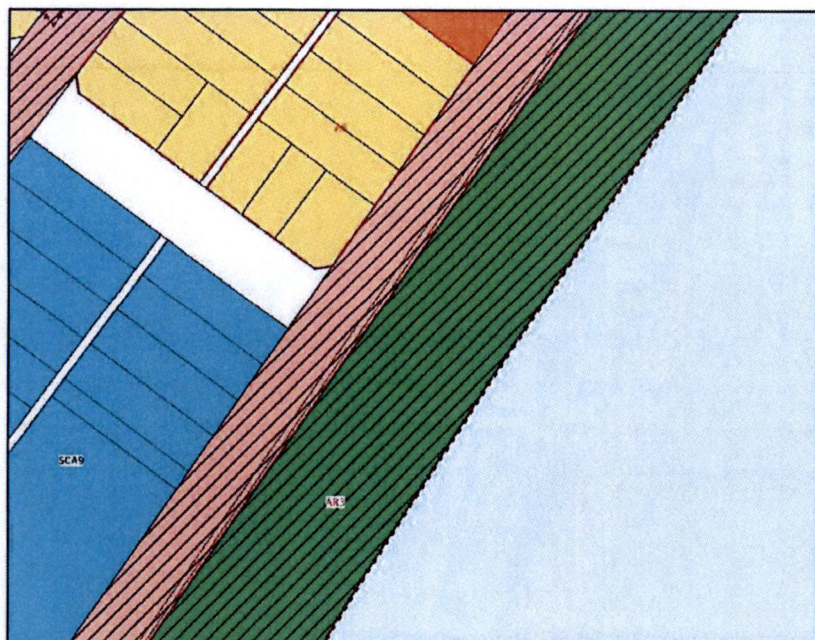
19. Amending Schedule 3 and the Scheme Map by adding an Additional Use with the following:

No.	Location	Base Zone	Additional Use(s)	Development Standards/Conditions
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A32	Lot 1740 Merivale Road, Merivale.	Commercial	<p>As a 'P' use</p> <ul style="list-style-type: none"> • Brewery <p>As a 'D' use</p> <ul style="list-style-type: none"> • Caravan Park • Holiday Accommodation • Restaurant/Café <p>As a 'I' use</p> <ul style="list-style-type: none"> • Shop 	<p>1. The shop is not to have a Net Floor Area in excess of 150m².</p> <p>2. All development shall be setback a minimum of 10 metres from Merivale Road.</p> <p>3. A BAL Rating of BAL-29 or less is to be achieved for all development.</p> <p>4. Any application for development approval is to be accompanied with an associated fire management plan.</p>
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20. Amending the Scheme Map by rezoning Lot 501 on Plan 415326 from 'Local Road' to 'Public Open Space' as depicted on the Scheme Amendment Map.
21. Amending the Scheme Map by rezoning the portion of unnamed road surrounded by Reserve 3473 from 'Local Road' to 'Cemetery' as depicted on the Scheme Amendment Map.
22. Amending the Scheme Map by rezoning the road widening shown on Deposited Plan 421653 from 'Rural Residential' to 'Primary Distributor Road' as depicted on the Scheme Amendment Map.
23. Amending the Scheme Map by rezoning portions of Lot 100 on Plan 421077 from 'Local Road' and 'Public Open Space' to 'Residential' with a density of R12.5 as depicted on the Scheme Amendment Map.
24. Amending the Scheme Map by rezoning portions of Lot 100 on Plan 416189 from 'Local Road' to 'Commercial' as depicted on the Scheme Amendment Map.
25. Amending the Scheme Map by rezoning Lot 134 on Plan 222409 from 'Residential' with a density of 'R30' to Tourism as depicted on the Scheme Amendment Map.
26. Amending the Scheme Map by transferring Lots 50 - 57 Connolly Street, West Beach from the Urban Development zone to the Rural Residential zone.
27. Amending the Scheme Map by transferring the truncation adjacent to Lot 5 Victoria Street, Nulsen from Local Road reserve to the 'Residential (R40)' zone.
28. Amending the Scheme Map by transferring Lots 5 and 665 Victoria Street, Nulsen from the Residential (R25) zone to the Residential (R40) zone.

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Current Zoning



Proposed Zoning

LEGEND

Zones

- Commercial
- Tourism
- Residential

Reserves

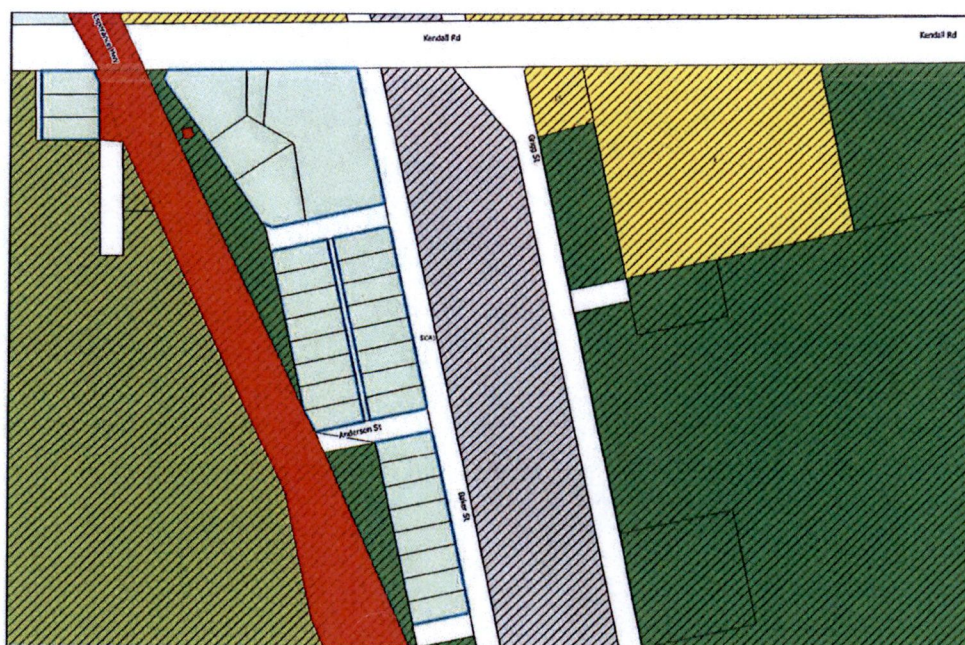
- Local Road
- Local Distributor Road
- Public Open Space
- IS - Infrastructure Services

Others

- Additional Uses Reserves
- AR1 - See Scheme Text
- Special control area
- Additional Uses
- A1 See Scheme Text
- R-Codes

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 9



Current Zoning

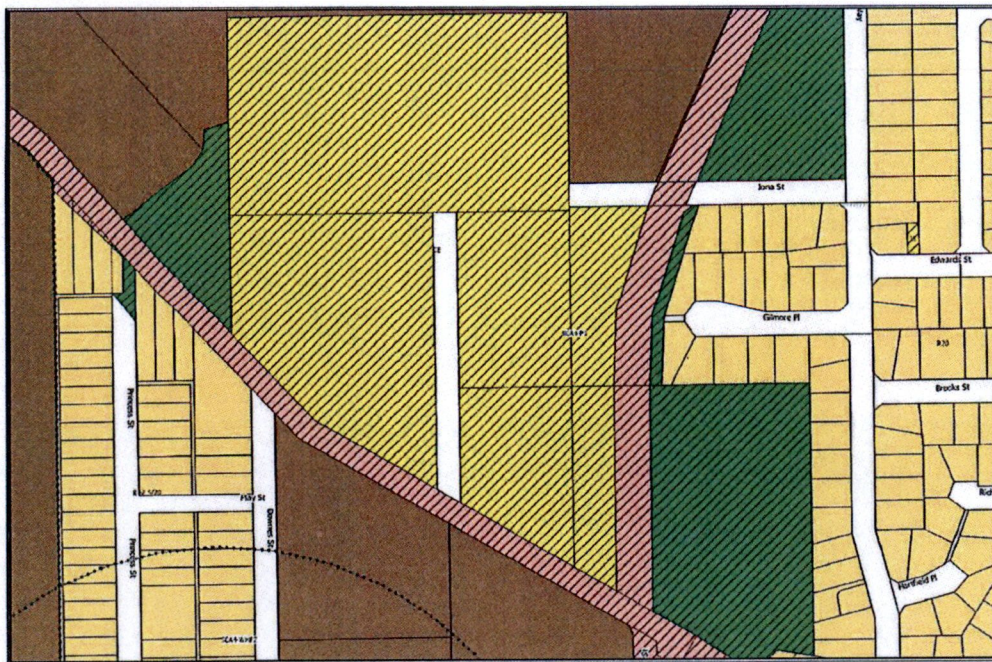


Proposed Zoning

LEGEND		
Zones	Reserves	Others
Rural	Local Road	Special control area
Rural Townsite Zone	Primary Distributor Road	
	Public Open Space	
	E - Education	
	IS - Infrastructure Services	
	ES - Emergency Services	
	Railways	

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

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Current Zoning

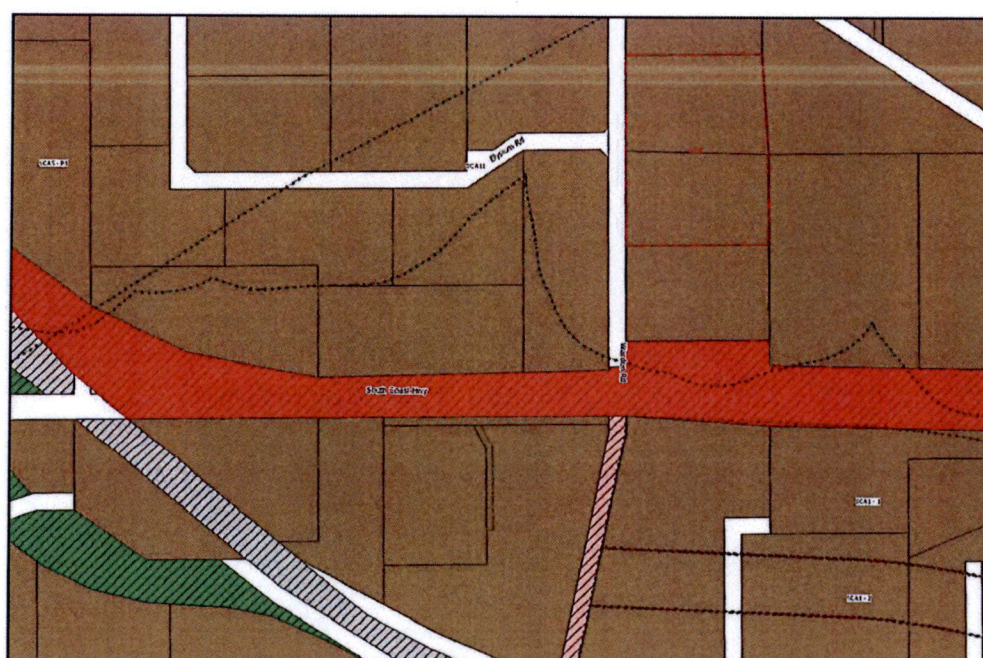











Proposed Zoning

LEGEND		
Zones	Reserves	Others
Residential	Local Road	R-Codes
Rural residential	Local Distributor Road	Special control area
	Public Open Space	
	CE - Cemetery	
	IS - Infrastructure Services	

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

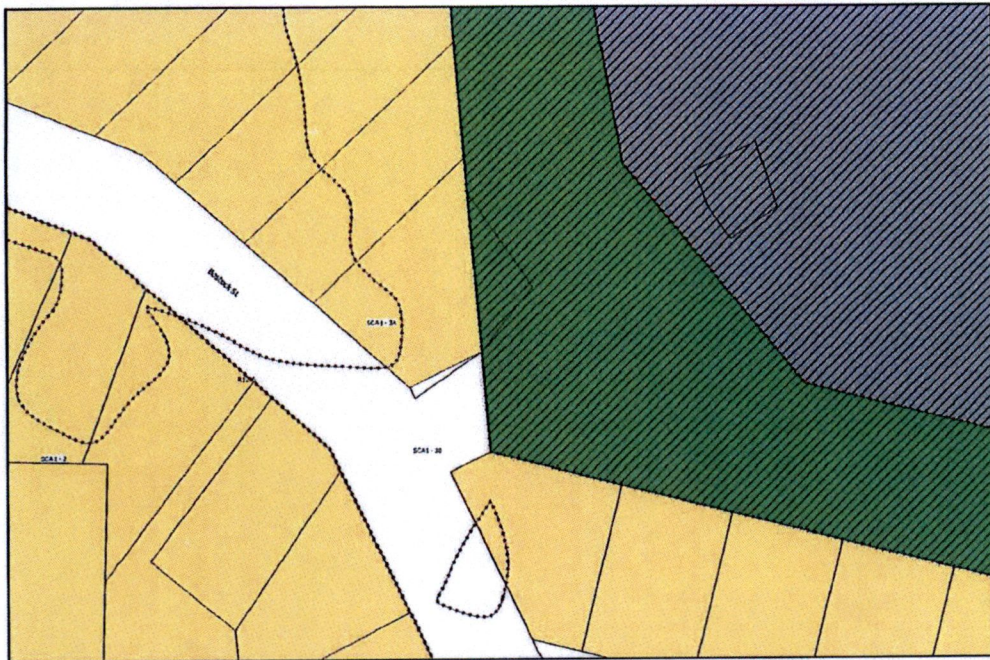
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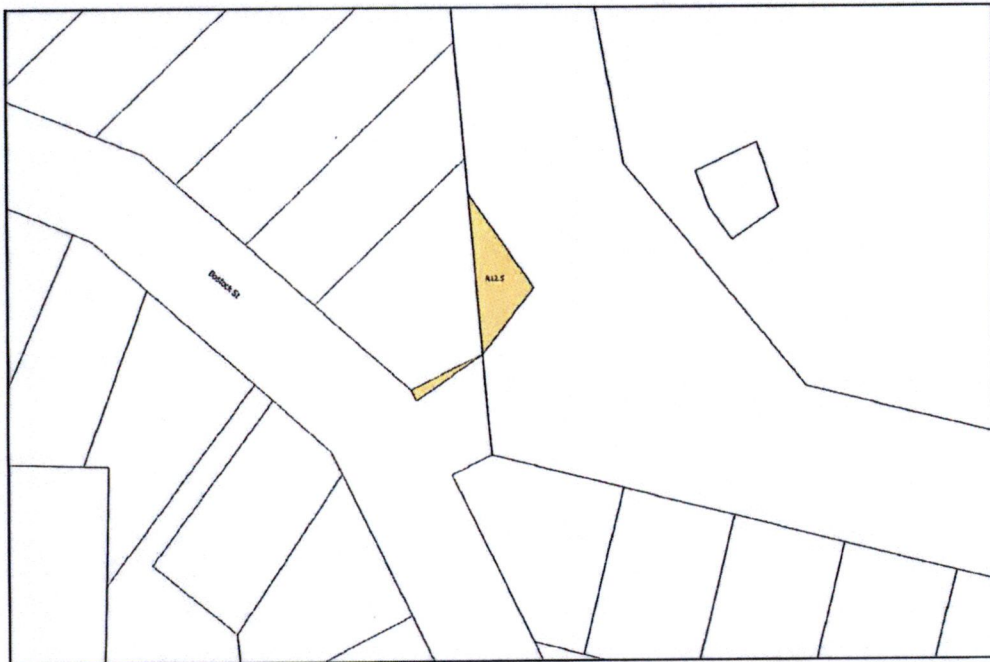
LEGEND		
Zones		
	Rural residential	
Reserves		
	Local Road	
	Primary Distributor Road	
	Local Distributor Road	
	Railways	
	Public Open Space	
Others		
Additional Uses		
	A1 See Scheme Text	
	Special control area	
	Special control area	

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 9



Current Zoning



Proposed Zoning


LEGEND

Zones

 Residential


Reserves

 Local Road

 Public Open Space

 Strategic Infrastructure

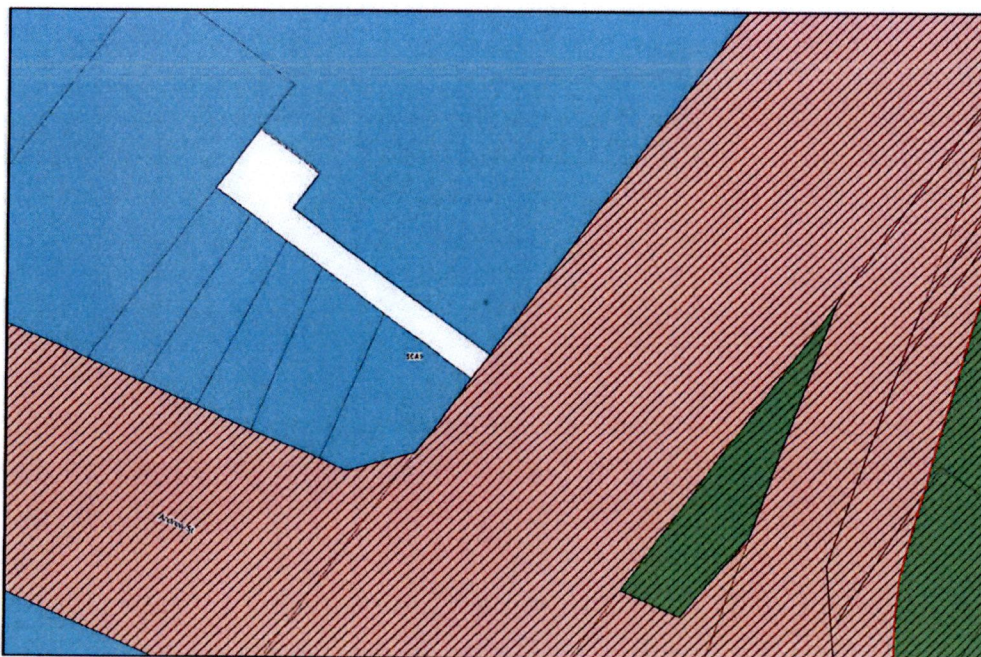
Others

 R-Codes

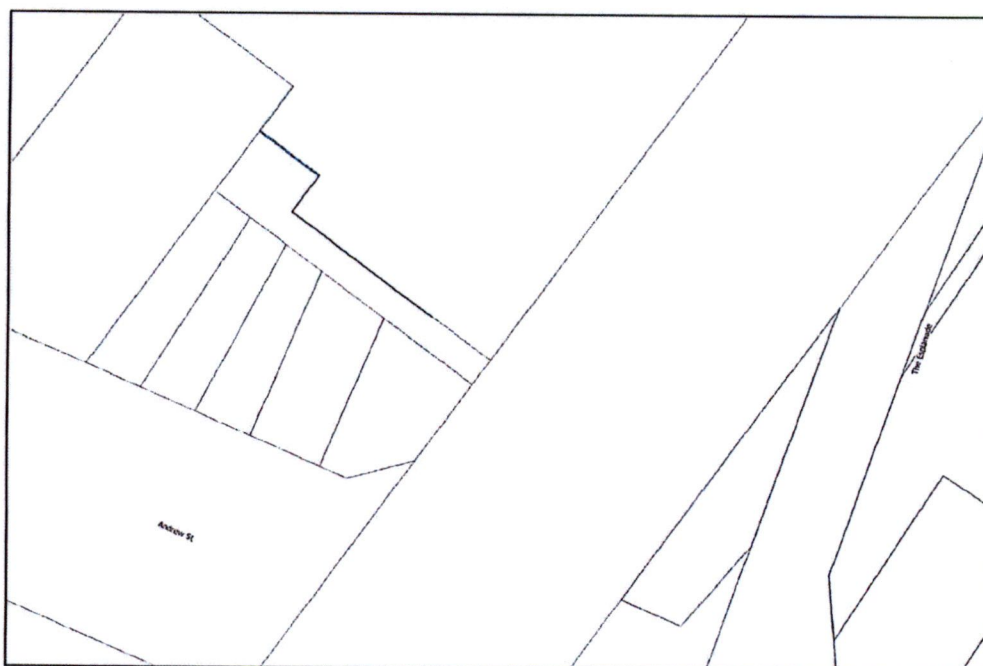
 Special control area

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 9




Current Zoning



Proposed Zoning


LEGEND

Zones

 Commercial

Reserves


 Local Road


 Local Distributor Road

 Public Open Space

Others

Additional Uses Reserves

 AR1 - See Scheme Text

 Special control area

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 9



Current Zoning

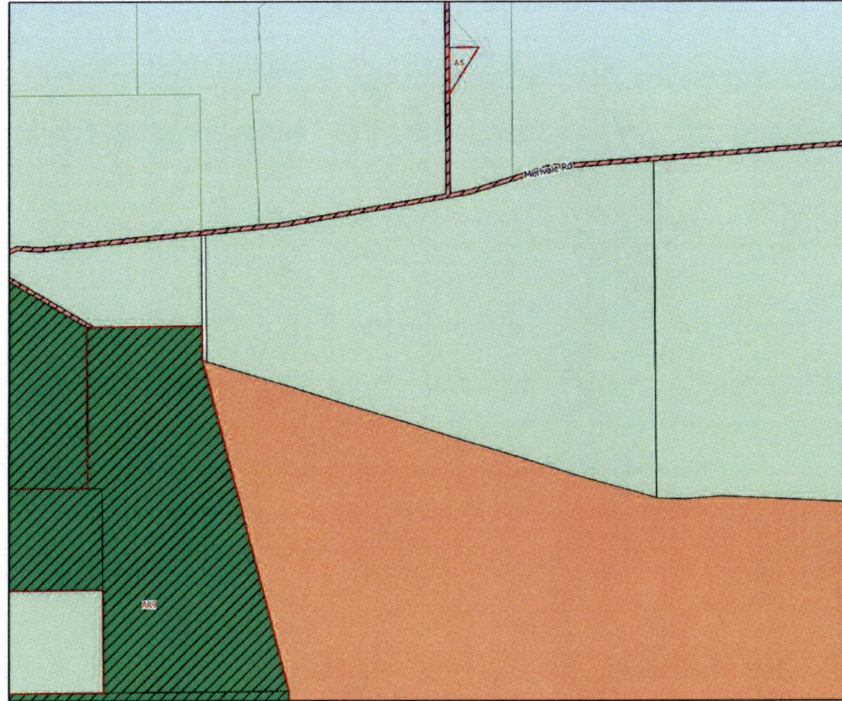


Proposed Zoning

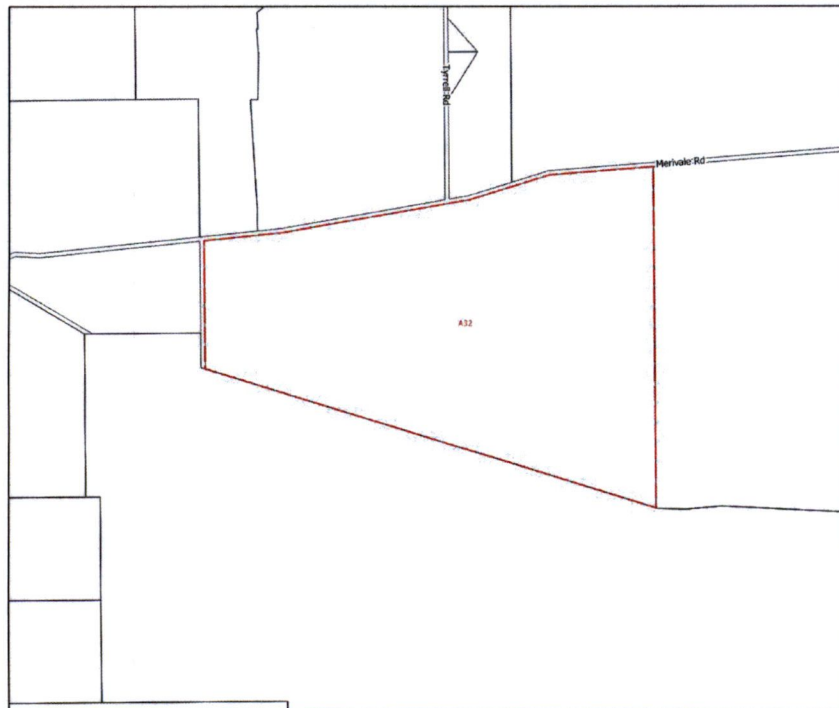
LEGEND		
Zones	Reserves	Others
Commercial	Local Road	Additional Uses Reserves
Tourism	Local Distributor Road	ARI - See Scheme Text
Residential	Public Open Space	Special control area
	IS - Infrastructure Services	Additional Uses
		A1 - See Scheme Text
		R-Codes

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24








AMENDMENT NO. 9



Current Zoning

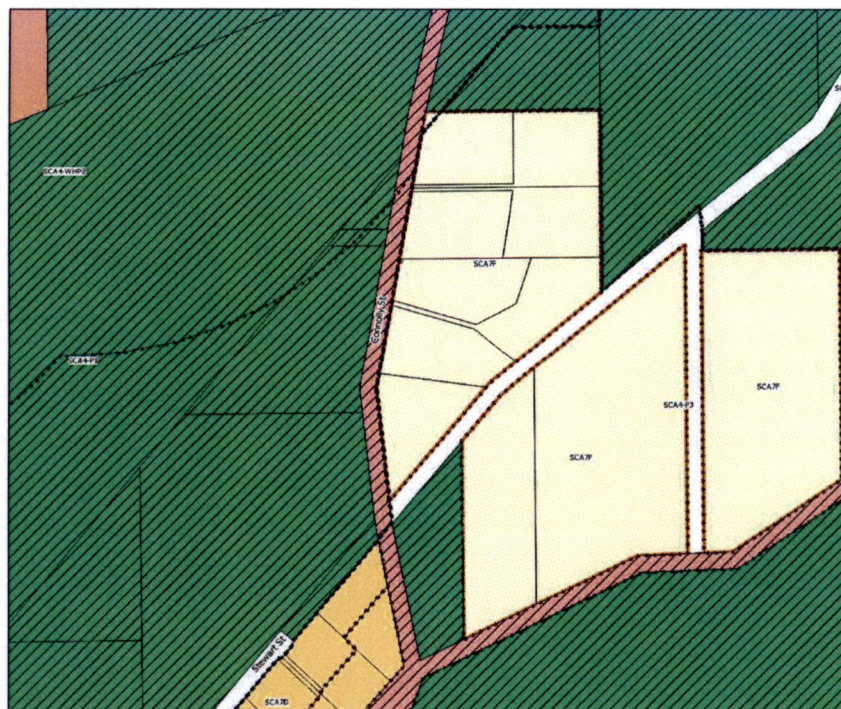


Proposed Zoning

LEGEND		
Zones	Reserves	Others
 Rural	 Local Road	Additional Uses
 Cultural and Natural Resource	 Local Distributor Road	 A1 - See Scheme Text
	 Public Open Space	Additional Uses Reserves
		 AR1 - See Scheme Text

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 9



Current Zoning

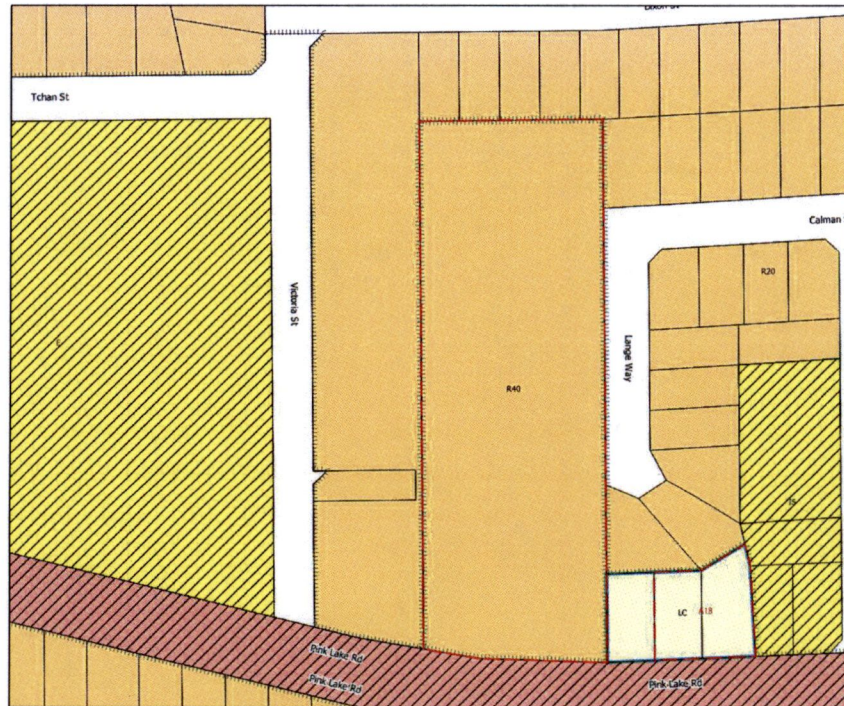


Proposed Zoning

LEGEND		
Zones	Reserves	Others
Residential	Local Road	Special control area
Rural residential	Local Distributor Road	Special control area
Urban Development	Public Open Space	
Cultural and Natural Resource		

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 9



Current Zoning



Proposed Zoning

LEGEND		
Zones	Reserves	Others
Residential	Local Road	Special control area
Local Centre	Local Distributor Road	Additional Uses
	E - Education	A1 See Scheme Text
	IS - Infrastructure Services	R-Codes

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 9

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 20 day of December, 2022



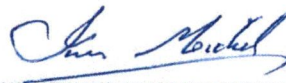
SHIRE PRESIDENT



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 20 day of December, 2022, 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 23 day of MAY, 2023 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:

29th November
2023




SHIRE PRESIDENT



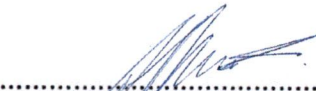
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

It is hereby certified that this is a true copy of the ~~Scheme~~ Amendment, final approval to which was endorsed by the Minister for Planning on 18/1/2024

Certified by 

Officer of the Commission Duty authorised pursuant to Section 24 of the Planning and Development Act 2005 and Regulation 32(3) Scheme and Regulation 63(3) (Amendment) of the Planning and Development (Local Planning Scheme) Regulations 2015.


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

DATE.....13 December 2023.....

APPROVAL GRANTED

Form 6A - Continued

.....
MINISTER FOR PLANNING

DATE.....