



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 Starceovich 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

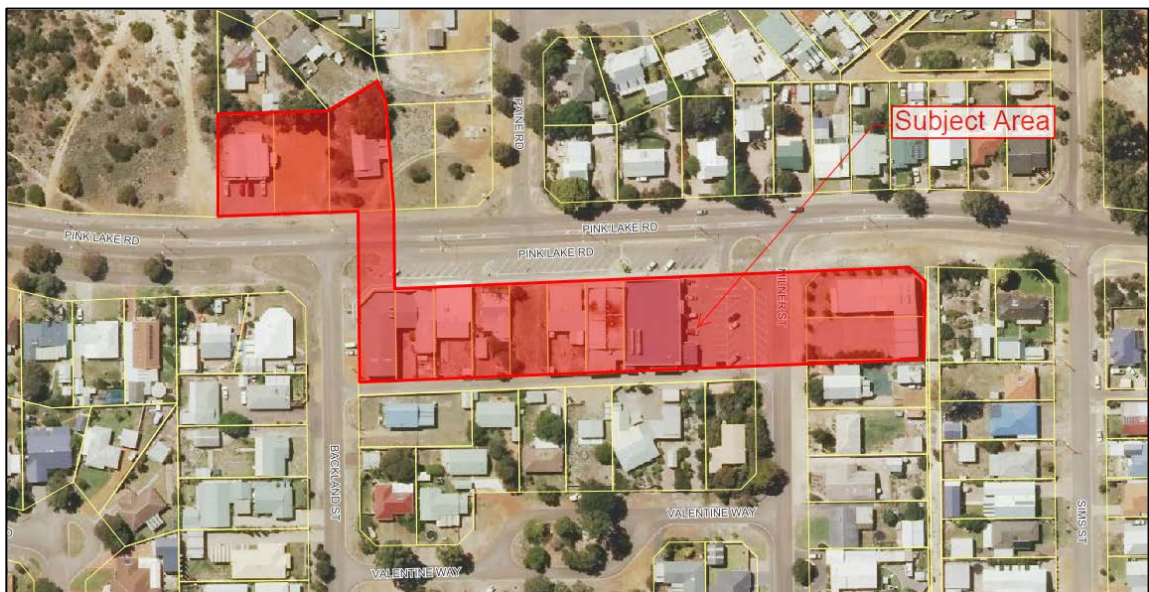
This provision is proposed to be inserted into the Scheme to ensure that where short term accommodation is proposed it must be developed in accordance with the R-Codes and the specific requirements of the Building Code of Australia, and must be able to be occupied either permanently as a dwelling or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

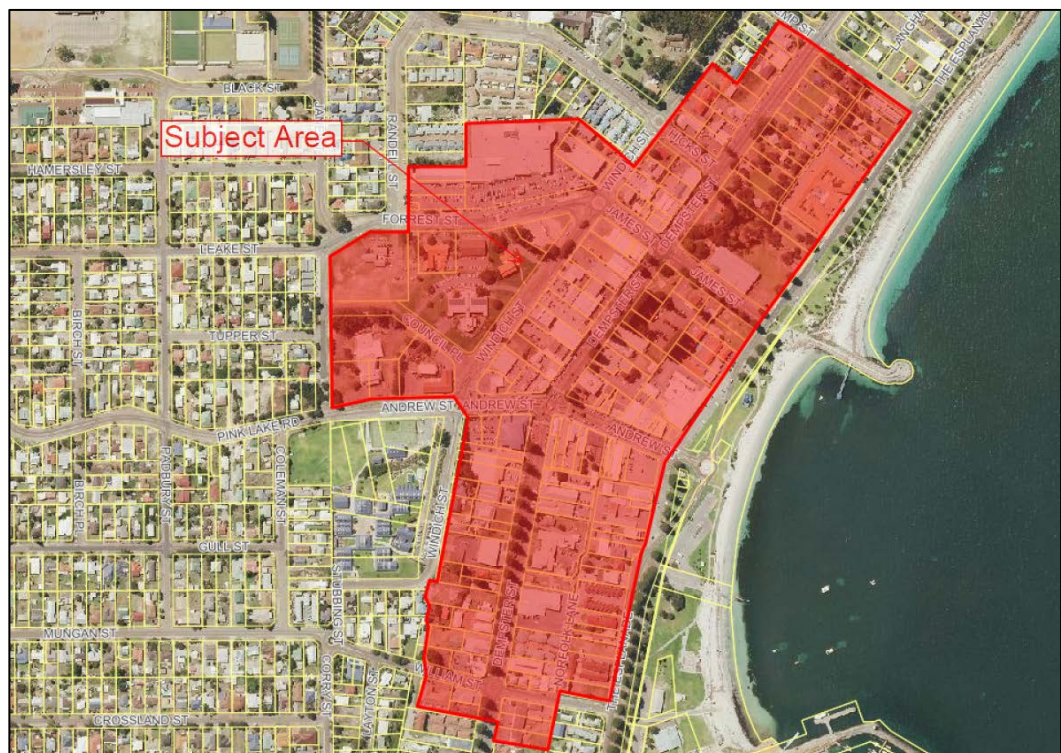
The 'Local Centre' zone has a plot ratio of 1.0 and no Residential Density is applied on the Scheme Map.





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'

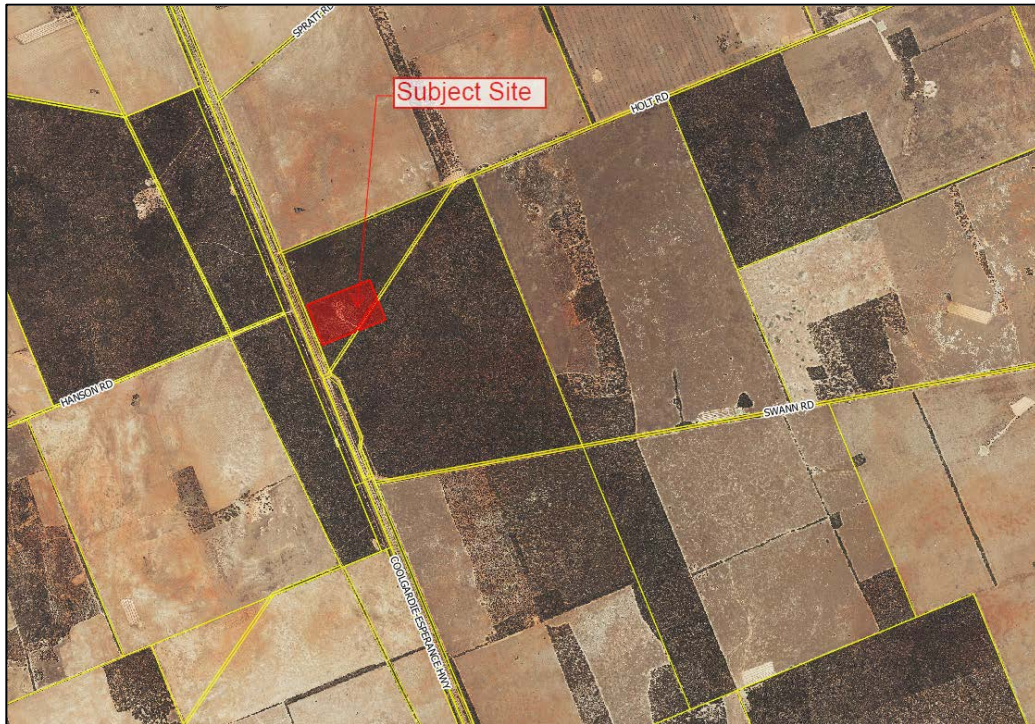
This modification is proposed as a portion of Lots 465 and 466 on Plan 408922 from 'Rural' and 'Public Open Space' in error.



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'

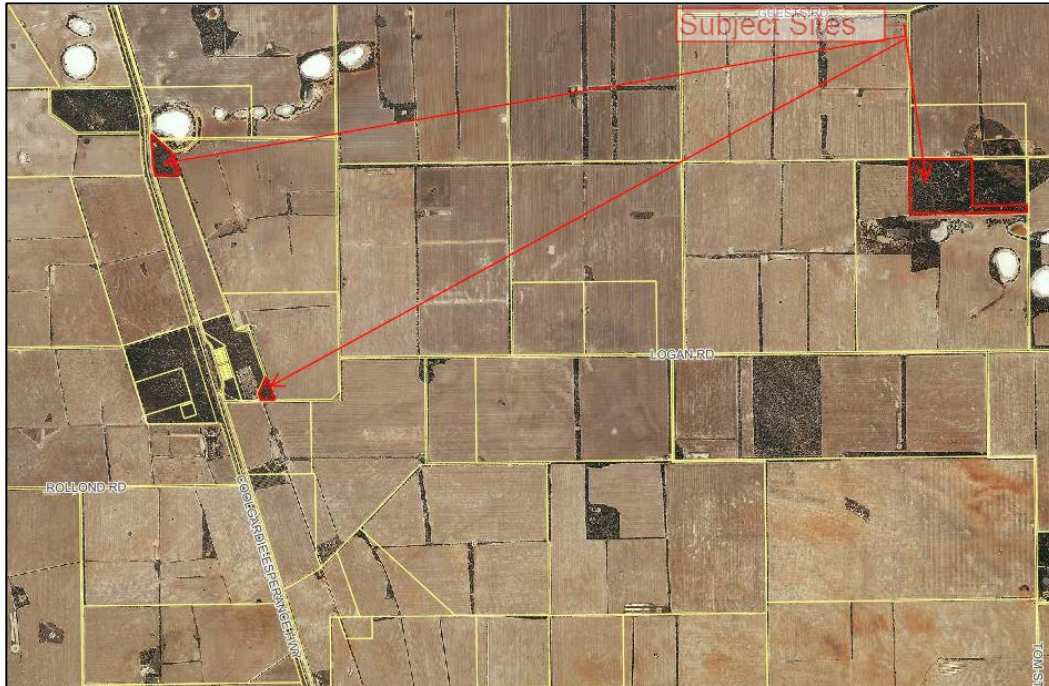
This modification is proposed as a portion of UCL on Starcevich Road from 'Rural' in error.



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.

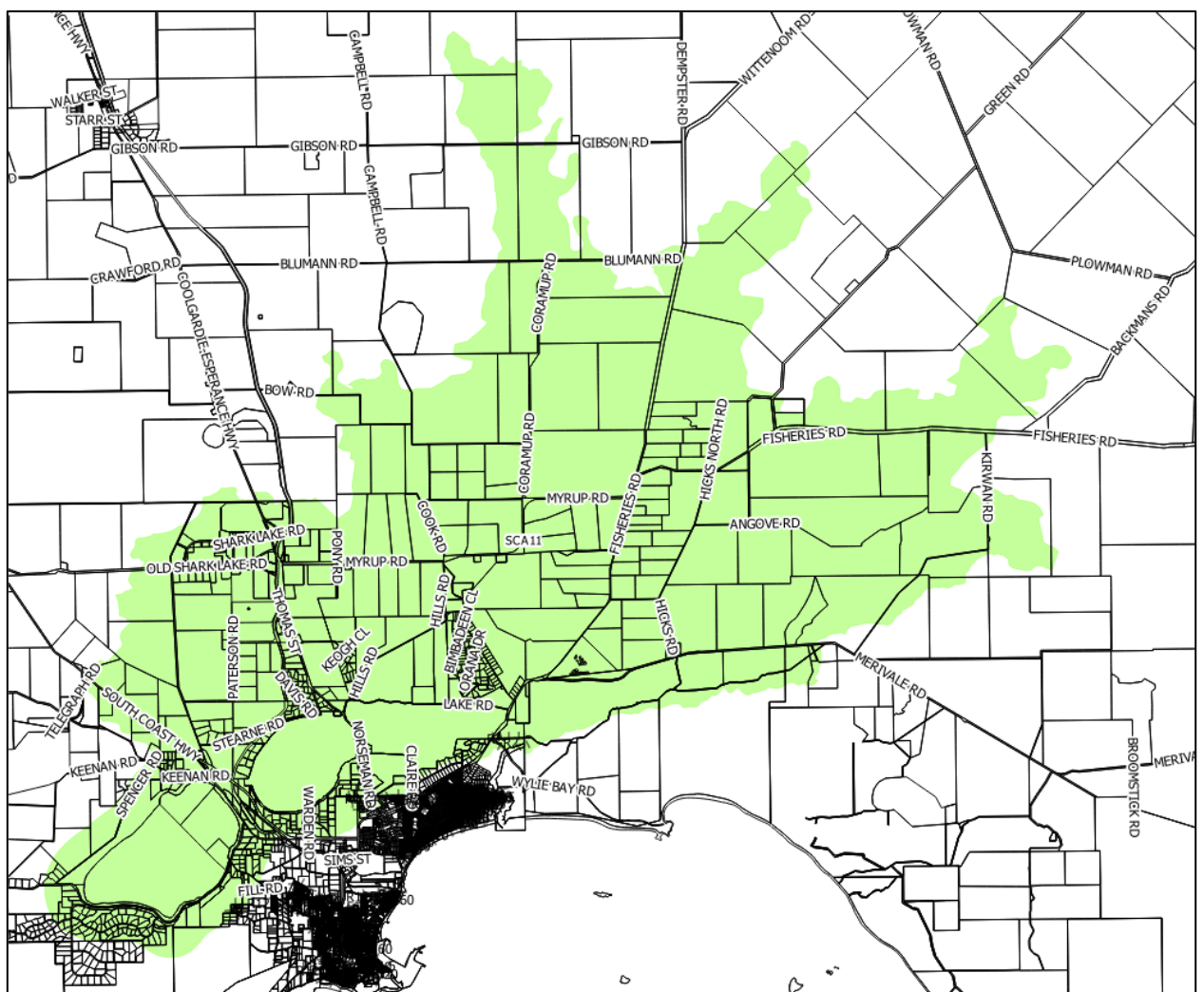


To correct the road alignment minor modifications are required to a portion of Reserve 15042 and a portion of Connolly Street.

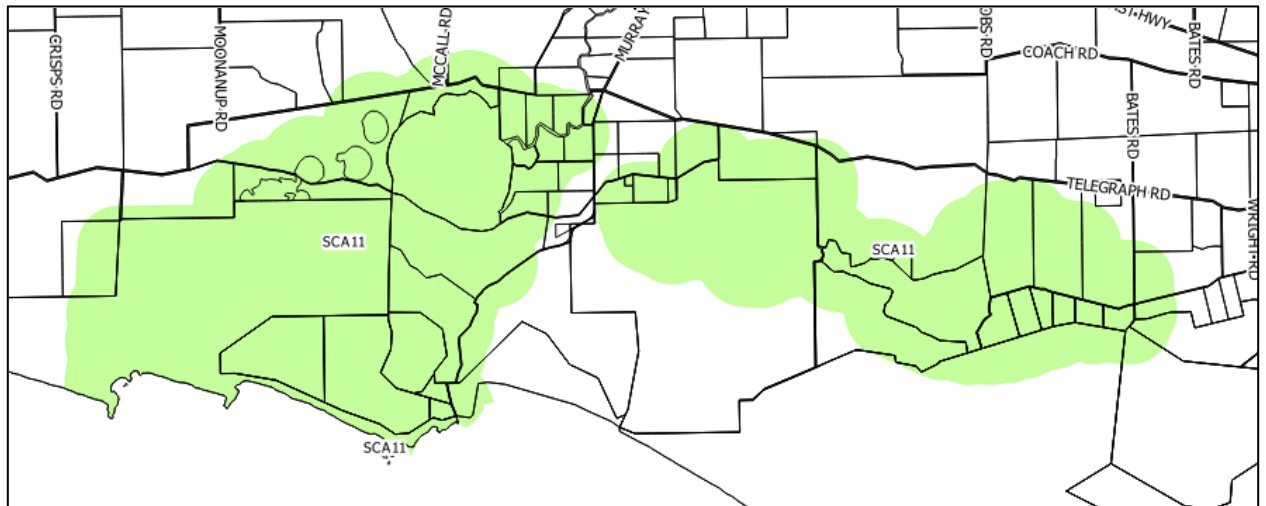
2.15 Amend Schedule 2 by inserting a new Clause 11

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 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'

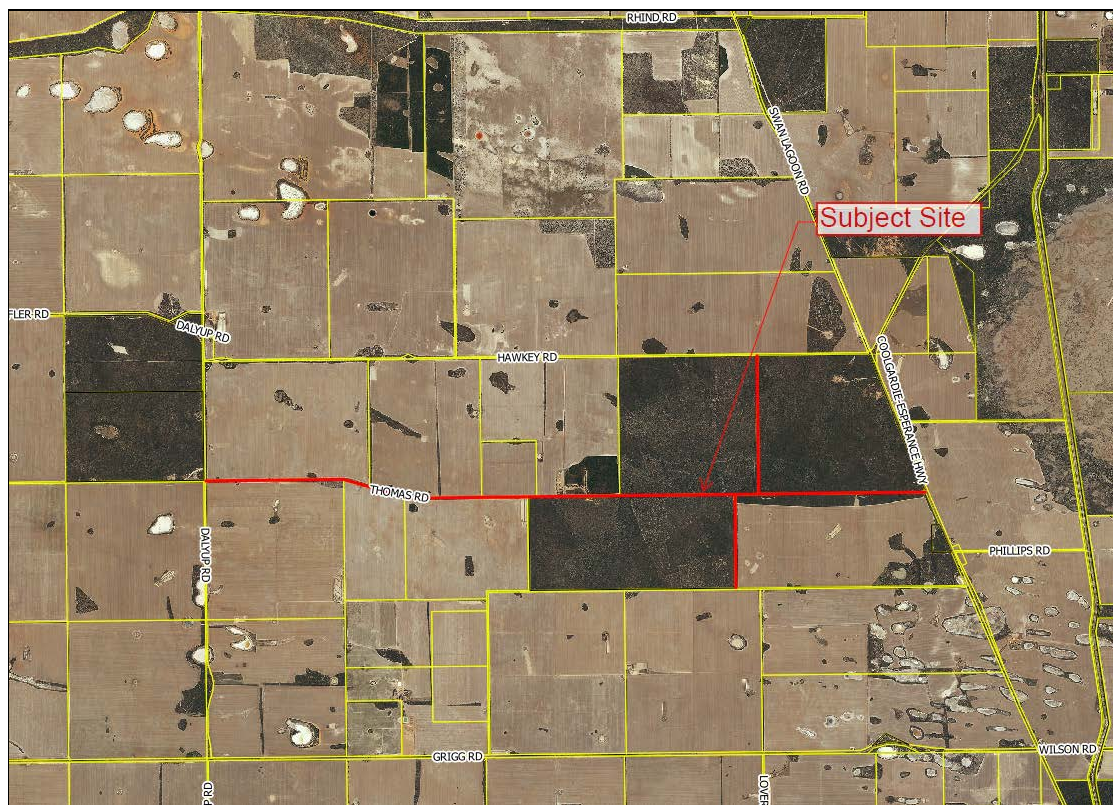
This modification is proposed as a portion of Reserve 48754 was not allocated a zone or reservation in error.



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. Throughout the Scheme Text delete holiday home and replace it with holiday house.
2. Amend clause 15(3) by inserting 'government, public authority or' before 'local government'.
3. Amend Schedule A, clause 61(1)(k) by replacing it with the following:
 - (k) The placement of a shipping container on a lot where it is:
 - (i) consistent with clause 61(c), (d) and (e) of the deemed provisions;
 - (ii) fully enclosed within a building;
 - (iii) to be used for the storage of plant, machinery or building equipment where a building permit is current and construction is taking place, provided that the shipping container is to be removed within 14 days of completion of construction; or
 - (iv) a component of an approved commercial or industrial land use.
4. Amend Schedule A, clause 61(1)(p) by replacing 'Residential and Rural Townsite zone' with 'Residential or Rural Townsite zone'.
5. Amend Schedule A, clause 61(1)(t) by replacing 'and' with 'or'.
6. Amend Schedule 1, clause 12(b)(i) and (vi) and clause 15(b) by deleting A6 and replacing it with A5.
7. Amend Schedule 1, clause 22(a) by replacing the 'and' after 'bed and breakfast' with 'or'.
8. Amend Schedule 1, clause 27 by renaming the clause to 'Shipping Containers Used as Outbuildings'.
9. Amend Schedule 1, clause 27(a) by replacing it with the following:

Where an application for a shipping container is required, the Shire shall take into account whether the appearance of the structure would be compatible with the character and visual amenity of the locality to which it is proposed to be sited. The Shire may refuse an application for such a structure if, in its opinion, the appearance of the structure would be incompatible with the character and visual amenity of the locality to which it is proposed to be relocated, notwithstanding any other provision of the Scheme.
10. Amend the Scheme by inserting a new subclause (h) under Schedule 1 Clause 27 as follows:

Irrespective of subclause (c) and (d) a shipping container is not permitted unless development approval has been issued for the erection of a single house, second-hand dwelling or repurposed dwelling on the lot or that form of development has already occurred.

11. Amend the Scheme by inserting a new subclause (i) under Schedule 1 Clause 27 as follows:

No more than two (2) shipping containers will be permitted on any Rural Residential property at any time. Where more than one (1) shipping container is placed on a property, these must be grouped side by side to give the appearance of a single uniform structure and comply with subclause (d).

12. Amend Schedule 1, clause 28 by renaming the clause to 'Tourism development requirements' and replacing it with the following:

(a) Where a serviced apartment is proposed:

- (i) it shall be designed, in the opinion of the local government, to satisfactorily limit conflict with, or disturbance of the occupants of any dwelling;
- (ii) where located in the Residential zone it is only permitted where the residential density is equal to, or greater than, R40 and shall comply with the R-Codes as though it was a multiple dwelling.

(b) Where permissible in the Scheme and subject to an R-Code, a holiday house is to be designed and constructed as though it is a single house, and holiday accommodation is to be designed and constructed as though it is a grouped dwelling, to comply with the R-Codes, except for car parking and landscaping which is to comply with Schedule 6 and Schedule 7.

(c) Development approval is required for proposals to convert existing tourism land uses to permanent residential purposes, and the relevant R-Codes will be applied.

13. Amend Schedule 1, clause 29(b) to the following:

In areas that are identified as containing the Proteaceae Dominated Kwongkan Shrubland ecological community, listed as endangered under the *Environment Protection and Biodiversity Conservation Act 1999*, the removal of vegetation will not be supported, unless in accordance with subclause (a), prior to the proponent satisfying the requirements of the Australian Government Department of the Environment and Energy.

14. Amend Schedule 1, clause 30(a) by deleting 'on a Residential or Rural Residential zoned lot'.

15. Amend Schedule 1, clause 30(b) and (c) by deleting 'in accordance with subclause (a)'.

16. Amend Schedule 1 by inserting the following clauses:

37. 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* and supported by a noise impact assessment submitted for consideration at the development application stage.
- (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.

38. 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.
17. Amend Schedule 2 clause 1(d) by deleting all references to 'OLD TRIM' and 'TRIM' and replacing with 'electronic document and record management system'.
18. Amend Schedule 2, clause 1(i)(v) by A6 and replacing with A5.
19. Amend Schedule 3 by:
- (i) Deleting A2 and renumbering the table accordingly.
 - (ii) Deleting the conditions for A18 and replacing with the following:
 - 1. A density code of R20 applies.
 - 2. Residential development is to be in accordance with the R-Codes.
 - (iii) Inserting the following Additional Uses:

No.	Location	Base Zone	Additional Use(s)	Development Standards/Conditions
A20	Lot 307 Goldfields Road, Castletown	Residential	As a 'D' use: <ul style="list-style-type: none"> • Shop • Restaurant 	As determined by the local government.
A21	Lot 106 Pink	Residential	As a 'A' use:	Development is subject

	Lake Road, Nulsen		Tourist Development	to the controls of the Tourism zone.
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20. 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. Amend Schedule 5 by inserting SU7 as follows:

No.	Description of Land	Special Use	Conditions
SU7	Lucky Bay Brewery Part Lot 63 on DP 80539	<p>As a 'P' use:</p> <ul style="list-style-type: none"> • Single house • Home occupation • Ancillary dwelling <p>As a 'D' use:</p> <ul style="list-style-type: none"> • Brewery • Small Bar • Rural pursuit/ hobby farm <p>As an 'I' use:</p> <ul style="list-style-type: none"> • Educational Establishment • Restaurant/Café • Reception Centre • Holiday House <p>Other complimentary or non-defined uses considered appropriate by the local government.</p>	<p>The purpose of this zone is to provide for development of a brewery and ancillary land uses, incidental to the primary use of the site for a brewery. Conditions applicable to the site are:</p> <p>(a) The portion of Lot 63 on DP 80539 subject to SU7 may be subdivided from the parent lot.</p> <p>(b) Any further subdivision greater than outlined in condition (a) will require the preparation and adoption of a structure plan in accordance with Part 4 of the deemed provisions.</p> <p>(c) All development within SU7 shall require development approval.</p> <p>(d) Parking requirements are to be in accordance with Schedule 7.</p>

22. Amend Schedule 10, by inserting the following:

Temporary Signs	Exempted Sign Type and Number (All non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Advertisement
Event signs approved as a component of an event in accordance with the <i>Activities in Thoroughfares and Public Places and Trading Local Law</i> (as amended). In the instance of Circus Signs this is limited to the event venue.		

23. Any other editorial changes to update numbering and correct minor administrative errors.
24. Amend the Scheme Maps by reclassifying:
- Part of Lot 6 on DP 410717 from Tourism zone to Special Use zone 5.
 - Part of Lot 7 on DP 410717 from Special Use zone 5 to Tourism zone.
 - UCL Lot 862 on DP 201769 from Rural zone to Environmental Conservation reserve.

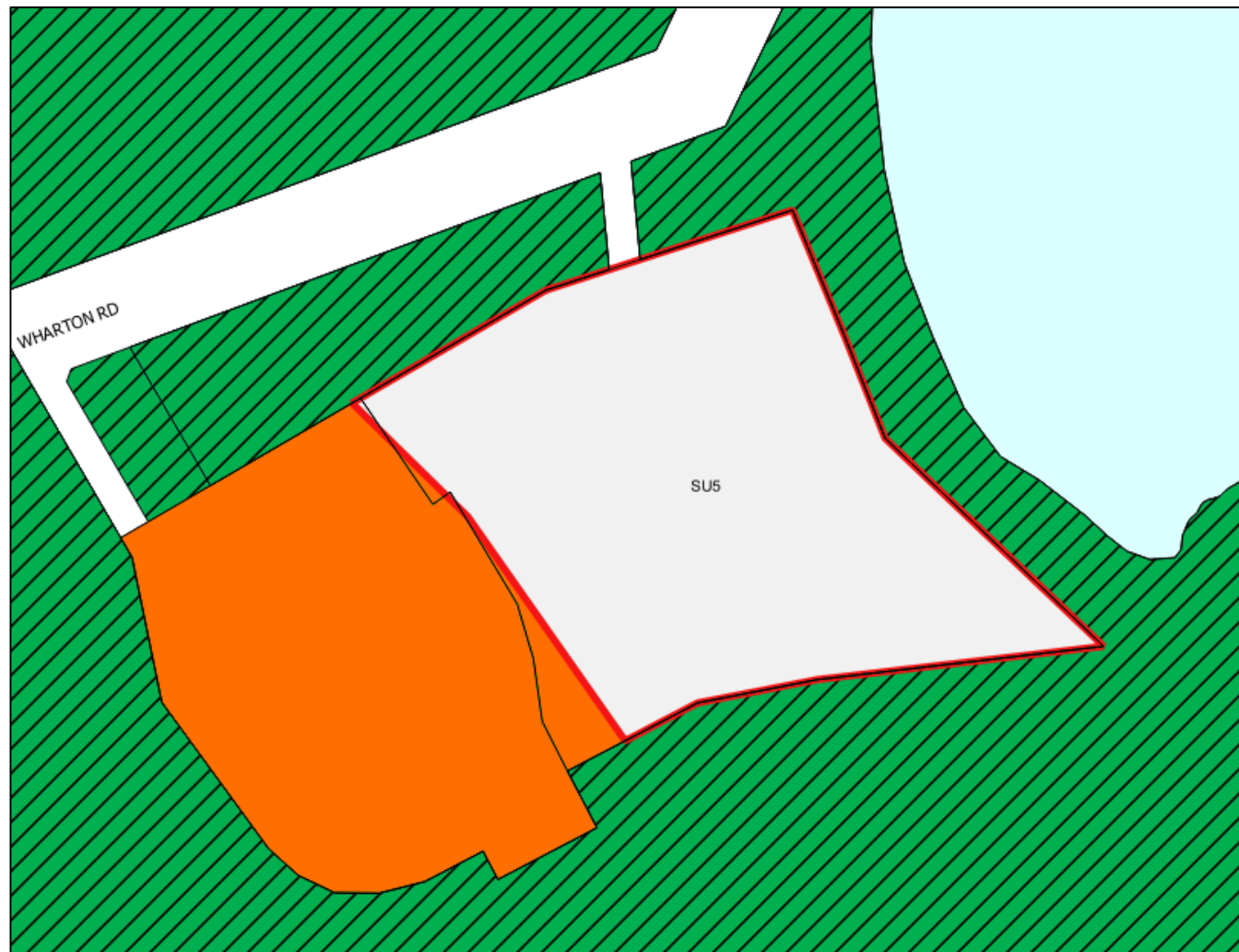
- (d) UCL Lots 1247 and 1407, FITZG Location No. 1247 and 1407, from Rural zone to Environmental Conservation reserve.
- (e) UCL Lots 465 and 466 on DP 408922 from Rural zone to Environmental Conservation reserve.
- (f) Reserve 19315, Lots 467 and 468 on DP 408921, from Public Open Space reserve to Environmental Conservation reserve.
- (g) UCL Lot 1440 on DP 152676 from Local Road reserve to Environmental Conservation reserve.
- (h) UCL Lot 1517 on DP 209840 and UCL, McCrea Road from Rural zone to Environmental Conservation reserve.
- (i) UCL on Starcevich Road from Rural zone to Environmental Conservation reserve.
- (j) UCL Lot 36 on DP 151214, UCL Lot 570 on DP 407219 and UCL on Guests Road from Rural zone to Environmental Conservation reserve.
- (k) A portion of Lot 1356 on DP 220124 from Public Open Space reserve to Local Distributor Road reserve and a portion from Local Distributor Road reserve to Public Open Space reserve.
- (l) Reserve 48754, Lot 759 on DP 29799, from Local Road reserve to Public Open Space reserve.
- (m) Reserve 14541, Lot 574 on Plan 89306, from Rural zone to Public purposes - Government services reserve.
- (n) Lot 35 on DP 411488 from Rural zone to Primary Distributor Road reserve.
- (o) Reserve 53330 (Lot 500 on DP 407020) from Rural zone to Public purposes - Emergency services reserve.
- (p) Portion of Reserve 28170, Lot 20 on DP 35642, from Cultural and natural resource reserve to Environmental Conservation reserve.
- (q) UCL Lots 105 and 106, on DP 208380, from Rural zone to Environmental Conservation reserve.
- (r) UCL, PIN 993939 from Rural zone to Environmental Conservation reserve.
- (s) UCL Lot 862, on DP 201769, from Rural zone to Environmental Conservation reserve.
- (t) Reserve 13981, Lot 1975 on Plan 182171, from Rural zone to Environmental Conservation.
- (u) UCL, PIN 12041862 located within Lot 28 on P 8403, from Rural zone to Public purposes - Infrastructure services reserve.
- (v) A portion of reserve 21360, PIN 951359 located within Lot 502 on DP 202811, from Public purposes - Infrastructure/public uses reserve to Environmental Conservation reserve.
- (w) Reserve 35808, Lot 1333 on DP 183021, from Public purposes - Government services reserve to Environmental Conservation reserve.

- (x) Undeveloped portion of road reserve between Crisps Road and Wells Road from Local Road reserve to Environmental Conservation reserve.
- (y) Undeveloped portion of road reserve between Exchange Road and Reserve 25113 from Local Road reserve to Environmental Conservation reserve.
- (z) Reserve 208088, Lot 100 on Plan 208088 from Rural zone to Environmental Conservation reserve.
- (aa) Reserve 24633 from Public open space reserve to Environmental Conservation reserve.
- (bb) A portion of Lake Road abutting Reserve 26245, Lot 1706 on DP 208469, from Local road reserve to Environmental Conservation reserve.
- (cc) A portion of undeveloped Washpool Road from Local road reserve to Environmental Conservation reserve.
- (dd) UCL Polygon 12041862, located within Lot 28 on Plan 8403, from Rural zone to Public Purpose - Infrastructure services.

25. Amend the Scheme Maps by:

- (a) Deleting A2.
- (b) Identifying Additional Use sites A20 and A21.
- (c) Identifying Special Use site SU7.






26. Update the scheme text to reflect all modifications and numbering.



Current Zoning

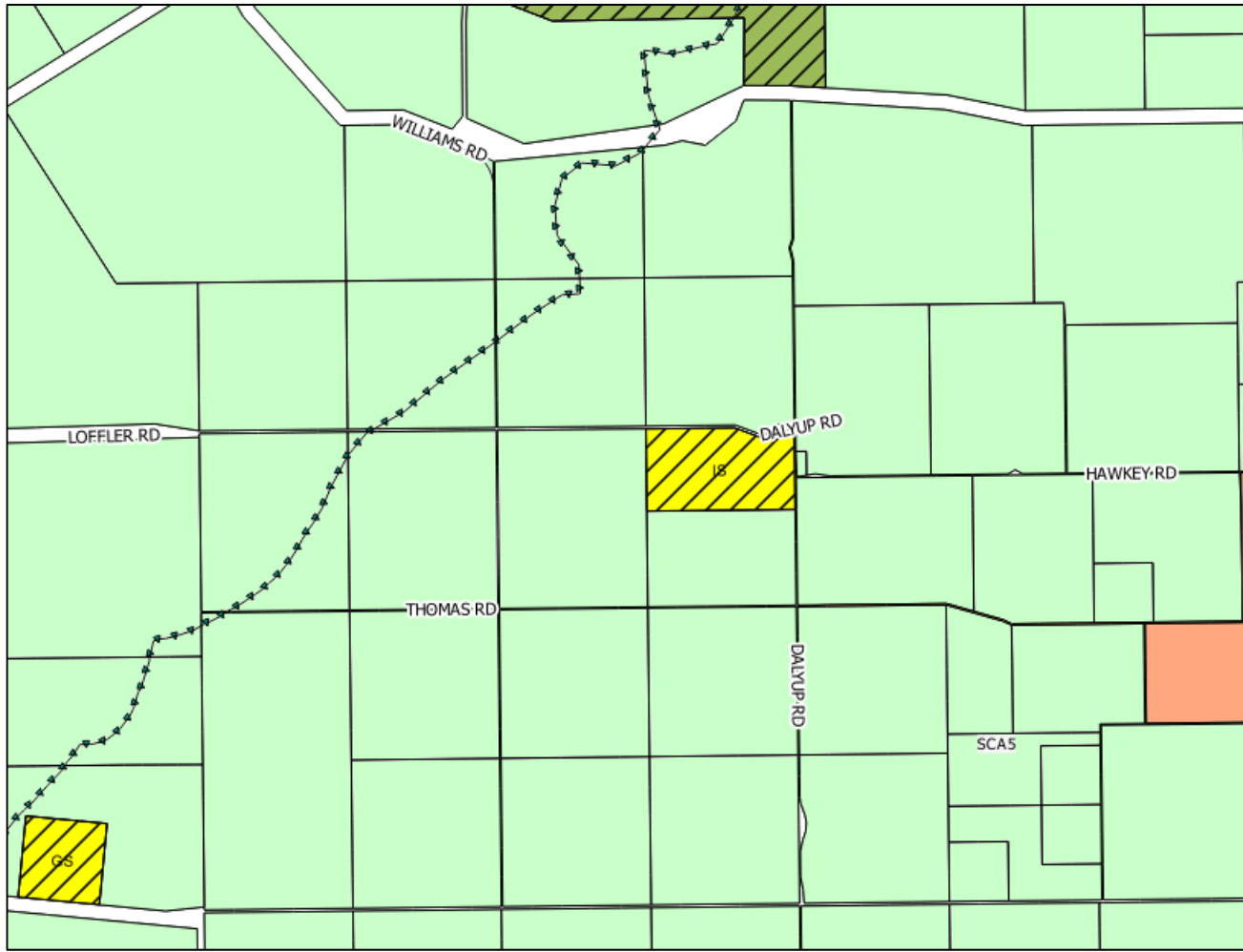


Proposed Zoning

LEGEND		
Zones	Reserves	Others
 Tourism	 Local Road	Special Uses
	 Public Open Space	 SU1 - See Scheme Text
		 Oceans/Waterways

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24








AMENDMENT NO. 4



Current Zoning

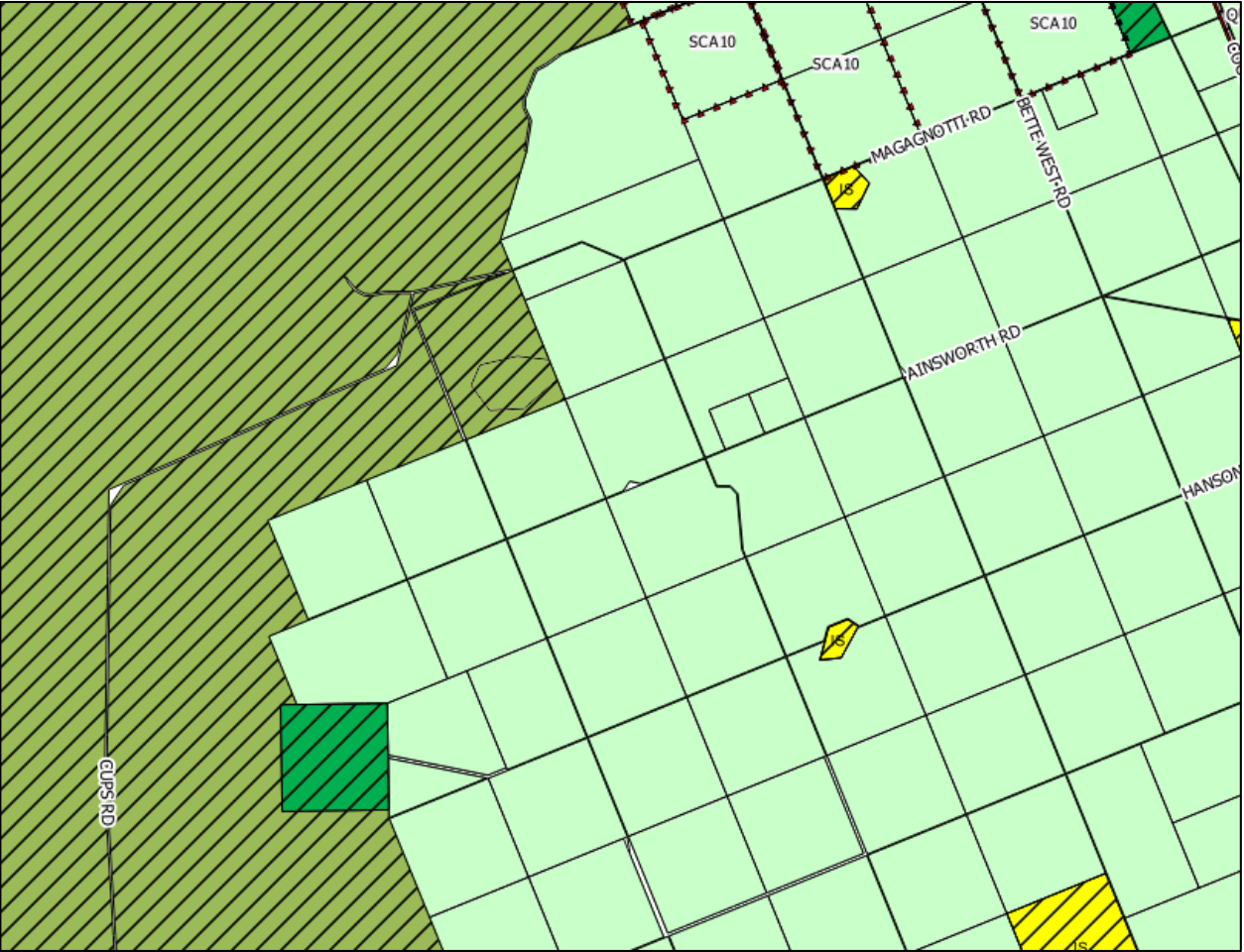


Proposed Zoning

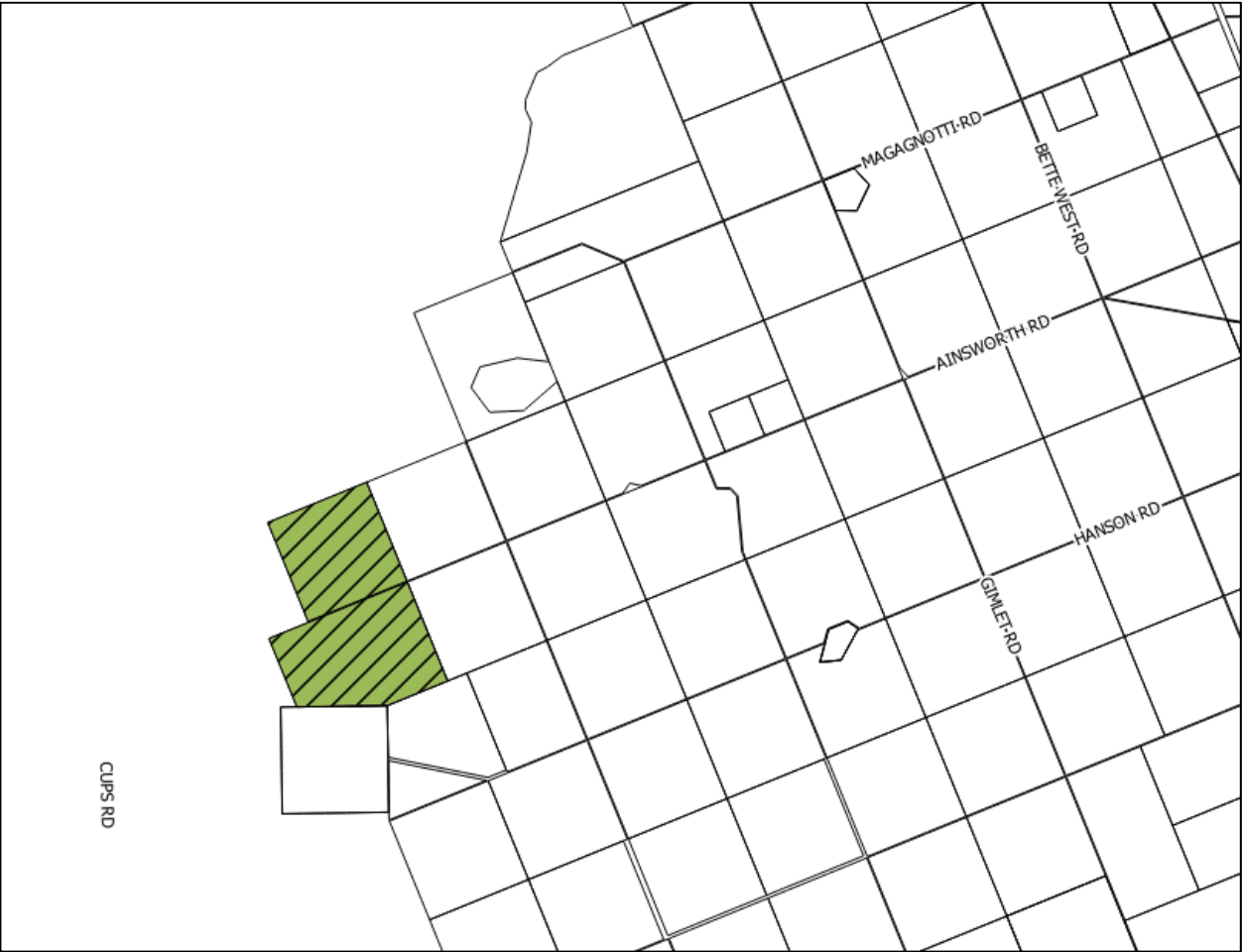
LEGEND		
Zones	Reserves	Others
 Rural	 Environmental Conservation	 Special control area - Environment
 Cultural and Natural Resource Zone	 GS - Government Services	
	 IS - Infrastructure Services	
	 Local Road	

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24








AMENDMENT NO. 4



Current Zoning



Proposed Zoning








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

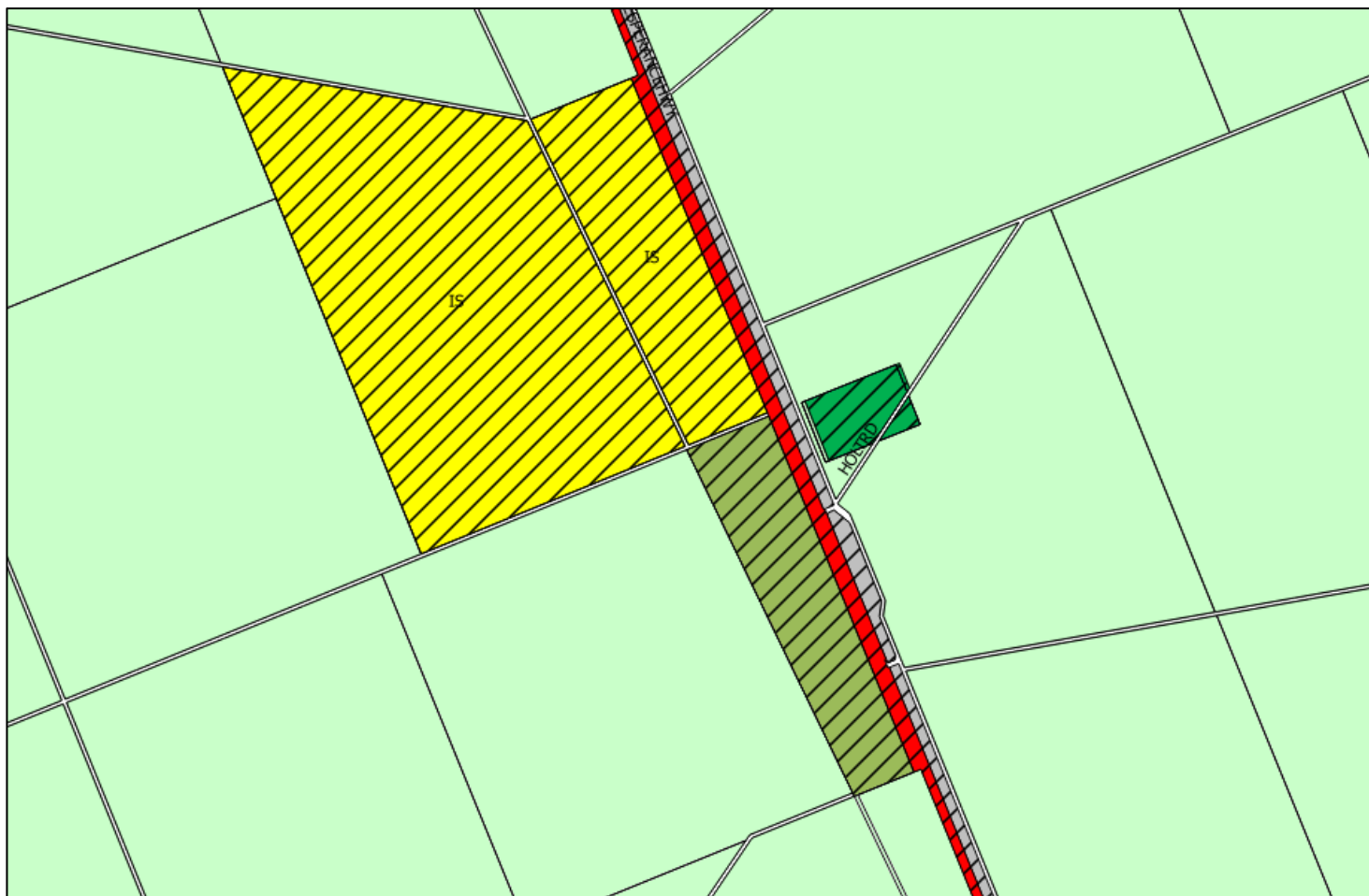


Current Zoning



Proposed Zoning







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

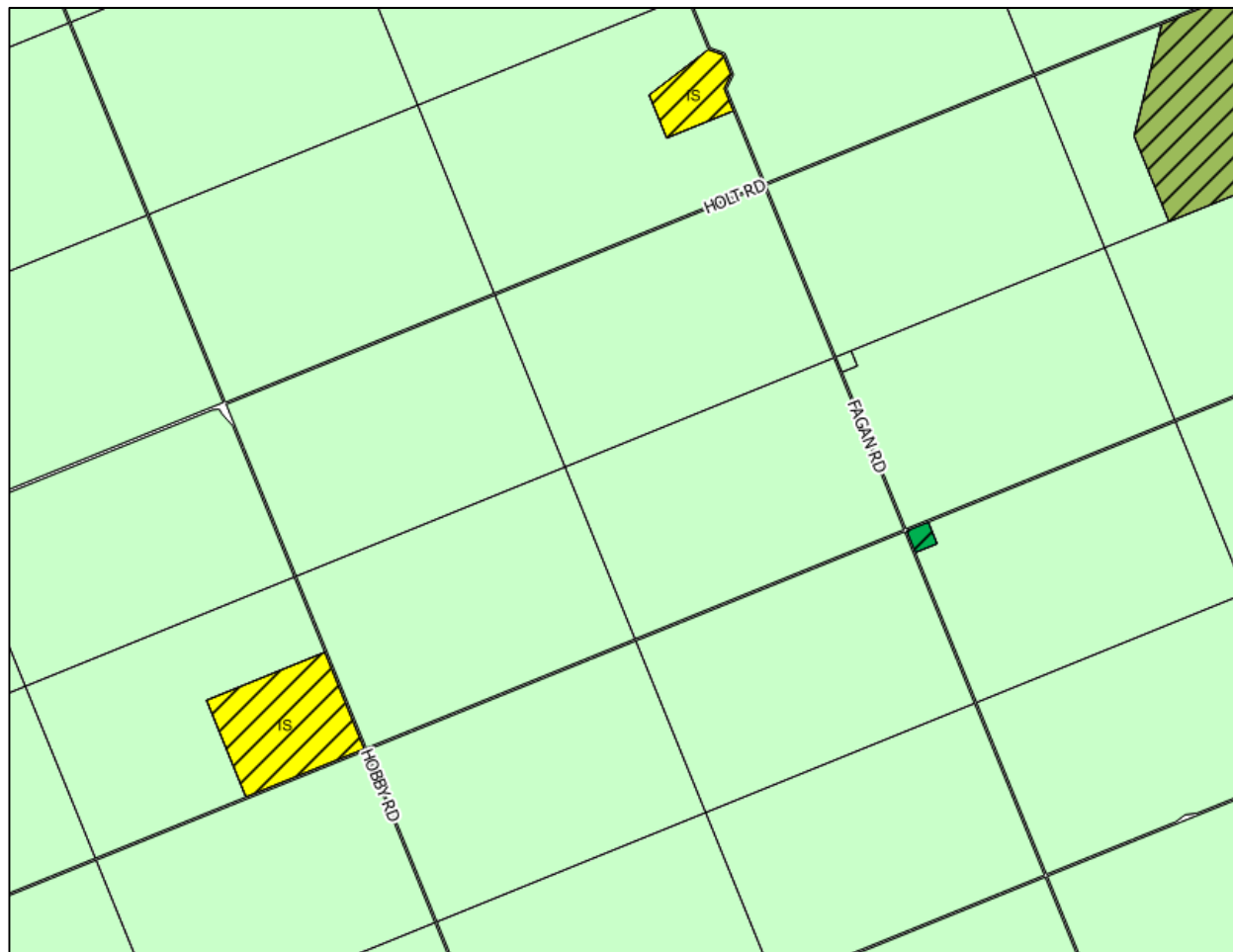


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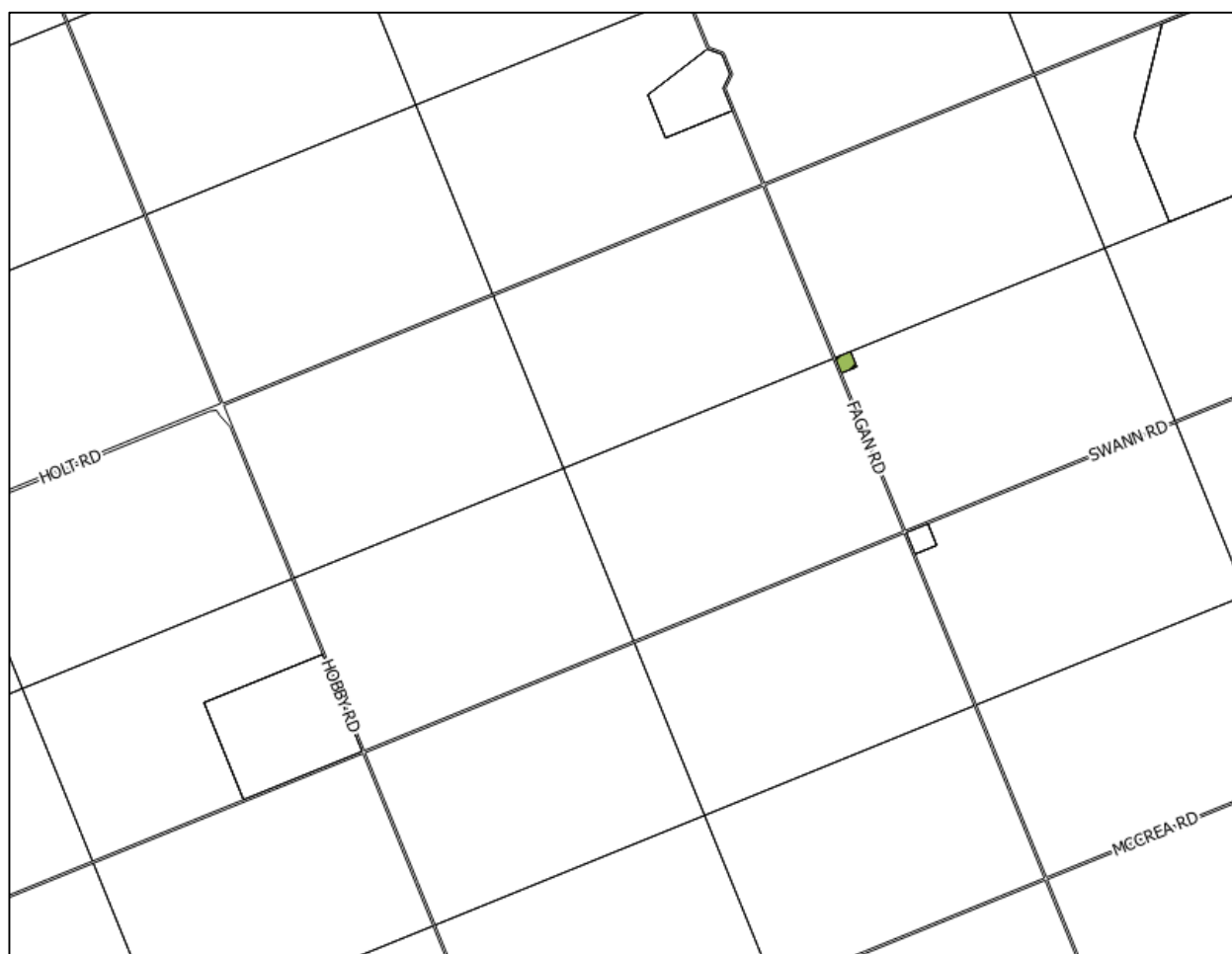


Proposed Zoning






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



Current Zoning

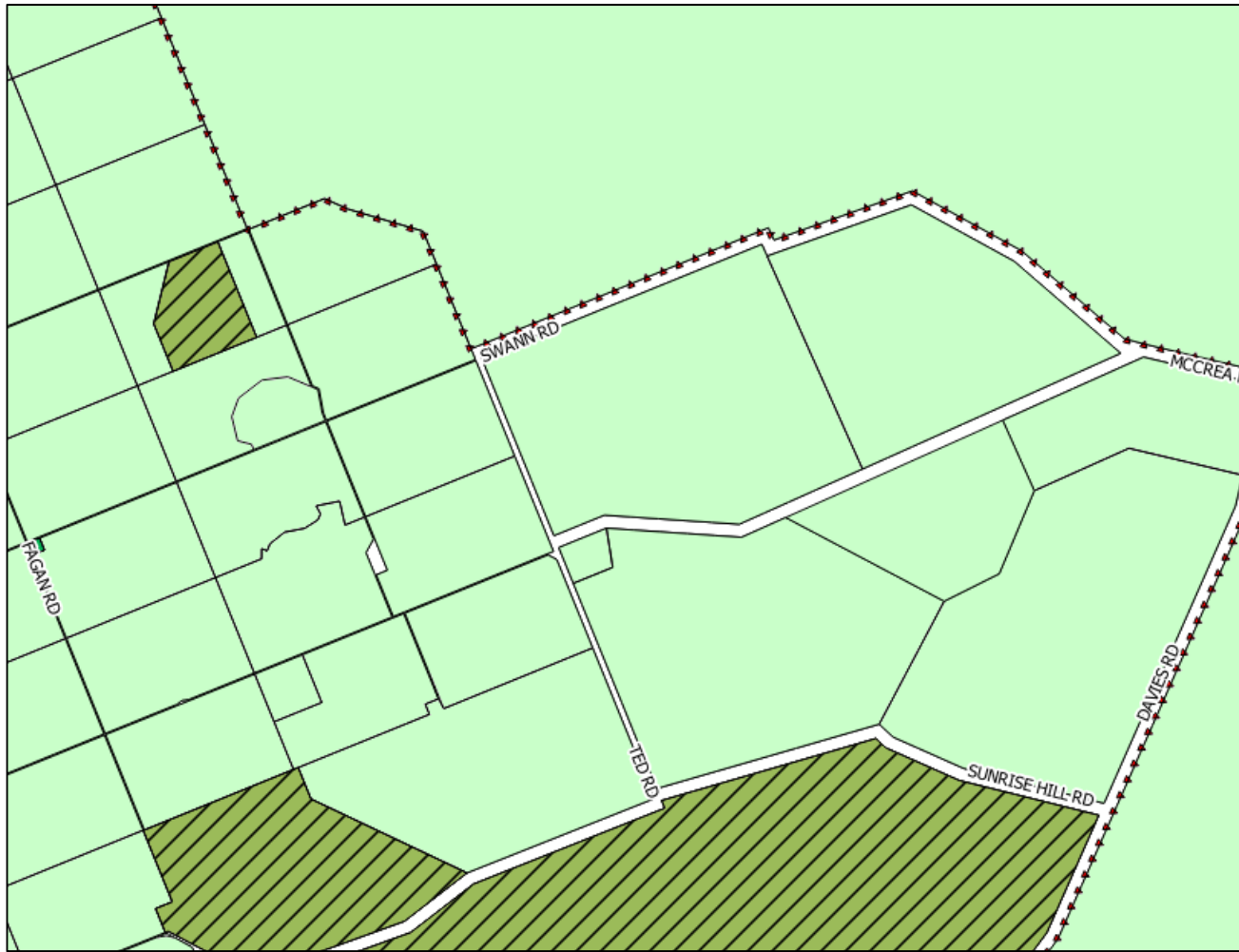


Proposed Zoning

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

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24






AMENDMENT NO. 4



Current Zoning

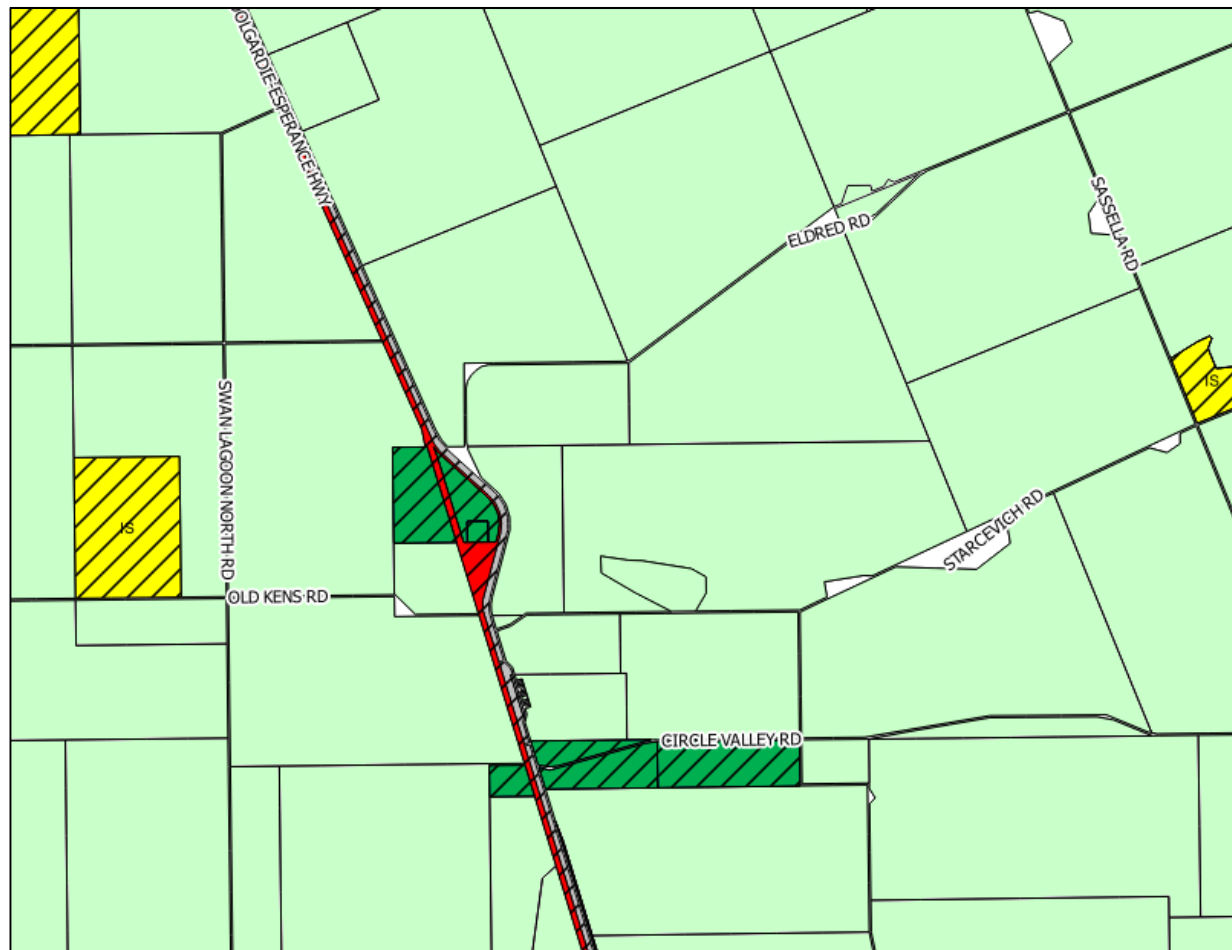


Proposed Zoning

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

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24








AMENDMENT NO. 4



Current Zoning

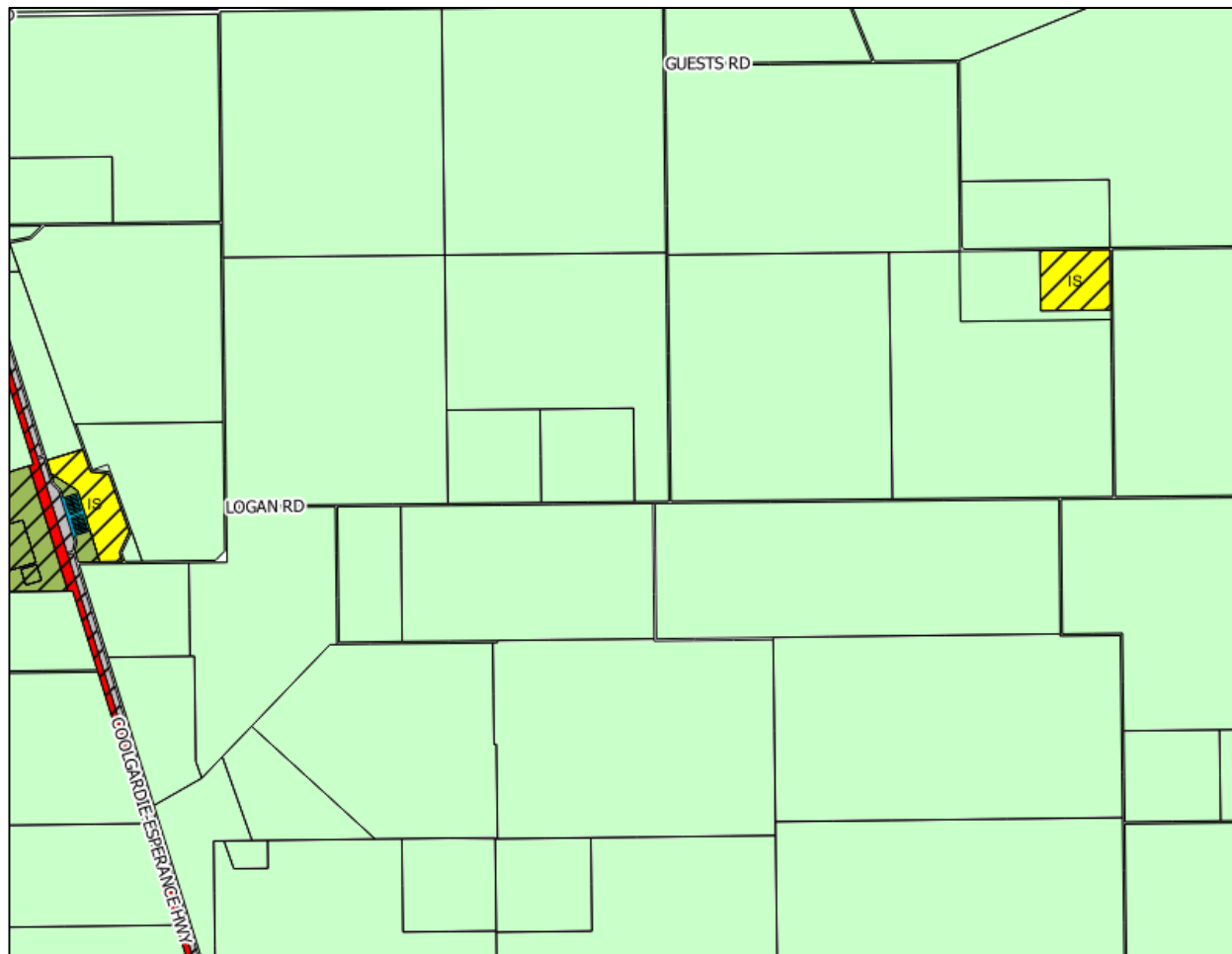


Proposed Zoning

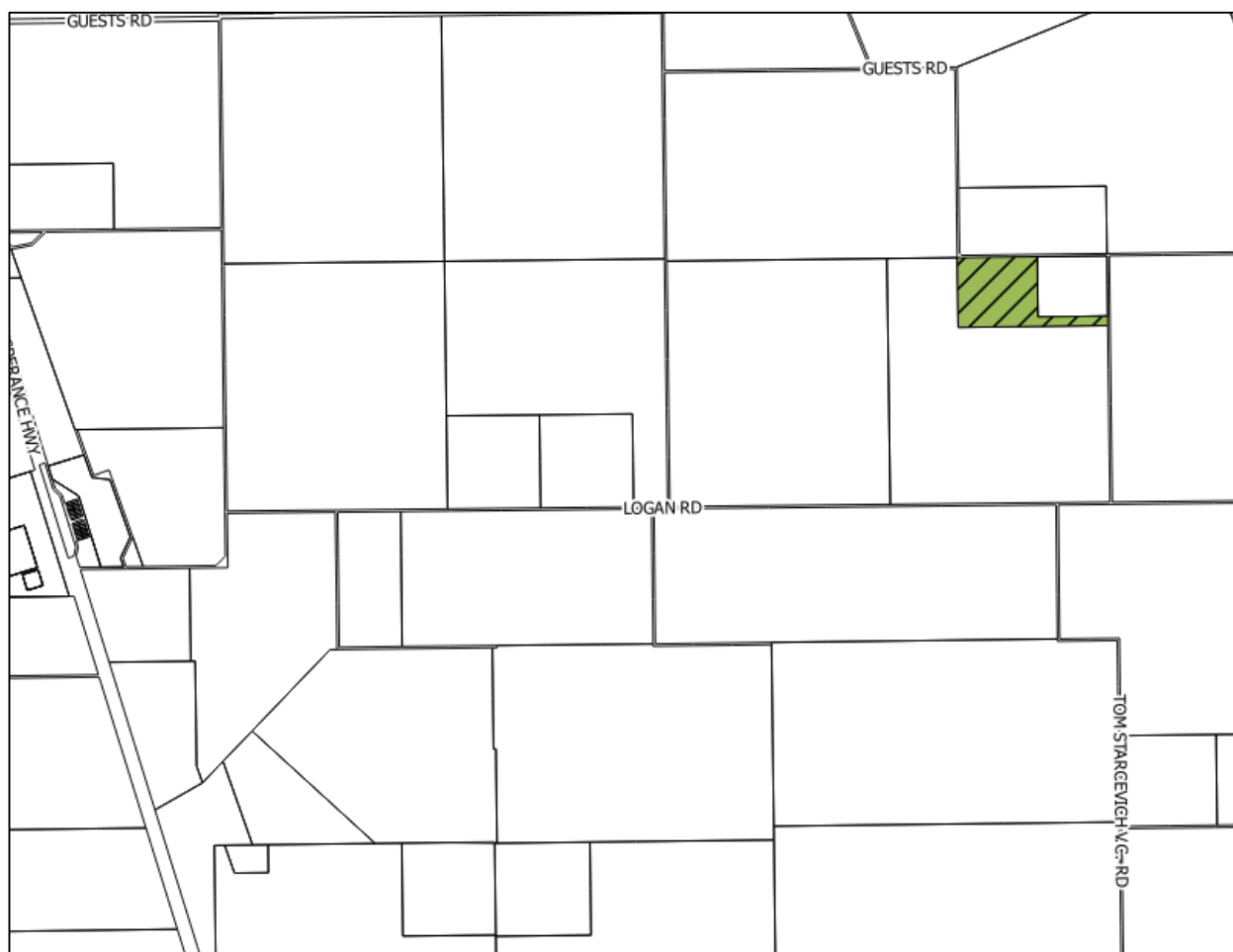
LEGEND	
Zones	Reserves
 Rural	 Environmental Conservation
	 Public Open Space
	 Primary Distributor Road
	 Local Road
	 Railways
	 IS - Infrastructure Services

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24








AMENDMENT NO. 4

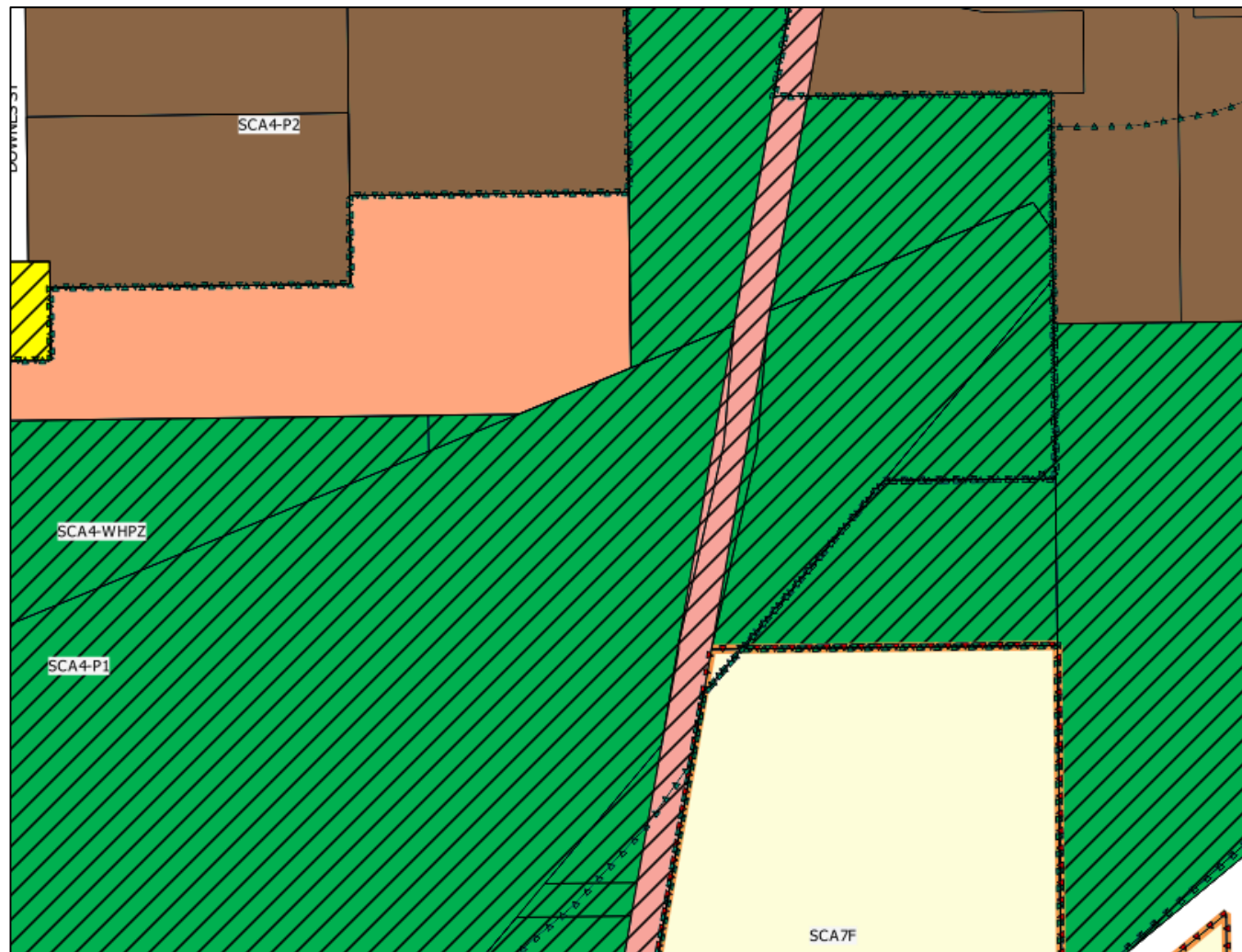


Current Zoning

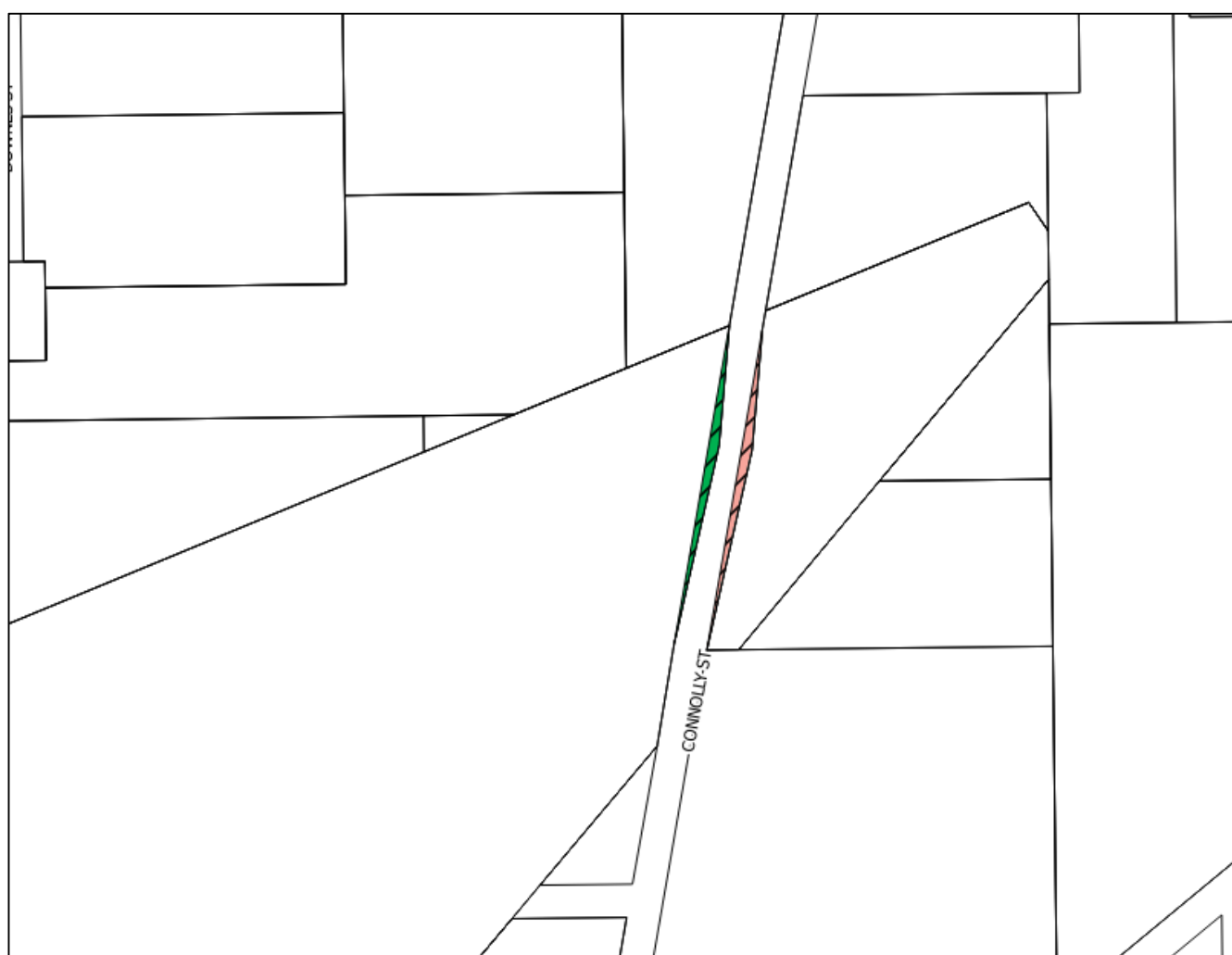


Proposed Zoning









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



Current Zoning

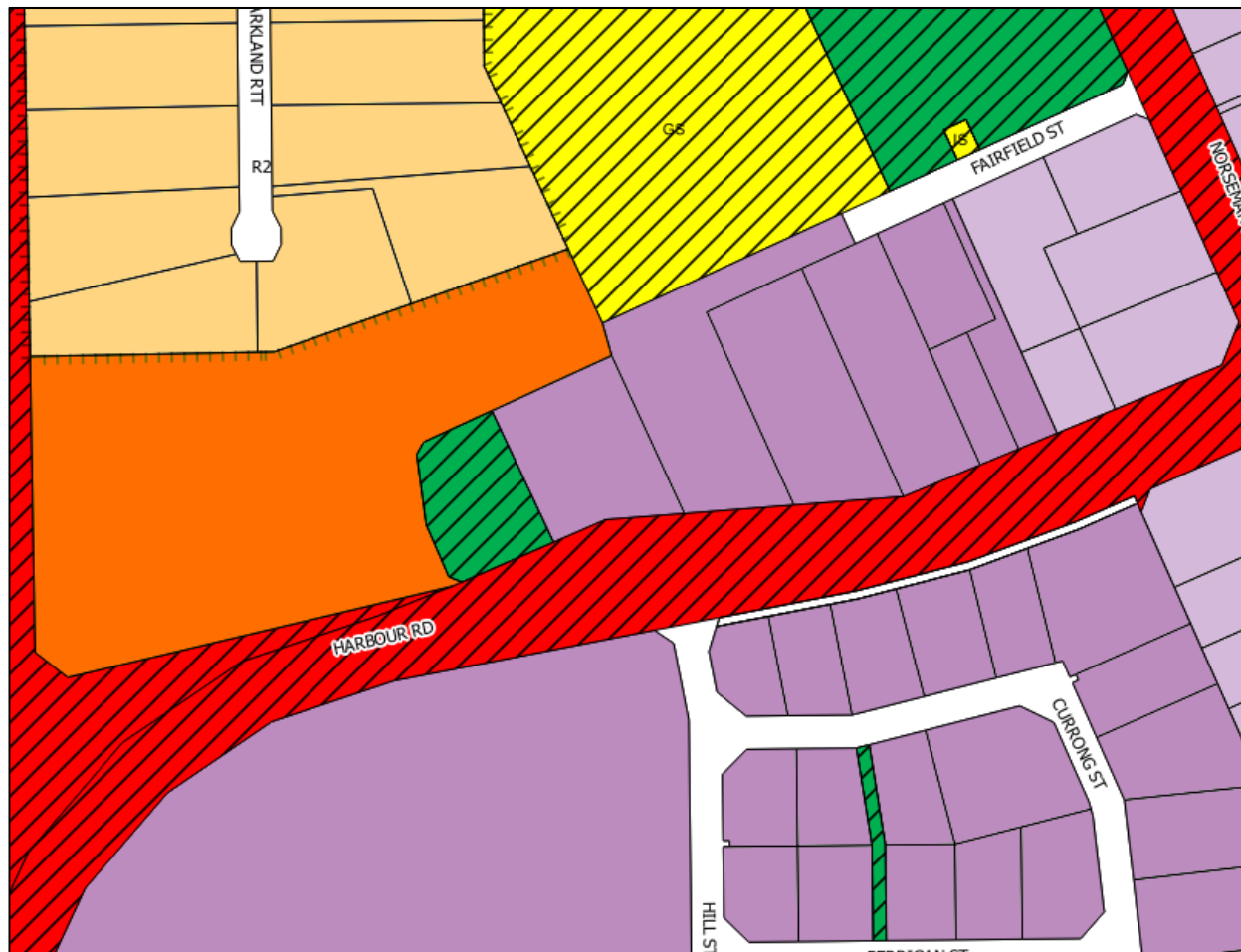


Proposed Zoning

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

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24










AMENDMENT NO. 4



Current Zoning

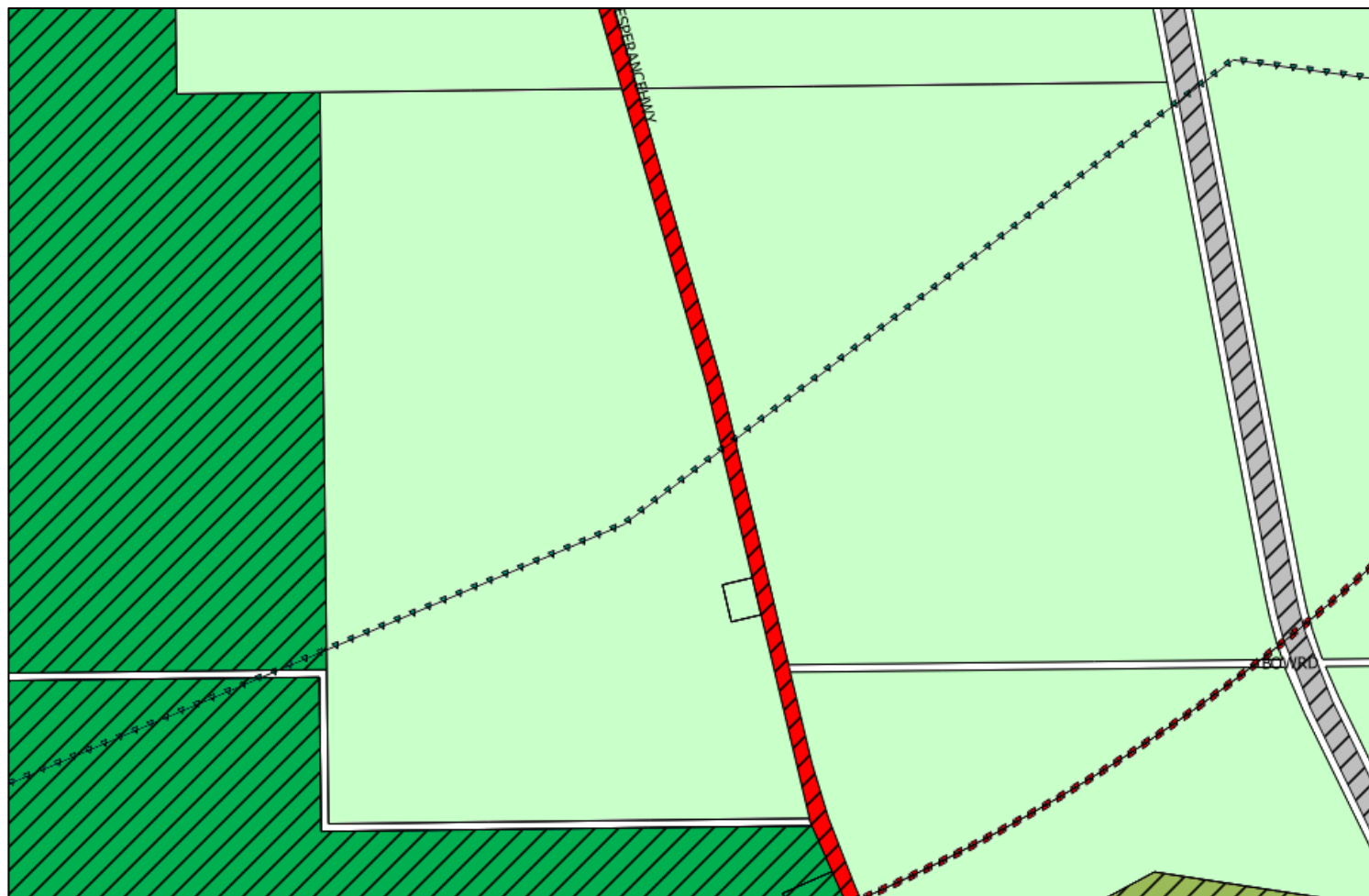


Proposed Zoning

LEGEND	
Zones	Reserves
 Light Industry	 Public Open Space
 General Industry	 IS - Infrastructure Services
 Tourism	 GS - Government Services
 Residential	 Primary Distributor Road
	 Local Road

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 4



Current Zoning




Proposed Zoning


LEGEND

Zones


 Rural

Reserves

 Local Road

 Primary Distributor Road


 Environmental Conservation


 Public Open Space

 GS - Government Services

 Railways

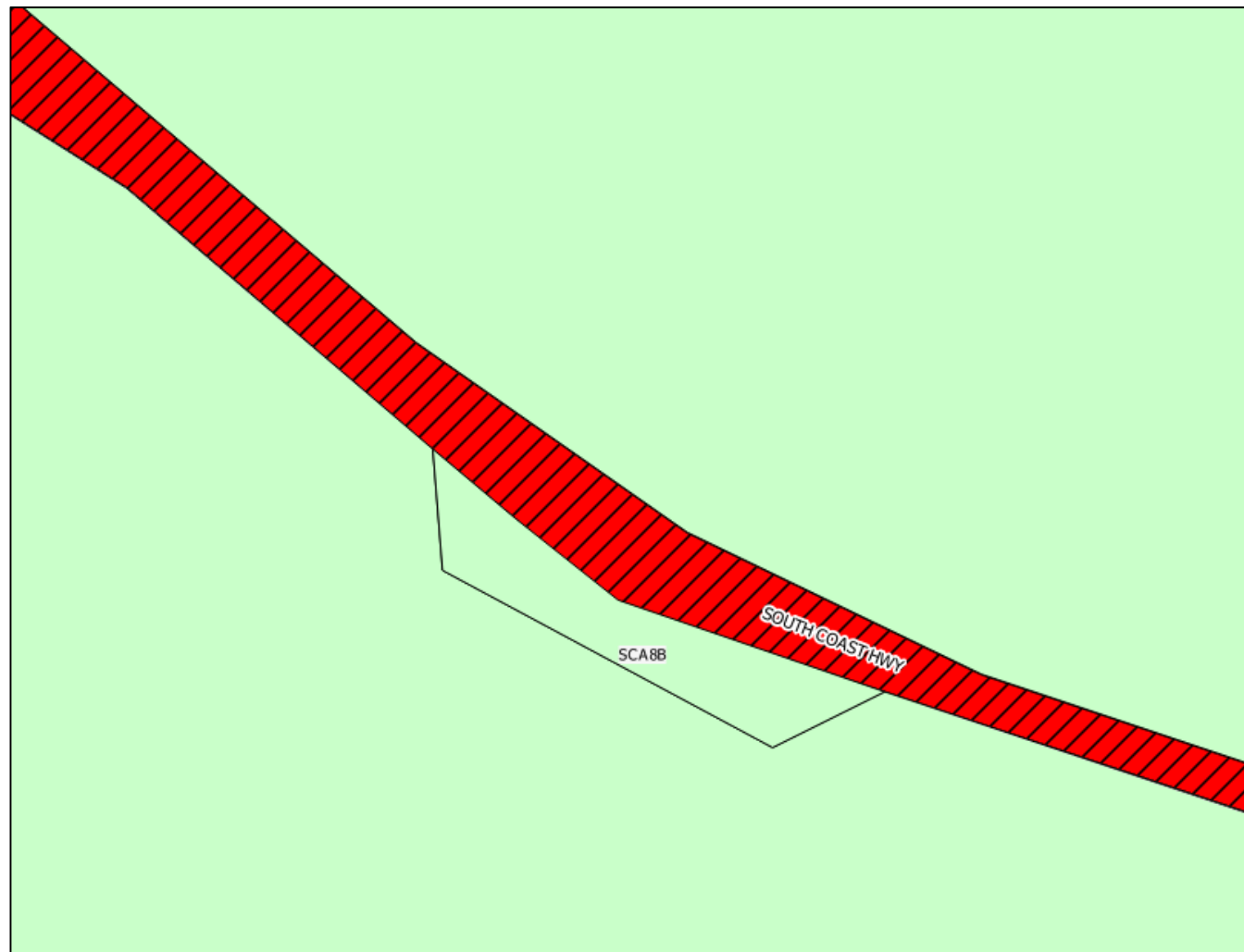
Others

 Special control area

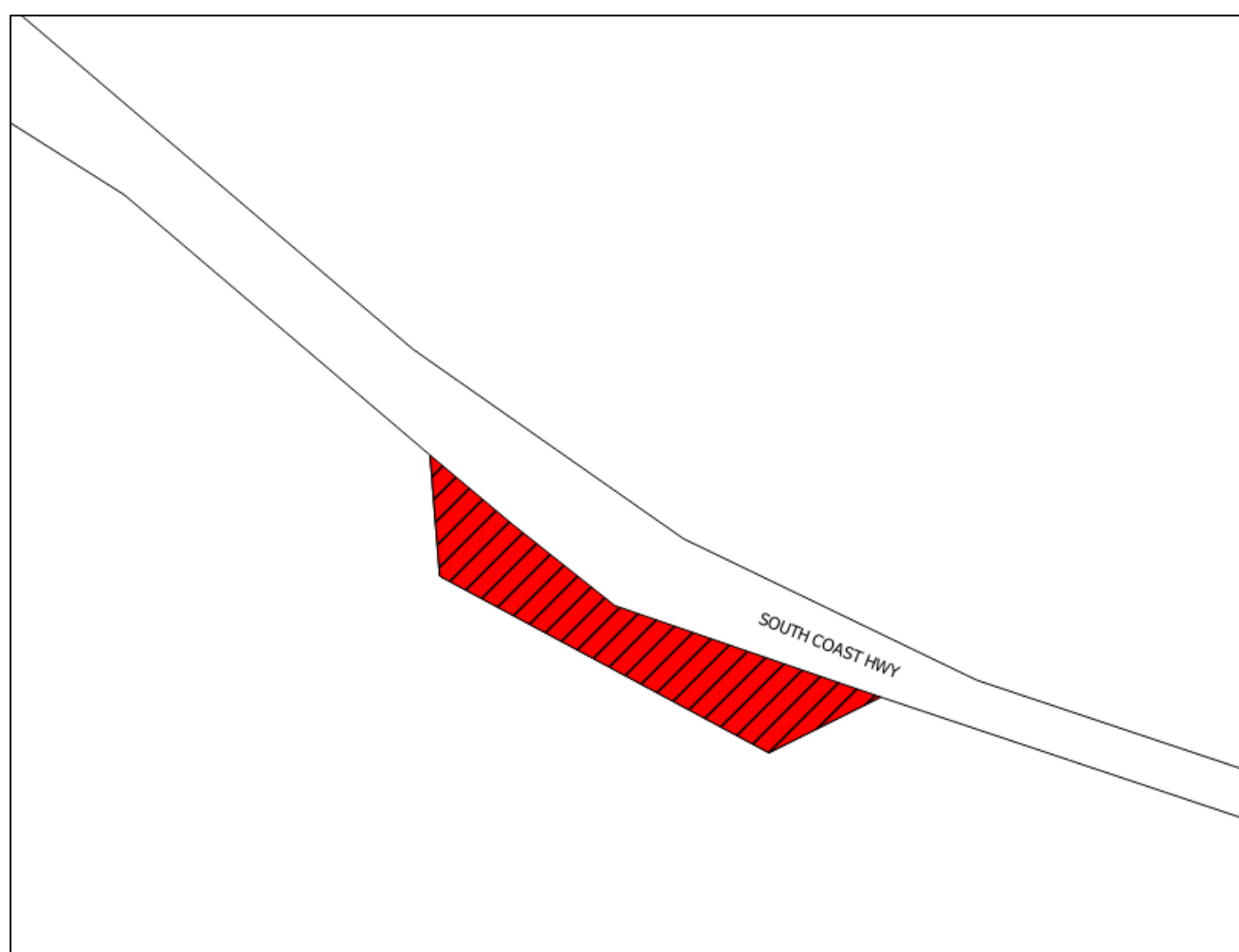
 Special control area - Environment

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24




AMENDMENT NO. 4

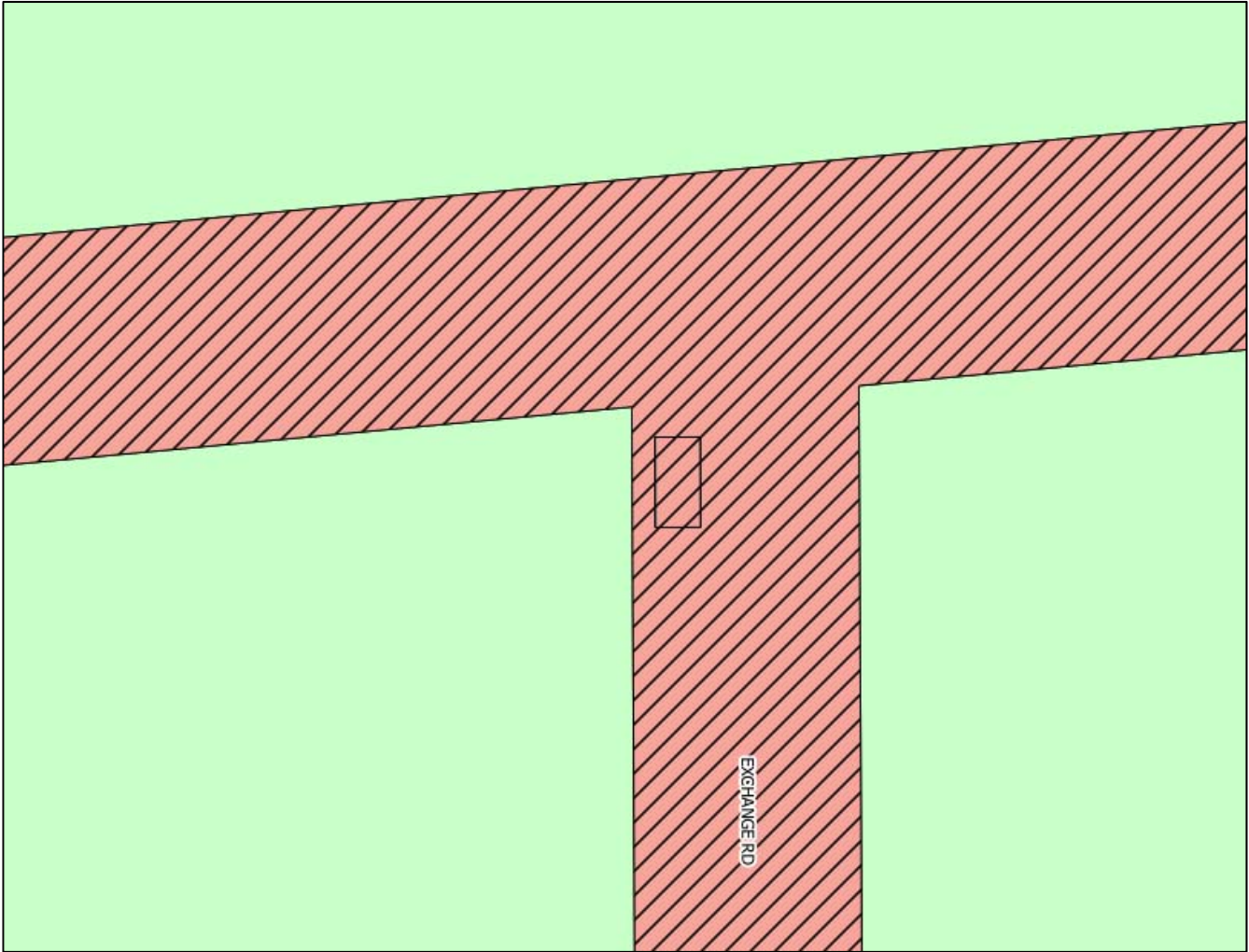


Current Zoning



Proposed Zoning

LEGEND		
Zones	Reserves	Others
 Rural	 Primary Distributor Road	 Special control area - Environment
	 Local Road	 Special control area




Current Zoning




Proposed Zoning


LEGEND

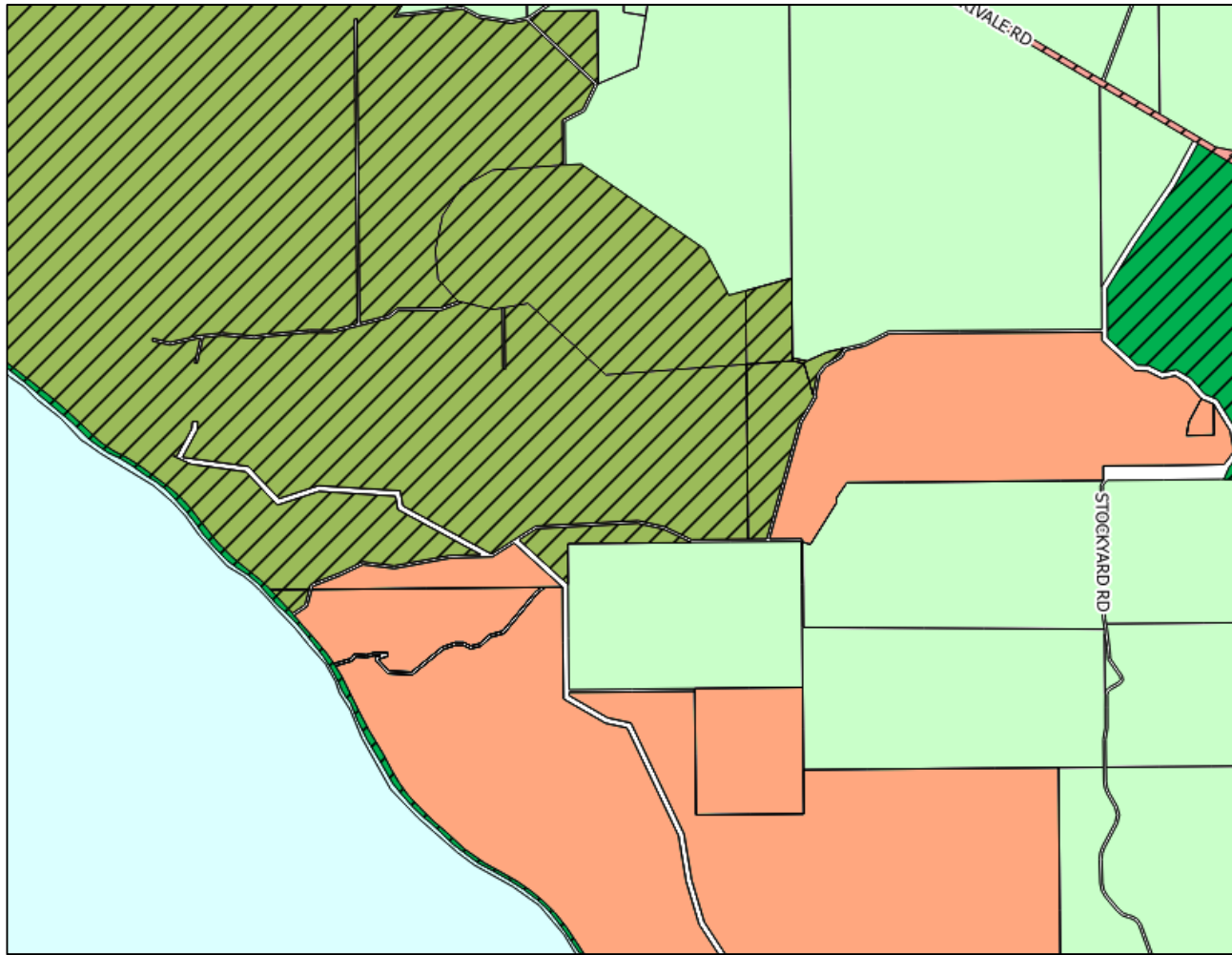
Zones

 Rural

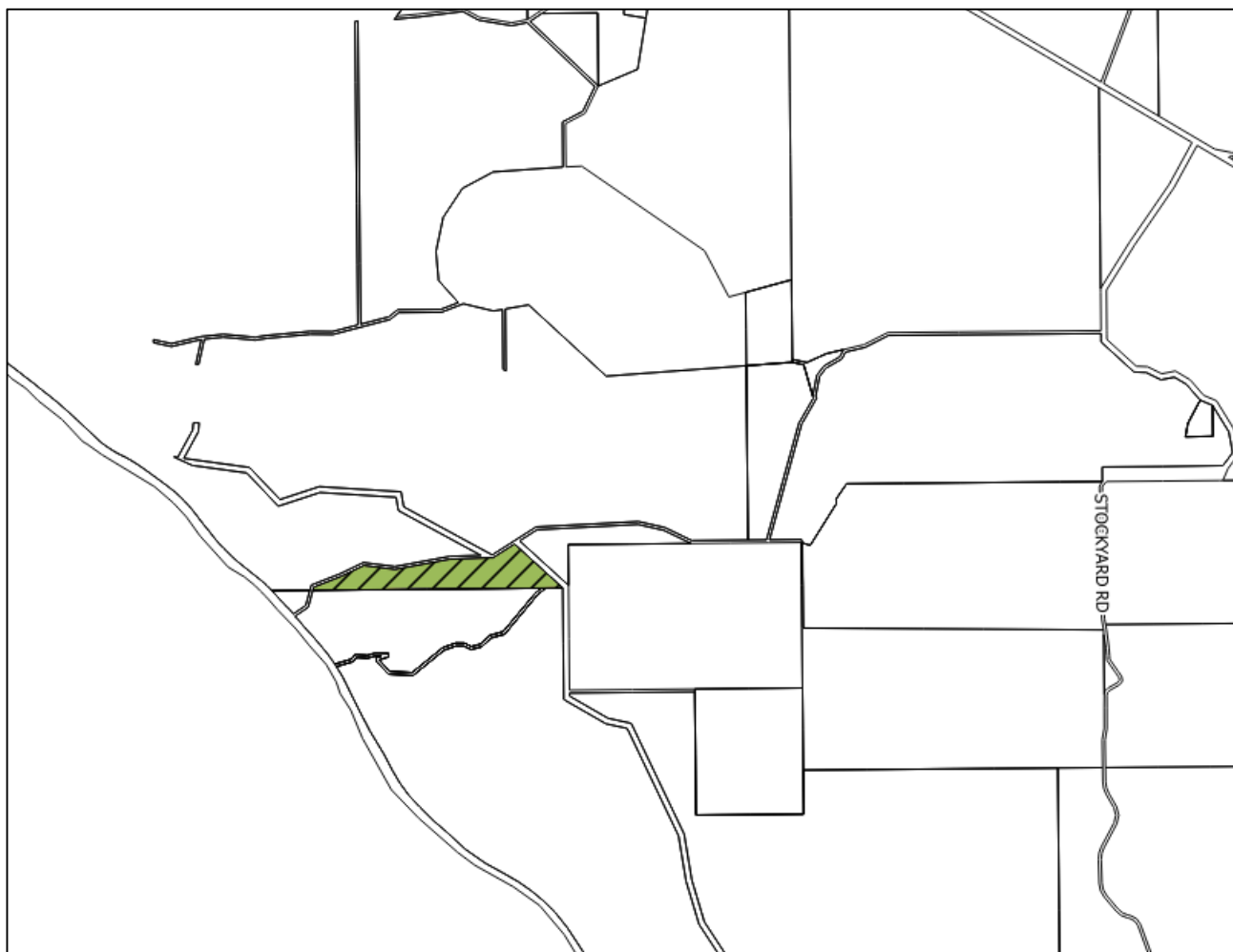
Reserves

 Primary Distributor Road








 ES - Emergency Services



Current Zoning

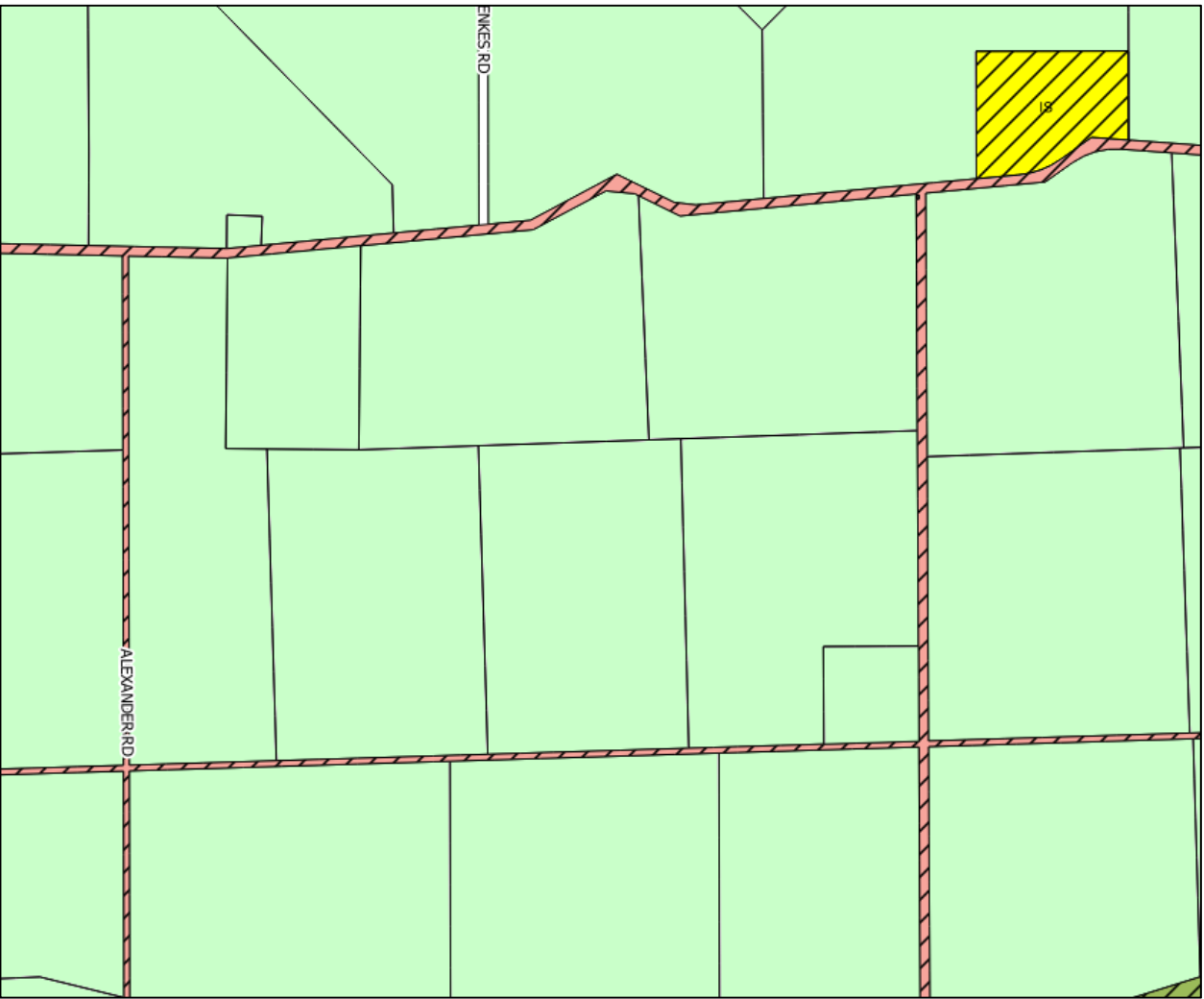


Proposed Zoning

LEGEND		
Zones	Reserves	Others
 Rural	 Local Road	 Oceans/Waterways
 Cultural and Natural Resource	 Local Distributor Road	
	 Public Open Space	
	 Environmental Conservation	

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 4



Current Zoning



Proposed Zoning

LEGEND

Zones

Rural

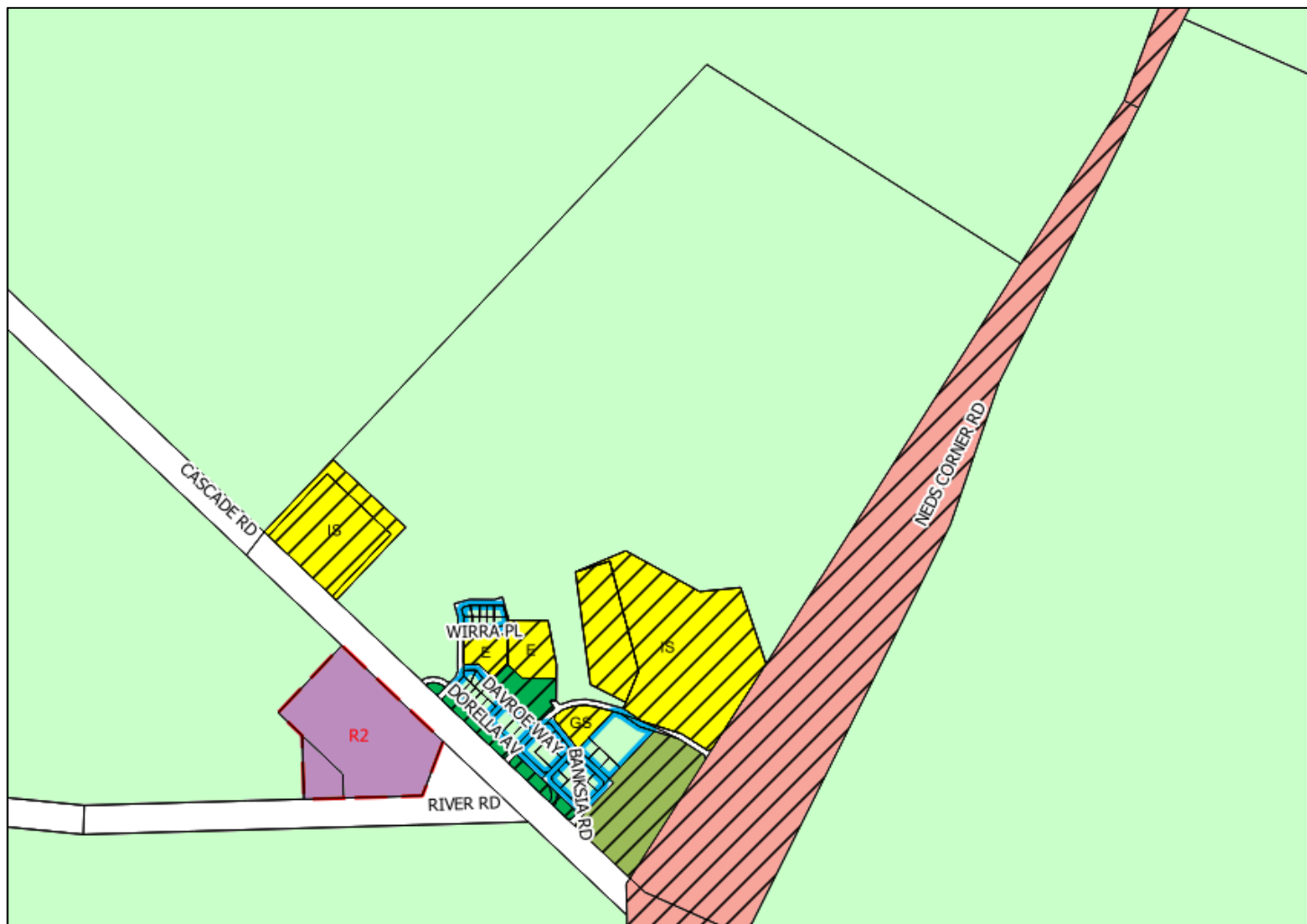
Reserves

Local Road

Local Distributor Road

IS - Infrastructure Services

Environmental Conservation

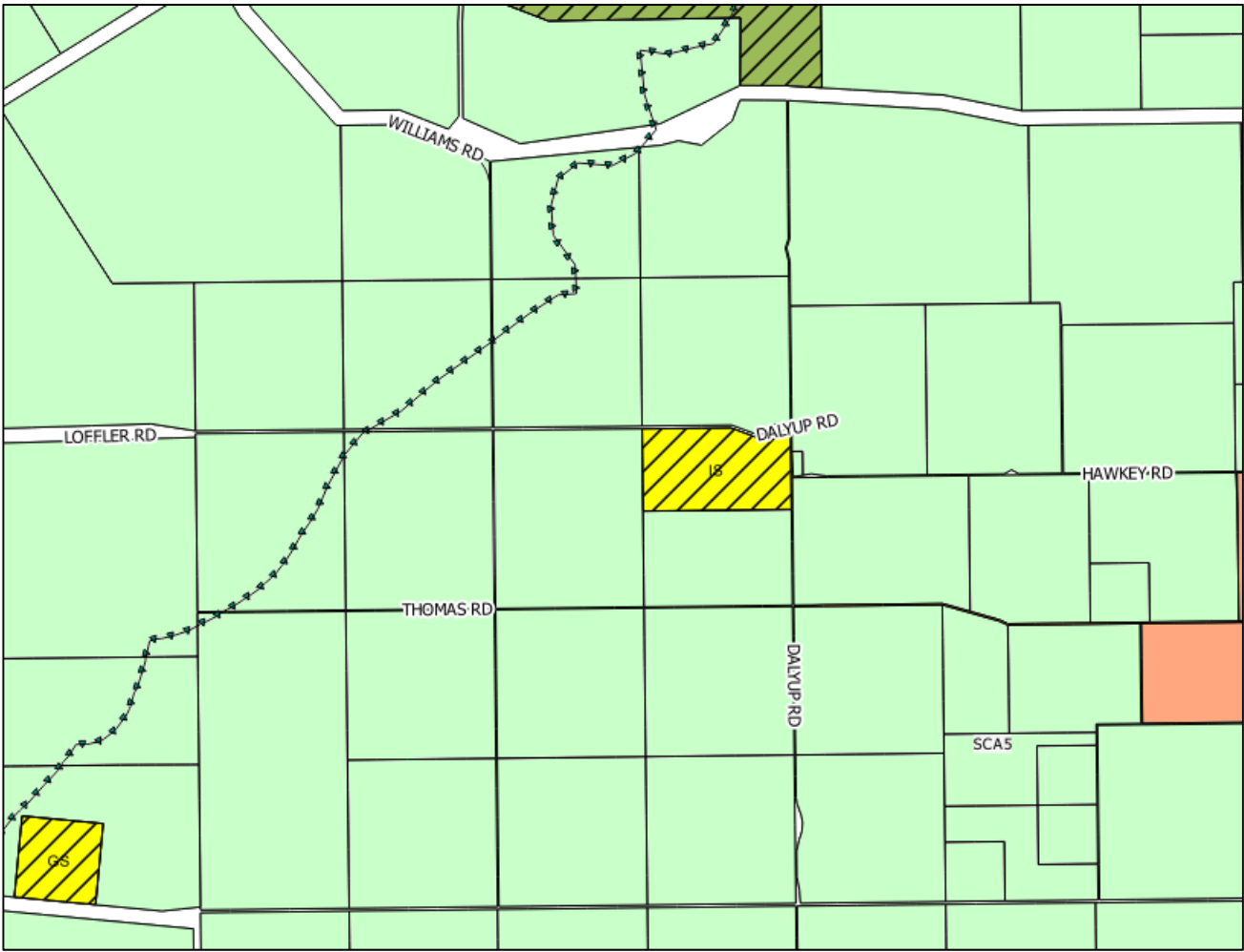


Current Zoning



Proposed Zoning








LEGEND		
Zones	Reserves	Others
Rural	E - Education	Restricted Uses
Rural Townsite	IS - Infrastructure Services	R1 - See Scheme Text
General Industry	GS - Government Services	
	Environmental Conservation	
	Local Road	
	Local Distributor Road	



Current Zoning

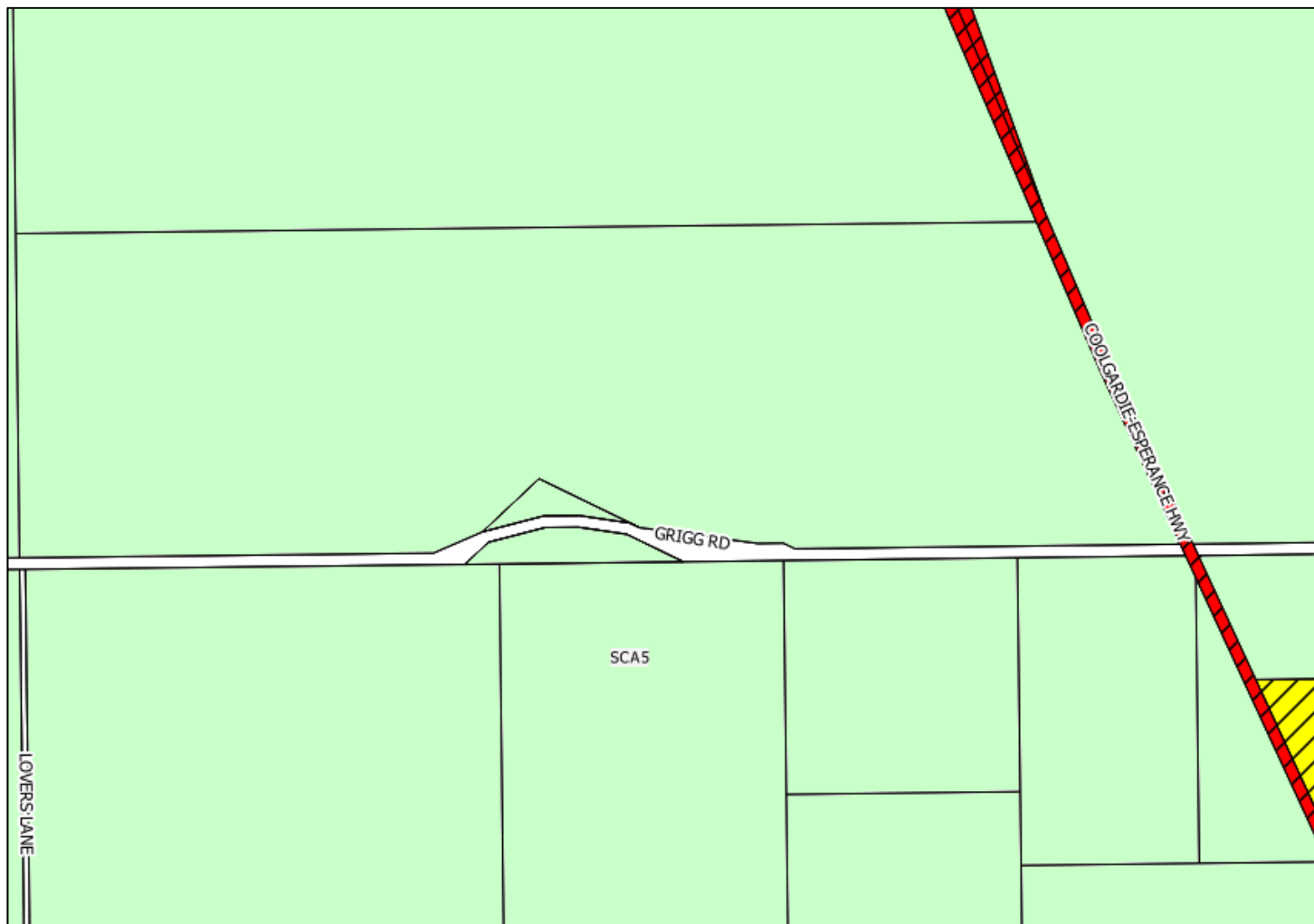


Proposed Zoning

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

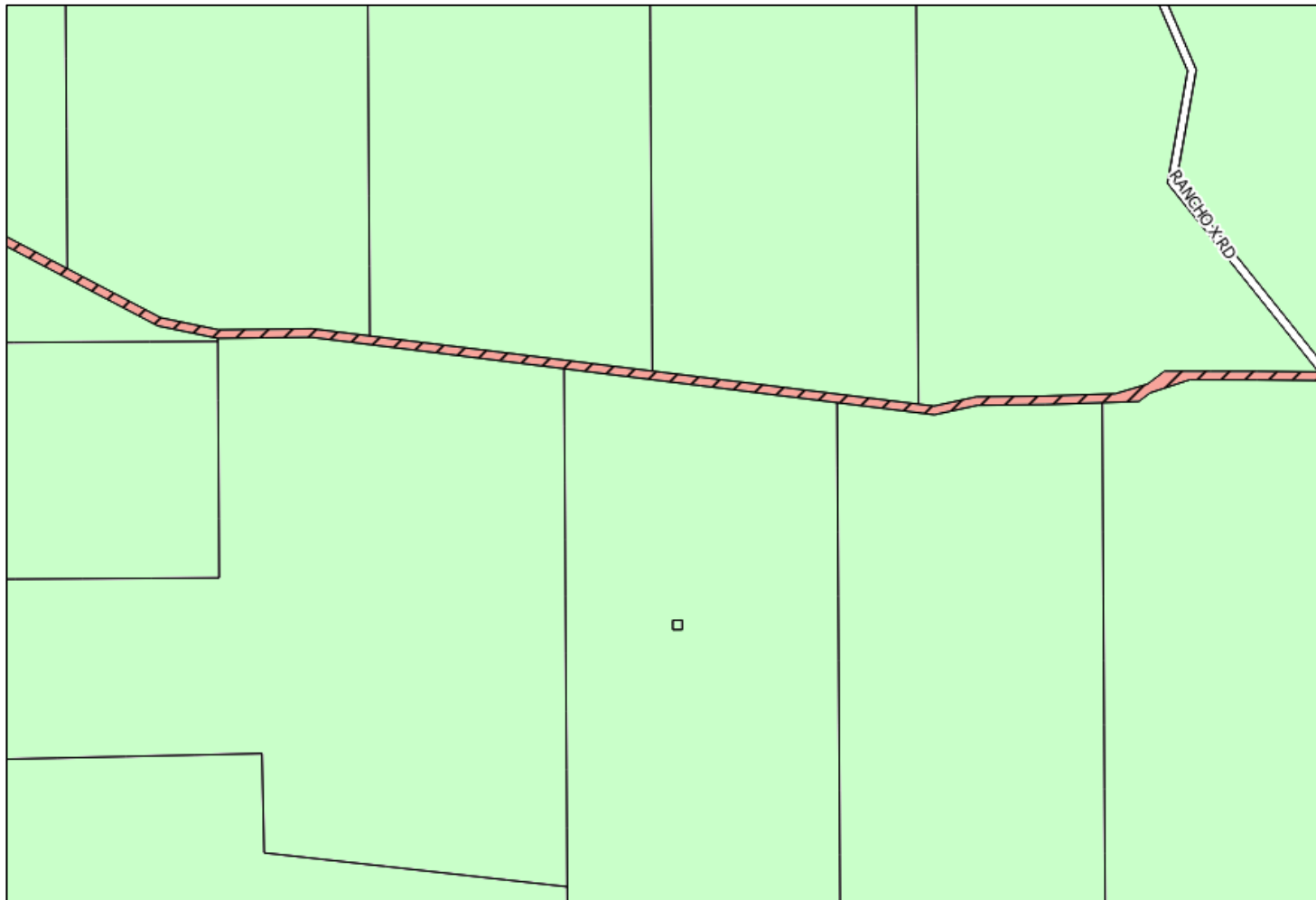


Proposed Zoning

LEGEND		
Zones	Reserves	Others
 Rural	 IS - Infrastructure Services	 Special control area - Environment
	 Environmental Conservation	
	 Local Road	
	 Primary Distributor Road	

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24





AMENDMENT NO. 4



Current Zoning

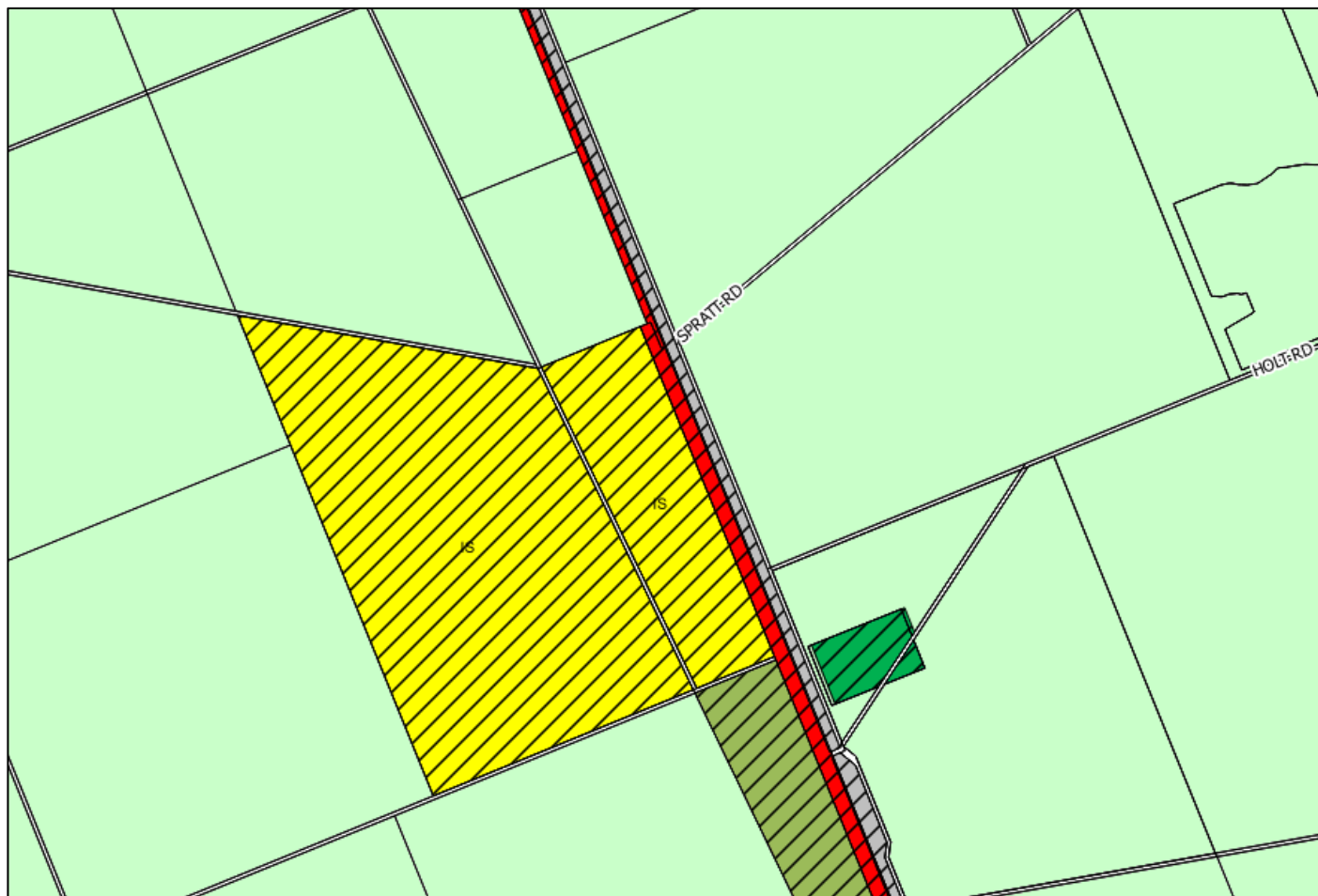


Proposed Zoning

LEGEND	
Zones	Reserves
 Rural	 IS - Infrastructure Services
	 Local Road
	 Local Distributor Road

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24








AMENDMENT NO. 4

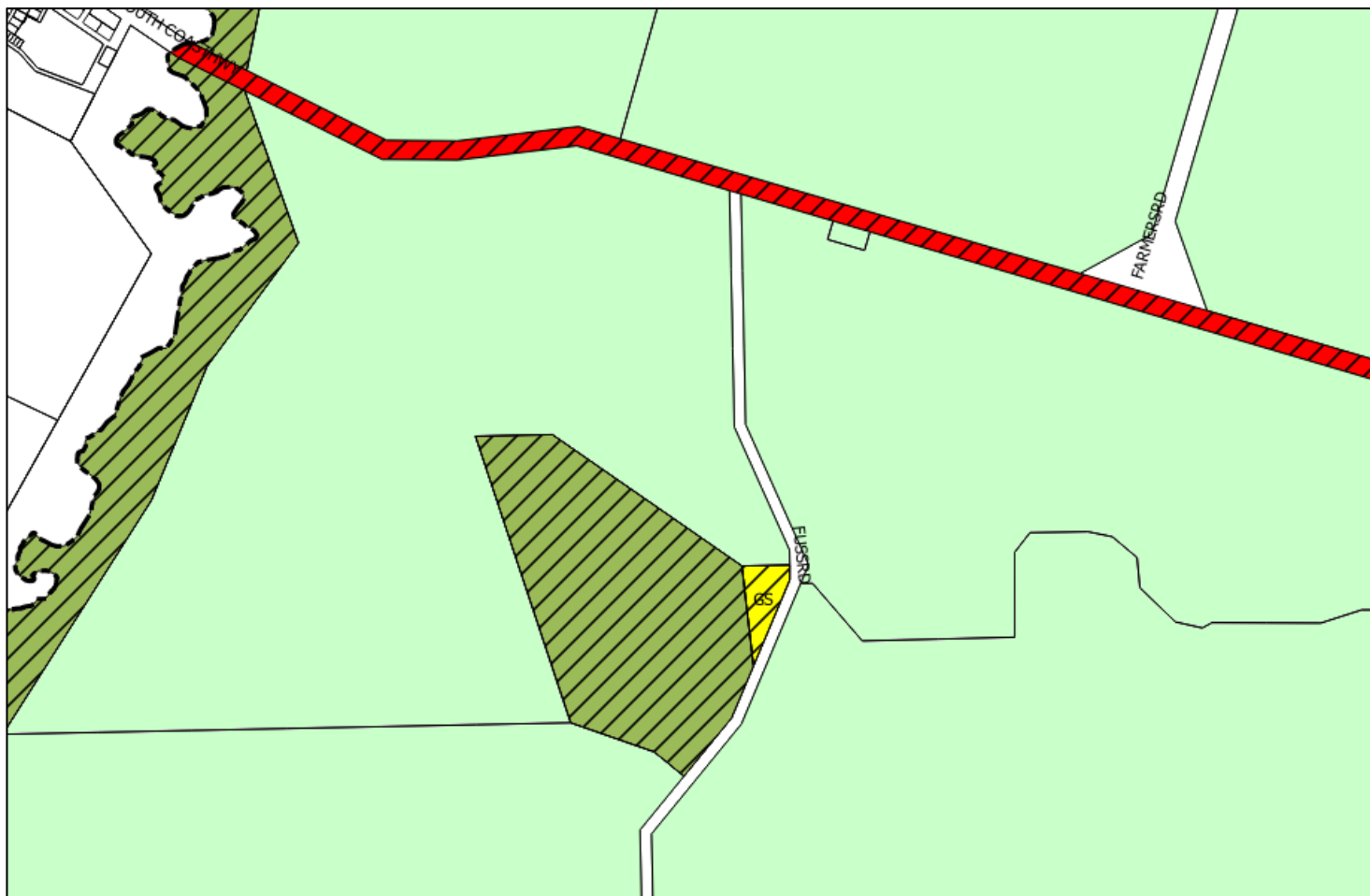


Current Zoning



Proposed Zoning

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



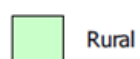
Current Zoning



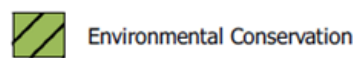
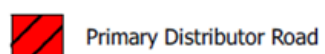
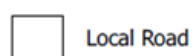
Proposed Zoning

LEGEND

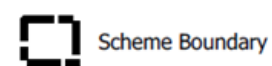
Zones



Reserves

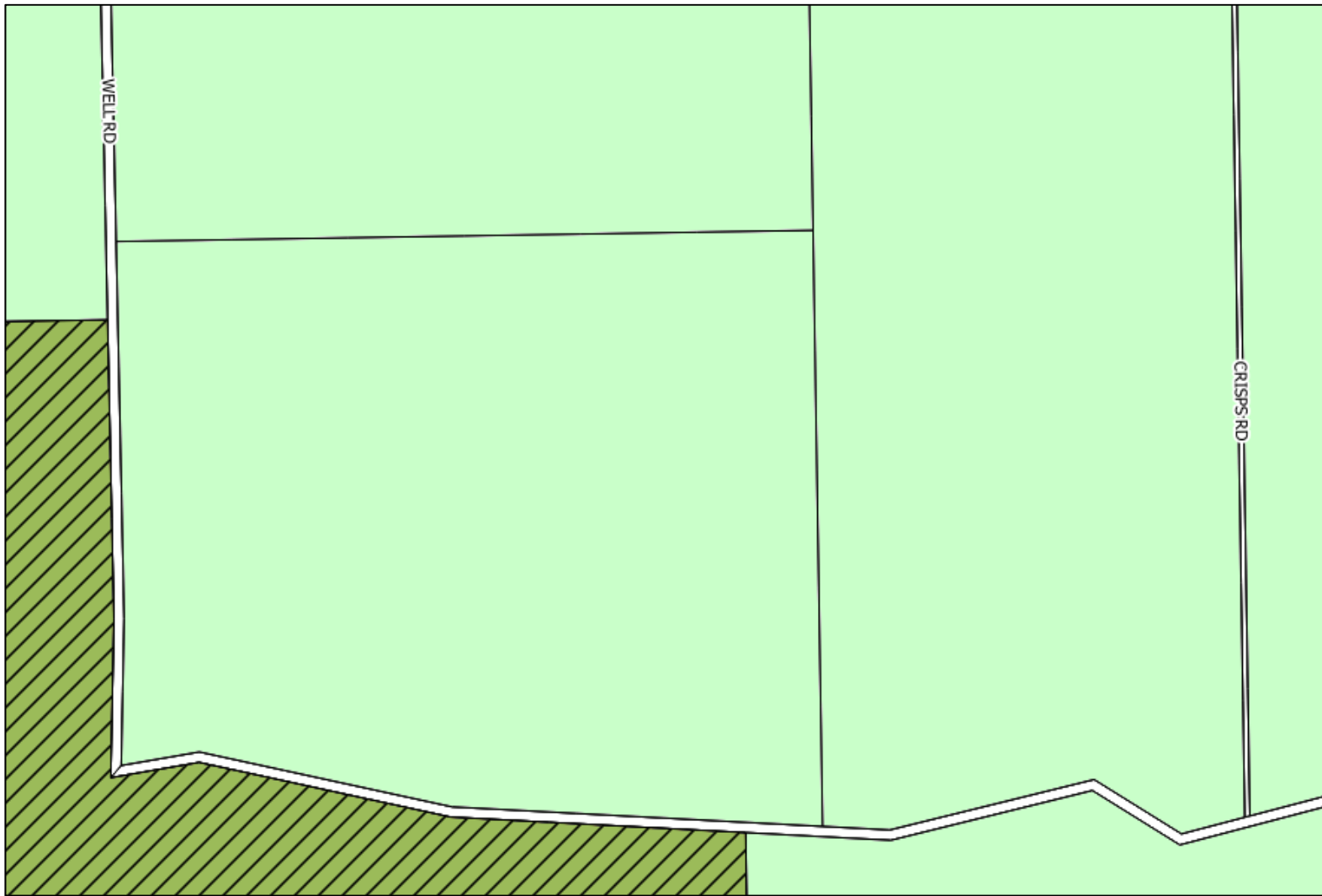


Others

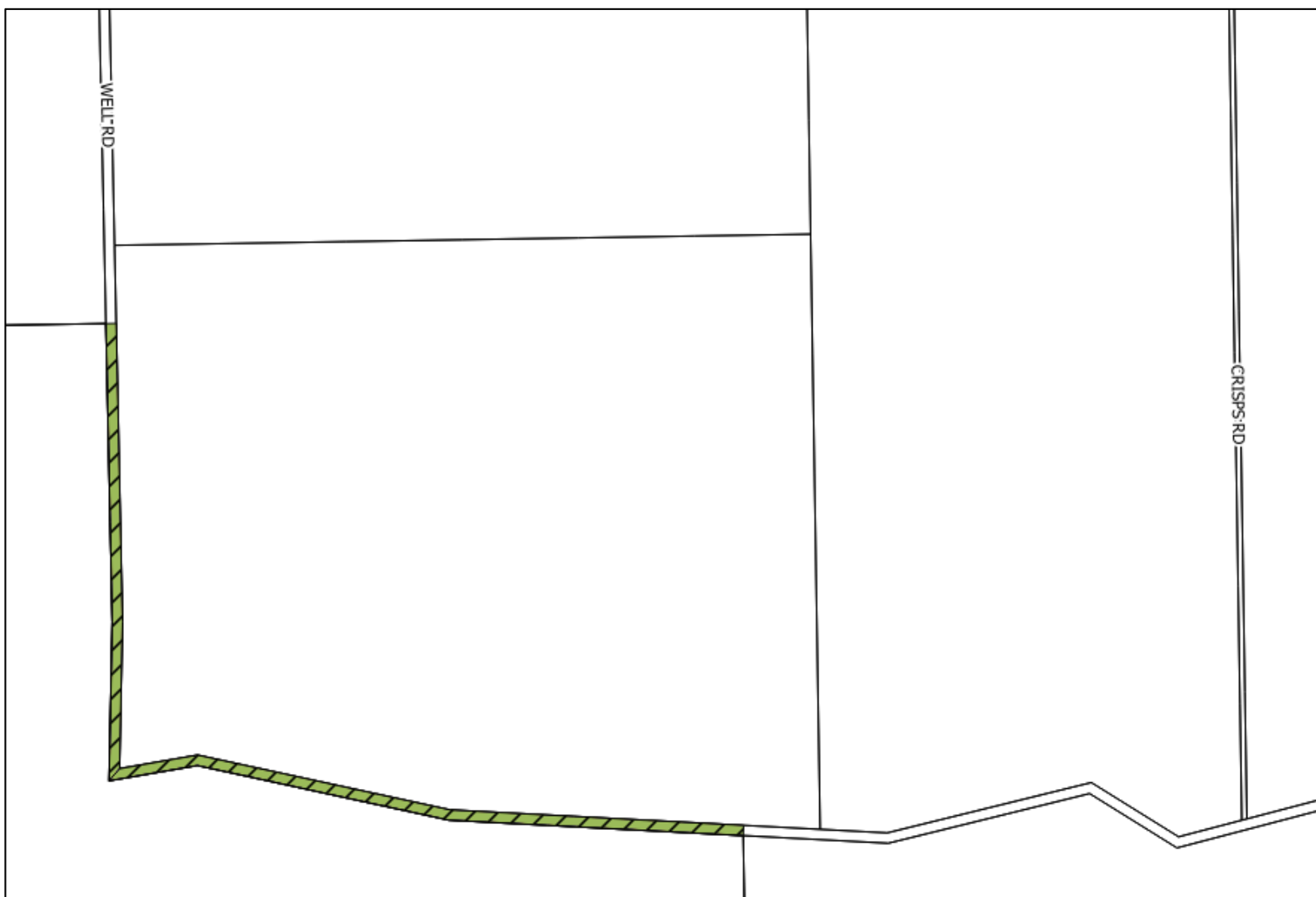


SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24




AMENDMENT NO. 4



Current Zoning



Proposed Zoning

LEGEND	
Zones	Reserves
 Rural	 Local Road
	 Environmental Conservation

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24





AMENDMENT NO. 4



Current Zoning

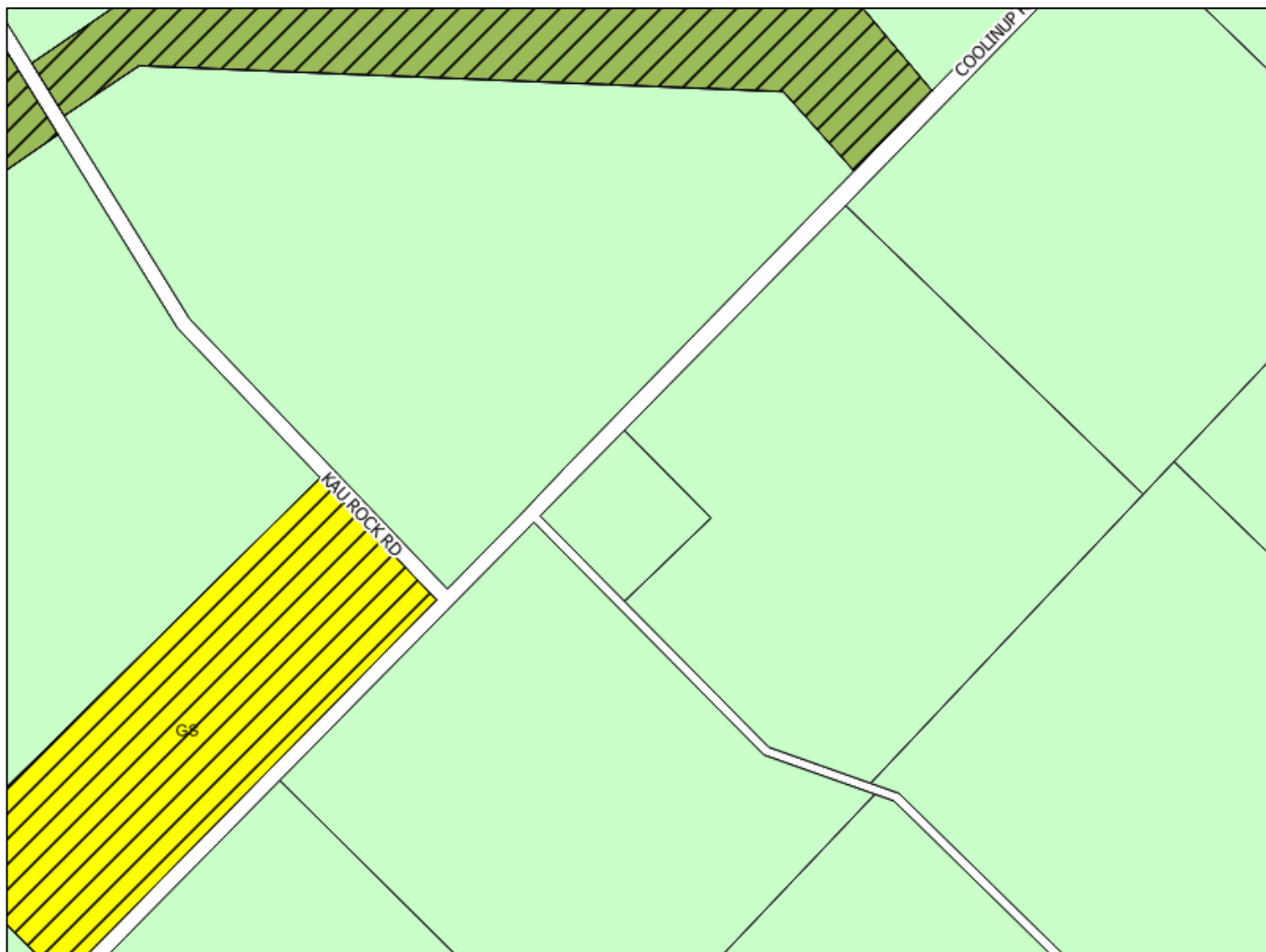


Proposed Zoning

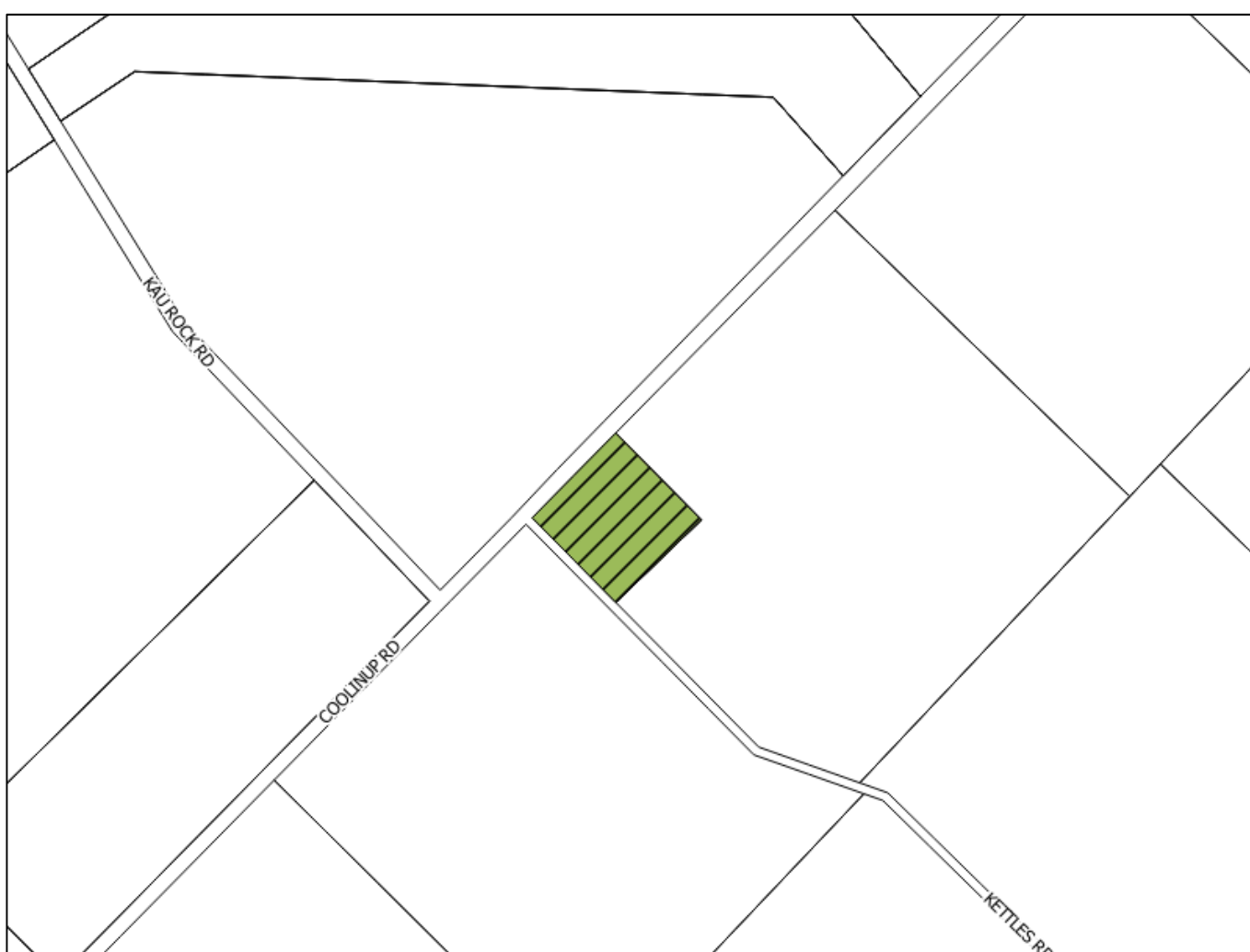
LEGEND	
Zones	Reserves
 Rural	 Local Road
	 Local Distributor Road
	 Environmental Conservation

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24





AMENDMENT NO. 4



Current Zoning



Proposed Zoning

LEGEND	
Zones	Reserves
 Rural	 Local Road
	 GS - Government Services
	 Environmental Conservation

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24











AMENDMENT NO. 4

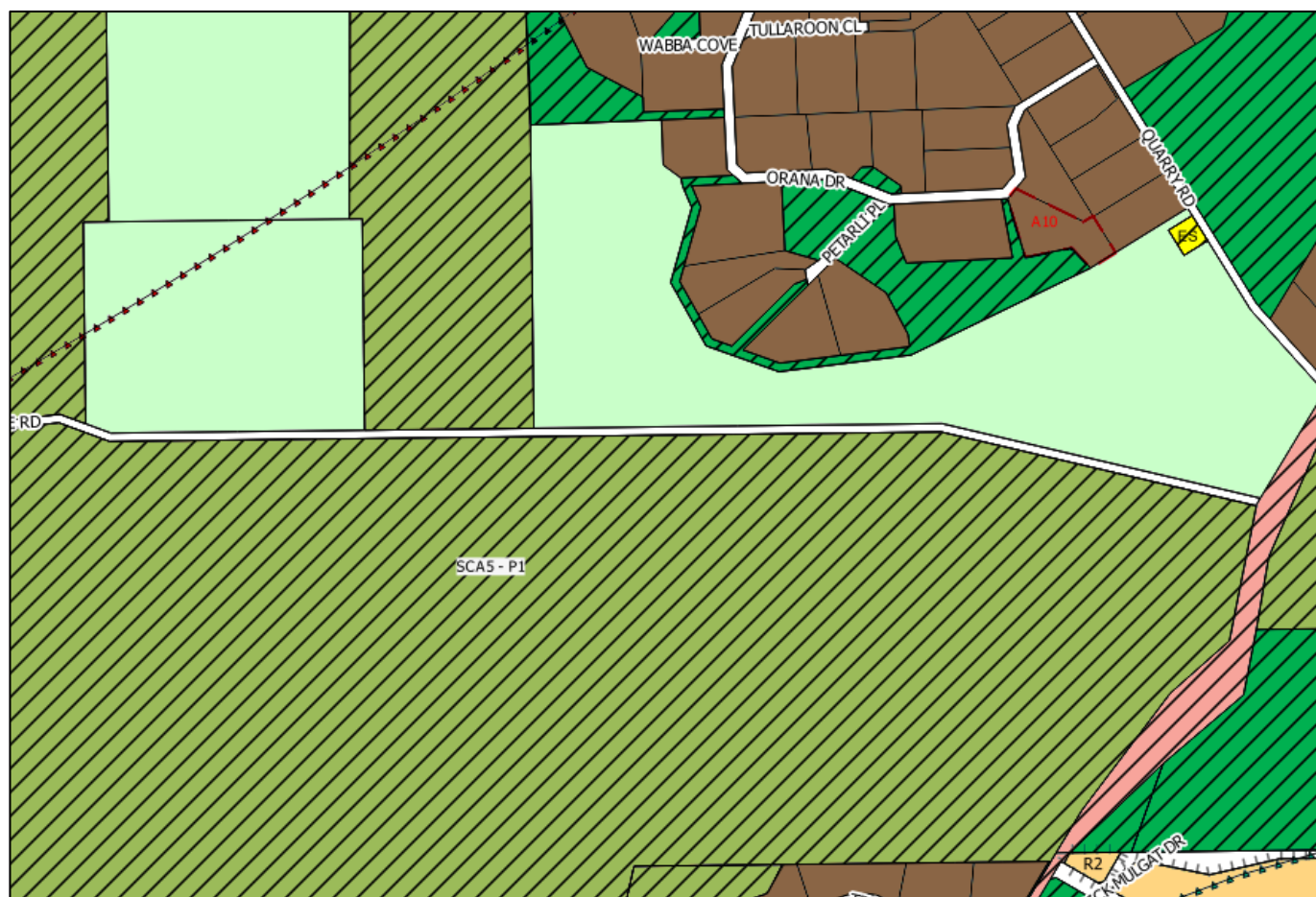


Current Zoning



Proposed Zoning













LEGEND	
Zones	Reserves
 Rural	 Local Road
 Rural residential	 Primary Distributor Road
 Rural Townsite	 Environmental Conservation
	 GS - Government Services
	 ES - Emergency Services
	 E - Education
	 IS - Infrastructure Services



Current Zoning



Proposed Zoning

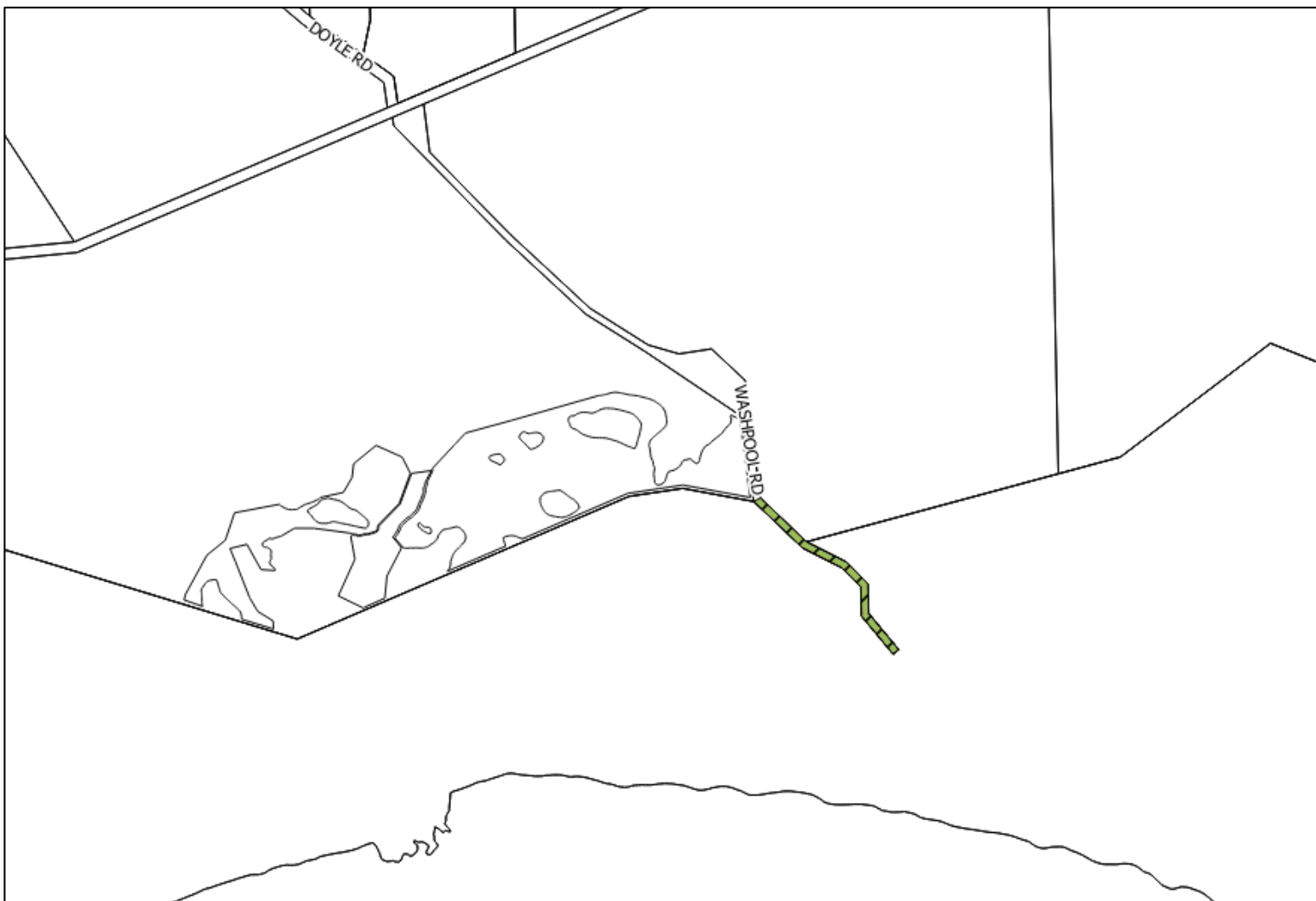
LEGEND		
Zones	Reserves	Others
 Rural residential	 Local Road	Additional Uses
 Rural	 Local Distributor Road	 A1 See Scheme Text
 Residential	 Public Open Space	 Special control area
	 Environmental Conservation	 Special control area - Environment
	 ES - Emergency Services	 R-Codes

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24





AMENDMENT NO. 4



Current Zoning

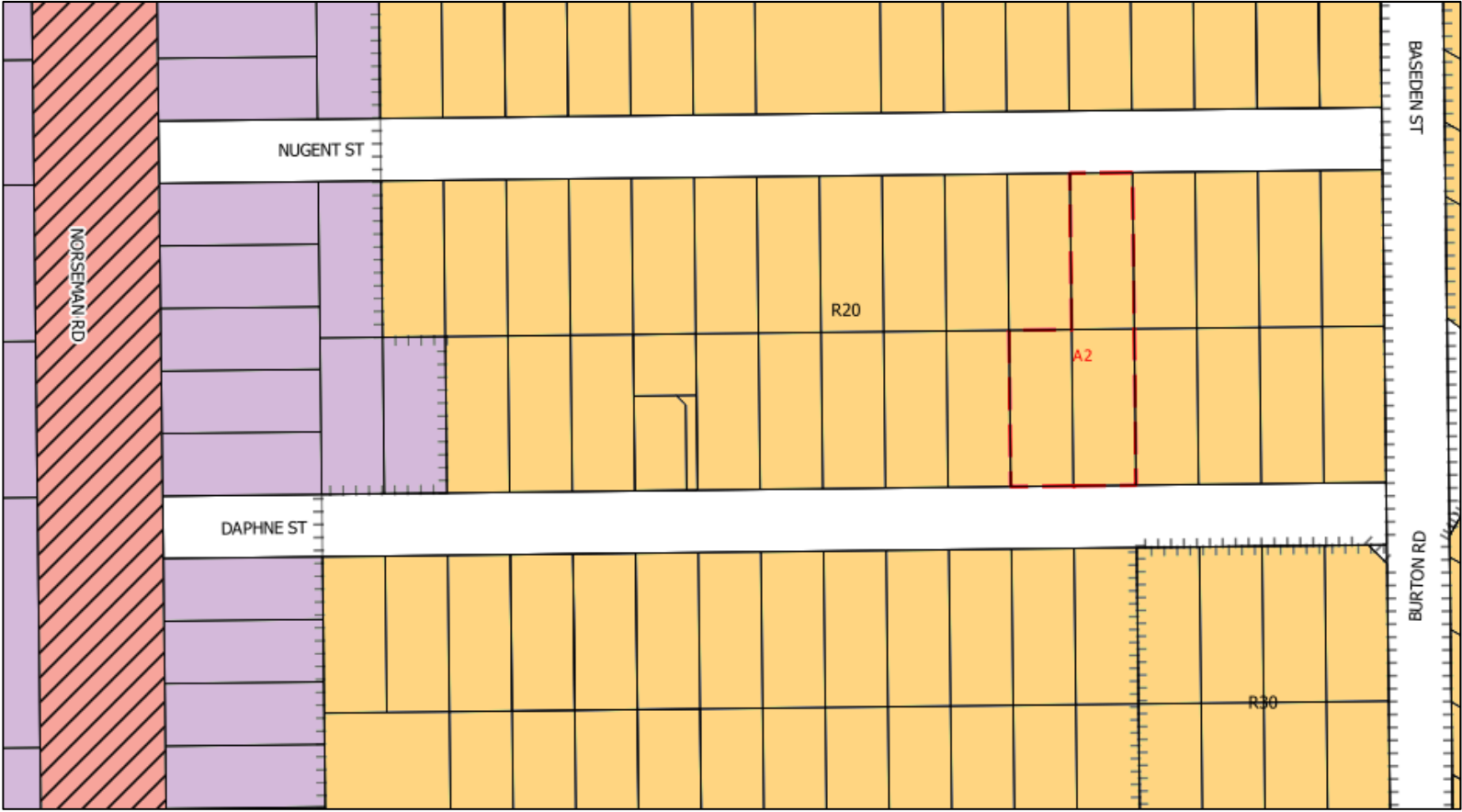


Proposed Zoning

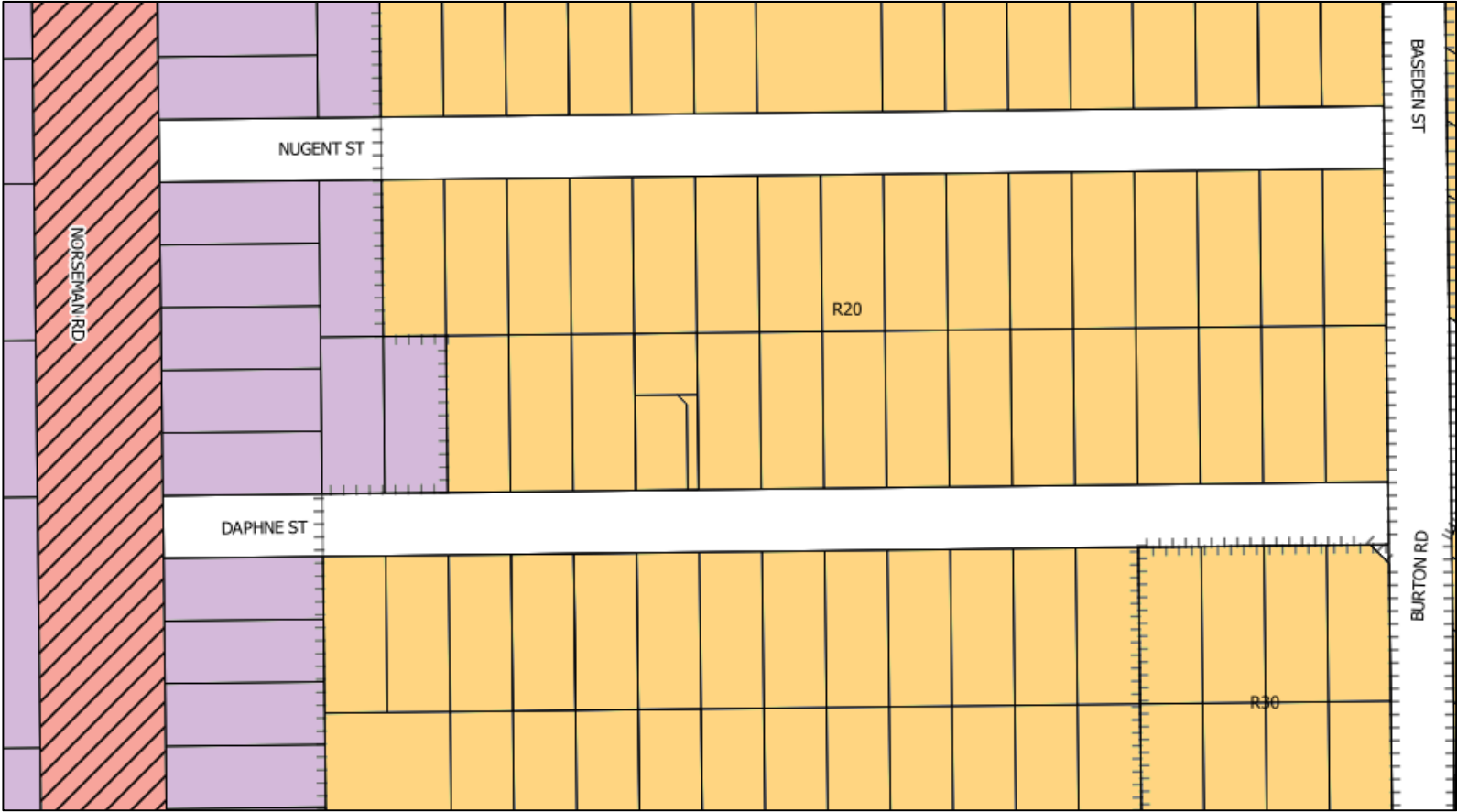
LEGEND		
Zones	Reserves	Others
 Rural	 Local Road	 Oceans/Waterways
	 Environmental Conservation	

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 4



Current Zoning



Proposed Zoning

LEGEND

Zones

Residential

Light Industry

Reserves

Local Distributor Road

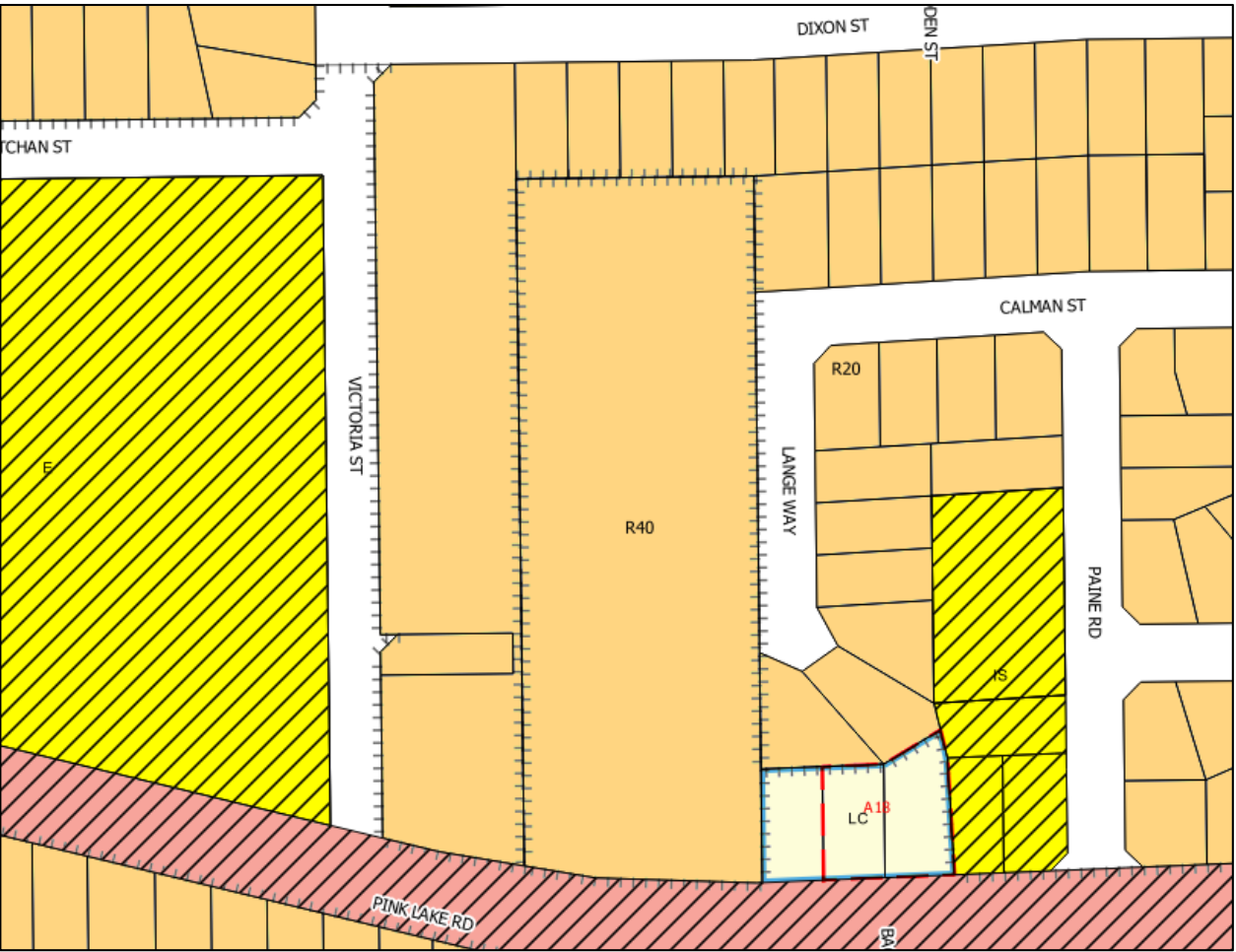
Local Road

Others

Additional Uses

A1 See Scheme Text










R-Codes

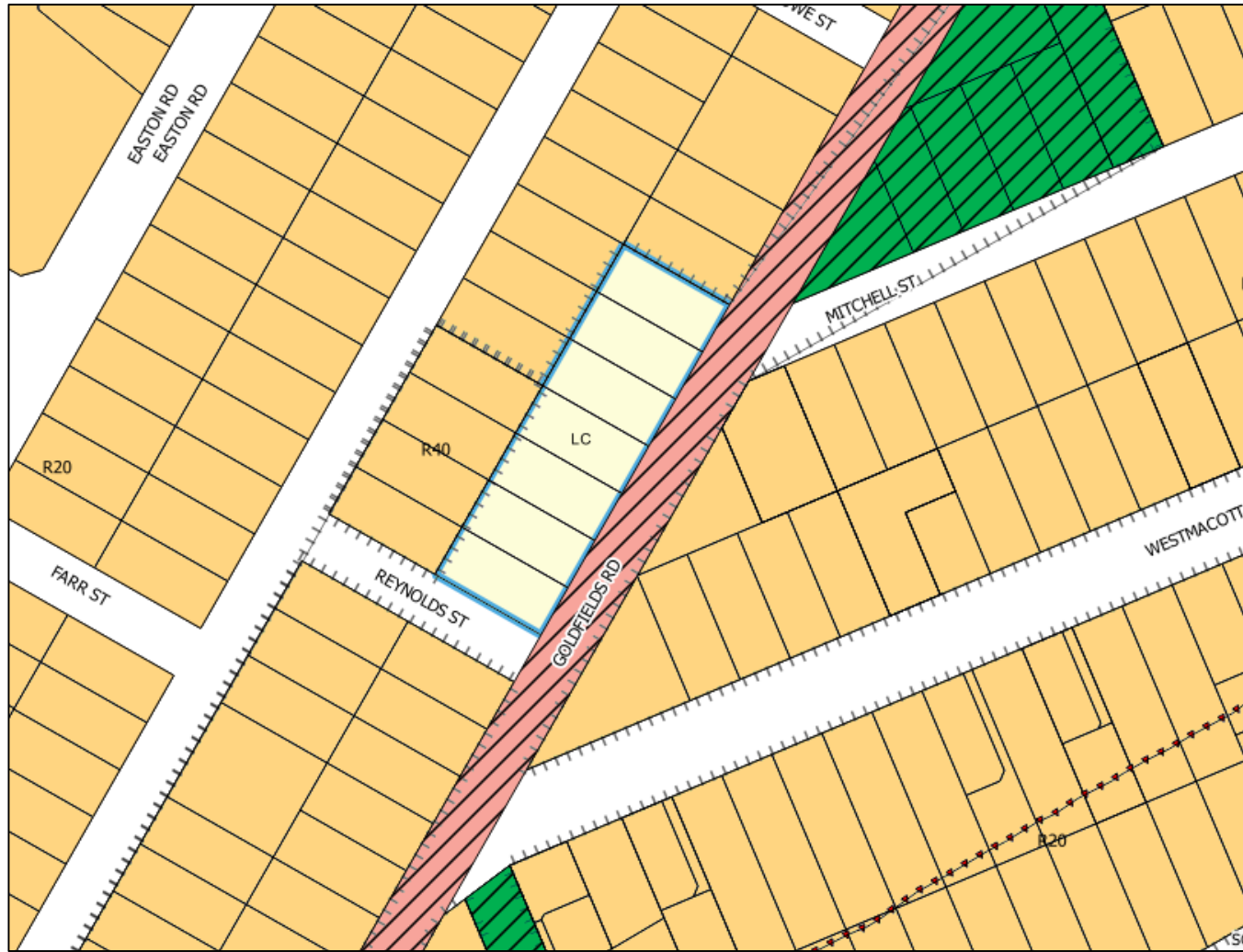


Current Zoning



Proposed Zoning








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



Current Zoning

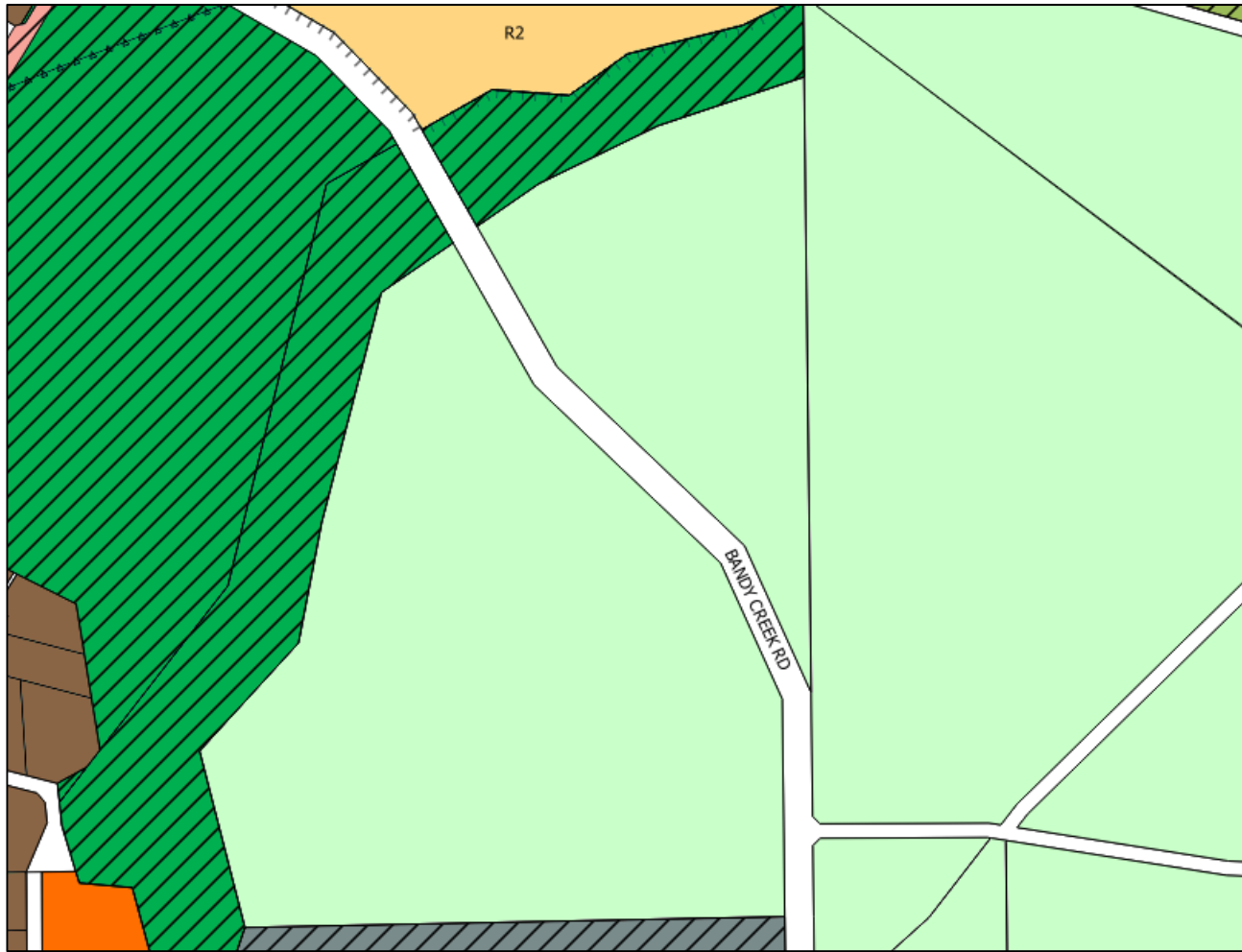


Proposed Zoning

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

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24











AMENDMENT NO. 4



Current Zoning



Proposed Zoning

LEGEND		
Zones	Reserves	Others
 Rural	 Local Road	 R-Codes
 Residential	 Public Open Space	 Special control area - Environment
 Tourism	 Environmental Conservation	Special Uses
	 Strategic Infrastructure	 SU1 - See Scheme Text

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

[Signature]

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

[Signature]

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 26 day of February, 2019 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:



Victoria Brown

SHIRE PRESIDENT

[Signature]

CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

[Signature]

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

DATE 24.06.2019

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....

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 28/6/19.

Certified by *H Brooks*

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.

