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SHIRE OF ESPERANCE
LOCAL PLANNING SCHEME NO. 24
AMENDMENT NO. 8

PLANNING AND DEVELOPMENT ACT 2005**RESOLUTION TO ADOPT AMENDMENT
TO LOCAL PLANNING SCHEME****SHIRE OF ESPERANCE
LOCAL PLANNING SCHEME NO. 24
AMENDMENT NO. 8**

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 'X' with a 'D+' for 'Grouped Dwelling in the 'Rural Townsite zone.
2. Amending Clause 17 by inserting the following below Table 4 – Zoning and Land Use Table:
'+ Grouped dwelling is only permitted where each dwelling complies with Minimum Lot Area Sq. m within Schedule 6.'
3. Amending Schedule 2 Clause 4.(c) by replacing it with:
 - (i) Despite any other provision of the Scheme development approval is required for all development except for development exempted under clause 61. (q), (s), (v), (w), (x), (aa), (bb) and (cc) of Schedule A.
 - (ii) Outbuildings with an area of 10m² or less and a height of 2.4m or less do not require approval unless otherwise specified in the Scheme (other than in this clause).'
4. Amending Schedule 2 Clause 5.(c)(i) by replacing it with:
'Despite any other provision of the Scheme development approval is required for all development except for development exempted under clause 61. (q), (s), (v), (w), (x), (aa), (bb) and (cc) of Schedule A.'
5. Amending Schedule 2 Clause 9.(c)(i) by replacing it with:
'Despite any other provision of the Scheme development approval is required for all development except for development exempted under clause 61. (q), (r), (w), (x), (aa), (bb) and (cc) of Schedule A.'
6. Amending the Scheme Map by reclassifying the portion of Mungan Street between the two sections of Lot 51 on Plan 9505 from 'Local Road' to 'Railways' as depicted on the Scheme Amendment Map.
7. Amending the Scheme Map by reclassifying Lot 2113 on Deposited Plan 193502 Bishop Road, Grass Patch from 'Local Road' to 'Infrastructure Services' as depicted on the Scheme Amendment Map.
8. Amending the Scheme Map by reclassifying Lot 320 on Deposited Plan 418247 from 'Oceans/Waterways' to 'Public Open Space' and 'Additional Use Reserve AR3' as depicted on the Scheme Amendment Map.
9. Amending the Scheme Map by reclassifying Lot 2105 on Deposited Plan 21055 from 'Rural Residential' to 'Local Road' as depicted on the Scheme Amendment Map.
10. Amending the Scheme Map by rezoning the portion of Lot 111 Cudgee Close Myrup zoned 'Rural Smallholdings' and 'RS2' to 'Rural Residential' and 'RR3' as depicted on the Scheme Amendment map.

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11. Amending the Scheme Map by rezoning the portion of Lot 200 Phyllis Street Castletown classified as 'Local Road' to 'Residential' with a density of 'R20' as depicted on the Scheme Amendment map.

12. Amending the Scheme by replacing Clause 15. in Schedule 1 with the following:

- '15 (a) A person shall not use land for a purpose specified in Schedule 7 unless car parking spaces of the number specified in Schedule are provided and sealed, drained and marked to the local government's specifications prior to occupancy of development or commencement of a use and maintained to the satisfaction of the local government thereafter.
- (b) Where the floor area occupied by an existing use is increased, the parking requirement will be calculated on the basis of the floor area of the extension only or the area subject to the change of use of the site provided the existing number of car spaces is not reduced.
- (c) Where the development is a use not listed within Schedule 7 or where a variation to the car parking requirements listed under Schedule 6 and/or Schedule 7, 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.
- (d) 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 (d) when considering the total number of parking spaces required for the development.

13. Amending the Scheme by replacing Clause 17.(a) within Schedule 1 with the following and renumbering the clause accordingly:

- '(a) Where existing and proposed lots within the Scheme Area are not connected to a reticulated sewerage system, on-site wastewater systems shall be to the specifications and satisfaction of the local government.
- (b) Within Public Drinking Water Source Areas and sensitive water resource areas secondary treatment systems with nutrient removal will be required on any lot less than 1ha or where soils have low capacity to retain nutrients.
- (c) The discharge point of the on-site wastewater system should be at least the following distances above the highest groundwater level, taking into account long-term variability, possible groundwater rise following development and perched water tables:
- (i) Public Drinking Water Source Area - 2 metres; and
 - (ii) All other areas –
 - a) loams and clay soils - 0.6 metres
 - b) gravels - 1 metre
 - c) sands - 1.5 metres.

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- (d) Unless in accordance with subclause (e) an on-site wastewater system is not to be located within:
- (i) a wellhead protection zone
 - (ii) 100 metres of any bore used for public drinking water supply where existing lots would be rendered undevelopable by the wellhead protection zone;
 - (iii) 30 metres of a private bore used for household/ drinking water purposes;
 - (iv) 100 metres of a waterway or wetland and not within a waterway foreshore area or wetland buffer.
 - (v) 100 metres of a drainage system that
 - a) is located down-groundwater-gradient;
 - b) discharges directly into a waterway or significant wetland without treatment; or
 - c) intersects groundwater; or
 - (vi) any area subject to inundation and/or flooding in a 10 per cent AEP rainfall event.
- (e) Smaller setbacks may be considered where a proponent demonstrates to the satisfaction of the responsible authority, in consultation with the relevant advisory agencies, that the reduced setbacks will not have a significant impact on the environment or public health. In seeking a reduced setback, secondary treatment systems with nutrient removal may be required.'
- (f) Smaller setbacks to bores used for public drinking water supply will not be supported under any circumstances.
- (g) On residential zoned lots under 2000m², Aged Care Facility, Child Care Premises, Civic Use, Educational Establishment, Grouped Dwelling, Multiple Dwelling, Holiday House, Place of Worship and Small Bar will not be permitted unless connection to a reticulated sewerage system is proposed.
- (h) On Rural Townsite zoned lots under 2000m², Aged Care Facility, Child Care Premises, Civic Use, Club Premises, Educational Establishment, Exhibition Centre, Fast Food Outlet, Holiday House, Hotel, Holiday Accommodation, Lunch Bar, Motel, Motor Vehicle Wash, Place of Worship, Reception Centre, Restaurant/café, Road House, Service Station, Small Bar and Tavern will not be permitted unless connection to a reticulated sewerage system is proposed.

Note: Reticulated Sewerage System has the same meaning as a mains sewerage system.'

14. Amending Schedule 5 by replacing 'Small Bar' with 'Tavern' in the 'Special use' of SU7.

15. Amending Schedule 3 by inserting at the end of the Location for A6 the following ', Lots 1, 2, 31, 32, 60, 63 Dempster Street, Lots 158, 160 – 162 Taylor Street' and the Scheme Map as depicted on the Scheme Amendment Map.

16. 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
A26	Lot 905 Goldfields Road	Residential	As a 'D' use <ul style="list-style-type: none"> • Holiday Accommodation 	As determined by the local government.

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17. 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
A27	Lots 29, 537 Mitchell Street, Lots 25 – 28 Westmacott Street	Residential	As a 'D' use <ul style="list-style-type: none"> • Caravan Park 	As determined by the local government.

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
A28	Lot 50 Goldfields Road, Lot 16 Phyllis Street	Tourism	As a 'D' use <ul style="list-style-type: none"> • Hostel • Hotel • Restaurant /Café • Serviced Apartment • Tavern 	<ol style="list-style-type: none"> 1. Where development adjoins a Residential zone the minimum setback will be at the discretion of the local government. 2. Where overlooking occurs as defined in the R-Codes of the adjoining Residential zone screening is to be applied in accordance with the R-Codes

19. Amending Schedule 6 by inserting ' (iii)' after 2000(i) in the Minimum Lot Areas Sq. m for Rural Townsite and add a new point below point (ii) as follows:

'(iii) Where a lot is connected to a reticulated sewerage system or a suitable package treatment system the R20 density will apply'

20. Amending Schedule 7 by replacing the Minimum Car Spaces (Space/Sq. Metre unless otherwise stated) for the following land uses:

Land Use	Minimum Car Spaces (Space/Sq. Metre unless otherwise stated)
Child care premises	1 bay per employee and 1 bay per 5 children(ii)
Club premises	1 bay per employee and 1 bay per 4 persons accommodated
Community purpose	1 bay per employee and 1 bay per 4 persons accommodated
Consulting rooms	3 bays per consulting room plus 1 bay per staff member(ii)
Convenience Store	1 bay per 25m ² gross floor area(ii)
Fuel depot	1 bay per 45m ² of office facilities
Garden centre	1 bay per 75m ² public floor area

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Home store	1 bay per 40m ² of gross floor area or part thereof of the use
Medical centre	3 bays per consulting room plus 1 bay per employee(ii)
Motor vehicle wash	1 bay per employee and 1 bay per wash bay
Park home park	1 bay per accommodation unit Visitor car parking 1 bay per 10 long stay site 1 bay per 20 short stay site
Recreation – private	To be assessed by the local government with regard to the facilities required
Service station	1 bays per pump plus 1 bay per employee plus 1 per 15m ² shop
Supermarket	1 bay per 10m ² public floor area
Tourist development	1 bay per accommodation unit plus 1 bay per employee plus 1 bay per 4m ² restaurant
Transport depot	1 bays per commercial vehicle garaged plus 1 bay per on-site employee
Veterinary centre	3 bays per consulting room plus 1 bay per staff member
Workforce accommodation	1 bay per accommodation unit

21. Amending Schedule 7 by inserting a new footnote underneath the table after point (i) as follows:
(ii) the local government may take into consideration any parking areas available in the public domain in proximity to the development.'

This 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.....2022

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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.

This amendment seeks to 'Grouped dwelling' into the Rural Townsite. It also introduces and R20 density code when a reticulated sewerage system or a suitable package treatment system is connected to a lot. This has related modifications in Schedule 6.

This amendment seeks to introduce exempted development into Special Control Areas 4, 5 and 9. Within these areas minor or incidental development will be made exempt.

This amendment makes proposes several modifications to the Scheme Map to take into account omissions and changes to reserves.

This amendment seeks to introduce a replacement effluent disposal clause consistent with the Government Sewerage Policy and draft Statement of Planning Policy 2.9.

This amendment seeks to introduce new Additional Use to take into account existing non-conforming uses.

A review has also been undertaken of vehicle parking requirements as contained in Schedule 7.

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 'X' with a 'D+' for 'Grouped Dwelling in the 'Rural Townsite zone.

This modification changes the permissibility of a 'Grouped dwelling' in the 'Rural Townsite' zone. The '+' is added to link to a new footnote to Clause 17, Table 4 – Zoning and Land Use Table that limits the permissibility of the use to lots that meet the minimum lot size requirements in Schedule 6 of the Scheme.

2.2 Amend Clause 17 by inserting '+ Grouped dwelling is only permitted where each dwelling complies with Minimum Lot Area Sq. m within Schedule 6.' below Table 4 – Zoning and Land Use Table:

This modification relates to modification 2.1. This provision applies a restriction on

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'Grouped dwellings' so that no more than one dwelling is permitted on the minimum lot size provided for the zone under Schedule 6 of the Scheme.

- 2.3 Amend Schedule 2 Clause 4.(c) by replacing it with: '(i) Despite any other provision of the Scheme development approval is required for all development except for development exempted under clause 61. (q), (s), (v), (w), (x), (aa), (bb) and (cc) of Schedule A. (ii) Outbuildings with an area of 10m² or less and a height of 2.4m or less do not require approval unless otherwise specified in the Scheme (other than in this clause).'**

This modification exempts the following development from gaining development approval within SCA4 - Public Drinking Water Source Protection Areas:

- (q) one satellite dish with a diameter of less than 1.2 metres;
- (s) one flagpole not exceeding 6 metres in height with the flags not used for commercial advertising;
- (v) any retaining wall less than 500mm high constructed of masonry materials located to the rear of a building associated with the primary use of the site and certified by a qualified Engineer as being suitable for surcharge loads where applicable;
- (w) the signage and advertisements contained in Schedule 10 of this Scheme do not require development approval;
- (x) the erection of a boundary fence in accordance with an adopted Fencing Local Law;
- (aa) the carrying out of works urgently necessary to ensure public safety, for the safety or security of plant or equipment or for the maintenance of essential services;
- (bb) A renewable energy facility that is incidental in nature to the use of the land; and
- (cc) a solar hot water system.

These uses are considered minor development (or urgent for public safety) that will no longer require an application to be made or for such an application to be referred to the Department of Water and Environmental Regulation as the nature of the development will not impact on the Public Drinking Water Source Protection Area.

The current exemption for an Outbuilding with an area of 10m² or less and a height of 2.4m or less is retained.

- 2.4 Amend Schedule 2 Clause 5.(c)(i) by replacing it with: 'Despite any other provision of the Scheme development approval is required for all development except for development exempted under clause 61. (q), (s), (v), (w), (x), (aa), (bb) and (cc) of Schedule A.'**

This modification exempts the following development from gaining development approval within SCA5 - Wetlands of Significance and Lake Warden Recovery Catchment:

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- (q) one satellite dish with a diameter of less than 1.2 metres;
- (s) one flagpole not exceeding 6 metres in height with the flags not used for commercial advertising;
- (v) any retaining wall less than 500mm high constructed of masonry materials located to the rear of a building associated with the primary use of the site and certified by a qualified Engineer as being suitable for surcharge loads where applicable;
- (w) the signage and advertisements contained in Schedule 10 of this Scheme do not require development approval;
- (x) the erection of a boundary fence in accordance with an adopted Fencing Local Law;
- (aa) the carrying out of works urgently necessary to ensure public safety, for the safety or security of plant or equipment or for the maintenance of essential services;
- (bb) A renewable energy facility that is incidental in nature to the use of the land; and
- (cc) a solar hot water system.

These uses are considered minor development (or urgent for public safety) that will no longer require an application to be made or for such an application to be referred to the Department of Biodiversity Conservation and Attractions and the Department of Water and Environmental Regulation.

The current exemption for an Outbuilding with an area of 10m² or less and a height of 2.4m or less is retained.

2.5 Amend Schedule 2 Clause 9.(c)(i) by replacing it with: 'Despite any other provision of the Scheme development approval is required for all development except for development exempted under clause 61. (q), (r), (w), (x), (aa), (bb) and (cc) of Schedule A.

This modification exempts the following development from gaining development approval within SCA9 – Coastal Erosion and Inundation Risk:

- (q) one satellite dish with a diameter of less than 1.2 metres;
- (r) street trading and outdoor eating facilities on public places in accordance with the local laws on trading in thoroughfares and public places;
- (w) the signage and advertisements contained in Schedule 10 of this Scheme do not require development approval;
- (x) the erection of a boundary fence in accordance with an adopted Fencing Local Law;
- (aa) the carrying out of works urgently necessary to ensure public safety, for the safety or security of plant or equipment or for the maintenance of essential services;
- (bb) A renewable energy facility that is incidental in nature to the use of the land; and

- (cc) a solar hot water system.

These uses are considered minor development (or urgent for public safety) that will no longer require an application to be taken to apply a Section 70A notification advising of a 'Vulnerable Coastal Area'.

2.6 Amend the Scheme Map by reclassifying the portion of Mungan Street between the two sections of Lot 51 on Plan 9505 from 'Local Road' to 'Railways'

The portion of Mungan Street between the two sections of Lot 51 on Plan 0505 has not been developed as a road and forms part of the rail corridor.



2.7 Amend the Scheme Map by reclassifying Lot 2113 on Deposited Plan 193502 Bishop Road, Grass Patch from 'Local Road' to 'Infrastructure Services'

This Lot is currently leased by Telstra Corporation Ltd and has been developed with a Radio Translator/Mobile Phone Facility. The proposed modification reflects the use of the land.



2.8 Amend the Scheme Map by reclassifying Lot 320 on Deposited Plan 418247 from 'Oceans/Waterways' to 'Public Open Space'

Lot 320 on Deposited Plan 418247 has recently been created to cover the footprint and boating exclusion area around the Jetty. The Department of Planning, Lands and Heritage – Land Services is currently amending this lot with Reserve 27318 and as such the proposal is to extend the current reservation and additional use to this reserve.



2.9 Amend the Scheme Map by reclassifying Lot 2105 on Deposited Plan 21055 from 'Rural Residential' to 'Local Road'

Lot 2105 on Deposited Plan 21055 is part of Reserve 42630 that is currently with the Department of Planning, Lands and Heritage – Land Services for a road dedication.

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The proposed classification as a 'local road' is consistent with this request.



- 2.10 Amend the Scheme Map by rezoning the portion of Lot 111 Cudjee Close Myrup zoned 'Rural Smallholdings' and 'RS2' to 'Rural Residential' and 'RR3' and a portion of Lot 110 from Rural Residential' and 'RR3' to 'Rural Smallholdings' and 'RS2'**

An estimated area was zoned 'Rural Residential' and 'RR3' as a result of a submission on Local Planning Scheme No. 24 when it was open for consultation. The lot has now been created so this amendment extends the zone over the entire lot.



2.11 Amending the Scheme Map by rezoning the portion of Lot 200 Phyllis Street Castletown classified as 'Local Road' to 'Residential' with a density of 'R20'

Lot 200 is the result of a road closure that was undertaken and amendment with the adjacent residential lot. The lot has now been created so this amendment extends the zone over the entire lot.



2.12 Amend the Scheme by replacing Clause 15. in Schedule 1 relating to Schedule 7 and car parking spaces

It is proposed to replace Clause 15 within Schedule 1 with a new clause which clarifies when the parking standards apply.

In particular it clarifies the link to Schedule 7 and provide guidance as to how apply parking standards when a use is expanded.

2.13 Amend the Scheme by replacing Clause 17.(a) within Schedule 1 with a new effluent disposal clause

Local Planning Scheme No. 24 currently contains a clause that requires a 2 metre separation between the base of a leach drain and the highest recorded groundwater level or bedrock. This clause is not consistent with the provisions of the Government Sewerage Policy or the draft State Planning Policy 2.9 Planning for Water (SPP 2.9) and Planning for Water Guidelines.

Provisions are also inserted into the Scheme that place limits on development that can occur on lots under 2000m² that are not connected to a reticulated sewerage system.

The proposed provision is consistent with the Government Sewerage Policy and draft State Planning Policy 2.9 Planning for Water (SPP 2.9) and Planning for Water

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Guidelines maintaining appropriate controls based on soil type and location.

2.14 Amending Schedule 5 by replacing 'Small Bar' with 'Tavern' in the 'Special use' of SU7.

It is proposed to replace the use of 'Small Bar' with 'Tavern' as the land use is more representative of the type of Liquor Licence that the site could achieve and alleviate some of the issues associated with operating under a Producers Licence.

The 'Tavern' Liquor Licence will allow Lucky Bay Brewing to continue operations as per the current licence which allows consumption on the premises by the glass as well as takeaway sales for packaged product.

The main reasons Lucky Bay Brewing seeks the 'Tavern' Licence are:

- The current 'Producers' Licence conditions only allow the serving of wine and cider ancillary to a meal. While the serving of a meal is desirable for the responsible service of alcohol this condition does cause significant angst and confusion amongst visiting tourists who have within their group a non-beer drinker. Lucky Bay Brewing seeks to further promote regional tourism as part of the Esperance region, and the 'Tavern' Licence would allow the serving of alcohol not manufactured by the brewery to be in a similar style patrons experience in other parts of the State. For example many of the other breweries in the south west hold tavern licences.
- The current licence conditions limit the venue to close at 10:00pm. While this is more than adequate for most of the time, private functions such as weddings often request serving of alcohol till 11:00 pm or midnight. The 'Tavern' Licence conditions would allow the venue to meet the patrons request under normal licence conditions. As is currently, Lucky Bay Brewing is required to apply for an Occasional Licence for each of these specific events. The granting of a 'Tavern' Licence would eliminate the ongoing application administration of this process.

Lucky Bay Brewing does not seek to increase the venue capacity and will use the toilet and water systems approved in December 2019 for the venue for 288 patrons. Lucky Bay Brewing is currently improving its kitchen facility and has a long-term commitment to the serving of food at the venue.

The proposed amendment supports the change of Liquor Licence for Lucky Bay Brewery.

2.15 Amend Schedule 3 by inserting at the end of the Location for A6 the following ' , Lots 1, 2, 31, 32, 60, 63 Dempster Street, Lots 158, 160 – 162 Taylor Street'.

It is proposed to expand Additional Use A6 to cover the area adjacent the current A6 area and caters for a range of land uses that including a non-conforming land use for a 'Restaurant/Cafe'.



2.16 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 to accommodate what is currently a non-conforming land use for 'Holiday Accommodation'.



2.17 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 to accommodate what is currently a non-conforming land use for 'Caravan Park'.



2.18 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 to accommodate what is currently developed on the site in particular a Tavern, Hotel and Restaurant/Café. These uses are not accommodated for under the base zoning of 'Tourism' that has been applied to the site.



2.19 Amend Schedule 6 by inserting ‘ (iii)’ after 2000(i) in the Minimum Lot Areas Sq. m for Rural Townsite and add a new point below point (ii)

This modification relaxes the minimum lot size permitted in the ‘Rural Townsite’ zone when a reticulated sewerage system or a suitable package treatment system is connected to a lot. In this situation a R20 density will provided for. It should be noted that where located with SCA4 the provisions of the Special Control Area take precedence.

2.20 Amend Schedule 7 by replacing the Minimum Car Spaces (Space/Sq. Metre unless otherwise stated) for specified land uses

This modification makes amendment to Schedule 7 by revising several parking standards.

A number of uses have their parking ratios amended – the changes are shown in the following table:

Land Use	Local Planning Scheme 24	Amendment No. 8
Child care premise	1 bay per employee and 1 bay per 10 children	1 bay per employee and 1 bay per 5 children(ii)
Club premises	1 bay per 40m ² gross floor area	1 bay per employee and 1 bay per 4 persons accommodated
Community purpose	1 bay per 4 persons accommodated	1 bay per employee and 1 bay per 4 persons accommodated
Consulting rooms	3 bays per consulting room	3 bays per consulting room plus 1 bay per staff member(ii)

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	plus 1 bay per staff member	
Convenience Store	1 bay per 25m ² gross floor area	1 bay per 25m ² gross floor area(ii)
Fuel depot	1 bay per 45m ² gross floor area	1 bay per 45m ² of office facilities
Garden centre	1 bay per 50m ² gross floor area of display and sales area	1 bay per 75m ² public floor area
Home store	1 bay per 40m ² of gross floor area or part thereof	1 bay per 40m ² of gross floor area or part thereof of the use
Medical Centre	4 bays per consulting room plus 1 bay per employee	3 bays per consulting room plus 1 bay per employee(ii)
Motor vehicle wash	2 bays per wash bay	1 bay per employee and 1 bay per wash bay
Park home park	1 bay per accommodation unit	1 bay per accommodation unit Visitor car parking 1 bay per 10 long stay site 1 bay per 20 short stay site
Recreation – private	1 bay per 2 persons accommodated	To be assessed by the local government with regard to the facilities required
Service station	2 bays per pump plus 1 bay per employee plus 1 per 15m ² shop	1 bays per pump plus 1 bay per employee plus 1 per 15m ² shop
Supermarket	1 bay per 15m ² gross floor area	1 bay per 10m ² public floor area
Tourist development	1.5 bays per accommodation rounded up unit plus 1 bay per employee plus 1 bay per 4m ² restaurant	1 bay per accommodation unit plus 1 bay per employee plus 1 bay per 4m ² restaurant
Transport depot	2 bays per commercial vehicle garaged	1 bays per commercial vehicle garaged plus 1 bay per on-site employee
Veterinary centre	4 bays per consulting room plus 1 bay per staff member	3 bays per consulting room plus 1 bay per staff member
Workforce accommodation	As per requirement for particular commercial/industrial use plus 1 bay per accommodation unit	1 bay per accommodation unit

2.21 Amend Schedule 7 by inserting a new footnote underneath the table after point (i)

A new footnote has been added that is applied to Amusement parlour, Child care premise, Cinema/theatre, Consulting rooms, Convenience store, Exhibition centre, Fast food outlet, Liquor store – small, Medical centre, Motel and Place of worship. The footnote states: the local government may take into consideration any parking areas available in the public domain in proximity to the development.

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 within the Rural Townsite zone and inserting associated provisions;
- Introducing new exemptions into several Special Control Areas;
- Amending a Special Use zone to take into account usage of a site;
- Modifications to the Scheme Map to account for omissions and changes to reserves and closed and dedicated roads;
- Replace the effluent disposal clause to be consistent with the Government Sewerage Policy and draft Statement of Planning Policy 2.9;
- Introducing new Additional Uses to take into account non-conforming uses; and
- Amendments to Schedule 7 relation to vehicle parking.

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. 8

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 'X' with a 'D' for 'Grouped Dwelling in the 'Rural Townsite zone.
 2. Amending Schedule 1 clause 4 by deleting subclause (e) and renumbering the clause accordingly.
 3. Amending the Scheme by replacing Clause 15. in Schedule 1 with the following:
'15 (a) The use of land for a purpose specified in Schedule 7 shall require car parking spaces of the number specified in the Schedule to be provided and sealed, drained and marked to the local government's specifications prior to occupancy of the development or commencement of use and maintained to the satisfaction of the local government thereafter.
(b) Where the floor area occupied by an existing use is increased, the parking requirement will be calculated on the basis of the floor area of the extension only or the area subject to the change of use of the site provided the existing number of car spaces is not reduced.
(c) Where the development is a use not listed within Schedule 7 or where a variation to the car parking requirements listed under Schedule 6 and/or Schedule 7, 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.
(d) 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 (c) when considering the total number of parking spaces required for the development.
4. Amending the Scheme by replacing Clause 17.(a) within Schedule 1 with the following and renumbering the clause accordingly:
'(a) Where reticulated sewer is not available, development shall provide for effluent disposal in accordance with the requirements of the Government Sewerage Policy.
5. Insert an additional clause at the end of Schedule 1 as follows:
'40. Water for Firefighting
(a) A permanent water supply of no less than 10,000 litres is to be maintained for bush fire fighting purposes, with a 2 inch camlock connection, outside of urban areas, this water supply is in addition to the requirements under Clause 19 of Schedule 1.'
6. Amending Schedule 2 Clause 4.(c) by replacing it with:

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- (i) Despite any other provision of the Scheme development approval is required for all development except for development exempted under clause 61. (q), (s), (v), (w), (x), (aa), and (cc) of Schedule A.
- (ii) Outbuildings with an area of 10m² or less and a height of 2.4m or less do not require approval unless otherwise specified in the Scheme (other than in this clause).'
7. Amend Schedule 2 Clause 4(e) as follows:
- (a) Rename the subclause "Minimum lot Sizes for Subdivisions"
- (b) Insert a new subclause (e)(i):
Where reticulated sewer is not available, subdivision shall only be supported where it complies with the Government Sewerage Policy and Water Quality Protection Note 25.
- (c) Modify existing subclause (e)(i) by deleting the wording "or Rural Townsite".
- (d) Modify existing subclause (e)(ii) by replacing the wording "(i)" with "(ii)".
- (e) Renumber the subclauses accordingly.'
8. Amending Schedule 2 Clause 5.(c)(i) by replacing it with:
'Despite any other provision of the Scheme development approval is required for all development except for development exempted under clause 61. (q), (s), (v), (w), (x), (aa), and (cc) of Schedule A.'
9. Amending Schedule 2 Clause 9.(c)(i) by replacing it with:
'Despite any other provision of the Scheme development approval is required for all development except for development exempted under clause 61. (q), (r), (w), (x), (aa), and (cc) of Schedule A.'
10. Amend A17 in Schedule 3 as follows:
- (a) Include Lot 104 Rowse Street, Nulsen (Lot 104 on DP 32089) in the Location column.
- (b) Insert 'Workforce accommodation' in the Additional Use column as a 'D' use.
- (c) Amend provision 1. Of the Development Standards/Conditions column by replacing 'R40' with 'R60'
11. Amend A23 in Schedule 3 to include the following uses as a 'D' use:
- 'Restaurant/Café
 - Reception Centre
 - Educational Establishment'
12. Amending Schedule 3 by inserting at the end of the Location for A6 the following ' Lots 1, 2, 31, 32, 60, 63 Dempster Street, Lots 158, 160 – 162 Taylor Street, Esperance' and the Scheme Map as depicted on the Scheme Amendment Map.
13. 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
A26	Lot 905 Goldfields Road, Castletown	Residential	As a 'D' use • Holiday Accommodation	As determined by the local government.

14. 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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A27	Lots 29, 537 Mitchell Street, Lots 25 – 28 Westmacott Street, Castletown	Residential	As a 'D' use • Caravan Park	As determined by the local government.
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15. Amending Schedule 3 by adding the following Additional Uses and amend the Scheme Map accordingly by applying the respective Additional Use number to the relevant land:

No.	Location	Base Zone	Additional Use(s)	Development Standards/Conditions
A28	Lot 2 William Street, Esperance	Residential	As a 'D' use • Medical Centre	<p>1. Setbacks will be</p> <p>(a) Side setback of 0 metres to one side;</p> <p>(b) Rear setback of 0 metres, and</p> <p>(c) Front setback of 0 metres.</p> <p>2. Parking is to be provided at a ratio of 1.5 bays per practitioner rounded up.</p>
A29	Lots 145 – 148 Phyllis Street, Lots 239 – 242 Daphne Street, Castletown	Residential	As a 'D' use" • Holiday Accommodation • Tourist Accommodation	<p>1. The residential density may be increased from R40 to R50 for residential development and from R40 to R60 for tourism development subject to –</p> <p>(a) a minimum lot size of 2000m²;</p> <p>(b) Existing and proposed dwellings shall be connected to reticulated sewerage system, prior to occupation of new development.</p> <p>2. Development is subject to the controls of the Tourism zone.'</p>

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A30	Lot 165 (23) Norseman Road, Castletown	Light Industry	As a 'D' use: • Office	As determined by the local government.
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16. Amending Schedule 5 by replacing 'Small Bar' with 'Tavern' in the 'Special use' of SU7.

17. Amending Schedule 6 by inserting ' (iii)' after 2000(i) in the Minimum Lot Areas Sq. m for Rural Townsite and add a new point below point (ii) as follows:

'(iii) Where a lot is connected to a reticulated sewerage system the R20 density will apply'

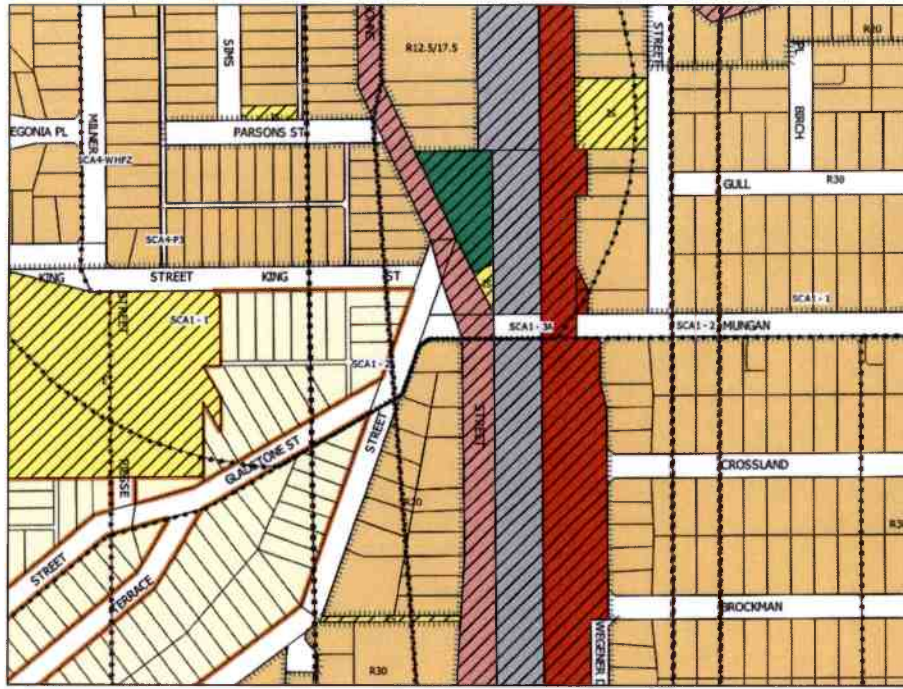
18. Amending Schedule 7 by replacing the Minimum Car Spaces (Space/Sq. Metre unless otherwise stated) for the following land uses:

Land Use	Minimum Car Spaces (Space/Sq. Metre unless otherwise stated)
Child care premises	1 bay per employee and 1 bay per 5 children(ii)
Club premises	1 bay per employee and 1 bay per 4 persons accommodated
Community purpose	1 bay per employee and 1 bay per 4 persons accommodated
Consulting rooms	3 bays per consulting room plus 1 bay per staff member(ii)
Convenience Store	1 bay per 25m ² gross floor area(ii)
Fuel depot	1 bay per 45 m ² of office facilities
Garden centre	1 bay per 75 m ² public floor area
Home store	1 bay per 40m ² of gross floor area or part thereof of the use
Medical centre	3 bays per consulting room plus 1 bay per employee(ii)
Motor vehicle wash	1 bay per employee and 1 bay per wash bay
Park home park	1 bay per accommodation unit Visitor car parking 1 bay per 10 long stay site 1 bay per 20 short stay site
Recreation – private	To be assessed by the local government with regard to the facilities required
Service station	1 bays per pump plus 1 bay per employee plus 1 per 15m ² shop
Supermarket	1 bay per 10m ² public floor area
Tourist development	1 bay per accommodation unit plus 1 bay per employee plus 1 bay per 4m ² restaurant
Transport depot	1 bays per commercial vehicle garaged plus 1 bay per on-site employee
Veterinary centre	3 bays per consulting room plus 1 bay per staff member

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Workforce accommodation	1 bay per accommodation unit
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19. Amending Schedule 7 by inserting a new footnote underneath the table after point (i) as follows:
(ii) the local government may take into consideration any parking areas available in the public domain in proximity to the development.'
20. Amending the Scheme Maps by rezoning Lot 104 Rowse Street, Nulsen (Lot 104 on DP 32089) from 'Residential R40' to 'Tourism' and including the land within Additional Use A17.'
21. Amending the Scheme Map by reclassifying the portion of Mungan Street between the two sections of Lot 51 on Plan 9505 from 'Local Road' to 'Railways' as depicted on the Scheme Amendment Map.
22. Amending the Scheme Map by reclassifying Lot 2113 on Deposited Plan 193502 Bishop Road, Grass Patch from 'Local Road' to 'Infrastructure Services' as depicted on the Scheme Amendment Map.
23. Amending the Scheme Map by reclassifying Lot 320 on Deposited Plan 418247 from 'Oceans/Waterways' to 'Public Open Space' and 'Additional Use Reserve AR3' as depicted on the Scheme Amendment Map.
24. Amending the Scheme Map by reclassifying Lot 2105 on Deposited Plan 21055 from 'Rural Residential' to 'Local Road' as depicted on the Scheme Amendment Map.
25. Amending the Scheme Map by rezoning the portion of Lot 111 Cudjee Close Myrup zoned 'Rural Smallholdings' and 'RS2' to 'Rural Residential' and 'RR3' as depicted on the Scheme Amendment map.
26. Amending the Scheme Map by rezoning the portion of Lot 200 Phyllis Street Castletown classified as 'Local Road' to 'Residential' with a density of 'R20' as depicted on the Scheme Amendment map.
27. Amend the Scheme Maps by applying the 'R40' density to Lots 145 – 148 Phyllis Street, Lot 239-242 Daphne Street, Castletown.



Current Zoning



Proposed Zoning

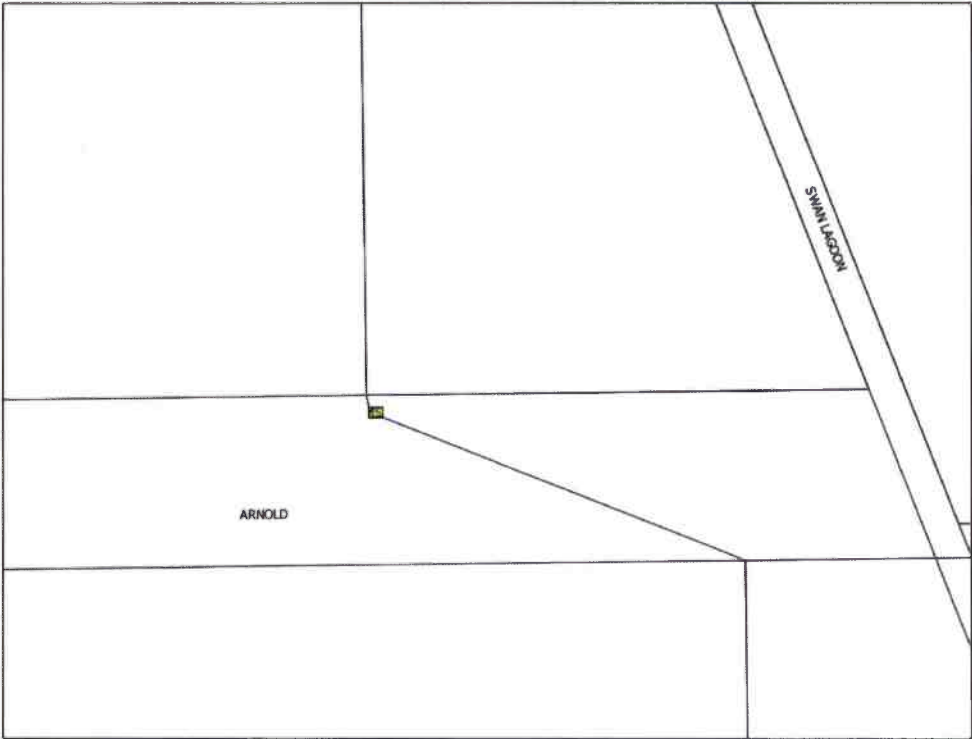
LEGEND		
Zones	Reserves	Others
Residential	Local Road	R-Codes
Urban Development	Local Distributor Road	Special control area - Environment
	Primary Distributor Road	Special control area
	E - Education	
	IS - Infrastructure Services	
	Railways	
	Public Open Space	

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24





AMENDMENT NO. 8

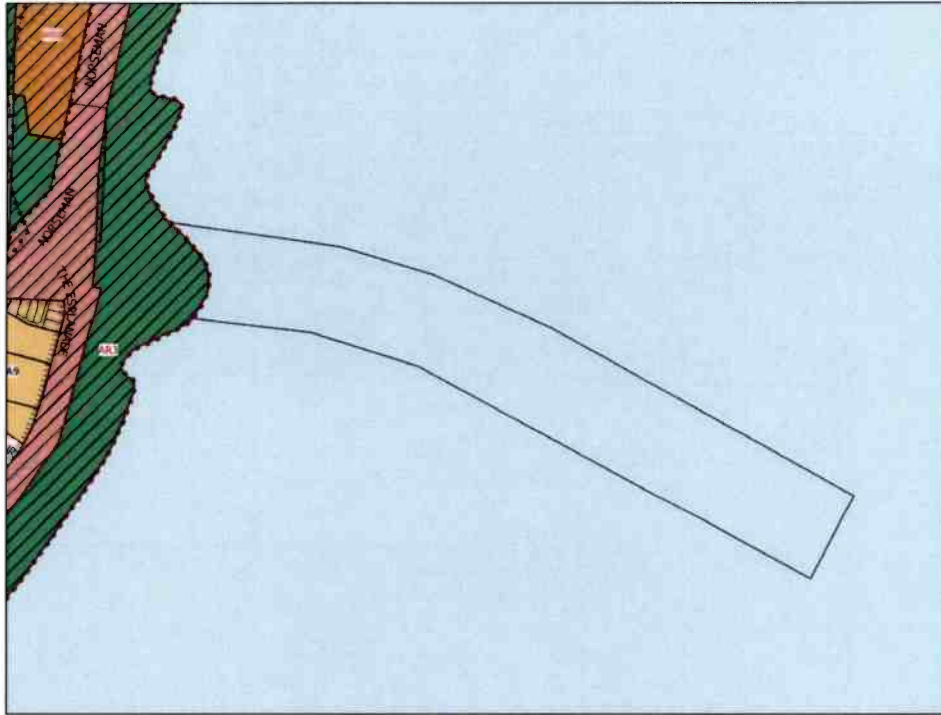


Current Zoning

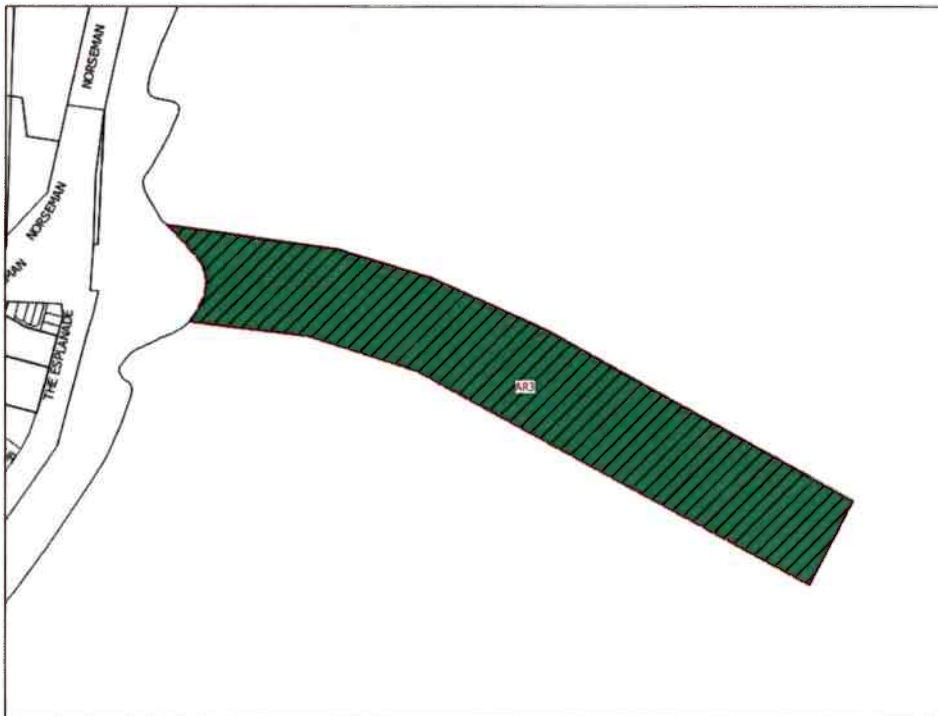


Proposed Zoning

LEGEND		
Zones	Reserves	Others
 Rural	 Local Road	 Special control area - Environment
	 Environmental Conservation	



Current Zoning

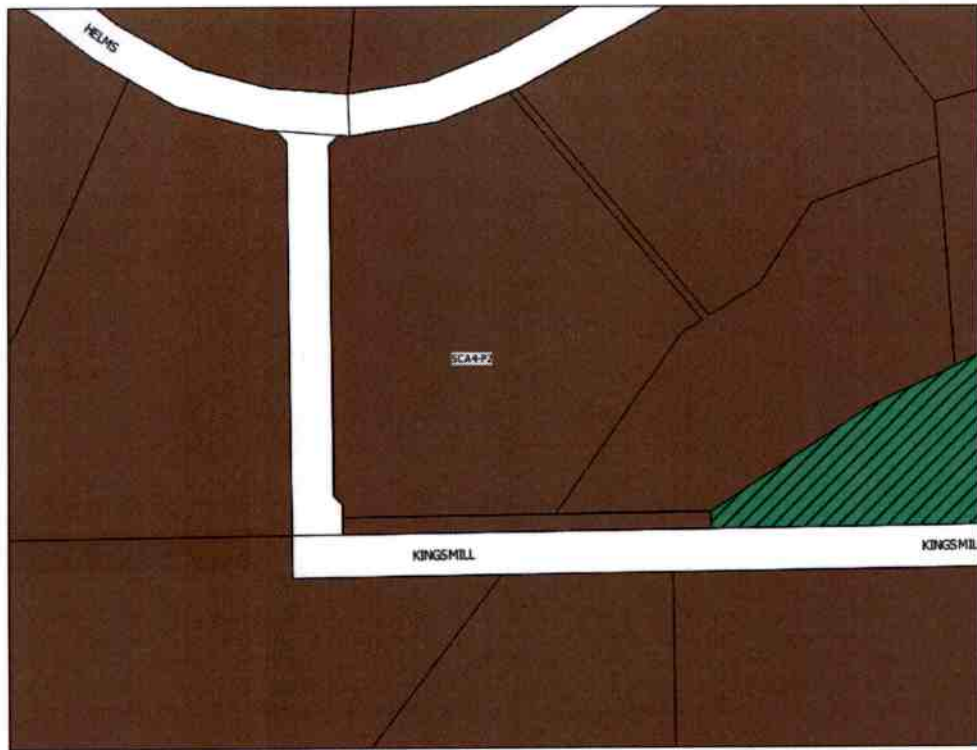


Proposed Zoning

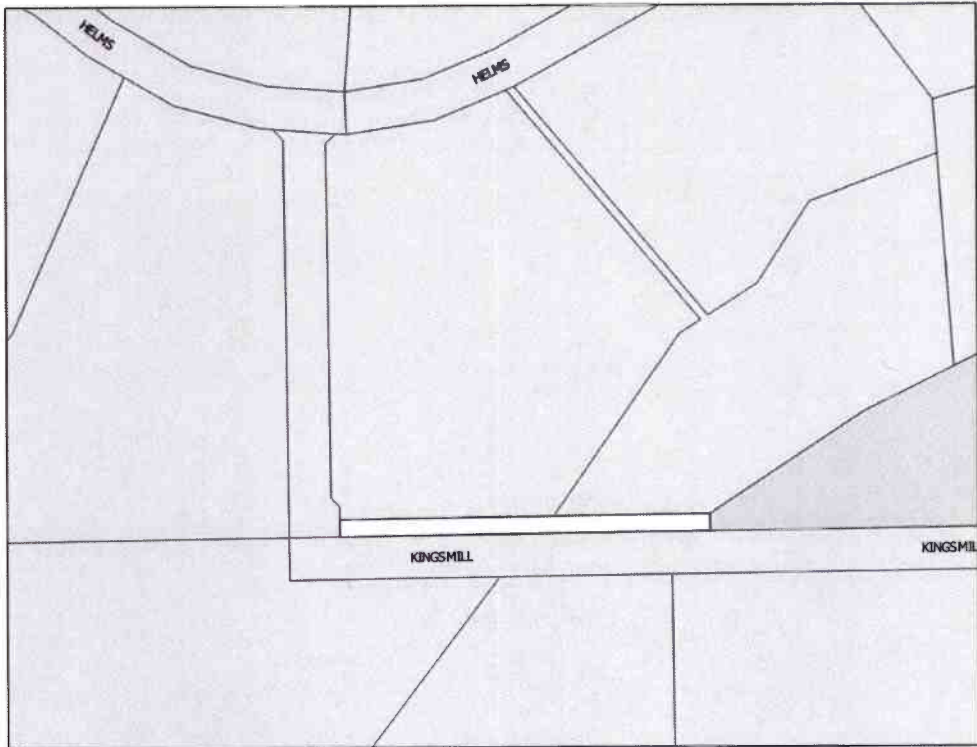
LEGEND		
Zones	Reserves	Others
Residential	Local Road	R-Codes
	Local Distributor Road	Oceans/Waterways
	Public Open Space	Special control area
	Civic and Community	Additional Uses Reserves
		AR1 - See Scheme Text

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 8



Current Zoning




Proposed Zoning

LEGEND

Zones


 Rural residential

Reserves

 Local Road

 Public Open Space

Others

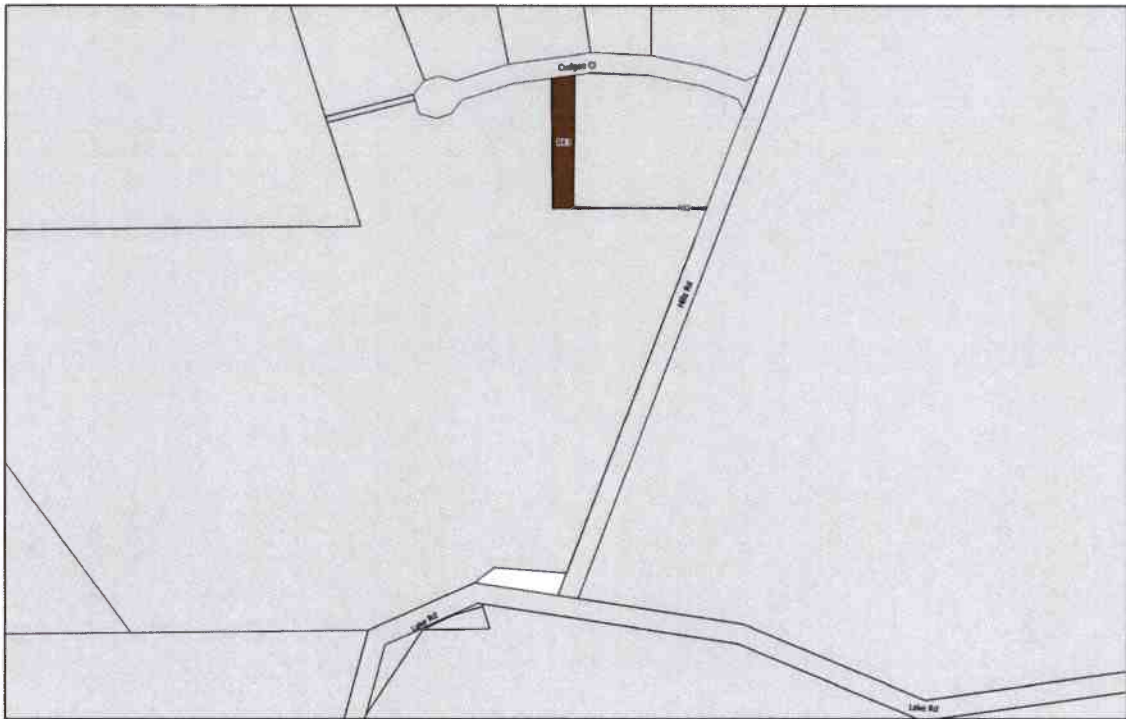
 Special control area - Environment

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 8



Current Zoning

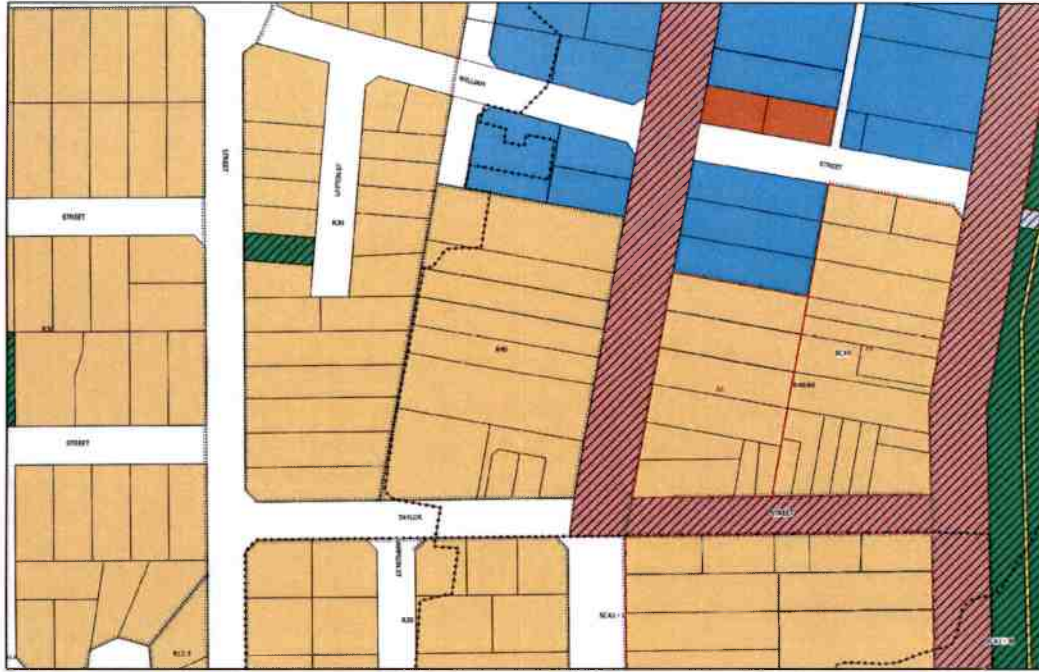


Proposed Zoning

LEGEND		
Zones	Reserves	Others
 Rural residential	 Local Road	 Special control area
 Rural smallholdings	 Environmental Conservation	 Special control area

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 8



Current Zoning

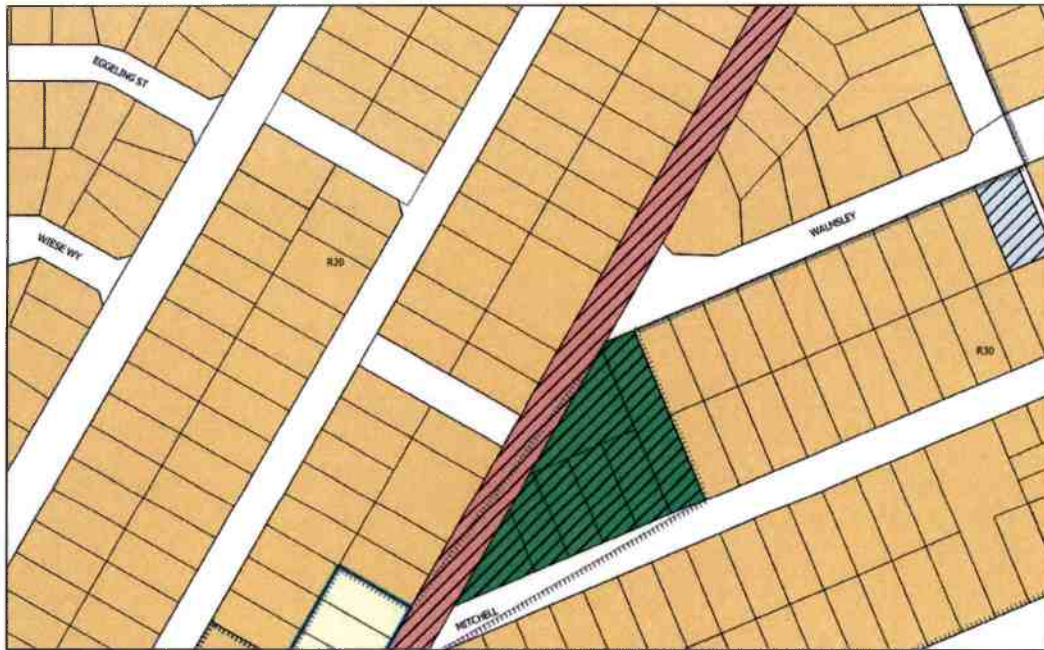


Proposed Zoning

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

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 8



Current Zoning

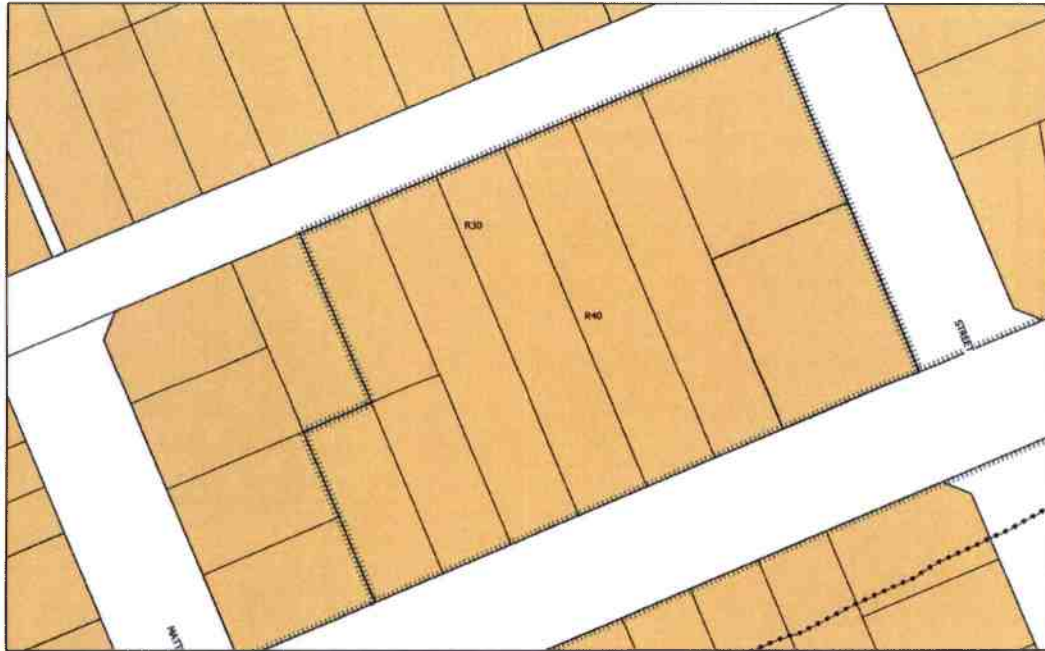


Proposed Zoning

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

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 8



Current Zoning

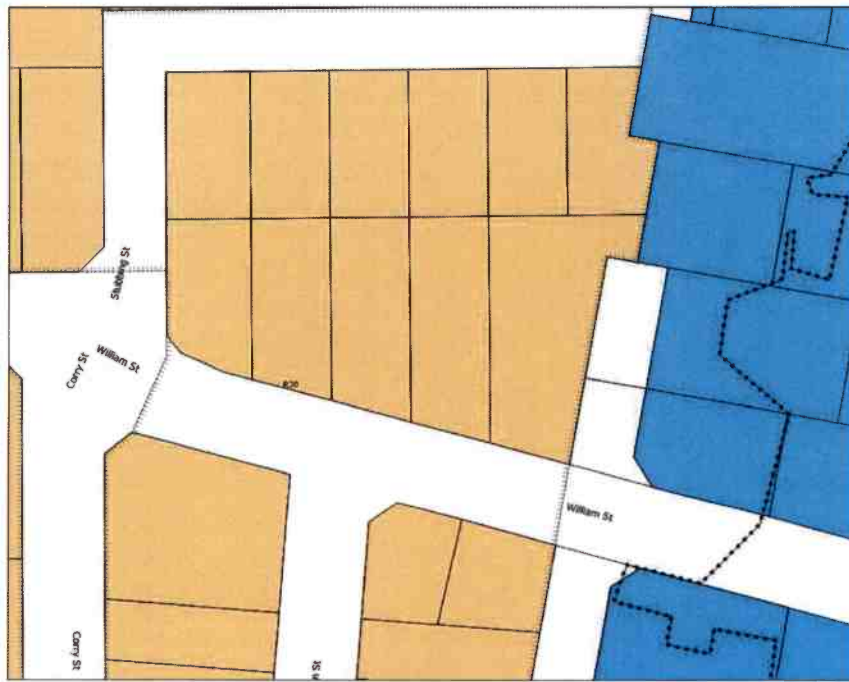


Proposed Zoning

LEGEND		
Zones	Reserves	Others
Residential	Local Road	Special control area
		Additional Uses
		A1 See Scheme Text
		R-Codes

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 8



Current Zoning

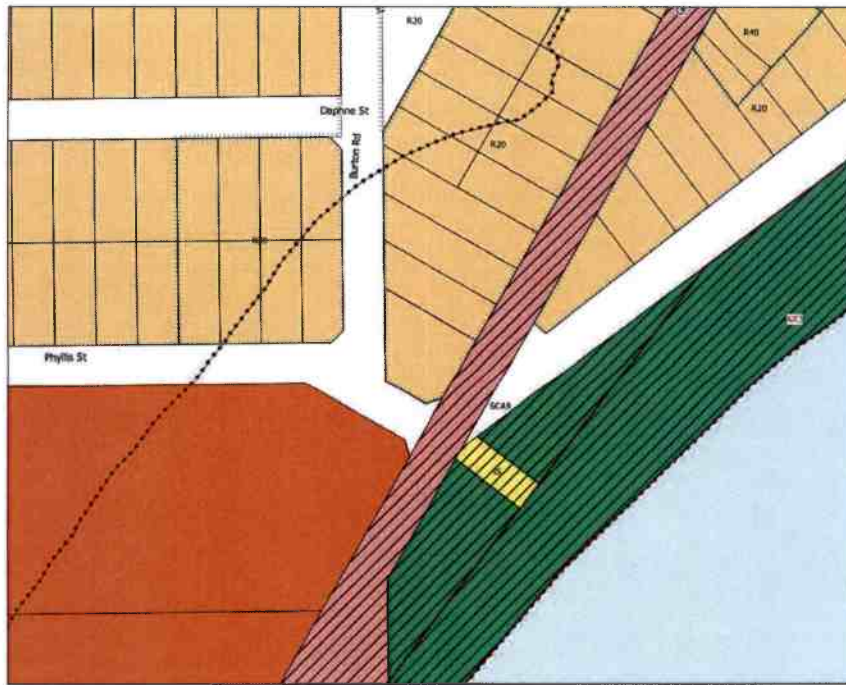


Proposed Zoning

LEGEND		
Zones	Reserves	Others
Residential	Local Road	R-Codes
Commercial	E - Education	Special control area
		Additional Uses
		A1 See Scheme Text

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 8



Current Zoning

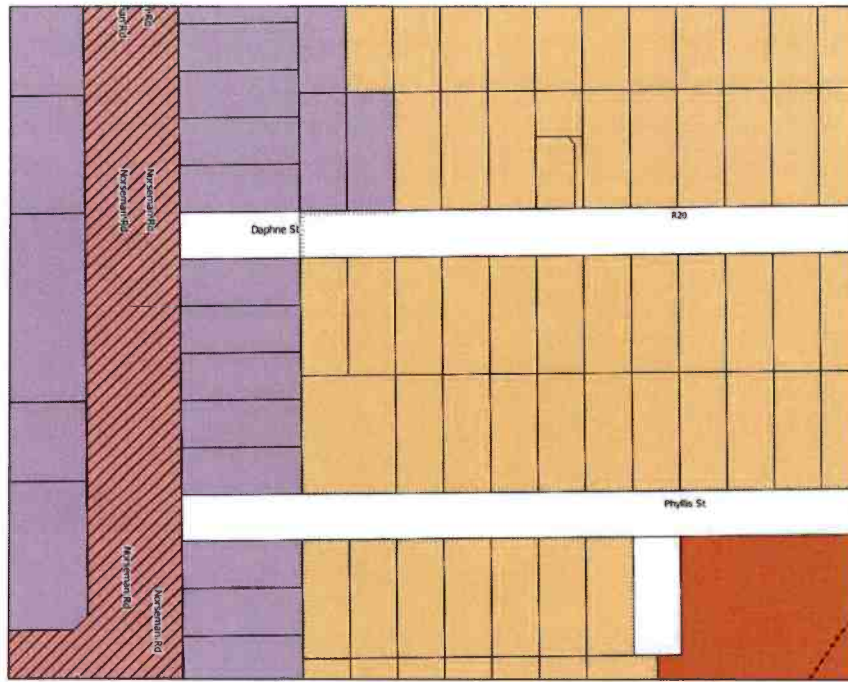


Proposed Zoning

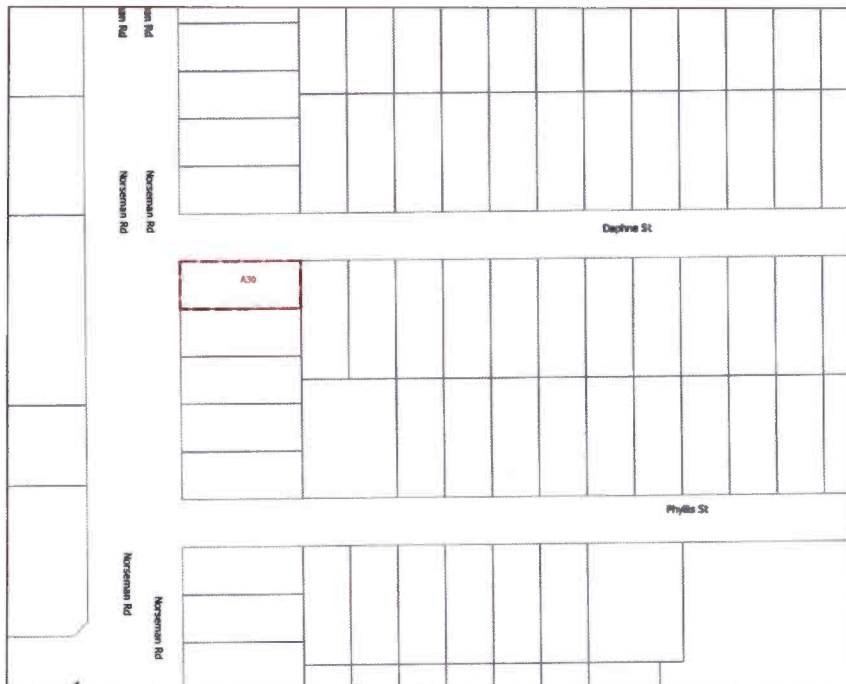
LEGEND		
Zones	Reserves	Others
Residential	Local Road	R-Codes
Tourism	Local Distributor Road	Special control area
	IS - Infrastructure Services	Additional Uses
	Public Open Space	A1 See Scheme Text

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 8



Current Zoning



Proposed Zoning

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

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 8

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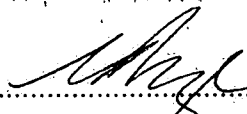
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COUNCIL ADOPTION

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 26 day of April, 2022



SHIRE PRESIDENT



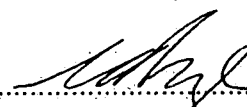
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the Shire of Esperance at the Ordinary Meeting of the Council held on the 26 day of April, 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 25 day of October, 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:



16th November
2023



SHIRE PRESIDENT



CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)



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

DATE 27 November 2023

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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 *4/12/2023*

Certified by *M. 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.