



13 SEPTEMBER 2024

Shire of Esperance

ORDINARY COUNCIL MEETING

24 SEPTEMBER 2024

ATTACHMENTS EXCLUDED FROM AGENDA

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SHIRE OF ESPERANCE

LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 10

Form 2A

PLANNING AND DEVELOPMENT ACT 2005

**RESOLUTION TO ADOPT AMENDMENT
TO LOCAL PLANNING SCHEME**

**SHIRE OF ESPERANCE
LOCAL PLANNING SCHEME NO. 24
AMENDMENT NO. 10**

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 'P' with 'D' for 'Holiday House' in the 'Tourism' zone.
2. Amending Schedule 1 by replacing clause 34 subclause (a) as follows:
 - (a) Management of stormwater on all developments should be in accordance with current best practice as per the Stormwater Management Manual for Western Australia (DWER, 2004) (as amended).
 - (b) Where development is in the 'Commercial', 'Light Industry', 'General Industry', 'Local Centre', 'Mixed Use' or 'Tourism' zone is proposed that cannot be adequately serviced by Shire stormwater infrastructure (if available), stormwater management will be required as a condition of development approval demonstrating the ability to retain all stormwater to site in accordance with a 1:100 year rainfall event using a 72 hour model and in accordance with current best practice as per the Stormwater Management Manual for Western Australia (DWER, 2004) (or its replacement).
 - (c) Alternative stormwater arrangements may be permitted where an adopted stormwater management plan provides for an alternative stormwater arrangement.
3. Amending Schedule 1 by deleting Clause 39 and renumbering accordingly.
4. Amending Schedule 2 Clause 4.(f)(iii) by replacing 'the requirements of Statement of Planning Policy No. 2.7, Public Drinking Water Source Policy' with 'the State policy governing the Public Drinking Water Source'
5. Amending Schedule 2 Clause 10.(c)(ii) by inserting 'Renewable Energy Facility' as a 'D' use.
6. Amending Schedule 2 Clause 10.(c)(ii) by inserting 'Industry' as a 'D' use.
7. Amending Schedule 2 Clause 10.(c) by deleting (iii) and renumber the clause accordingly
8. Amending Schedule 2 by inserting a new Clause 12 as follows:
 - '12. SCA 12 – Mosquito Borne Disease Risk and Nuisance Special Control Area
 - (a) The purpose of SCA 12 is to identify a Mosquito Borne Disease Risk and Nuisance Area.
 - (i) The mosquito borne disease and nuisance area is defined as all land within 5km of the Lake Warden Wetland System as defined in the Lake Warden Wetland System (LWWS), Esperance Initial Environmental Impact Assessment by the then Department of Environment and Conservation 1 July 2008
 - (b) Objectives
 - The objectives of SCA 12 are to –
 - (i) Identify land that has been designated as a Mosquito Borne Disease Risk and Nuisance Area;
 - (ii) Implement Scheme controls that are designed to notify of the

presence of the Mosquito Borne Disease Risk and Nuisance Area.

- (c) Application Requirements
 - (i) Where development approval is required by any other part of the Scheme Clause (d)(ii) will apply.
 - (d) Development Requirements
 - (i) At the subdivision stage the Western Australian Planning Commission will impose a condition requiring the subdivider to make arrangements with the Commission for a notification in accordance with Section 165 of the *Planning and Development Act 2005* to be placed on the certificate(s) of title which will inform lot owners and prospective purchasers of the potential mosquito risk.
 - (ii) The local government will impose a condition on its development approval for any habitable building as defined in Clause 78A of the Deemed Provisions requiring a Section 70A notification under the *Transfer of Land Act 1893* stating "The subject land occasionally experiences considerable problems with nuisance and disease carrying mosquitoes. These mosquitoes are known carriers of Ross River (RRV) and Barmah Forest (BFV) viruses. Human cases of RRV and BFV diseases occur in some years in this general locality."
9. Amending Schedule 3 A25 by replacing the base zone column from 'Rural Residential' with 'Rural Smallholdings'
10. Amending Schedule 3 and the Scheme Map by deleting A32.
11. 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
A33	Lots 345 & 346 Goldfields Road, Castletown	Residential	As a 'D' use <ul style="list-style-type: none"> • Holiday Accommodation 	As determined by the local government.

12. 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
A34	Lot 3 Fisheries Road, Myrup	Tourism	As a 'D' use <ul style="list-style-type: none"> • Workforce Accommodation 	As determined by the local government.

13. Amending Schedule 4 R2 by replacing within the Description of Land column by replacing 'Lot 2' with 'Lot 24'.
14. Amending Schedule 4 R2 by deleting 'As an 'I' use and place 'office' under the 'As a 'D' use:' and add a new point in the related conditions as follows: '3. Where an 'Office' is developed it must be incidental to the 'Warehouse/Storage' land use.'
15. Amending Schedule 4 by inserting a new restricted use and amending the Scheme Map accordingly as follows:

No.	Description of land	Restricted use	Conditions
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R4	Residential zoned portions of Lot 290 Tribune Parade, Lot 9002 Goldfields Road, Lots 20, 9003 Daw Drive, Bandy Creek	All uses shall have the permissibility assigned by Table 4 excepting: <ul style="list-style-type: none"> • Holiday house; and • Serviced apartment; which shall be deemed 'X' uses.	1. All development is to comply with the provisions of SCA2
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16. Amending Schedule 5 SU7 by deleting as 'As an 'I' use and place 'Educational Establishment'; 'Restaurant/Café', 'Reception Centre; and 'Holiday House' under 'As a 'D' use:' and sort the uses alphabetically.

17. Amending Schedule 5 and the Scheme Map as depicted on the Scheme Amendment Map by adding a Special Use with the following:

No.	Description of land	Special use	Conditions
SU8	Portion Lot 1740 Merivale Road. Merivale	<p>As a 'P' use</p> <ul style="list-style-type: none"> • Single House • Holiday House • Ancillary Dwelling <p>As a 'A' use</p> <ul style="list-style-type: none"> • Animal Establishment • Brewery • Caravan Park • Educational Establishment • Holiday Accommodation • Liquor Store – Small • Private Recreation • Reception Centre • Restaurant/Café • Shop • Tavern <p>Other complimentary or non-defined uses considered appropriate by the local government.</p>	<p>1. The purpose of this zone is to provide for the development of a brewery, caravan park and ancillary land uses. Conditions applicable to the site area:</p> <p>a) Any subdivision will require the preparation and adoption of a structure plan in accordance with Part 4 of the Deemed Provisions.</p> <p>b) All development within SU8 shall require development approval.</p> <p>c) Parking requirements are to be in accordance with Schedule 7.</p> <p>d) The shop is not to have a Net Floor Area in excess of 150m².</p>

			<p>e) All development shall be setback a minimum of 10m from all boundaries.</p> <p>f) A BAL Rating of BAL 29 or less is to be achieved for all development.</p> <p>2. Any application for development approval is to be accompanied with an associated fire management plan.</p> <p>3. All development is to be provided a supply of potable water adequate to the needs of the development.</p> <p>4. All development is to be connected to an appropriate and approved effluent disposal system.</p>
<p>18. Amending Schedule 7 by replacing the word 'site' with 'sites' within the Minimum Car Spaces column for the land use of 'Park Home Park'.</p> <p>19. Amending the last row of Schedule 10 by deleting 'In the instance of Circus Signs this is limited to the event venue.'</p> <p>20. Amending the Scheme Map by amending the portion of Lot 24 Cascade Road zoned 'Rural' to 'General Industry' and Restricted Use 'R2' as depicted on the Scheme Map.</p> <p>21. Amending the Scheme Map by amending the portion of Lot 27 in Deposited Plan 425431 from 'Education' to 'Civic and Community'; as depicted on the Scheme Amendment Map.</p> <p>22. Amending Schedule 9 RS2 by replacing 'Lot 4 – 8 Stearne Road' with Lots 4 – 6, 8, 15 Stearne Road' and deleting RS3 from a portion of Lot 15 Stearne Road as depicted on the Scheme Amendment Map.</p> <p>23. Amending the Scheme Map by amending the portion of Lot 47 on Plan 47393 from 'Infrastructure Services' to 'Residential' with a density of R12.5 as depicted on the Scheme Amendment Map.</p> <p>24. Amending the Scheme Map by reclassifying Reserve 41141 from 'Infrastructure Services' to 'Public Open Space' as depicted on the Scheme Amendment Map.</p> <p>25. Amending the Scheme Map by removing the R30 coding and applying R20 over all of Lot 300 on Plan 416251 as depicted on the Scheme Amendment Map.</p> <p>26. Amending the Scheme Map by amending the portion of Lot 100 Gilpin Street from 'Local Road' to "General Industry" as depicted on the Scheme Amendment Map.</p>			

27. Amending the Scheme map by amending Lot 325 Nugent Street from 'Light Industry' to 'Residential' with a density of R20 as depicted on the Scheme Amendment Map.
28. Amending the Scheme Map by amending the density of Lots 12, 13, 23, 25, 81, 400, 401, 501, 522 and 528 Windich Street, Lots 7, 24, 80, 502, 521. 525 and 526 Eyre Street, Esperance from R12.5 to R40 as depicted on the Scheme Amendment Map

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

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

Dated this.....day
of.....2024

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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 review of land use permissibilities relating to industrial land uses.

This amendment seeks to introduce new controls for industrial development in ‘Rural’ areas

This amendment seeks to introduce new provisions relating to the management of stormwater.

This amendment adds new ‘additional uses’ to take into account existing uses and replaces an ‘Additional Use’ with a new ‘Special Use’

This amendment seeks to create a new Special Control Area to replace the existing ‘Mosquito Nuisance Notification’ and amend the Scheme Map accordingly.

Increased densities are also proposed across the R20 area with higher densities proposed in the Additional Use 6 area and the area adjacent to the west of this on the opposite side of Dempster Street.

Adding a new restricted use to restrict ‘Holiday House’ and ‘Serviced Apartment’ throughout the undeveloped areas of the Flinders Residential Development that is in Shire of Esperance ownership.

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

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 ‘P’ with ‘D’ for ‘Holiday House’ in the ‘Tourism’ zone.

This amendment seeks to replace the ‘P’ use for ‘Holiday house’ by dealing with it as a ‘D’ use within the ‘Tourism’ zone.

2.2 Amend Schedule 1 by replacing Clause 34 subclause (a)

This modification proposes to replace the current stormwater provisions with a new provision. Specifically, the amendment states that management of stormwater on all developments should be in accordance with current best practice as per the Stormwater Management Manual for Western Australia (DWER, 2004) (or its

replacement) this is similar to the current provision but replaces the incorrect year that was originally referenced.

This modification also takes into account areas where a drainage management plan has been adopted that provides an alternative solution.

2.3 Amend Schedule 1 by deleting Clause 39 and renumbering accordingly

This modification proposed to delete Clause 39 of Schedule 1 the Mosquito Nuisance Area. This is proposal to be replaced by a new Special Control Area with the same controls but with the addition of a line on the Scheme Map.

This is related to the modification at Amendment Point 8.

2.4 Amend Schedule 2 Clause 4.(f)(iii) by replacing ‘the requirements of Statement of Planning Policy No. 2.7, Public Drinking Water Source Policy’ with ‘the State policy governing the Public Drinking Water Source’

This modification changes the current reference to ‘Statement of Planning Policy No. 2.7, Public Drinking Water Source Policy’ to ‘the State policy governing the Public Drinking Water Source’. This modification ensures the current the State policy governing the Public Drinking Water Source is always referenced correctly.

2.5 Amend Schedule 2 Clause 10.(c)(ii) by inserting ‘Renewable energy facility’ as a ‘D’ use.

This modification seeks to add ‘Renewable energy facility’ as a ‘D’ within Special Control Areas No 10 – Undeveloped Rural Areas. It should be noted that this use is a ‘D’ use within the ‘Rural’ zone.

2.6 Amend Schedule 2 Clause 10.(c)(ii) by inserting ‘Industry’ as a ‘D’ use.

The land use of ‘Industry’ should be a ‘D’ use within Special Control Areas No 10 – Undeveloped Rural Areas. The use of ‘Industry’ is currently an ‘I’ use within Special Control Areas No 10 – Undeveloped Rural Areas.

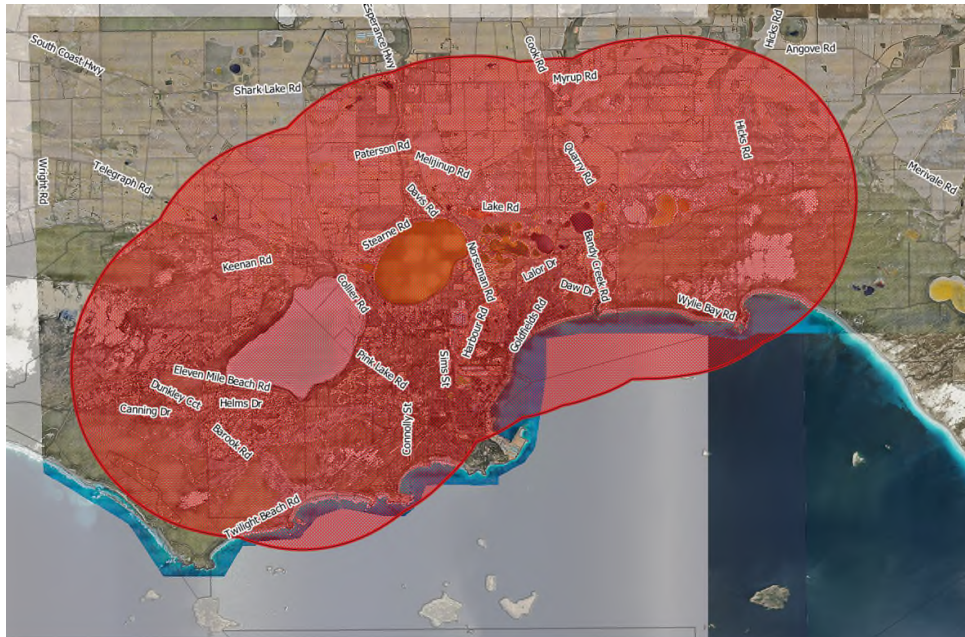
2.7 Amend Schedule 2 Clause 10.(c) by deleting (iii) and renumber the clause accordingly

This amendment seeks to replace the ‘I’ use within Special Control Area No. 10. This subclause required deletion as there are no more ‘I’ uses within this Special Control Area.

This is related to the modification at Amendment Point 6.

2.8 Amend Schedule 2 by inserting a new Clause 12 – Mosquito Borne Disease and Nuisance Special Control Area

This modification seeks to apply the mosquito nuisance as a Special Control Area of the Scheme rather than a general provision. The requirements of the Special Control Area will only be applied when development approval is required from another part of the Scheme.



This is related to the modification at Amendment Point 3.

2.9 Amend Schedule 3 A25 by replacing the base zone column from ‘Rural Residential’ with ‘Rural Smallholdings’

This amendment seeks to correct the base zone that was applied in Additional Use A25. The base zone was inserted in error as ‘Rural Residential’ and should be corrected to ‘Rural Smallholdings’.

2.10 Amend Schedule 3 and the Scheme Map by deleting A32.

Additional Use A32 was added by Amendment 9 to Local Planning Scheme No. 24. It has now been established that the uses proposed will only occur on a portion of the lot it is proposed to be deleted.

This modification relates to Amendment point 18 which inserts a new Special Use zone into Schedule 5.

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

It is proposed to introduce a new additional use in Schedule 3 on Lots 345 & 346 Goldfields Road, Castletown for 'Holiday Accommodation' as a 'D' use. The additional use is consistent with the current use of the land and resolves a non-conforming use from a previous Scheme.



2.12 Amending Schedule 3 and the Scheme Map as depicted on the Scheme Amendment Map by adding an Additional Use

It is proposed to introduce a new additional use in Schedule 3 on Lot 3 Fisheries Road, Myrup for 'Workforce Accommodation' as a 'D' use. The additional use is consistent with the current use of the land and resolves a non-conforming use from a previous Scheme.



2.13 Amend Schedule 4 R2 by replacing within the Description of Land column by replacing 'Lot 2' with 'Lot 24'

This modification amends the description of land by replacing 'Lot 2' with 'Lot 24'. A boundary adjustment was made with Lot 24 Cascade Road being the resultant lot that was created by amalgamation of Lot 2 and a portion of Lot 4 on deposited plan 42571.

2.14 Amend Schedule 4 R2 by deleting 'As an 'I' use and place 'Office' under the 'As a 'D' use:' and add a new point in the related conditions as follows: '3. Where an 'Office' is developed it must be incidental to the 'Warehouse/Storage' land use.'

This modification relates to the removal of 'I' uses within the Scheme. In this instance a new condition is added ensuring that the use is incidental to the 'Warehouse/Storage' land use.

2.15 Amend Schedule 4 by inserting a new restricted use and amending the Scheme Map accordingly

This modification relates to the introduction of a new restricted use over land that is held in Freehold by the Shire of Esperance within the Flinders subdivision. The restricted use will prohibit the development of the 'Holiday House' and 'Serviced Apartment' land uses within the indicated area.



- 2.16 Amend Schedule 5 SU7 by deleting as 'As an 'I' use and place 'Educational Establishment'; 'Restaurant/Café', 'Reception Centre; and 'Holiday House' under 'As a 'D' use:' and sort the uses alphabetically**

This modification relates to the removal of 'I' uses within the Scheme. It is proposal removed all the 'I' use within the Special Use 7 area.

- 2.17 Amend Schedule 5 and the Scheme Map as depicted on the Scheme Amendment Map by adding a Special Use**

A new Special Use zone is proposed covering a portion of Lot 1740 Merivale Road. Merivale, replacing Additional Use A32 deleted by Amendment Point 10.



2.18 Amend Schedule 7 by replacing the word 'site' with 'sites' within the Minimum Car Spaces column for the land use of 'Park Home Park'.

This modification corrects a grammatical error in not pluralising the word 'site' to 'sites' as it relates to a multiple of sites not a site.

2.19 Amend Schedule 10 by deleting a section of the last exemption

This modification deletes the line 'In the instance of Circus Signs this is limited to the event venue.' as this has proven problematic to administer it is being removed from the Scheme.

2.20 Amend the Scheme Map by amending the portion of Lot 24 Cascade Road zoned 'Rural' to 'General Industry' and Restricted Use 'R2' as depicted on the Scheme Map

This modification is a Scheme Map amendment related to a boundary adjustment was made with Lot 24 Cascade Road being the resultant lot that was created by amalgamation of Lot 2 and a portion of Lot 4 on deposited plan 42571.

The amendment relates to Amendment Point 14.



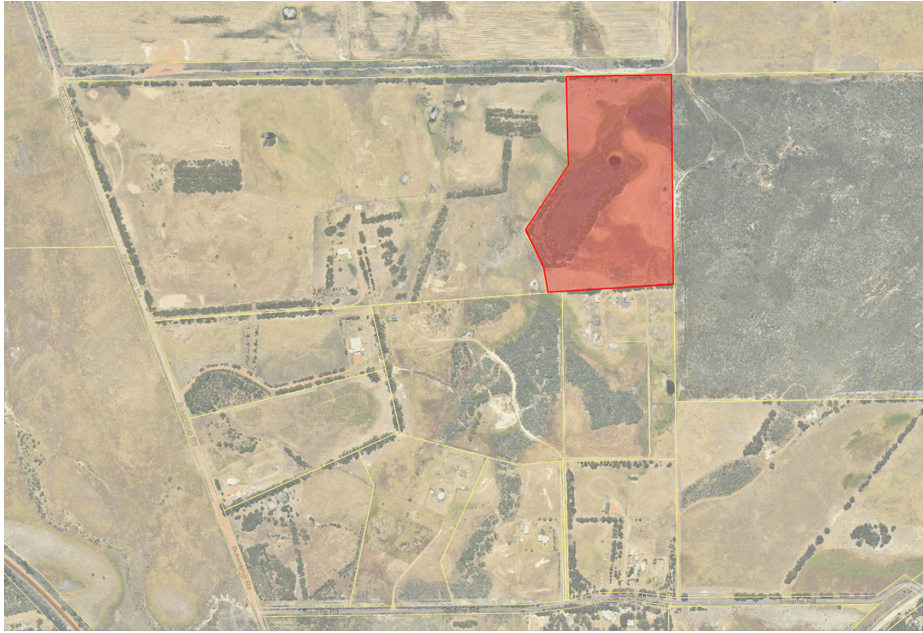
2.21 Amend the Scheme Map by amending the portion of Lot 28 in Deposited Plan 425431 from 'Education' to 'Civic and Community'; as depicted on the Scheme Amendment Map

This modification is proposed to take into account the modified reserve boundary for the Esperance Residential College. The proposed change in reservation incorporates the extended Reserve 30673 (Lot 28 on Deposited Plan 425431) with the portions of Reserve 29720 (Lot 27 on Deposited Plan 42543).



2.22 Amend Schedule 9 RS2 by replacing 'Lot 4 – 8 Stearne Road' with Lots 4 – 6, 8, 15 Stearne Road' as depicted on the Scheme Amendment Map.

This modification is proposed as a consequence of the amalgamation of the former Lot 7 with a portion the lot to its immediate north. It is proposed to extend the Rural Smallholdings – Special Provisions RS2 over the resultant Lot 15 Stearne Road.



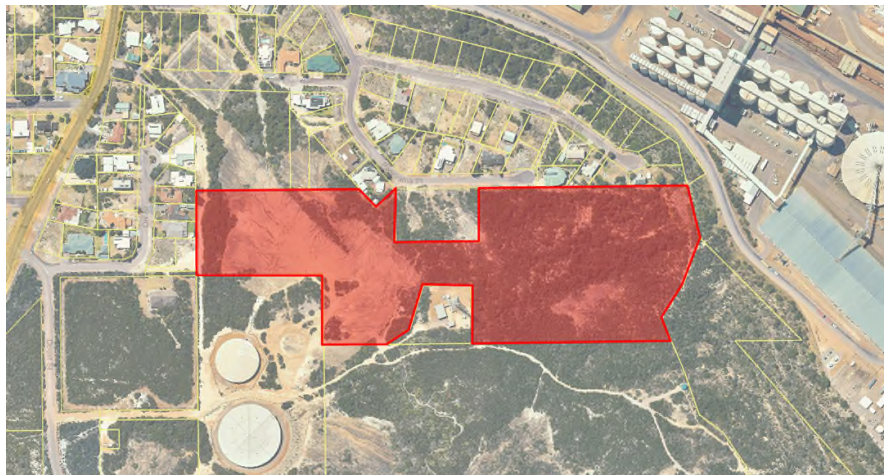
2.23 Amend the Scheme Map by amending the portion of Lot 47 on Plan 47393 from 'Infrastructure Services' to 'Residential' as depicted on the Scheme Amendment Map.

This modification corrects a drafting error on the Scheme Map where the southern corner of the lot was incorrectly shown as the 'Infrastructure Services' reserve. The proposed modification amends the subject portion of the lot to the 'Residential' zone, the R12.5 density already applies to the site and is consistent with the adjoining density.



- 2.24 Amend the Scheme Map by reclassifying the portion of Reserve 41141 classified as 'Infrastructure Services' to 'Public Open Space' as depicted on the Scheme Amendment Map.**

This modification corrects a drafting error on the Scheme Map where a portion of Reserve 41141 was reserved as 'Infrastructure Services' in error and should be reserved as 'Public Open Space' which is consistent with the reserve purposes of 'Recreation' and 'Park'.



- 2.25 Amend the Scheme Map by removing the R30 coding and applying R20 over all of Lot 300 on Plan 416251 as depicted on the Scheme Amendment Map.**

This modification is the result of a boundary realignment. The parent lot had a density of R20/30 applied so it is proposed to apply this over the full extent of the new Lot 300, which is consistent with the adjoining density.



2.26 Amend the Scheme Map by Map by Map by amending the portion of Lot 100 Gilpin Street from 'Local Road' to "General Industry' as depicted on the Scheme Amendment Map.

This modification is the result of a road closure which has been included with the adjoining lot. The proposal applies a consistent zoning across the site.



2.27 Amend the Scheme map by amending Lot 325 Nugent Street from 'Light Industry' to 'Residential' with a density of R20as depicted on the Scheme Amendment Map.

This modification is the result of an incorrect zone being applied to a residential lot.



2.28 Amend the Scheme Map by amending the density of Lots 12, 13, 23, 25, 81, 400, 401, 501, 522 and 528 Windich Street, Lots 7, 24, 80, 502, 521. 525 and 526 Eyre Street, Esperance from R12.5 to R40 as depicted on the Scheme Amendment Map

This modification is proposed as the R12.5 density code that was applied to the site is inconsistent with the prevailing density surrounding it .It is proposed to increase the density to R40.



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 an Additional Use to take into account usage of a site;
- Amending Residential Densities in specified areas;
- Modification to the Scheme Map to take into account cadastral changes and correcting errors on the Scheme Map;
- Modification of land use classifications;
- Inserting new general provisions dealing with Stormwater;
- Inserting new provisions relating to industries in a 'Rural' zone;
- Insertion a new Special Control Area into the Scheme;
- Inserting a new Restricted Use into the Scheme; and
- Deletion of an Additional Use and introduction of a new Special Use.

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.10

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 ‘P’ with ‘D’ for ‘Holiday House’ in the ‘Tourism’ zone.
2. Amending Schedule 1 by replacing clause 34 subclause (a) as follows:
 - (a) Management of stormwater on all developments should be in accordance with current best practice as per the Stormwater Management Manual for Western Australia (DWER, 2004) (as amended).
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 - ‘12. SCA 12 – Mosquito Borne Disease Risk and Nuisance Special Control Area
 - (b) The purpose of SCA 12 is to identify a Mosquito Borne Disease Risk and Nuisance Area.
 - (i) The mosquito borne disease and nuisance area is defined as all land within 5km of the Lake Warden Wetland System as defined in the Lake Warden Wetland System (LWWS), Esperance Initial Environmental Impact Assessment by the then Department of Environment and Conservation 1 July 2008
 - (b) Objectives
 - The objectives of SCA 12 are to –
 - (iii) Identify land that has been designated as a Mosquito Borne Disease Risk and Nuisance Area;
 - (iv) Implement Scheme controls that are designed to notify of the presence of the Mosquito Borne Disease Risk and Nuisance.
 - (c) Application Requirements
 - (ii) Where development approval is required by any other part of the Scheme Clause (d)(ii) will apply.
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impose a condition requiring the subdivider to make arrangements with the Commission for a notification in accordance with Section 165 of the *Planning and Development Act 2005* to be placed on the certificate(s) of title which will inform lot owners and prospective purchasers of the potential mosquito risk.

- (ii) The local government will impose a condition on its development approval for any habitable building as defined in Clause 78A of the Deemed Provisions requiring a Section 70A notification under the *Transfer of Land Act 1893* stating "The subject land occasionally experiences considerable problems with nuisance and disease carrying mosquitoes. These mosquitoes are known carriers of Ross River (RRV) and Barmah Forest (BFV) viruses. Human cases of RRV and BFV diseases occur in some years in this general locality."

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12. 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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13. Amending Schedule 4 R2 by replacing within the Description of Land column by replacing 'Lot 2' with 'Lot 24'.
14. Amending Schedule 4 R2 by deleting 'As an 'I' use and place 'office' under the 'As a 'D' use:' and add a new point in the related conditions as follows: '3. Where an 'Office' is developed it must be incidental to the 'Warehouse/storage' land use.'
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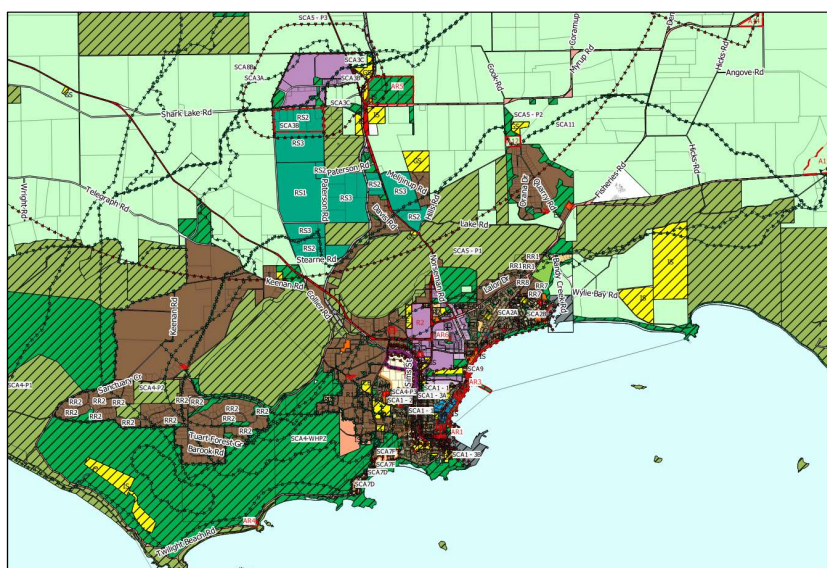
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		which shall be deemed 'X' uses.	
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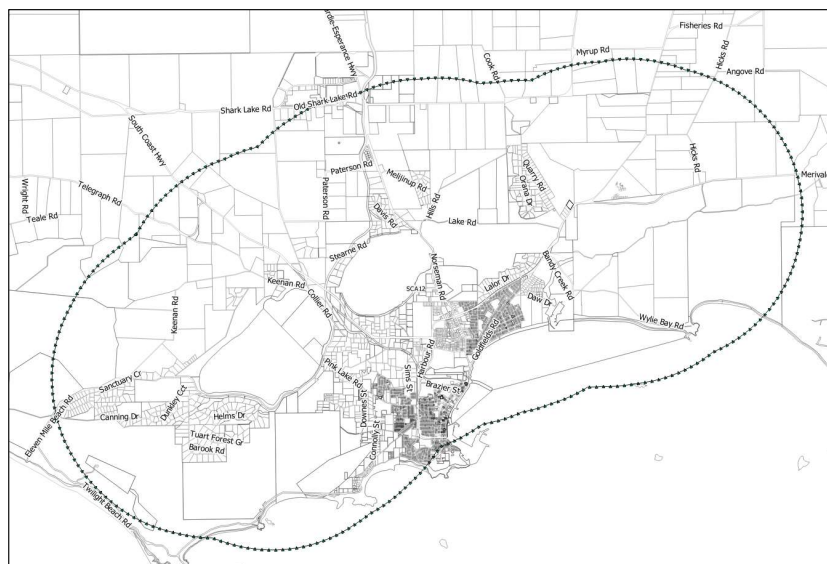
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17. Amending Schedule 5 and the Scheme Map as depicted on the Scheme Amendment Map by adding a Special Use with the following:

No.	Description of land	Special use	Conditions
SU8	Portion Lot 1740 Merivale Road. Merivale	<p>As a 'P' use</p> <ul style="list-style-type: none"> • Single House • Holiday House • Ancillary Dwelling <p>As a 'A' use</p> <ul style="list-style-type: none"> • Animal Establishment • Brewery • Caravan Park • Educational Establishment • Holiday Accommodation • Liquor Store – Small • Private Recreation • Reception Centre • Restaurant/Café • Shop • Tavern <p>Other complimentary or non-defined uses considered appropriate by the local government.</p>	<p>1. The purpose of this zone is to provide for the development of a brewery, caravan park and ancillary land uses. Conditions applicable to the site area:</p> <p>a) Any subdivision will require the preparation and adoption of a structure plan in accordance with Part 4 of the Deemed Provisions.</p> <p>b) All development within SU8 shall require development approval.</p> <p>c) Parking requirements are to be in accordance with Schedule 7.</p> <p>d) The shop is not to have a Net Floor Area in excess of 150m².</p> <p>e) All development</p>

			<p>shall be setback a minimum of 10m from all boundaries.</p> <p>f) A BAL Rating of BAL 29 or less is to be achieved for all development.</p> <p>2. Any application for development approval is to be accompanied with an associated fire management plan.</p> <p>3. All development is to be provided a supply of potable water adequate to the needs of the development.</p> <p>4. All development is to be connected to an appropriate and approved effluent disposal system.</p>
<p>18. Amending Schedule 7 by replacing the word 'site' with 'sites' within the Minimum Car Spaces column for the land use of 'Park Home Park'.</p> <p>19. Amending the last row of Schedule 10 by deleting 'In the instance of Circus Signs this is limited to the event venue.'</p> <p>20. Amending the Scheme Map by amending the portion of Lot 24 Cascade Road zoned 'Rural' to 'General Industry' and Restricted Use 'R2' as depicted on the Scheme Map.</p> <p>21. Amending the Scheme Map by amending the portion of Lot 27 in Deposited Plan 425431 from 'Education' to 'Civic and Community; as depicted on the Scheme Amendment Map.</p> <p>22. Amending Schedule 9 RS2 by replacing 'Lot 4 – 8 Stearne Road' with Lots 4 – 6, 8, 15 Stearne Road' and deleting RS3 from a portion of Lot 15 Stearne Road as depicted on the Scheme Amendment Map.</p> <p>23. Amending the Scheme Map by amending the portion of Lot 47 on Plan 47393 from 'Infrastructure Services' to 'Residential' with a density of R12.5 as depicted on the Scheme Amendment Map.</p> <p>24. Amending the Scheme Map by reclassifying Reserve 41141 from 'Infrastructure Services' to 'Public Open Space' as depicted on the Scheme Amendment Map.</p> <p>25. Amending the Scheme Map by removing the R30 coding and applying R20 over all of Lot 300 on Plan 416251 Pink Lake Road as depicted on the Scheme Amendment Map.</p> <p>26. Amending the Scheme Map by amending the portion of Lot 100 Gilpin Street from 'Local Road' to 'General Industry' as depicted on the Scheme Amendment Map.</p> <p>27. Amending the Scheme map by amending Lot 325 Nugent Street from 'Light Industry' to 'Residential' with a density of R20 as depicted on the Scheme Amendment Map.</p> <p>28. Amending the Scheme Map by amending the density of Lots 12, 13, 23, 25, 81, 400, 401, 501, 522 and 528 Windich Street, Lots 7, 24, 80, 502, 521. 525 and 526 Eyre Street, Esperance from R12.5 to R40 as depicted on the Scheme Amendment Map</p>			



Current Zoning



Proposed Zoning

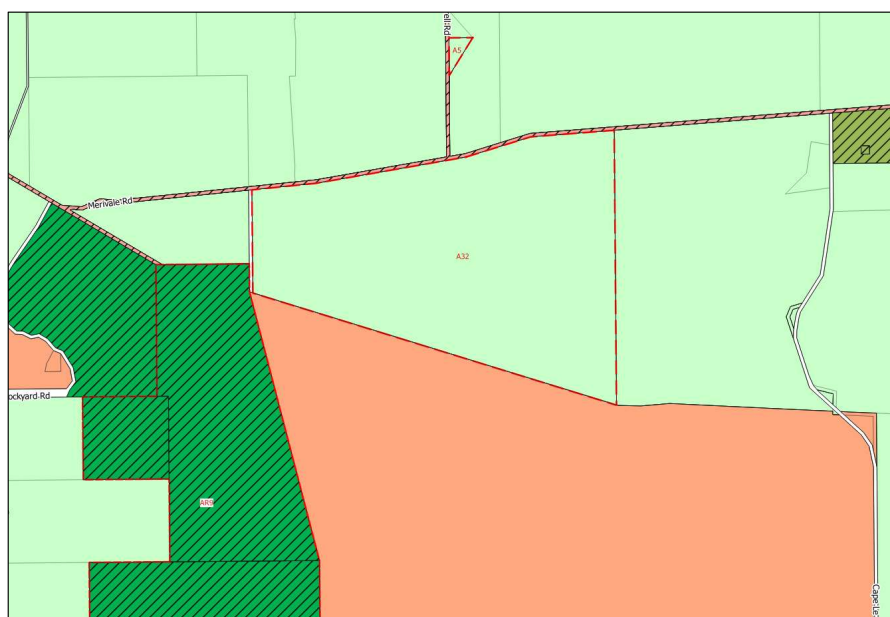
LEGEND		
Zones	Reserves	Others
Residential	Local Road	R-Codes
Urban Development	Local Distributor Road	Special Uses
Rural	Primary Distributor Road	SU1 - See Scheme Text
Rural residential	Railways	Additional Uses
Rural smallholdings	Public Open Space	A1 See Scheme Text
Light Industry	Environmental Conservation	Additional Uses Reserves
General Industry	IS - Infrastructure Services	AR1 - See Scheme Text
Tourism	ES - Emergency Services	Special control area
Local Centre	E - Education	Special control area - Environment
Commercial	GS - Government Services	Oceans/Waterways

Amendment Point

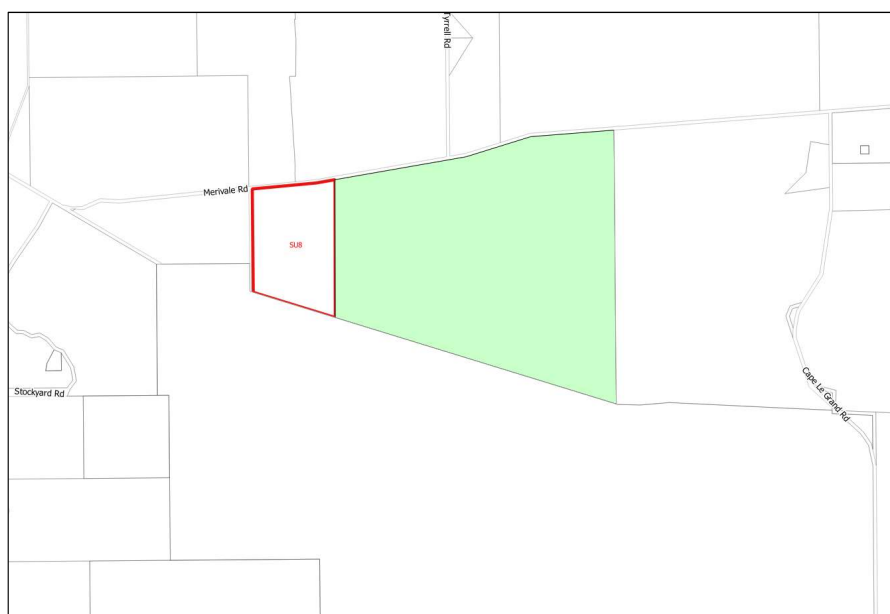
8

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 10



Current Zoning



Proposed Zoning

LEGEND

Zones

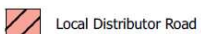


Rural

Reserves



Local Road



Local Distributor Road



Public Open Space




Environmental Conservation

Others

Special Uses

 SU1 - See Scheme Text

Additional Uses

 A1 - See Scheme Text

Additional Uses Reserves

 AR1 - See Scheme Text

Amendment Points

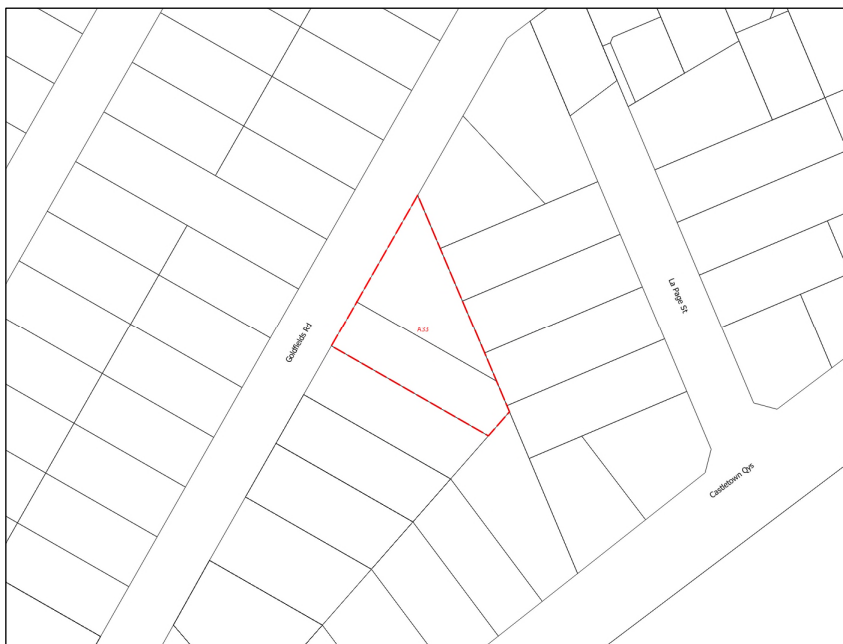
10 and 17

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 10



Current Zoning



Proposed Zoning

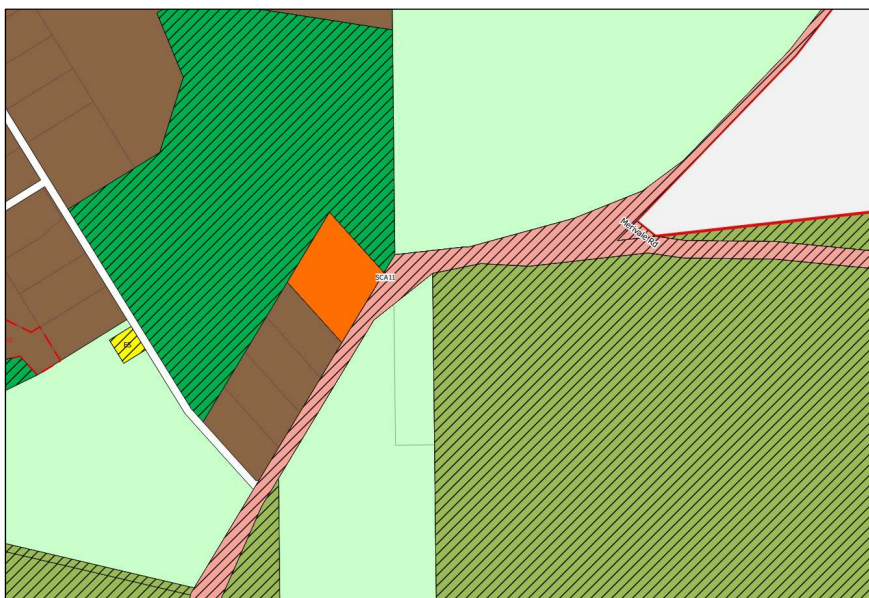
LEGEND		
Zones	Reserves	Others
Residential	Local Road	R-Codes
	Local Distributor Road	Special control area
	Public Open Space	Additional Uses
		A1 See Scheme Text

Amendment Point

11

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 10






Current Zoning








Proposed Zoning

LEGEND




Zones

-  Rural
-  Rural residential
-  Tourism

Reserves

-  Local Road
-  Local Distributor Road
-  Public Open Space
-  Environmental Conservation
-  ES - Emergency Services

Others

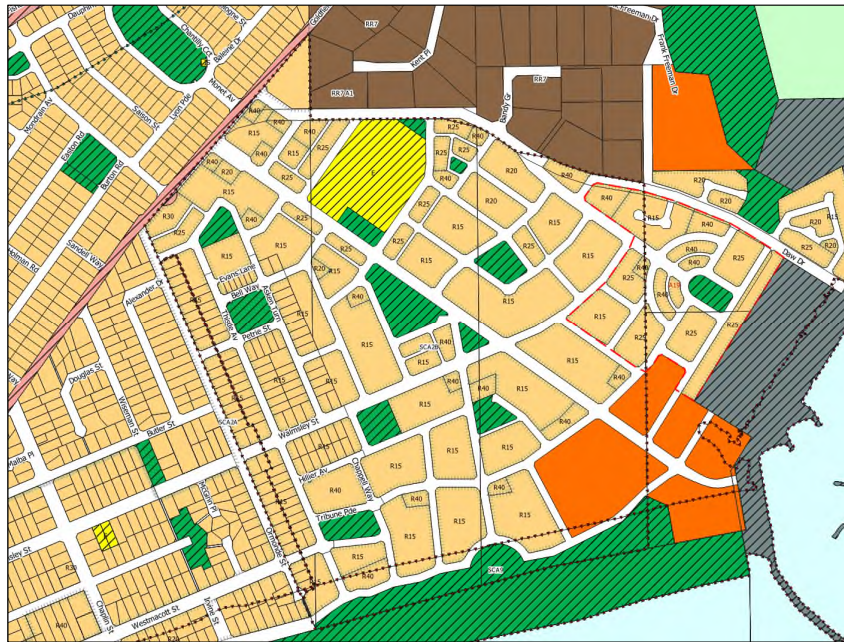
- Additional Uses**
-  A1 See Scheme Text
-  Special control area
- Special Uses**
-  SU1 - See Scheme Text

Amendment Point

12

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24














AMENDMENT NO. 10



Current Zoning



Proposed Zoning

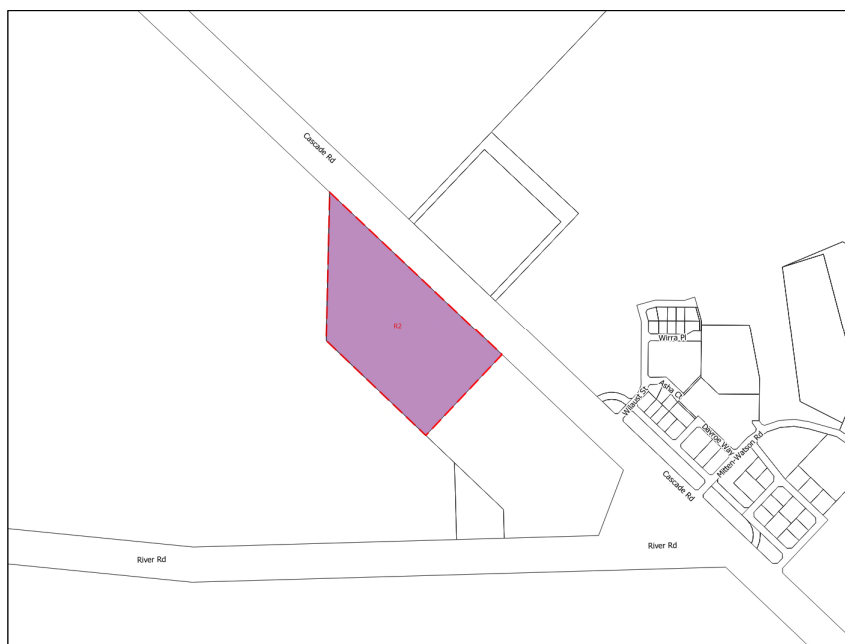
LEGEND		
Zones	Reserves	Others
 Residential	 Local Road	 R-Codes
 Tourism	 Local Distributor Road	 Special control area
 Rural residential	 Public Open Space	Additional Uses
	 Strategic Infrastructure	 A1 See Scheme Text
	 E - Education	Restricted Uses
	 IS - Infrastructure Services	 R1 - See Scheme Text

Amendment Point

15



Current Zoning



Proposed Zoning

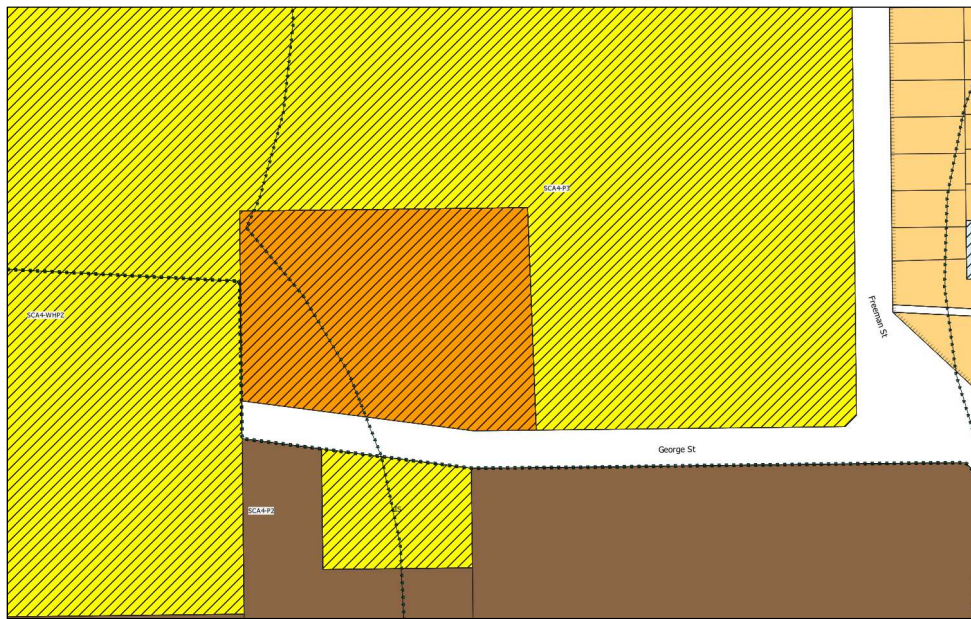
LEGEND		
Zones	Reserves	Others
Rural Townsite	Local Road	Restricted Uses
Rural	Local Distributor Road	R1 - See Scheme Text
General Industry	Public Open Space	
	Environmental Conservation	
	E - Education	
	IS - Infrastructure Services	
	GS - Government Services	

Amendment Point

20

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 10



Current Zoning



Proposed Zoning


LEGEND


Zones


 Residential


Reserves

 Local Road


 E - Education

 IS - Infrastructure Services

 Civic and Community

 Drainage / Waterway

Others

 R-Codes

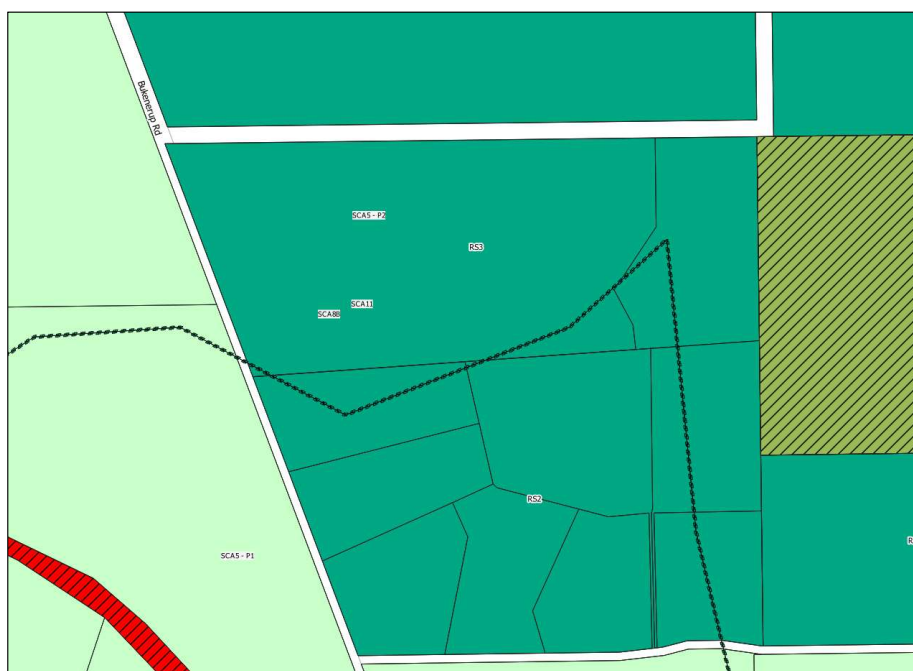
 Special control area

Amendment Point

21

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24







AMENDMENT NO. 10



Current Zoning



Proposed Zoning

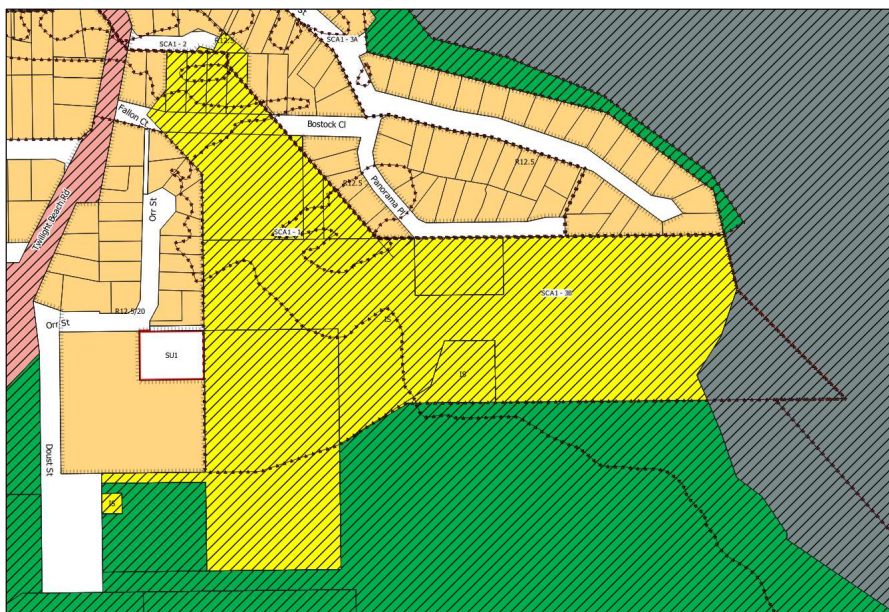
LEGEND		
Zones	Reserves	Others
 Rural smallholdings	 Local Road	 RS2
 Rural	 Environmental Conservation	 Special control area

Amendment Point

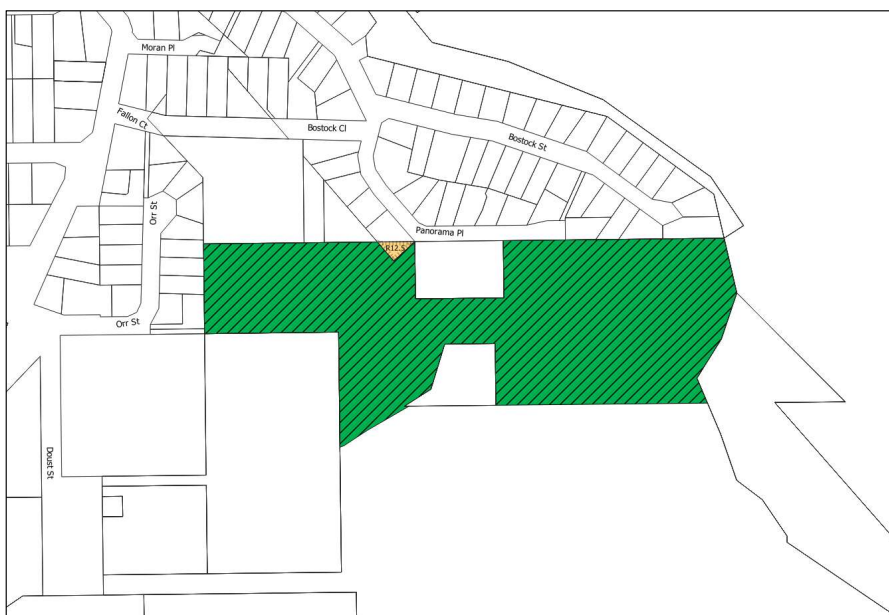
22

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 10



Current Zoning



Proposed Zoning

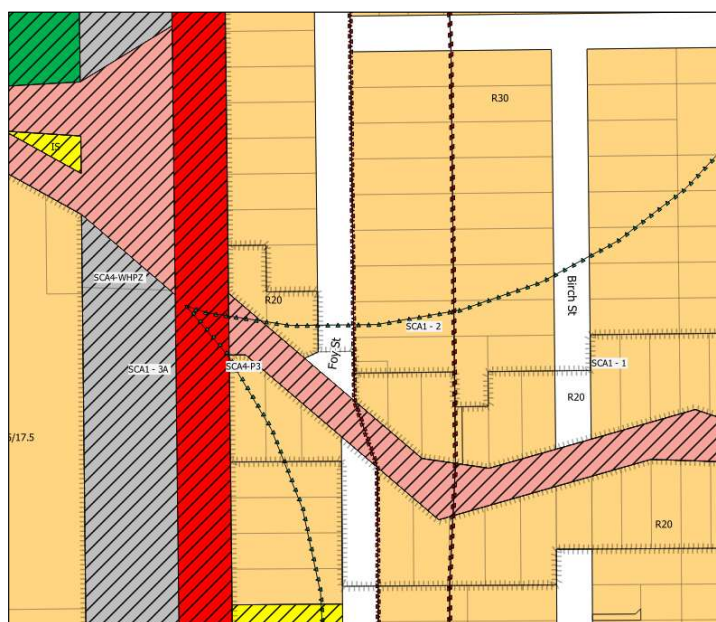
LEGEND		
Zones	Reserves	Others
Residential	Local Road	R-Codes
	Local Distributor Road	Special control area
	Public Open Space	Special Uses
	IS - Infrastructure Services	SU1 - See Scheme Text
	Strategic Infrastructure	

Amendment Points

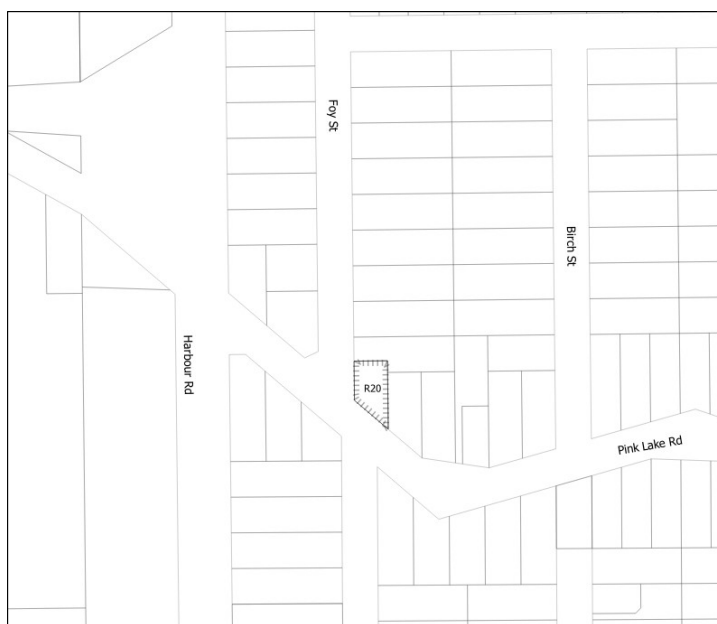
23 and 24

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 10



Current Zoning



Proposed Zoning

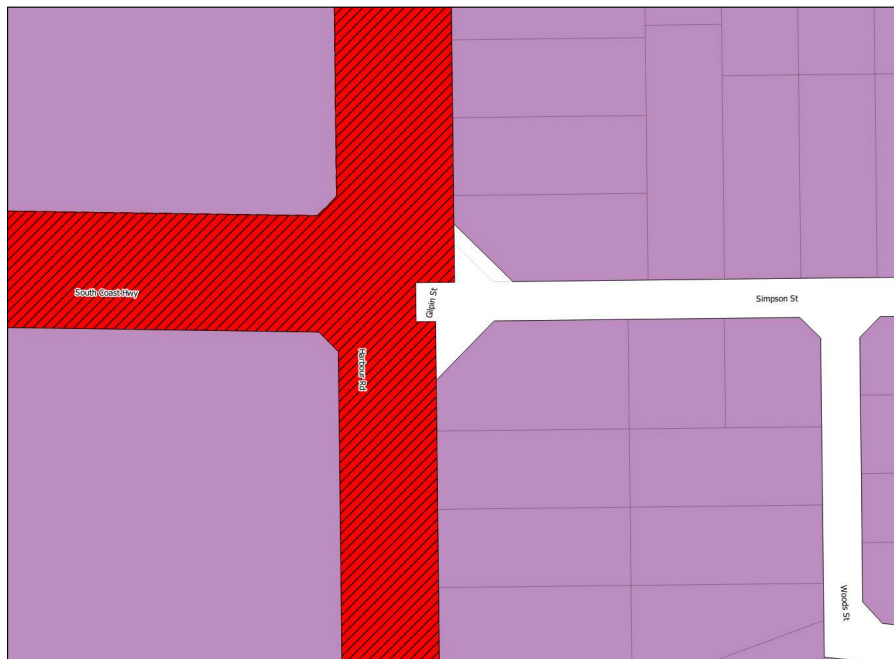
LEGEND		
Zones	Reserves	Others
Residential	Local Road	R-Codes
	Local Distributor Road	Additional Uses
	Primary Distributor Road	A1 See Scheme Text
	IS - Infrastructure Services	Special control area
	Railways	Special control area
	Public Open Space	

Amendment Point

25

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 10



Current Zoning



Proposed Zoning

LEGEND		
Zones	Reserves	Others
 General Industry	 Local Road	 Restricted Uses
	 Primary Distributor Road	 R1 - See Scheme Text

Amendment Point

26

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 10



Current Zoning



Proposed Zoning

Amendment Point

27

LEGEND

Zones

- Residential
- Light Industry
- Mixed Use

Reserves

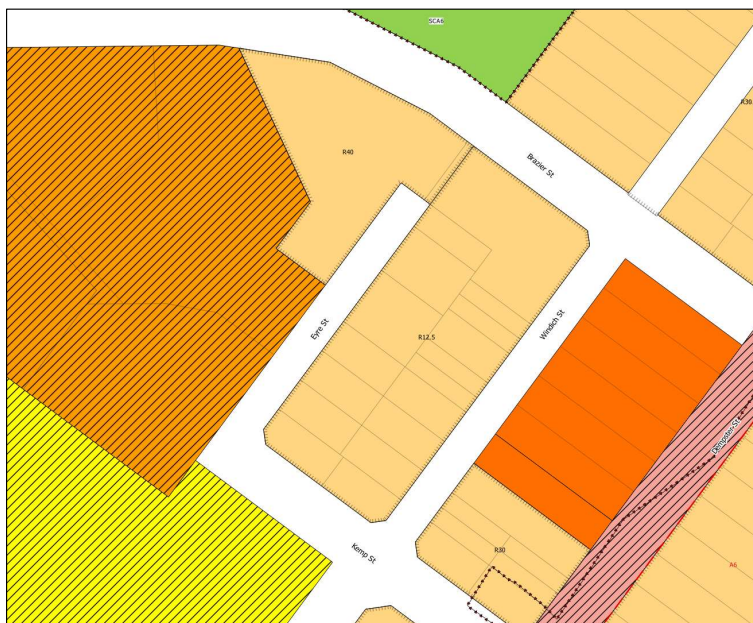
- Local Road
- Local Distributor Road

Others

- R-Codes
- Additional Uses
A1 See Scheme Text

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24







AMENDMENT NO. 10



Current Zoning



Proposed Zoning

LEGEND		
Zones	Reserves	Others
 Residential	 Local Road	 R-Codes
 Tourism	 Local Distributor Road	Additional Uses
 Private Clubs, Institutions and Place of Worship	 Civic and Community	 A1 See Scheme Text
	 M - Medical Services	 Special control area

Amendment Point

28

SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24

AMENDMENT NO. 10

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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 ____ day of _____, 20____

.....
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 ____ day of _____, 20____, proceed to advertise this Amendment.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

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

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

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

DATE.....

APPROVAL GRANTED

Form 6A - Continued

.....

MINISTER FOR PLANNING

DATE.....