

SHIRE OF ESPERANCE

Local Planning Scheme No. 24

Updated to include AMD 9 GG 23/02/2024



Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal

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Please advise the Department of Planning, Lands and Heritage of any errors or omissions in this document.

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SHIRE OF ESPERANCE LOCAL PLANNING SCHEME NO. 24 AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
New Scheme	2/08/17	21/8/17	MLD	New Scheme
Correction Notice	8/8/17	21/8/17	MLD	Amend sub-heading – 26 Shipping Container Requirements – paragraph D
1	13/04/18	16/04/18	HB	<p>Amend Clause 1. (b) in Schedule 1.</p> <p>Amend Schedule 6 by inserting the following under Minimum Landscaping and Minimum Car Spaces (Space/sq. Metre) for the 'Residential' zone "Where the use is listed in the R-Codes development is to be as per the R-Codes. Where the use is not defined in the R-Codes development is to be as per Schedule 7.</p> <p>Amend Schedule 7 by inserting Family day care with no landscaping and parking requirements of 1 bay per 2 children rounded up.</p> <p>Amend Schedule 7 by splitting Fast Food outlet/lunch bar into Fast Food outlet and Lunch Bar and keep the original development standards for both.</p> <p>Amend Schedule 7 by inserting Industry and having the same landscaping and parking requirements as General Industry in Schedule 6.</p> <p>Amend Schedule 7 by inserting Industry-Light and having the same landscaping and parking requirements as Light Industry in Schedule 6 excluding the reference to Schedule 7.</p> <p>Amend Schedule 7 by inserting Repurposed dwelling and having the same parking requirements as single house.</p> <p>Amend Schedule 7 by inserting Residential Building and having the same parking requirements as Single house in the R-Codes with one extra bay per bedroom over 4 bedrooms.</p> <p>Amending Schedule 7 by inserting Second-hand dwelling and having the same parking requirements as single house.</p> <p>Amend Table No 4 Zoning and Land Use Table by changing Special purpose dwelling to Aged or dependent persons dwelling.</p> <p>Amend Table No 4 Zoning and Land Use Table by inserting Single bedroom dwelling with a D in the Residential and Rural Townsite zones and an X in all other zones.</p> <p>Re-number Schedule 1 Clause 15 to Schedule 1 Clause 16 and renumber all subsequent clauses and related references accordingly.</p> <p>Amend Schedule 1 by inserting as Clause 15 - Car Parking.</p> <p>Amend Schedule 3 Additional Use A6 by deleting Clause 6 (b) and the and after Clause 6(a).</p> <p>Amend Schedule 3 Additional Use A6 by inserting after Clause 6(a) additional text b & c</p> <p>Amend Schedule 1 Clause 4 (j) by replacing the Rural Residential Areas with Rural Smallholding Areas.</p> <p>Amend the heading in Schedule 1 Clause 5 by inserting Rural Residential after Rural.</p> <p>Amend Schedule 1 Clause 5 by inserting (Unless located within SCA 1 where Schedule 2 Clause 1 applies) after 100 metres.</p> <p>Amend Schedule 1 Clause 11 (iii) by replacing the word of with or.</p> <p>Amend Schedule 1 Clause 17 (c) by inserting Tourism after Commercial.</p> <p>Amend Schedule 8 No. RR2 by deleting Clause 10.</p> <p>Amend Schedule 1 Clause 34 by inserting at the beginning and renumbering the remainder of the clause:</p> <p>Amend the Scheme Map by reclassifying a portion of Reserve 22796 to Environmental Conservation as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by classifying Reserve 42379 Infrastructure Services as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by classifying Reserve 48955 Infrastructure Services as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by rezoning a portion of Lot 3030 White Street, Nulsen from Residential R20 to Residential R40 as depicted on the Amendment Map.</p> <p>Amend Schedule 1 Clause 24 by renumbering subclause (a) to (b).</p> <p>Amend Schedule 1 Clause 24 by inserting the following as subclause (a): Notwithstanding any other requirement of the Scheme, all Repurposed dwelling require the planting approval of the local government.</p> <p>Amend the Scheme by deleting the definition of Windfarm for Clause 38.</p> <p>Amend the Scheme by replacing central area, shops and offices or industrial zones with commercial local centre, mixed use or general industry zones in the objective for Light Industry in Table No 3 in the third dot point.</p> <p>Amend the Scheme by replacing the address in Schedule 3 for Additional Use 15 with Lot 35 Merivale Road, Myrup.</p> <p>Amend the Scheme by numbering the clause under Schedule 2 SCA 5 (c) as (i).</p> <p>Amend the Scheme by amending Schedule 2 SCA 5 by inserting an new clause in clause (c).</p>

				<p>Amend the Scheme by changing the permissibility of Community Purpose from X to D in the General Industry zone in Table 4.</p> <p>Amend the Scheme by replacing the 12 in Schedule 1 Clause 13. (d) with 13.</p> <p>Amend the Scheme by amending Schedule 2 SCA 8 by inserting a new clause in clause (c) Amend the Scheme by changing the permissibility of Brewery for X to I in the Commercial zone in Table 4.</p> <p>Amend the Scheme by renumbering all clauses to take into account deletions, additions and modifications and renaming any agency names that have changed since gazettal of the Scheme.</p> <p>Amend Schedule 2 - 4(d).</p> <p>Amend the Scheme text by deleting Schedule 2 - 4 (e)(iii).</p>
3	12/10/18	18/10/18	MLD	<p>Amended Schedule 8 - RR5 by:</p> <ul style="list-style-type: none"> Amending the description of land by replacing 'Part former Esperance Location 320, Gibson' with 'Lots 2-14 and 17 Ivy Larmour Drive and Lots 15 and 16 Coolgardie-Esperance Highway, Gibson'; Amending Clause 1 by deleting 'Subdivision and development shall generally be in accordance with the subdivision guide plan dated 28.8.2008'; Amending Clause 2 by replacing '300 metre water bore buffer identified on the subdivision guide plan' with 'wellhead protection zone'; Amending Clause 3 by inserting 'and pigs' after the word 'horses'; Amending Clause 4 by deleting 'and the keeping of pigs'; Amending Clause 5 by replacing the clause with 'The keeping of livestock on Lots 9-12 inclusive and Lot 16 is prohibited.'; After Clause 5 inserting a new clause stating 'Subject to subclause 3., the keeping of livestock is permitted on Lots 1-8 and Lots 13-15 in accordance with the equivalent of 10 Dry Sheep Equivalents (DSE) per hectare.'; Amending Clause 7 by replacing the clause with 'Best management practices should be used when using or storing chemicals such as fertilisers and pesticides to reduce the risk of contaminants leaching into groundwater.'; After Clause 7 inserting a new clause stating 'Conditions may apply to the storage of fuels and chemicals within wellhead protection zones (SHPZ).'; Amending Clause 7 by deleting 'the Gibson Soak'; Amending Clause 6 by replacing the 'be' after the 'local government is to' with 'have'; Updating all numbering within RR5.
2	18/1/19	21/1/19	HB	<p>Amend the Scheme Map by reclassifying Lot 55 on Plan 14436 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 55 on Plan 21354 and Lot 56 on Plan 9537 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 42 on Plan 20900 from 'Residential' to 'Infrastructure Services' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Reserve 41524 from 'Residential' to 'Drainage/Waterway' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Reserve 36283 to 'Local Road' from 'Residential' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Reserve 36284 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by rezoning the truncation of Matthews Street from 'Residential' adjacent to Lot 18 Mitchell Street to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by rezoning Lot 67 on Diagram 53908 and Lot 68 on Diagram 36921 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 55 on Diagram 51917 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Reserve 36285 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Reserve 36286 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 55 on Plan 13085 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 56 on Diagram 54354 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Reserve 51247 from 'Residential' to 'Infrastructure Services' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 55 on Plan 23781 and Lot 1037 on Plan 39959 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p>

			<p>Amend the Scheme Map by reclassifying Lot 132 on Plan 9468 from 'Residential' to 'Infrastructure Services' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 155 on Plan 13851 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 155 on Plan 9200 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 0 on Plan 13851 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 55 on Plan 9296 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 222 on Plan 2339 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying a portion of Lot 166 on Plan 2260 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 162 on Plan 28909 from 'Residential' to 'Infrastructure Services' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 55 on Plan 21242 and Lot 220 on Plan 22657 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 221 on Plan 22657 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 222 on Plan 22657 and Lot 115 on Plan 20600 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 156 on Plan 13884 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 205 on Plan 20600 from 'Residential' to 'Infrastructure Services' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 207 on Plan 21242 from 'Residential' to 'Infrastructure Services' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 155 on Plan 12765 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 55 on Plan 13885 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 56 on Plan 13543 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 57 on Plan 13534 from 'Residential' to 'Local Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying a Portion of Reserve 38163 from 'Rural Residential' to 'Public Open Space' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying a Portion of Reserve 21557 from 'Urban Development' and 'Local Road' to 'Public Open Space' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying a portion of South Coast Highway from 'Environmental Conservation' to 'Primary Distributor Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by replacing 'SCA4C' with 'SCA4C – P1, SCA4C – P2 and SCA4C – P3' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by replacing 'SCA4G' with 'SCA4G – P1, SCA4G – P2 and SCA4G – P3' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by inserting 'SCA4 – WHPZ' as depicted on the Amendment Map.</p> <p>Amend Schedule 2 Clause 4 (f)(ix) by replacing it.</p> <p>Amend the Scheme Map by applying SCA7F to Lot 70 Stewart Street and Lots 76, 77, 79 and 81 Twilight Beach Road as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by amending the boundary of SCA9 as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by amending the alignment of the 'Primary Distributor Road' in Reserve 32259 and Lots 214, 282 and 850 Norseman Road as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by reclassifying the portion of road at the intersection of Fisheries and Merivale Road from 'Special Use' to 'Local Distributor Road' as depicted on the Amendment Map.</p> <p>Amend the Scheme Map by amending the Road Widening on DP 75548 from 'Rural Smallholdings' to 'Primary Distributor Road' as depicted on the Amendment Map.</p> <p>Amend Clause 14 Table No. 1 Reserve objectives by inserting after the first dot point with the Local Road reserve 'To set aside land for use as a pedestrian access way.'</p> <p>Amend Schedule 2 Clause 7 by inserting a new clause 7.6.</p> <p>Amend Schedule 2 Clause 9.(d) by removing 'and' at the end of subclause (i).</p>
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				<p>the protection of landscapes including but not limited to maintenance of soils.' Note that this modification will require the 'and' to be removed from SCA 10(d)(iii) and the '.' replaced with ';' and in SCA 10(d)(iv).</p> <p>Amend the Scheme by inserting 'and the Commissioner of Soil and Land Conservation (WA)' after 'Department of Water and Environmental Regulation' in SCA 10 (f)(i).</p> <p>Amend the Scheme by replacing the 'and' after 'Department of Biodiversity Conservation and Attractions' in SCA 10 (f)(i) with ';'.</p> <p>Amend the Scheme Map to show Lot 185 (37) Foy Street, Esperance as 'Residential' with a density of 'R30'.</p> <p>Amend the Scheme Map to show SCA4C as per Figure A4 in the Condingup Water Reserve Drinking Water Source Protection Review (Report WRP 164 October 2017).</p> <p>Amend the Scheme Map to show SCA4-WHPZ for bore 6-83 as per Figure A4 in the Condingup Water Reserve Drinking Water Source Protection Review (Report WRP 164 October 2017).</p> <p>Amend the Scheme Map reclassifying portions of Reserves 25891 and 31540 from 'Public Open Space' to 'Local Distributor Road'.</p> <p>Amend Schedule 1 Clause 30 by inserting before the full stop 'or a single house, grouped dwelling or multiple dwelling is constructed on the lot'.</p> <p>Amend the Scheme Map to show SCA4SG-P1 as per Figure A3 in the Salmon Gums Catchment Area Drinking water source protection plan (Report WRP 143 September 2013).</p> <p>Amend Table 4 by modifying the permissibility of 'Art Gallery' to an 'I' use in the 'Residential' zone.</p> <p>Amend Clause 27.(b) in Schedule 1 by inserting 'in Schedule A' after '61 (k)'.</p> <p>Amend Clause 26. By inserting a new clause (e) after Clause (6)(d).</p> <p>Amend Clause 37.(1) by inserting 'eco-tourism means ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmentally and cultural understanding, appreciation and conservation.' and sorting the list alphabetically.</p> <p>Amend the definition in Clause 16.(2) for the 'Cultural and Natural Resource Zone' by inserting 'Allow land uses that are associated with the reserve purpose.' Before the last dot point.</p> <p>Amend the Scheme Map to show the portion of Reserve 53170 currently reserved as 'Environmental Conservation', Reserve 53171, and the portion of Reserve 53177 currently reserved as 'Environmental Conservation' as 'Cultural and Natural Resource Zone'.</p> <p>Amending the Scheme by inserting the following into Table No. 2 in Clause 15 - AR9 portion of reserve 53177 in accordance with the Conditions.</p> <p>Amend the Scheme Map to show the portion of Reserve 53177 currently reserved 'Public Open Space' as 'Additional Use Reserve' with a label of AR9.</p> <p>Amend Schedule 4 Restricted Use R2 by inserting 'and Lot 502 South Coast Highway' after 'Lot 15 Harbour Road' in the Description of land.</p> <p>Amend Schedule A Clause 61 (1) (m) by replacing 'Zones' with 'zone'.</p> <p>Amend A15 in Schedule 3 by replacing 'Portion Lot 35 Fisheries Road, Myrup' with 'Portion Lot 35 Merivale Road, Myrup'</p> <p>Amend Schedule 1 Cl 16(a) by replacing it.</p> <p>Amend Schedule 1 Cl 16(a) by inserting a new subclause (viii)</p> <p>Amend Schedule 1 Cl 16(a)(vi) by replacing ';' and' with ';</p> <p>Amend Schedule 1 Cl 16(a)(vii) by replacing '.' with ';</p> <p>Amend Clause 38 by amending with the meaning for the land use of 'Rural home business' by replacing within (d) 'be' with 'by'</p> <p>Amend Clause 38 by replacing the meaning for the land use 'park home park'.</p> <p>Amend SU5 in Schedule 5 by inserting 'Park home park' as a 'D' use.</p> <p>Amend the Scheme by replacing all referenced to 'Planning Approval' with 'Development Approval'.</p> <p>Amend Schedule A Clause 61 (l) - (cc) to be consistent with punctuation set out in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>Amend Table No. 4 – Zoning and Land Use Table by applying In the 'mining operations' land use in the Rural zone an asterisk against the '*D' and a footnote on Table No. 4</p> <p>Amend Clause 18(2) by replacing the 'any' with 'all'.</p> <p>Amend Schedule 5 SU3 Clause b)i by replacing '2006' with '2008'.</p> <p>Amend Schedule 10 Temporary Signs - Dwellings (b) by replacing 'One sign' with 'Two signs' and 'Each sign is not to exceed an area of 2m²' with 'The total area of signs is not to exceed 2m²'.</p>
4	09/07/19	10/07/19	GM	<p>Throughout the Scheme Text delete holiday home and replace it with holiday house.</p> <p>Amend clause 15(3) by inserting 'government, public authority or' before 'local government'.</p> <p>Amend Schedule A, clause 61(1)(k).</p> <p>Amend Schedule A, clause 61(1)(p) by replacing 'Residential and Rural Townsite zone' with 'Residential or Rural Townsite zone'.</p>

				<p>Amend Schedule A, clause 61(1)(t) by replacing 'and' with 'or'.</p> <p>Amend Schedule 1, clause 22(a) by replacing the 'and' after 'bed and breakfast' with 'or'.</p> <p>Amend Schedule 1, clause 27 by renaming the clause to 'Shipping Containers Used as Outbuildings'.</p> <p>Amend Schedule 1, clause 27(a).</p> <p>Amend the Scheme by inserting a new subclause (h) under Schedule 1 Clause 27.</p> <p>Amend the Scheme by inserting a new subclause (i) under Schedule 1 Clause 27.</p> <p>Amend Schedule 1, clause 29(b).</p> <p>Amend Schedule 1, clause 30(a) by deleting 'on a Residential or Rural Residential zoned lot'.</p> <p>Amend Schedule 1, clause 30(b) and (c) by deleting 'in accordance with subclause (a)'.</p> <p>Amend Schedule 1 by inserting Clause 37 and Clause 38.</p> <p>Amend Schedule 2 clause 1(d) by deleting all references to 'OLD TRIM' and 'TRIM' and replacing with 'electronic document and record management system'.</p> <p>Amend Schedule 3 by: Deleting A2 and deleting the conditions for A18 and replacing.</p> <p>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.</p> <p>Amend Schedule 5 by inserting SU7.</p> <p>Amend Schedule 10.</p> <p>Inserting additional uses A21 and A22.</p> <p>Any other editorial changes to update numbering and correct minor administrative errors.</p> <p>Amend the Scheme Maps by reclassifying:</p> <p>Part of Lot 6 on DP 410717 from Tourism zone to Special Use zone 5.</p> <p>Part of Lot 7 on DP 410717 from Special Use zone 5 to Tourism zone.</p> <p>UCL Lot 862 on DP 201769 from Rural zone to Environmental Conservation reserve.</p> <p>UCL Lots 1247 and 1407, FITZG Location No. 1247 and 1407, from Rural zone to Environmental Conservation reserve.</p> <p>UCL Lots 465 and 466 on DP 408922 from Rural zone to Environmental Conservation reserve.</p> <p>Reserve 19315, Lots 467 and 468 on DP 408921, from Public Open Space reserve to Environmental Conservation reserve.</p> <p>UCL Lot 1440 on DP 152676 from Local Road reserve to Environmental Conservation reserve.</p> <p>UCL Lot 1517 on DP 209840 and UCL, McCrea Road from Rural zone to Environmental Conservation reserve.</p> <p>UCL on Starceovich Road from Rural zone to Environmental Conservation reserve.</p> <p>UCL Lot 36 on DP 151214, UCL Lot 570 on DP 407219 and UCL on Guests Road from Rural zone to Environmental Conservation reserve.</p> <p>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.</p> <p>Reserve 48754, Lot 759 on DP 29799, from Local Road reserve to Public Open Space reserve.</p> <p>Reserve 14541, Lot 574 on Plan 89306, from Rural zone to Public purposes - Government services reserve.</p> <p>Lot 35 on DP 411488 from Rural zone to Primary Distributor Road reserve.</p> <p>Reserve 53330 (Lot 500 on DP 407020) from Rural zone to Public purposes - Emergency services reserve.</p> <p>Portion of Reserve 28170, Lot 20 on DP 35642, from Cultural and natural resource reserve to Environmental Conservation reserve.</p> <p>UCL Lots 105 and 106, on DP 208380, from Rural zone to Environmental Conservation reserve.</p> <p>UCL, PIN 993939 from Rural zone to Environmental Conservation reserve.</p> <p>UCL Lot 862, on DP 201769, from Rural zone to Environmental Conservation reserve.</p> <p>Reserve 13981, Lot 1975 on Plan 182171, from Rural zone to Environmental Conservation.</p> <p>UCL, PIN 12041862 located within Lot 28 on P 8403, from Rural zone to Public purposes - Infrastructure services reserve.</p> <p>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.</p> <p>Reserve 35808, Lot 1333 on DP 183021, from Public purposes - Government services reserve to Environmental Conservation reserve.</p> <p>Undeveloped portion of road reserve between Crisps Road and Wells Road from Local Road reserve to Environmental Conservation reserve.</p> <p>Undeveloped portion of road reserve between Exchange Road and Reserve 25113 from Local Road reserve to Environmental Conservation reserve.</p>
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				<p>Reserve 208088, Lot 100 on Plan 208088 from Rural zone to Environmental Conservation reserve.</p> <p>Reserve 24633 from Public open space reserve to Environmental Conservation reserve.</p> <p>A portion of Lake Road abutting Reserve 26245, Lot 1706 on DP 208469, from Local road reserve to Environmental Conservation reserve.</p> <p>A portion of undeveloped Washpool Road from Local road reserve to Environmental Conservation reserve.</p> <p>Amend the Scheme Maps by:</p> <p>Deleting A2.</p> <p>Identifying Additional Use sites A21 and A22.</p> <p>Identifying Special Use site SU7.</p> <p>Update the scheme text to reflect all modifications and numbering.</p>
6	30/03/2021	30/03/2021	MLD	<p>Delete the content related to SU3 (third row) of Schedule 5 – Special Uses and replace with Lot(s) 203, 204, 205 and 206 Orleans Bay Road, Condungup.</p>
7	18/01/2022	24/01/2022	HB	<p>Amend Table No. 4 Zoning and Land Use Table by making 'Animal Establishment' a 'D' use in the Rural Smallholdings zone.</p> <p>Amend Table No. 4 Zoning and Land Use Table by making 'Commercial Vehicle Parking' an 'A' use in the Residential and Rural Townsite zone.</p> <p>Amend Table No. 4 Zoning and Land Use Table by making 'Repurposed Dwelling' a 'D' use in the Rural Residential zone.</p> <p>Amend Table No. 4 Zoning and Land Use Table by making 'Telecommunications Infrastructure' a 'P' use in all zones.</p> <p>Amend Table No. 4 Zoning and Land Use Table by making 'Grouped Dwelling' a 'D' use in the Rural zone.</p> <p>Amend Table No. 2 Specified additional uses for land in local reserves in Scheme area by deleting point 2 in conditions for AR3 and renumbering the clause accordingly.</p> <p>Amend Clause 26.(4) replacing it with:</p> <p>26.(4) Buildings on lots within the Residential zone fronting Castletown Quays and the portion of Twilight Beach Road west of Walker Street shall have a minimum primary street setback of 7.5 metres, unless considered in accordance with clause 64 of the deemed provisions or otherwise provided by Special Control Area provisions of this Scheme.</p> <p>Amend Schedule A Clause 61. (u) by inserting 'in areas subject to the R-Codes' after 'residential outbuilding'.</p> <p>Amend Schedule 1 Clause 8 replacing it with: 8. Rural Zone Additional Dwelling Provisions</p> <p>(a) The local government may only grant approval for an additional dwelling in the Rural zone in accordance with the following:</p> <ul style="list-style-type: none"> (i) the total number of dwellings on the lot with an area between 40ha and 100ha (excluding any ancillary dwelling) will not exceed two; (ii) the total number of dwellings on the lot with an area greater than 100ha (excluding any ancillary dwelling) will not exceed three; (iii) the local government is satisfied that adequate provision can be made for the supply of domestic water and for the disposal of sewage from the additional dwelling/s; (iv) the additional dwelling/s will not adversely affect the rural landscape or conflict with agricultural production on the subject lot or on adjoining land; <p>(b) The approval of more than one (1) dwelling on any lot zoned Rural should not be construed as support for the subdivision of the lot. The subdivision of land within the Rural zone shall be in accordance with State planning policy and the Local Planning Strategy.</p> <p>Amend Schedule 1 Clause 18 by inserting a new subclause as (e) as follows:</p> <p>(e) The height limit of a Renewable energy facility is only limited by the provisions of Schedule 2 – Special Control Area No. 8.</p> <p>Amend Schedule 1 Clause 18 by inserting a new subclause as (f) by moving Schedule 1 Clause 35(b) to subclause (f) and renumber the subclauses in Schedule 1 Clause 35 taking note of the deletion.</p> <p>Amend Schedule 2 by inserting a new Clause 11 as follows:</p> <p>11. SCA 11 – Modified Sewerage Sensitive Areas Special Control Area</p> <p>(a) The purpose of SCA 11 is to identify a Sewage Sensitive Area, consistent with the Analysis of Surficial Ground Water Landscapes and Hydrological Pathways linking the Ramsar Listed Lake Warden Wetlands (24 August 2018) by Tilo Massenbauer and as shown on the Scheme Map, that is in addition to the Sewage Sensitive Areas defined by State Policy.</p> <p>(b) Objectives</p> <p>The objectives of SCA 11 are to-</p> <ul style="list-style-type: none"> (i) identify land that has been designated as a Sewage Sensitive Area; (ii) ensure that the development and use of land does not detrimentally impact on a Sewage Sensitive Area; and

				<p>(iii) implement Scheme controls that are designed to mitigate any adverse effects on a Sewage Sensitive Area.</p> <p>(c) Application Requirements</p> <p>(i) Despite any other provision of the Scheme development approval is required for all land use and development where on-site effluent disposal is proposed and connection to a reticulated sewerage system is not required.</p> <p>(d) Development Requirements</p> <p>(i) Compliance with the State policy governing the provision of sewerage infrastructure and on-site sewage disposal as it relates to land use planning for Sewage Sensitive Areas. Note: Government Sewerage Policy will be superseded by updated State Planning Policy 2.9 – Planning for Water</p> <p>(ii) 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. Note: The report referenced in clause 11. (a) can be found in the Shire's Electronic document and records management system – Ref: D18/20641.</p> <p>Amend the Scheme Map by inserting SCA 11 as depicted on the Scheme Amendment Map.</p> <p>Amend Schedule 3 by deleting A3 and delete A3 from Lot 83 Lalor Drive, Windabout as depicted on the Scheme Amendment Map.</p> <p>Amend Schedule 3 by deleting A8 and delete A8 from Lot 5 Downes Street, Pink Lake as depicted on the Scheme Amendment Map.</p> <p>Amend Schedule 3 by inserting 'Consulting Rooms' as a 'D' use in the column Additional Use(s) of A6.</p> <p>Amend Schedule 3 by replacing 'Portion Lot 9002 Eleven Mile Beach Road, Pink Lake with Portion of Lot 770 Spencer Road, Pink Lake in A16 and amend the Scheme Map as depicted on the Scheme Amendment Map.</p> <p>Amend Schedule 3 and the Scheme Map as depicted on the scheme Amendment Map by adding an Additional Use for A23, Lot 2 Pink Lake Rd, Pink Lake – Rural Residential – as a 'D' use Home Store and as determined by the local government.</p> <p>Amend Schedule 3 and the Scheme Map as depicted on the Scheme Amendment Map by adding an Additional Use: by adding A24 – Lot 12 and 13 Warden Road, Chadwick – Rural Residential – as a 'A' use Community Purpose as determined by the local government.</p> <p>Amend Schedule 5 by replacing 15.3.4 within SU4 with 'Measures may be implemented as part of the Noise Management Plan to avoid flights over resident's areas.</p> <p>Amend Schedule 5 by deleting SU6 and delete SU6 from a Portion of Reserve 27318 and Reserve 32048 by reclassifying Reserve 27318 as 'Public Open Space and Reserve 32048 as 'Private Community Purposes' as depicted on the Scheme Amendment Map.</p> <p>Amend Schedule 5 by replacing 'Part Lot 63 on DP80539' with 'Lot 66 on Plan 415322' in the Description of land and deleting point (a) and deleting 'further' and 'greater than outlined in condition (a)' in (b) in the conditions of SU7.</p> <p>Amend the Scheme Map by reclassifying Reserve 34788 and a portion Reserve 23527 from 'Public Open Space' to 'Environmental Conservation as depicted on the Scheme Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Reserve 4182 from 'Public Open Space' to 'Environmental Conservation' as depicted on the Scheme Amendment Map.</p> <p>Amend the Scheme Map by rezoning a portion of Lot 300 Kalgoorlie Street, Lots 2, 24, 25, 26, 628, 629, 1 Sims Street and Lot 134 on Plan 226439 from 'Public Open Space' to 'Industrial Development' as depicted on the Scheme Amendment Map.</p> <p>Amend the Scheme Map by rezoning a portion of Lot 204 on DP 416486 from 'Local Road' to 'Rural Townsite' as depicted on the Scheme Amendment Map.</p> <p>Amend the Scheme Map by rezoning both portions of Lot 55 on Plan 12843 from 'Residential' to 'Local Road' as depicted on the Scheme Amendment Map.</p> <p>Amend the Scheme Map by amending Lot 202 on Plan 39677 Fisheries Road, Bandy Creek from 'Public Open Space' to 'Private clubs, institutions and place of worship' as depicted on the Scheme Amendment Map.</p> <p>Amend the Scheme by inserting a new clause in Schedule 1 as follows:</p> <p>39. Mosquito Nuisance Notification.</p> <p>(a) The mosquito 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.</p> <p>(b) At the subdivision stage the Western Australian Planning Commission impose a condition requiring the subdivider to make arrangements with the Commission for a notification in</p>
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				<p>accordance with Section 165 of the <i>Planning and Development Act 2005</i> to be placed on the certificate's, title which will inform lot owners and prospective purchasers of the potential mosquito risk.</p> <p>(c) The local government may 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 <i>Transfer of Land Act 1893</i> 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 (NFV) viruses. Human cases of RRV and BFV diseases occur in some years in this general locality.</p> <p>Amend Schedule 3 and the Scheme Map as depicted on the Scheme Amendment Map by adding A25 – Lots 1, 27, 29, 41-44 and 63 Shark Lake Road Monjigup – Rural Residential on Lot 63 Shark Lark Road only, as a 'D' use for Grouped dwelling and on all lots as an 'A' use for Workforce accommodation – with development standards/conditions.</p> <p>Amend the Scheme throughout by replacing all references to the zone name 'Private Community Purposes' with 'Private clubs, institutions and places of worship' and amend scheme map titles accordingly.</p> <p>Review and where necessary modify the amendment to address any editorial matters to correct formatting, numbering, administrative errors and include any changes necessary to reflect consistency with Schedules 1 and 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, and necessary modifications to the Scheme Amendment Maps.</p>
8	9/01/2024	25/01/2024	GL	<p>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.</p> <p>Amend Schedule 1 clause 4 by deleting subclause € and renumbering the clause accordingly.</p> <p>Amend the Scheme by replacing Clause 15. In Schedule 1.</p> <p>Amend the Scheme by replacing Clause 17 (a) within Schedule 1.</p> <p>Insert an additional clause at the of Schedule 1.</p> <p>Amend Schedule 2 Clause 4 (c) by replacing it.</p> <p>Amend Schedule 2 Clause 4(e).</p> <p>Amend Schedule 2 Clause 5 (c)(i) by replacing it.</p> <p>Amend Schedule 2 Clause 9 (c)(i) by replacing it.</p> <p>Amend A17 in Schedule 3.</p> <p>Amend A23 in Schedule 3 to include Restaurant/Café, Reception Centre and Educational Establishment as a 'D'.</p> <p>Amend Schedule 3 by inserting at the end of the Location for A6 the following Lots 1, 2, 31, 32, 60, 63 Dempster St, Lots 158, 160 – 162 Taylor St, Esperance' and the Scheme Map as depicted on the Scheme Amendment Map.</p> <p>Amend Schedule 3 and the Scheme Map as depicted on the Scheme Amendment Map by adding an Additional Use.</p> <p>Amend Schedule 3 and the Scheme Map as depicted on the Scheme Amendment Map by adding an Additional Use.</p> <p>Amend 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.</p> <p>Amend Schedule 5 by replacing 'Small Bar' with Tavern' in the 'Special use' of SU7.</p> <p>Amend Schedule 6 by inserting '(ii)' after 2000(i) in the Minimum Lot Areas Sq.m for Rural Townsite and add a new point below point (ii).</p> <p>Amend Schedule 7 by replacing the Minimum Car Spaces (Space/Sq. Metre unless otherwise stated).</p> <p>Amend Schedule 7 by inserting a new footnote underneath the table after point (i).</p> <p>Amend the Scheme Maps by rezoning Lot 104 Rowse St, Nulsen (Lot 104 on DP 32089) from 'Residential R40' to 'Tourism' and including the land within Additional Use A17.</p> <p>Amend the Scheme Map by reclassifying the portion of Mungan St between the two sections of Lot 51 on Plan 9505 from 'Local Road' to 'Railways' as depicted on the Scheme Amendment Map.</p> <p>Amend the Scheme Map by reclassifying Lot 2113 on Deposited Plan 193502 Bishop Rd, Grass Patch from 'Local Road' to 'Infrastructure Services' as depicted on the Scheme Amendment Map.</p> <p>Amend 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.</p> <p>Amend the Scheme Map by reclassifying Lot 2105 on Deposited Plan 21055 from 'Rural Residential' to 'Local Road' as depicted on the Scheme Amendment Map.</p> <p>Amend 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.</p>

9	23/02/2024	6/3//2024	HB	<p>Amend Clause 17, Table 4-Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Aged care facility' in the 'Rural Townsite' zone</p> <p>Amend Clause 17, Table 4-Zoning and Land Use Table by replacing the 'X' with an 'D' for 'Art gallery' in the 'Rural Smallholdings' zone.</p> <p>Amend Clause 17, Table 4-Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Brewery' in the 'Rural Residential' zone and the 'A' with an 'I' in the 'Local Centre' and 'Mixed Use' zones.</p> <p>Amend Clause 17, Table 4-Zoning and Land Use Table by replacing the 'X' with an 'D' for 'Brewery' in the 'Tourism' zone.</p> <p>Amend Clause 17, Table 4-Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Civic use' in the 'Residential' zone and the 'D' with an 'X' in the 'Rural Residential', 'Rural Smallholdings' and 'Tourism' zones.</p> <p>Amend Clause 17, Table 4-Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Club premises' in the 'Rural Smallholdings' zone.</p> <p>Amend Clause 17, Table 4-Zoning and Land Use Table by replacing the 'A' with an 'X' for 'Corrective institution' in the 'General Industry' zone.</p> <p>Amend Clause 17, Table 4-Zoning and Land Use Table by replacing the 'D' with an 'A' for 'Exhibition centre' in the 'Rural Residential' zone.</p> <p>Amend Clause 17, Table 4 -Zoning and Land Use Table by replacing the 'A' with an 'D' for Home business' in the 'Residential' zone.</p> <p>Amend Clause 17, Table 4 -Zoning and Land Use Table by replacing the 'D' with an 'I' for Home business' in the 'Tourism' zone.</p> <p>Amend Clause 17, Table 4-Zoning and Land Use Table by replacing the 'A' with an 'D' for 'Hotel' in the 'Tourism' zone.</p> <p>Amend Clause 17, Table 4-Zoning and Land Use Table by replacing the 'X' with an 'I' for 'Office' in the 'Tourism' zone.</p> <p>Amend Clause 17, Table 4 -Zoning and Land Use Table by replacing the 'X' with an 'I' for 'Outbuilding' in the 'Commercial', 'Local Centre' and 'Tourism' zones.</p> <p>Amend Clause 17, Table 4 -Zoning and Land Use Table by replacing the 'X' with an 'D' for 'Residential building' in the 'Tourism' zone.</p> <p>Amend Clause 17, Table 4- Zoning and Land Use Table by replacing the 'I' with an 'D' for 'Single house' in the 'Tourism' zone.</p> <p>Amend Schedule 1 Clause 7 Tourism Zone Provisions by adding a new subclause (c) A Brewery development shall be connected to a reticulated sewerage system to provide for the management of trade waste.</p> <p>Amend Schedule 1 Clause 28 by inserting new subclauses after (c)</p> <p>Amend Schedule 3 and the Scheme Map as depicted on the Scheme Amendment Map by adding an Additional Use</p> <p>Amend Schedule 3 and the Scheme Map by adding an Additional Use</p> <p>Amend the Scheme Map by rezoning Lot 501 on Plan 415326 from 'Local Road' to 'Public Open Space' as depicted on the Scheme Amendment Map.</p> <p>Amend the Scheme Map by rezoning the portion of unnamed road surrounded by Reserve 3473 from 'Local Road' to 'Cemetery' as depicted on the Scheme Amendment Map</p> <p>Amend the Scheme Map by rezoning the road widening shown on Deposited Plan 421653 from 'Rural Residential' to 'Primary Distributor Road' as depicted on the Scheme Amendment Map.</p> <p>Amend the Scheme Map by rezoning portions of Lot 100 on Plan 421077 from 'Local Road' and 'Public Open Space' to 'Residential' with a density of R12.5 as depicted on the Scheme Amendment Map.</p> <p>Amend the Scheme Map by rezoning portions of Lot 100 on Plan 416189 from 'Local Road' to 'Commercial' as depicted on the Scheme Amendment Map.</p> <p>Amend the Scheme Map by rezoning Lot 134 on Plan 222409 from 'Residential' with a density of 'R30' to Tourism as depicted on the Scheme Amendment Map.</p> <p>Amend the Scheme Map by transferring Lots 50 - 57 Connolly Street, West Beach from the Urban Development zone to the Rural Residential zone.</p> <p>Amend the Scheme Map by transferring the truncation adjacent to Lot 5 Victoria Street, Nulsen from Local Road reserve to the 'Residential (R40)' zone.</p> <p>Amend the Scheme Map by transferring Lots 5 and 665 Victoria Street, Nulsen from the Residential (R25) zone to the Residential (R40) zone.</p>
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SCHEME DETAILS

SHIRE OF ESPERANCE

LOCAL PLANNING SCHEME NO. 24

The Shire of Esperance under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

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PART 1 - PRELIMINARY

1. Citation

This local planning scheme is the Shire of Esperance Scheme No. 24.

2. Commencement

Under section 87(4) of the Act, this local planning scheme comes into operation on the day on which it is published in the *Gazette*.

3. Scheme revoked

The following local planning schemes are revoked -

Town Planning Scheme No. 1	Gazetted 31 July 1964
Town Planning Scheme No. 2	Gazetted 12 July 1965
Town Planning Scheme No. 3	Gazetted 3 June 1967
Town Planning Scheme No. 4	Gazetted 9 May 1969
Town Planning Scheme No. 17	Gazetted 12 August 1977
Town Planning Scheme No. 18	Gazetted 27 July 1977
Local Planning Scheme No. 23	Gazetted 19 January 2010

4. Notes do not form part of Scheme

Notes, and instructions printed in italics, do not form part of this Scheme.

Note: The Interpretation Act 1984 section 32 makes provision in relation to whether headings form part of the written law.

5. Responsibility for Scheme

The Shire of Esperance is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

6. Scheme area

This Scheme applies to the area shown on the Scheme Map.

7. Contents of Scheme

(1) In addition to the provisions set out in this document (the **scheme text**), this Scheme includes the following -

- a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2). AMD 2 GG 18/1/19
- b) the Scheme Map; and
- c) the supplemental provisions contained in Schedule A of the Scheme.

(2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of Scheme

The purposes of this Scheme are to -

- (a) set out the local government's planning aims and intentions for the Scheme area; and
- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and
- (d) control and guide development including processes for the preparation of structure plans, activity centre plans and local development plans; and
- (e) set out procedures for the assessment and determination of development applications; and
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are to –

- (a) ensure there is a sufficient and sustainable supply of serviced and suitable land for housing, commercial activities, community facilities, recreation, and open space;
- (b) support such expansion as is consistent with the provision and improvement of infrastructure, services and facilities;
- (c) provide for a range of accommodation choices that meets the needs and aspirations of the community;
- (d) provide for convenient, attractive and viable commercial areas and tourist facilities to serve the needs of the residents and visitors;
- (e) encourage the development of businesses that will strengthen the economic base of the central business district;
- (f) ensure the use and development of land does not result in significant adverse impacts on the physical and social environment;
- (g) promote the sustainable use of land for agriculture, forestry and aquaculture whilst accommodating other compatible rural activities;
- (h) protect the agricultural areas from inappropriate development and intrusion by urban and semi-rural uses;
- (i) protect the amenity and enhance the quality of urban, rural and coastal environments;
- (j) protect and enhance the environment and natural resources, including waterways and wetlands, of the local government district;
- (k) protect remnant vegetation;

- (l) protect local public drinking water supply areas from inappropriate development;
- (m) enhance the public health of the community; and
- (n) protect objects and places of outstanding natural, historic, architectural, scientific and cultural significance.

10. Relationship with local laws

Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.

11. Relationship with other local planning schemes

There are no other local planning schemes of the Shire of Esperance which apply to the Scheme area.

12. Relationship with region planning scheme

There are no region planning schemes which apply to the Scheme area.

PART 2 - RESERVES

13. Regional Reserves

- (1) There are no regional reserves in the Scheme area.

14. Local Reserves

- (1) In this clause –

Department of Main Roads means the department principally assisting in the administration of the *Main Roads Act 1930*;

Western Australian Road Hierarchy means the document of that name available on the website maintained by the Department of Main Roads.

- (2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.
- (3) The objectives of each local reserve are as follows -

Table No. 1 - Reserve Objectives

Reserve Name	Objectives
Public Open Space	<ul style="list-style-type: none"> To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s.152. To set aside land for use as a pedestrian access way. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Environmental Conservation	<ul style="list-style-type: none"> To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
Civic and Community	<ul style="list-style-type: none"> To provide for a range of community facilities which are compatible with surrounding development. To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
Public Purposes	<ul style="list-style-type: none"> To provide for a range of essential physical and community infrastructure.
Medical Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential medical services.
Infrastructure Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential infrastructure services.

Table No. 1 - Reserve Objectives Cont'd

Reserve Name	Objectives
Education	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential education facilities.
Emergency Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential emergency services.
Heritage	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of heritage purposes.
Government Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of government services.
Recreational	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of public recreational facilities.
Cemetery	<ul style="list-style-type: none"> To set aside land required for a cemetery.
Drainage / Waterway	<ul style="list-style-type: none"> To set aside land required for significant waterways and drainage.
Railways	<ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services.
Primary Distributor Road	<ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
Local Distributor Road	<ul style="list-style-type: none"> To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.
Strategic Infrastructure	<ul style="list-style-type: none"> To set aside land required for port or airport facilities.
Special Purpose	<ul style="list-style-type: none"> To set aside land for a special purpose. Purposes that do not comfortably fit in any other reserve classification.

15. Additional uses for local reserves

(1) The Table sets out –

- a) classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and
- b) the conditions that apply to that additional use.

Table No. 2 - Specified additional uses for land in local reserves in Scheme area

No.	Description of land	Additional use	Conditions
AR1	Portion of Reserve 28207	Hotel Recreation – Private Restaurant/Café	1. Hotel is to be in accordance with a Restricted Tavern license under clause 41(1)(c) of the <i>Liquor Control Act 1988</i> .
AR2	Reserve 39435	Recreation Tourism Purposes	1. As determined by the local government
AR3	Reserve 27318	Recreation – Private Tourism Purposes Restaurant/Café	1. As determined by the local government. <i>DELETED AMD 7 GG 18/1/22</i> 2. Within designated lease areas only.
AR4	Reserve 50765	Restaurant/Café	1. As determined by the local government. 2. Restaurant/Café is only permitted if it is mobile. 3. Within designated lease area only.
AR5	Reserve 35037	Club Premises Recreation – Private Restaurant/Café Rural Pursuit	1. As determined by the local government. 2. Within designated lease areas only.
AR6	Reserve 48015	Club Premises Community Purpose	1. As determined by the local government. 2. Within designated lease areas only.
AR7	Reserve 30201 and a Portion of Reserve 30202	Club Premises Recreation - Private Restaurant/Café	1. As determined by the local government. 2. Within designated lease area only.
AR8	Reserve 34219	As a 'D' use Recreation – Private Community Purposes As an 'I' use Restaurant/Café	1. As determined by the local government. 2. Within designated lease areas only.

AR9	Portion of Reserve 53177 <i>AMD 2 GG 18/1/19</i>	In accordance with the Conditions	1. Development is to be in accordance the objectives of the Cultural and Natural Resource Zone as per Clause 18. (7)(d).
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- (2) Despite anything contained in clause 14, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.
- (3) Despite anything contained in clause 14, a reserve may be used by the government, public authority or local government for the purposes of developing or maintaining public infrastructure.
AMD 4 GG 09/07/19

PART 3 - ZONES AND USE OF LAND

16. Zones

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each zone are as follows –

Table No. 3 — Zone objectives

Zone name	Objectives
Residential	<ul style="list-style-type: none"> • To provide for a range of housing and a choice of residential densities to meet the needs of the community. • To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Urban Development	<ul style="list-style-type: none"> • To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme. • To provide for a range of residential densities to encourage a variety of residential accommodation. • To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.
Rural	<ul style="list-style-type: none"> • To provide for the maintenance or enhancement of specific local rural character. • To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. • To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. • To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. • To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
Rural Residential	<ul style="list-style-type: none"> • To provide for lot sizes in the range of 1 ha to 4 ha. • To prevent subdivision on lots of less than 1 ha that have a rural residential outlook and uses.

Zone name	Objectives
	<ul style="list-style-type: none"> • To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. • To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Smallholdings	<ul style="list-style-type: none"> • To provide for lot sizes in the range of 4 ha to 40 ha. • To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. • To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Townsite	<ul style="list-style-type: none"> • To provide for a range of land uses that would typically be found in a small country town.
Light Industry	<ul style="list-style-type: none"> • To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. • To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. • To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the commercial, local centre, mixed use or general industry zones. <i>AMD 1 GG 13/4/18</i> • To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
General Industry	<ul style="list-style-type: none"> • To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. • To accommodate industry that would not otherwise comply with the performance standards of light industry. • Seek to manage impacts such as noise, dust and odour within the zone.
Industrial Development	<ul style="list-style-type: none"> • To designate land for future industrial development. • To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme.
Local Centre	<ul style="list-style-type: none"> • Provide services for the immediate neighbourhoods, that are easily accessible, which do not adversely impact on adjoining residential areas.

Zone name	Objectives
	<ul style="list-style-type: none"> • Provide for neighbourhood and local centres to focus on the main daily household shopping and community needs. • Encourage high quality, pedestrian-friendly, street-orientated development. • Provided a focus for medium density housing. • Ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community.
Commercial	<ul style="list-style-type: none"> • To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. • To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
Mixed Use	<ul style="list-style-type: none"> • To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels. • To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.
Tourism	<ul style="list-style-type: none"> • To promote and provide for tourism opportunities. • To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area. • To allow limited residential uses where appropriate. • To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.
Private clubs, institutions and places of worship <i>AMD 7 GG 18/1/2022</i>	<ul style="list-style-type: none"> • To provide sites for privately owned and operated recreation, institutions and places of worship. • To integrate private recreation areas with public recreation areas wherever possible. • To separate potentially noisy engine sports from incompatible uses. • To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the

Zone name	Objectives
	provision of those facilities, which are compatible with surrounding development. <ul style="list-style-type: none"> To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.
Special Use	<ul style="list-style-type: none"> To facilitate special categories of land uses which do not sit comfortably within any other zone. To enable the Council to impose specific conditions associated with the special use.
Cultural and Natural Resource Zone	<ul style="list-style-type: none"> Ensure the preservation of Aboriginal heritage and culturally significant areas. Provide for the conservation of significant landscape and environmental areas and values. Allow for low impact tourism development including low impact tourist accommodation and camping areas. Allow land uses associated with Aboriginal heritage, traditional law and culture. Allow land uses that are associated with the reserve purpose. <i>AMD 2 GG 18/1/19</i> Allow agricultural activities where the land is already used for agricultural purposes at the gazettal date of the Scheme.

17. Zoning table

The zoning table for this Scheme is as follows —

Table No. 4 - Zoning and Land Use Table

USES	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private Community Purposes
Abattoir	X	A	X	X	X	X	A	X	X	X	X	X
Aged care facility <i>AMD 9 GG 23/2/24</i>	A	X	X	X	X	X	X	X	X	X	X	X
Aged or dependent persons' dwelling <i>AMD 1 GG 13/4/18</i>	D	X	X	X	D	X	X	X	X	X	X	X
Agriculture – Extensive	X	P	X	D	X	X	X	X	X	X	X	X
Agriculture – Intensive	X	D	X	A	X	X	X	X	X	X	X	X
Amusement parlour	X	X	X	X	X	X	X	D	A	A	D	D
Ancillary dwelling	P	D	D	D	D	X	X	X	X	X	X	X
Animal establishment <i>AMD 7 GG 18/1/22</i>	X	D	A	D	A	X	X	X	X	X	X	X
Animal husbandry – intensive	X	D	X	A	X	X	X	X	X	X	X	X
Art gallery <i>AMD 2 GG 18/1/19</i> <i>AMD 9 GG 23/2/24</i>	I	D	A	D	A	X	X	D	A	A	D	D
Bed and breakfast	D	D	D	D	D	X	X	X	X	X	D	X
Betting agency	X	X	X	X	X	X	X	D	A	A	X	A
Brewery <i>AMD 1 GG 13/4/18</i> <i>AMD 9 GG 23/2/24</i>	X	D	X	A	A	D	D	I	I	I	D	X
Bulky goods showroom	X	X	X	X	X	D	X	D	D	D	X	X
Caravan park	X	A	X	A	A	X	X	X	X	X	D	X
Caretaker's dwelling	X	I	X	X	I	I	X	X	X	X	X	X
Car park	X	X	X	X	D	X	X	D	D	D	D	D
Child care premises	A	X	X	X	A	X	X	D	D	D	X	D
Cinema/theatre	X	X	X	X	X	X	X	D	D	D	D	X
Civic use <i>AMD 9 GG 23/2/24</i>	X	D	X	X	A	D	D	D	D	D	X	D
Club premises <i>AMD 9 GG 23/2/24</i>	X	A	X	X	D	D	X	D	D	D	X	D
Commercial vehicle parking <i>AMD 7 GG 18/1/22</i>	A	D	A	D	A	D	D	X	X	X	X	X

Part 3

USES	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private Community Purposes
Community purpose <i>AMD 1 GG 13/4/18</i>	X	X	X	X	A	D	D	D	D	D	X	D
Consulting rooms	A	X	X	X	D	X	X	D	D	D	X	X
Convenience Store	X	X	X	X	A	A	X	P	D	D	A	X
Corrective institution <i>AMD 9 GG 23/2/24</i>	X	A	X	X	X	X	X	X	X	X	X	X
Dry cleaning premises / laundromat	X	X	X	X	X	D	D	D	D	D	X	X
Educational establishment	A	A	X	A	A	X	X	A	A	A	X	A
Exhibition centre <i>AMD 9 GG 23/2/24</i>	X	D	A	A	D	X	X	D	D	D	A	D
Family day care	I	I	I	I	I	X	X	I	X	X	X	I
Fast food outlet	X	X	X	X	D	X	X	D	D	D	X	X
Fuel depot	X	D	X	X	A	D	D	X	X	X	X	X
Funeral parlour	X	X	X	X	A	A	D	A	X	X	X	X
Garden centre	X	D	X	D	X	D	D	X	A	A	X	X
Grouped dwelling <i>AMD 7 GG 18/1/22, AMD 8 GG 9/1/2024</i>	D	D	X	X	D	X	X	D	D	X	X	X
Holiday accommodation	X	A	X	X	A	X	X	D	X	X	D	X
Holiday house	A	D	A	D	A	X	X	X	X	X	P	X
Home business <i>AMD 9 GG 23/2/24</i>	D	D	D	D	D	X	X	D	X	X	I	D
Home occupation	D	P	D	D	D	X	X	P	X	X	P	D
Home office	I	I	I	I	I	X	X	I	X	X	I	I
Home store	X	D	X	A	A	X	X	X	X	X	X	X
Hospital	X	X	X	X	X	X	X	D	X	X	X	D
Hostel	A	A	X	X	X	X	X	X	X	X	A	A
Hotel <i>AMD 9 GG 23/2/24</i>	X	X	X	X	A	X	X	D	X	X	D	X
Industry	X	I	X	X	X	X	P	X	X	X	X	X
Industry – Cottage	X	D	D	D	A	X	X	X	X	X	X	X

Part 3

USES	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private Community Purposes
Industry – Extractive	X	D	X	A	X	X	D	X	X	X	X	X
Industry – light	X	I	X	X	X	P	P	X	X	X	X	X
Liquor store – large	X	X	X	X	X	D	X	D	A	A	A	X
Liquor store – small	X	X	X	X	A	D	X	P	D	D	D	X
Lunch Bar	X	X	X	X	D	D	X	D	D	D	X	X
Marina	X	X	X	X	X	X	X	X	X	X	A	A
Marine filling station	X	X	X	X	D	D	D	X	X	X	X	X
Market	X	X	X	X	A	D	X	D	D	D	D	X
Medical centre	X	X	X	X	A	X	X	D	D	D	X	X
Mining Operations <i>AMD 2 GG 18/1/19</i>	X	*D	X	X	X	X	X	X	X	X	X	X
Motel	X	X	X	X	A	X	X	D	A	A	D	X
Motor vehicle, boat or caravan sales	X	X	X	X	D	P	P	X	X	X	X	X
Motor vehicle repair	X	X	X	X	X	D	D	X	X	X	X	X
Motor vehicle wash	X	X	X	X	D	D	D	X	X	X	X	X
Multiple Dwelling	D	X	X	X	X	X	X	D	D	X	X	X
Nightclub	X	X	X	X	X	A	X	A	X	X	A	X
Office <i>AMD 9 GG 23/2/24</i>	X	X	X	X	D	I	I	P	D	D	I	I
Outbuilding <i>AMD 2 GG 18/1/19 AMD 9 GG 23/2/24</i>	I	P	I	P	I	X	X	I	I	X	I	X
Park home park	X	X	X	X	X	X	X	X	X	X	D	X
Place of worship	A	A	X	X	A	A	X	A	A	A	X	D
Reception centre	X	A	X	A	D	X	X	D	D	D	D	A
Renewable energy facility	X	D	A	D	A	D	D	D	A	A	X	X
Recreation – private	X	D	A	A	X	D	D	D	X	X	X	D
Repurposed dwelling <i>AMD 7 GG 18/1/22</i>	X	D	D	D	X	X	X	X	X	X	X	X

Part 3

USES	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private Community Purposes
Residential building <i>AMD 9 GG 23/2/24</i>	D	D	D	D	D	X	X	X	X	X	D	X
Resource recovery centre	X	A	X	X	X	X	A	X	X	X	X	X
Restaurant/café	X	A	X	A	D	X	X	P	D	D	A	D
Restricted premises	X	X	X	X	X	A	D	A	X	X	X	X
Road house	X	X	X	X	A	D	D	A	X	X	X	X
Rural produce store	X	I	X	X	X	X	X	X	X	X	X	X
Rural home business	X	D	A	D	A	X	X	X	X	X	X	X
Rural pursuit/hobby farm	X	P	D	P	X	X	X	X	X	X	X	X
Second-hand dwelling	D	D	D	D	D	X	X	X	X	X	X	X
Serviced apartment	A	X	X	X	X	X	X	A	A	A	A	X
Service station	X	X	X	X	D	D	D	D	D	D	A	X
Shop	X	X	X	X	X	X	X	P	D	D	I	X
Single bedroom dwelling <i>AMD 1 GG 13/4/18</i>	D	X	X	X	D	X	X	X	X	X	X	X
Single house <i>AMD 9 GG 23/2/24</i>	P	P	D	P	D	X	X	X	X	X	D	D
Small bar	A	X	X	X	A	X	X	D	D	D	D	A
Supermarket	X	X	X	X	X	X	X	D	A	A	X	X
Tavern	X	X	X	X	A	X	X	A	A	A	A	A
Telecommunications infrastructure <i>AMD 7 GG 18/1/22</i>	P	P	P	P	P	P	P	P	P	P	P	P
Tourist development	X	X	X	X	X	X	X	A	X	X	A	X
Trade display	X	X	X	X	X	D	P	X	X	X	X	X
Trade supplies	X	X	X	X	X	D	P	X	X	X	X	X
Transport depot	X	D	X	A	A	D	P	X	X	X	X	X
Tree farm	X	D	X	A	X	X	X	X	X	X	X	X
Veterinary centre	X	A	X	X	A	D	D	X	X	X	X	X

USES	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private Community Purposes
Warehouse/storage	X	X	X	X	D	D	P	X	X	X	X	X
Waste disposal facility	X	X	X	X	X	X	X	X	X	X	X	X
Winery	X	D	D	D	X	X	X	X	X	X	X	X
Workforce accommodation	X	D	X	X	A	X	X	X	X	X	X	X

Footnote: *Mining operations covered by the *Mining Act 1978* is exempt from the requirement for development approval and will be determined in accordance with the *Mining Act 1978*.

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18. Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- (2) The symbols used in the zoning table have the following meanings -
 - P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme;
 - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
 - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
 - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
 - X means that the use is not permitted by this Scheme.

Note:

 1. *The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.*
 2. *In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.*
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –
 - a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
 - c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

- (6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless -
 - a) the development approval application relates to land that is being used for a non-conforming use; and
 - b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.
- (7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following that apply to the land -
 - a) a structure plan;
 - b) an activity centre plan;
 - c) a local development plan;
 - d) the objectives of the zone.

19. Additional uses

- (1) Schedule 3 sets out -
 - a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
 - b) the conditions that apply to that additional use.
- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

20. Restricted uses

- (1) Schedule 4 sets out -
 - a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
 - b) the conditions that apply to that restricted use.
- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

Note: A restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

21. Special uses

- (1) Schedule 5 sets out -
 - a) special uses for specified land that are in addition to the zones in the zoning table; and
 - b) the classes of special use that are permissible in that zone; and
 - c) the conditions that apply in respect of the special uses.
- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

Note: Special uses apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

22. Non-conforming uses

- (1) Unless specifically provided, this Scheme does not prevent -
 - a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - b) the carrying out of development on land if -
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if -
 - a) the non-conforming use of the land is discontinued; and
 - b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government -
 - a) purchases the land; or
 - b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

- (1) A person must not, without development approval -
 - a) alter or extend a non-conforming use of land; or
 - b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
 - c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
 - d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1) d) if, in the opinion of the local government, the proposed use –
 - a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
 - b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following -
 - a) a description of each area of land that is being used for a non-conforming use;
 - b) a description of any building on the land;
 - c) a description of the non-conforming use;
 - d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government -
 - a) must ensure that the register is kept up-to-date; and
 - b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
 - c) may publish a copy of the register on the website of the local government.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

PART 4 — GENERAL DEVELOPMENT REQUIREMENTS

25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government -
 - a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
 - b) may publish a copy of the R-Codes on the website of the local government.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3) or in a provision of the Scheme that applies the R-Codes.

26. Modification of R-Codes

- (1) Within areas with split coding the local government may permit development above the lower code to the higher code specified on the Scheme Map, provided that the development is consistent with the Scheme and complies with the following requirements:
 - a) Existing and proposed dwellings shall be connected to reticulated sewerage system prior to occupation of new development.
 - b) The difference in natural ground levels within the site and adjacent land will not result in excessive bulk, visual privacy or overlooking problems and will not require excessively high retaining walls.
- (2) To encourage amalgamation of sites and use of a central access, within areas coded R20 or R25 a bonus to R30 may be granted by the local government if the site is no less than 2000m² and the site satisfies the objectives of the Scheme and the conditions of subclause (1) a) - b).
- (3) Where no code is stipulated in the 'Residential' zone development is to comply with the standards provided in Schedule 6 unless located within Special Control Area No. 7 where the standards of Schedule 2 clause 7 will apply.
- (4) Buildings on lots within the Residential zone fronting Castletown Quays and the portion of Twilight Beach Road west of Walker Street shall have a minimum primary street setback of 7.5 metres, unless considered in accordance with clause 64 of the deemed provisions or otherwise provided by Special Control Area provisions of this Scheme.
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- (5) Within areas coded R15 the other/rear setback shall be as per the R20 code.

(6) Building Height in Residential Zones:

- a) For Lots 306 to 311 Wollamai Place, West Beach, the local government shall not grant approval for any part of the roof or any architectural feature of a building to be higher than five (5) metres above the ground level established by the initial subdivision.
- b) Dwelling height on sites zoned or used for residential purposes shall generally be limited to a maximum height in accordance with Table 3 - Category B (commonly referred to as 'two storey') of the Residential Design Codes.
- c) The height limit in subclause (6) b) above shall not exceed a maximum height of nine (9) metres above natural ground level unless considered in accordance with clause 64 of the deemed provisions.
- d) The limitation as outlined in subclauses b) and c) may be varied to Category C building height as per Table 3 of the R-Codes if compliant with any applicable Local Planning Policy.

27. State Planning Policy 3.6 to be read as part of Scheme

- (1) State Planning Policy 3.6 — Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government -
 - a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
 - b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

28. Modification of State Planning Policy 3.6

- (1) There are no modifications to State Planning Policy 3.6.

29. Other State planning policies to be read as part of Scheme

- (1) The State planning policies set out in the Table, modified as set out in clause 30, are to be read as part of this Scheme.

Table No. 5

State planning policies to be read as part of Scheme
State Planning Policy 2.6 – State Coastal Planning Policy
State Planning Policy 3.7 – Planning in Bushfire Prone Areas

(2) The local government —

- a) must make a copy of each State planning policy referred to in subclause (1) available for public inspection during business hours at the offices of the local government; and
- b) may publish a copy of each of those State planning policies on the website of the local government.

30. Modification of State planning policies

- (1) There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme.

31. Environmental conditions

- (1) There are no environmental conditions imposed under the *Environmental Protection Act 1986* that apply to this Scheme.

32. Additional site and development requirements

- (1) Schedule 1 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.
- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

33. Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan

- (1) There are no additional requirements that apply to this Scheme.

34. Variations to site and development requirements

- (1) In this clause —

additional site and development requirements means requirements set out in clauses 32 and 33.

- (2) Except for development in respect of which the R-Codes apply, the local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must -
- a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and

- b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that –
 - a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
 - b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

35. Restrictive covenants

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant –
 - a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
 - b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

PART 5 — SPECIAL CONTROL AREAS

36. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in Schedule 2.

PART 6 — TERMS REFERRED TO IN SCHEME

Division 1 - General definitions used in Scheme

37. Terms used

- (1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows –

<i>building envelope</i>	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;
<i>building height</i>	in relation to a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;
<i>cabin</i>	means a dwelling forming part of a tourist development or caravan park that is – (a) an individual unit other than a chalet; and (b) designed to provide short-term accommodation for guests;
<i>chalet</i>	means a dwelling forming part of a tourist development or caravan park that is – (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short-term accommodation for guests;
<i>commencement day</i>	means the day this Scheme comes into effect under section 87(4) of the Act;
<i>commercial vehicle</i>	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including – (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);
<i>eco-tourism</i> AMD 2 GG 18/1/19	means ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmentally and cultural understanding, appreciation and conservation.’ and sorting the list alphabetically.
<i>floor area</i>	has meaning given in the Building Code;

frontage	<p>in relation to a building –</p> <ul style="list-style-type: none"> (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;
incidental use	means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;
minerals	has the meaning given in the <i>Mining Act 1978</i> section 8(1);
net lettable area or nla	<p>means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas –</p> <ul style="list-style-type: none"> (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas; (b) lobbies between lifts facing other lifts serving the same floor; (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building;
non-conforming use	has the meaning given in the <i>Planning and Development Act 2005</i> section 172;
plot ratio	means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;
precinct	means a definable area where particular planning policies, guidelines or standards apply;
predominant use	means the primary use of premises to which all other uses carried out on the premises are incidental;
retail	means the sale or hire of goods or services to the public;
short-term accommodation	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;

wall height	in relation to a wall of a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet;
wholesale	means the sale of goods or materials to be sold by others.

(2) A word or expression that is not defined in this Scheme –

- (a) has the meaning it has in the *Planning and Development Act 2005*; or
- (b) if it is not defined in that Act - has the same meaning as it has in the R-Codes.

Division 2 - Land use terms used in Scheme

38. Land use terms used

If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as follows -

<i>abattoir</i>	means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;
<i>aged care facility</i>	means a building or group of buildings consisting of either: (a) an aged persons' home; or (b) an aged persons' home and aged persons' dwellings, and which includes buildings or parts of buildings used for communal facilities, food preparation, dining, recreation, laundry or medical care;
<i>agriculture - extensive</i>	means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture - intensive or animal husbandry - intensive;
<i>agriculture — intensive</i>	means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following – (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts; (b) the establishment and operation of plant or fruit nurseries; (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); (d) aquaculture;
<i>airfield</i>	means any premises used for purposes relating to aircraft landing, take-off and maintenance and does not include a private airstrip incidental to farming operations;
<i>amusement parlour</i>	means premises – (a) that are open to the public; and (b) that are used predominantly for amusement by means of amusement machines including computers; and (c) where there are 2 or more amusement machines;
<i>animal establishment</i>	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry — intensive or veterinary centre;

<i>animal husbandry — intensive</i>	means premises used for keeping, rearing or fattening of alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens;
<i>art gallery</i>	means premises — (a) that are open to the public; and (b) where artworks are displayed for viewing or sale;
<i>bed and breakfast</i>	means a dwelling — (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and (b) containing not more than 2 guest bedrooms;
<i>betting agency</i>	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> ;
<i>brewery</i>	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> ;
<i>bulky goods showroom</i>	means premises — (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes — (i) automotive parts and accessories; (ii) camping, outdoor and recreation goods; (iii) electric light fittings; (iv) animal supplies including equestrian and pet goods; (v) floor and window coverings; (vi) furniture, bedding, furnishings, fabrics, manchester and homewares; (vii) household appliances, electrical goods and home entertainment goods; (viii) party supplies; (ix) office equipment and supplies; (x) babies' and childrens' goods, including play equipment and accessories; (xi) sporting, cycling, leisure, fitness goods and accessories; (xii) swimming pools; and (b) used to sell by retail goods and accessories by retail if — (i) a large area is required for the handling, display or storage of the goods; or (ii) vehicular access is required to the premises for the purpose of collection of purchased goods; (c) the list of products in subclause (a) is not

	exhaustive;
caravan park	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5(1);
caretaker's dwelling	means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;
car park	means premises used primarily for parking vehicles whether open to the public or not but does not include – <ul style="list-style-type: none"> (a) any part of a public road used for parking or for a taxi rank; or (b) any premises in which cars are displayed for sale;
child care premises	means premises where – <ul style="list-style-type: none"> (a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> section 5(1), other than a family day care service as defined in that section, is provided; or (b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided;
cinema/theatre	means premises where the public may view a motion picture or theatrical production;
civic use	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;
club premises	means premises used by a legally constituted club or association or other body of persons united by a common interest;
commercial vehicle parking	means premises used for parking of one or 2 commercial vehicles but does not include – <ul style="list-style-type: none"> (a) any part of a public road used for parking or for a taxi rank; or (b) parking of commercial vehicles incidental to the predominant use of the land;
community purpose	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;
consulting rooms	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

convenience store	means premises – (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300 m ² net lettable area;
corrective institution	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
dry cleaning premises / laundromat	means premises used for the commercial cleaning of clothes and laundry either in a self-service or serviced manner;
earthmoving equipment - depot for	means premises used for the parking, storage or maintenance of earthmoving equipment and/or vehicles;
educational establishment	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;
exhibition centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;
family day care	means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> is provided;
fast food outlet	means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten – (a) without further preparation; and (b) primarily off the premises;
freeway service centre	means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services – (a) service station facilities; (b) emergency breakdown repair for vehicles; (c) charging points for electric vehicles; (d) facilities for cyclists; (e) restaurant, cafe or fast food services, excluding the sale or consumption of alcohol under the <i>Liquor Licensing Act 1988</i> ; (f) take-away food retailing, without a drive-through facility; (g) public ablution facilities, including provision for disabled access and infant changing rooms;

	<ul style="list-style-type: none"> (h) parking for passenger and freight vehicles; (i) outdoor rest stop facilities such as picnic tables and shade areas; and (j) dump points for the disposal of black and/or grey water from recreational vehicles;
<i>fuel depot</i>	<p>means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used –</p> <ul style="list-style-type: none"> (a) as a service station; or (b) for the sale of fuel by retail into a vehicle for use by the vehicle;
<i>funeral parlour</i>	<p>means premises used –</p> <ul style="list-style-type: none"> (a) to prepare and store bodies for burial or cremation; (b) to conduct funeral services;
<i>garden centre</i>	<p>means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;</p>
<i>holiday accommodation</i>	<p>means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;</p>
<i>holiday house</i>	<p>means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;</p>
<i>home business</i>	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession –</p> <ul style="list-style-type: none"> (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 50 m²; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

home occupation	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that –</p> <ul style="list-style-type: none"> (a) does not involve employing a person who is not a member of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 20 m²; and (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (f) does not – <ul style="list-style-type: none"> i) require a greater number of parking spaces than normally required for a single dwelling; or ii) result in an increase in traffic volume in the neighbourhood; and (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and <ul style="list-style-type: none"> i) does not include provision for the fuelling, repair or maintenance of motor vehicles; and ii) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
home office	<p>means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –</p> <ul style="list-style-type: none"> (a) is solely within the dwelling; and (b) does not entail clients or customers travelling to and from the dwelling; and (c) does not involve the display of a sign on the premises; and (d) does not require any change to the external appearance of the dwelling;
home store	<p>means a shop attached to a dwelling that –</p> <ul style="list-style-type: none"> (a) has a net lettable area not exceeding 100 m²; and (b) is operated by a person residing in the dwelling;
hospital	means premises used as a hospital as defined in the <i>Hospitals and Health Services Act 1927</i> section 2(1);
hostel	means lodging house which is not open to the public generally, but is reserved for use solely by students and staff of educational establishments, members of societies, institutes or associations;
hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises;

<i>industry</i>	<p>means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes –</p> <ul style="list-style-type: none"> (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; (d) the provision of amenities for employees; (e) incidental purposes;
<i>industry - cottage</i>	<p>means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which:</p> <ul style="list-style-type: none"> (a) does not cause injury to or adversely affect the amenity of the neighbourhood; (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household; (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put; (d) does not occupy an area in excess of 50 m²; and (e) does not display a sign exceeding 0.2 m² in area;
<i>industry - extractive</i>	<p>means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes –</p> <ul style="list-style-type: none"> (a) the processing of raw materials including crushing, screening, washing, blending or grading; (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;
<i>industry - light</i>	<p>means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed;</p>
<i>industry - primary production</i>	<p>means premises used –</p> <ul style="list-style-type: none"> (a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997 (Commonwealth)</i> section 995-1; or (b) for a workshop servicing plant or equipment used in primary production businesses;
<i>liquor store — large</i>	<p>means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300 m²;</p>
<i>liquor store — small</i>	<p>means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300 m²;</p>

<i>lunch bar</i>	means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;
<i>marina</i>	means – (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services;
<i>marine filling station</i>	means premises used for the storage and supply of liquid fuels and lubricants for marine craft;
<i>market</i>	means premises used for the display and sale of goods from stalls by <i>independent vendors</i> ;
<i>medical centre</i>	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
<i>mining operations</i>	means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> section 8(1) is carried out;
<i>motel</i>	means premises which may be licensed under the <i>Liquor Control Act 1988</i> – (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles;
<i>motor vehicle, boat or caravan sales</i>	means premises used to sell or hire motor vehicles, boats or caravans;
<i>motor vehicle repair</i>	means premises used for or in connection with – (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or re-treading of tyres;
<i>motor vehicle wash</i>	means premises primarily used to wash motor vehicles;
<i>nightclub</i>	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> ;
<i>office</i>	means premises used for administration, clerical, technical, professional or similar business activities;
<i>park home park</i> AMD 2 GG 18/1/19	means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Regulation 3;

<i>place of worship</i>	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;
<i>reception centre</i>	means premises used for hosted functions on formal or ceremonial occasions;
<i>recreation - private</i>	means premises that are – (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge;
<i>renewable energy facility</i>	means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource. It does not include solar panels, or a wind turbine located on a lot with a single house where the energy produced only supplies that house or private rural use or anemometers;
<i>repurposed dwelling</i>	means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling;
<i>resource recovery centre</i>	means premises other than a waste disposal facility used for the recovery of resources from waste;
<i>restaurant/cafe</i>	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> ;
<i>restricted premises</i>	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of – (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> (Commonwealth); or (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or (c) smoking-related implements;
<i>roadhouse</i>	means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services – (a) a full range of automotive repair services; (b) wrecking, panel beating and spray painting services; (c) transport depot facilities; (d) short-term accommodation for guests; (e) facilities for being a muster point in response to accidents, natural disasters and other

	<p>emergencies;</p> <p>(f) dump points for the disposal of black and/or grey water from recreational vehicles;</p>
<i>rural produce store</i>	<p>means a premise used by the occupier of the premise for carrying out a business where:</p> <p>(a) it does not occupy an area greater than 25m²;</p> <p>(b) it is used for sale of produce associated with farming operations, but may include local souvenir products; and</p> <p>(c) will not adversely affect the amenity of the neighbourhood;</p>
<i>rural home business</i>	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation –</p> <p>(a) does not involve employing more than 2 people who are not members of the occupier's household; and</p> <p>(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and</p> <p>(c) does not occupy an area greater than 200 m²; and</p> <p>(d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and</p> <p style="text-align: right;"><i>AMD 2 GG 18/1/19</i></p> <p>(e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and</p> <p>(f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;</p>
<i>rural pursuit/hobby farm</i>	<p>means any premises, other than premises used for agriculture - extensive or agriculture - intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household –</p> <p>(a) the rearing, agistment, stabling or training of animals;</p> <p>(b) the keeping of bees;</p> <p>(c) the sale of produce grown solely on the premises;</p>
<i>second-hand dwelling</i>	<p>means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling;</p>
<i>serviced apartment</i>	<p>means a group of units or apartments providing –</p> <p>(a) self-contained short stay accommodation for guests; and</p> <p>(b) any associated reception or recreational facilities;</p>

service station	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for – (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;
shop	means premises other than a supermarket, bulky goods showroom, a liquor store - large or a liquor store - small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;
small bar	means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> ;
supermarket	means a business for the retail sale of household goods where the customer collects the proposed purchase from open shelves, payment being made at a central check point but does not include a convenience store, shop or a bulky goods showroom;
tavern	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> ;
telecommunications infrastructure	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;
tourist development	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide – (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development;
trade display	means premises used for the display of trade goods and equipment for the purpose of advertisement;
trade supplies	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises – (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening; (e) provision of medical services; (f) primary production; (g) use by government departments or agencies,

	including local government;
transport depot	means premises used primarily for the parking or garaging of 3 or more commercial vehicles including – <ul style="list-style-type: none"> (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another;
tree farm	means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the <i>Carbon Rights Act 2003</i> section 5;
veterinary centre	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;
warehouse/storage	means premises including indoor or outdoor facilities used for – <ul style="list-style-type: none"> (a) the storage of goods, equipment, plant or materials; or (b) the display or sale by wholesale of goods;
waste disposal facility	means premises used – <ul style="list-style-type: none"> (a) for the disposal of waste by landfill; or (b) the incineration of hazardous, clinical or biomedical waste;
waste storage facility	means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;
wind farm	<i>DELETED BY AMD 1 GG 13/4/18</i>
winery	means premises used for the production of viticultural produce and associated sale of the produce;
workforce accommodation	means premises, which may include modular or relocatable buildings, used – <ul style="list-style-type: none"> (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

Schedule A – Supplemental Provisions to the Deemed Provisions

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

61. Development for which Development Approval Not Required

- (1) Development approval of the local government is not required for the following works unless required by a Special Control Area or other provision of the Scheme.

AMD 2 GG 18/1/19

- (k) The placement of a shipping container on a lot where it is:

AMD 4 GG 09/07/19

- (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.

- (l) The use of land for Agriculture – Extensive purposes, the erection of windmills and the construction of water tanks, in the Rural zone in compliance with the setback standards contained in Schedule 6;

AMD 2 GG 18/1/19

- (m) The construction of dams and soaks in the Rural zone in compliance with the setback standards contained in Schedule 6 and located outside of any Special Control Area;

AMD 2 GG 18/1/19

- (n) Farm buildings in the Rural zone setback no less than 20 metres from any boundary and 100 metres from any highway or railway;

AMD 2 GG 18/1/19

- (o) Keeping of horses and stables on lots zoned Rural Residential, Rural Smallholdings or Rural and located outside of any Special Control Area or groundwater reserve protection area in accordance with Department of Primary Industries and Regional Development stocking rate guidelines;

- (p) Rainwater tanks or pergolas not exceeding 10m² and 2.1 metres in height located behind the front of a dwelling in the Residential or Rural Townsite zone, screened from public view, with setbacks and cumulative total floor area in accordance with Scheme requirements;

AMD 2 GG 18/1/19; AMD 4 GG 09/07/19

- (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;

- (s) One flagpole not exceeding 6 metres in height with the flags not used for commercial advertising;

- (t) Rainwater tanks in the Rural zone, Rural Residential zone or the Rural Smallholdings zone which are located within an approved building envelope, or where no building envelope exists, are set back no less than 20 metres from any lot boundary;

AMD 2 GG 18/1/19; AMD 4 GG 09/07/19

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- (u) Outbuildings in areas subject to the R-Codes not exceeding 10% of site area or 100m² whichever is less with a maximum wall height of 3.0m and a ridge height of no more than 4.2m, provided that they meet the setback and cumulative total floor area in accordance with Scheme requirements and located outside of any Special Control Area;
AMD 2 GG 18/1/19; AMD 7 GG 18/1/22
 - (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;
AMD 2 GG 18/1/19
 - (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;
AMD 2 GG 18/1/19
 - (y) The replacement of an existing retaining wall less than 900mm with new masonry materials provided that there is no alteration of ground levels, and certified by a qualified Engineer as being suitable for surcharge loads where applicable;
AMD 2 GG 18/1/19
 - (z) The replacement of existing doors and windows within the Commercial and General Industry zones with doors and windows of the same dimension and nature;
 - (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;
 - (cc) A solar hot water system.
- (2) Development approval of the local government is not required for the following uses:
- (g) Street trading and outdoor eating facilities on public places in accordance with the local laws on trading in thoroughfares and public places (as amended).
AMD 2 GG 18/1/19

Schedule 1 - Additional requirements that apply to land in Scheme area

[cl. 32]

1. Development Requirements

- (a) Unless otherwise provided by the Scheme, all development is required to comply with the requirements of Schedule 6 – Development Provisions by Zone.
- (b) Schedule 7 – Parking and Landscaping by Land Use applies when reference though Schedule 6 - Development Provisions by Zone and when Schedule 7 - Parking and Landscaping by Land Use references Schedule 6 - Development Provisions by Zone.

AMD 1 GG 13/4/18

2. Minimum Lot Sizes in Residential Zones

- (a) The minimum lot or development site sizes shall be as designated by the R-Code on the Scheme Maps or on an approved Structure Plan or Detailed Area Plan where a sewerage connection is available.
- (b) For non-sewered lots a minimum lot size not less that outlined in subclause (a) is to be consistent with on-site effluent disposal requirements.
- (c) Where no R-Code is designated in a Residential or Urban Development zone, unless a Code has been designated on an approved Structure Plan or Detailed Area Plan, the local government shall deem the site to have been subdivided to its full potential and shall not support further subdivision.

3. Building Height for the Commercial and Mixed Use Zones for Buildings with a Residential Component

- (a) Building Heights for Buildings with a Residential Component:
 - (i) Building height for buildings with a residential component shall generally be limited to a maximum height of twelve (12) metres above natural ground level within the Commercial and Mixed Use Zones.
 - (ii) The height limit in subclause 3(a)(i) shall not be exceeded for commercial buildings with a residential component or by mixed use buildings with a residential component unless advertised in accordance with clause 64 of the deemed provisions.

4. Rural Residential and Rural Smallholding Development Provisions

AMD 8 GG 9/1/24

- (a) Within this zone the minimum setback from any highway or railway shall be 100 metres unless advertised in accordance with clause 64 of the deemed provisions and clause 5(a) is complied with. Setbacks from any other boundary shall be as specified in Schedule 6.
- (b) The local government may require exposed areas to be replanted extensively to provide concealment, shelter or assist with improving land quality, reducing the water table or preventing erosion.
- (c) The construction of dams and soaks shall not be permitted within a building and clearing exclusion area or where it is considered that the appearance and amenity of the area would be adversely affected.

- (d) Water supplies may be supplemented with bore water for human consumption and mixed with other water collected on site provided that it meets guidelines for potable water to the satisfaction of the local government and any license that is required has been obtained from the responsible authority for groundwater licensing.
- (e) Where lots contain steeply sloping land that, in the opinion of the local government, requires preservation of the natural vegetation to prevent erosion, the local government may require such areas to be fenced or treated in such other fashion as to ensure that such land is not degraded by grazing, browsing or the movement of stock or by any other causes.
- (f) Where a landscaping, revegetation or fire management plan has been adopted by the local government or was included with rezoning or subdivision documentation, affected lots shall be managed in accordance with the plan.
- (g) Development, which would conflict with or impede the implementation of the plan, shall not be permitted or undertaken unless variations have been approved following consultation between the affected landowners, the local government and the District Manager of the Department of Fire and Emergency Services where appropriate.
- (h) The provisions for controlling subdivision, land uses and development relating to specific Rural Residential Areas are set out in a Schedule of Special Provisions in Schedule 8 – Rural Residential – Special Provisions.
- (i) The provisions for controlling subdivision, land uses and development relating to specific Rural Smallholdings Areas are set out in a Schedule of Special Provisions in Schedule 9 – Rural Smallholdings – Special Provisions. AMD 1 GG 13/4/18

5. Rural, Rural Residential, and Rural Smallholding Zone Highway and Railway Noise Notification

AMD 1 GG 13/4/18

- (a) Where the setback from any highway or railway is less than 100 metres (Unless located within SCA 1 where Schedule 2 Clause 1 applies) the Local Government will impose a condition on its planning consent for a single house or other noise sensitive premises requiring a Section 70A notification being placed on the title advising of the potential to be affected by transportation noise levels and proximity to highway and/or railway. The notification will need to be in place before a building permit is issued. Setbacks shall not be less than as specified in Schedule 6. AMD 1 GG 13/4/18
- (b) New property titles (including strata titles) should warn of the proximity of the access corridor and the potential to be affected by transportation noise levels. This notification pursuant to Section 165 of the *Planning and Development Act 2005* is to state “This lot may experience high levels of transportation noise”.

6. Urban Development and Industrial Development Provisions

- (a) All subdivision and development is to be in accordance with a structure plan prepared in accordance with clause 16 of Schedule 2 - Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015. AMD 2 GG 18/1/19
- (b) Notwithstanding subclause (a) the local government may approve the development of land within the Urban Development and Industrial Development zones prior a structure plan prepared in accordance with clause 16 of Schedule 2 - Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 coming into effect in relation to that land, if the local government is satisfied that this will not prejudice future structure planning in the area.

7. Tourism Zone Provisions

- (a) All subdivision and development is to be in accordance with a structure plan prepared in accordance with clause 16 of Schedule 2 - Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.
- (b) Notwithstanding subclause (a) the local government may approve the development of land within the Tourism zones prior a structure plan prepared in accordance with clause 16 of Schedule 2 - Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 coming into effect in relation to that land, if the local government is satisfied that this will not prejudice future structure planning in the area.
- (c) A Brewery development shall be connected to a reticulated sewerage system to provide for the management of trade waste. AMD 9 GG 23/2/24

8. Rural Zone Additional Dwelling Provisions

- (a) The local government may only grant approval for an additional dwelling in the Rural zone in accordance with the following:
 - (i) the total number of dwellings on the lot with an area between 40ha and 100ha (excluding any ancillary dwelling) will not exceed two;
 - (ii) the total number of dwellings on the lot with an area greater than 100ha (excluding any ancillary dwelling) will not exceed three;
 - (iii) the local government is satisfied that adequate provision can be made for the supply of domestic water and for the disposal of sewage from the additional dwelling/s;
 - (iv) the additional dwelling/s will not adversely affect the rural landscape or conflict with agricultural production on the subject lot or on adjoining land;
- (b) The approval of more than one (1) dwelling on any lot zoned Rural should not be construed as support for the subdivision of the lot. The subdivision of land within the Rural zone shall be in accordance with State planning policy and the Local Planning Strategy. AMD 7 18/01/2022

9. Development of Land without Constructed/Dedicated Road Frontage or Access

- (a) Notwithstanding any other provision of the Scheme, Development Approval is required for any development on land abutting an unconstructed road or a lot or location which does not have frontage to a constructed/dedicated road. In considering such an application, the Local Government may: – AMD 2 GG 18/1/19
 - (i) refuse the application until the road has been constructed or access by means of a constructed/dedicated road is provided; or
 - (ii) grant approval to the application subject to a condition requiring the applicant to pay a sum of money in or towards the cost of construction the road or part thereof and any other condition it considers fit to impose; or
 - (iii) require other legal arrangements are made for permanent legal access, to the satisfaction of the Local Government.

10. Internal Access and Laneways

- (a) Except for development to which the Residential Design Codes apply, it is expected that any access laneway within a development site shall be not less than 4.5 metres wide but in exceptional circumstances the local government may permit an access way of lesser width but not less than 3.0 metres and then only when a one-way system can be established.
- (b) The local government shall require laneways in the Commercial Zone to be widened in accordance with the following:
 - (i) Where access to a laneway is available, prior to commencement of development arrangements shall be put in place for any land needed to widen the laneway to six (6) metres to be granted to the local government free of cost.
 - (ii) In any case the maximum amount of land to be ceded from one side of the laneway will be one (1) metre.
 - (iii) Subdivision of lots abutting a laneway that is less than six (6) metres wide will not be permitted where the laneway is the only access.

11. Site with more than One Street Frontage

- (a) Where a development site has frontage to more than one street (except in the 'Residential' zone or 'Urban Development' zone with an adopted Structure Plan), the local government may: –
 - (i) Designate one of the streets to be a primary street for the purpose of determining front setbacks;
 - (ii) Require that the specified front setbacks shall apply to each road;
 - (iii) Permit the setback on a secondary street to be reduced to half of the specified front setback or averaged unless the site is adjacent to a State Highway, Limited Access Road, Primary Distributor Road or Local Distributor Road unless other more specific provisions in the Scheme apply; or
AMD 1 GG 13/4/18, AMD 2 GG 18/1/19
 - (iv) Refuse vehicular access to one of the roads.

12. Parking Separated from Development and Cash in Lieu

- (a) Parking/Servicing Facilities Separated from Development
 - (i) Where parking or loading and unloading is provided on a lot or lots separated from the lot upon which the development or redevelopment is to occur, the local government will need to be satisfied that the land so allocated to parking or loading and unloading will be permanently retained for such purpose by either requiring an amalgamation of the lots set aside for parking and/or loading and unloading with the lots being developed or, by a right of carriageway being registered on the respective titles.
- (b) Cash in lieu of Parking Spaces
 - (i) In the Commercial, Mixed Use, Tourism Zones and the area subject to Additional Use A6, the local government may accept a cash payment in lieu of all or part of the car parking provisions subject to the following –
 - (ii) The cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the Scheme, plus the value, as ascertained in accordance with subclause (b)(iii) of that area of the land which would have been occupied by the parking spaces.

- (iii) The value of land referred to in subclause (b)(ii) may be determined by either the Valuer-General or by a licensed valuer appointed by the local government.
- (iv) Before the local government agrees to accept a cash payment in lieu of the provision of parking spaces, the local government must either have purchased land and/or provided a public carpark nearby or have an adopted parking strategy to provide such a public carpark within five years of agreeing to accept the cash payment.
- (v) Each parking space shall consist of one standard bay of 2.5m x 5.5m plus half the width of the standard access aisle, i.e. a total of 2.5m x 8.5m in the case of 90 degree bays.
- (vi) Payments made under this clause shall be paid into a special purpose fund to be used for the provision of public car parking facilities and the local government may use this fund to provide or maintain public parking facilities anywhere within the Commercial, Mixed Use, Tourism Zones and the area subject to, or adjacent to, Additional Use A6.
- (vii) If an owner or developer shall object to the amount of the costs and values determined by the local government pursuant to subclause (b)(ii), the matter may be referred to arbitration in accordance with the provisions of the *Commercial Arbitration Act 2012*.

13. Reciprocal Parking and Shared Parking

- (a) Subject to the Scheme, and the provisions of any relevant Local Planning Policy, the Local Government may exercise its discretion in granting Development Approval to permit a proportion of the total number of car parking bays required under the Scheme to be provided jointly with any one or more other premises within a location, where it is demonstrated to the satisfaction of the Local Government that reciprocal and/or shared car parking would result in the same number of car parking bays required under the Scheme. Under this clause, "reciprocal" parking relates to land that is privately owned and "shared" parking relates to land which is owned by the Local Government or is vested with the Local Government for public parking.

AMD 2 GG 18/1/19
- (b) Subject to the Scheme, and the provisions of any relevant Local Planning Policy, reciprocal and/or shared car parking shall only be permitted in locations where the following has been demonstrated to the satisfaction of the Local Government:
 - (i) reciprocal or shared off-street parking facilities are available in the location that sufficiently accommodates the deficit in car parking required under the Scheme for the development/use;
 - (ii) the peak hours of operation of developments/uses so sharing are different and do not substantially overlap, whether or not the premises providing shared car parking separately have the prescribed number of parking bays; and
 - (iii) that a legally binding agreement has been made to enable those reciprocal or shared off-street parking facilities to be used for that purpose. Where a reciprocal or shared parking arrangement is proposed as part of an application for Development Approval, the written consent of the property owner of the reciprocal or shared parking facility must be in the form of a legally binding agreement between both parties that is prepared to the satisfaction of the Local Government, and at the applicant's own cost.

AMD 2 GG 18/1/19

- (c) Where an application proposes reciprocal and/or shared car parking in accordance with this clause, the Local Government shall require a supporting development impact statement (with respect to traffic management and parking demand), to be prepared at the applicant's cost and to the satisfaction of the Local Government as part of any application for Development Approval. *AMD 2 GG 18/1/19*
- (d) The Local Government may require that reciprocal access and circulation arrangements are provided for any use/development of premises affected by this clause 13, where such arrangements are deemed necessary to improve traffic management, road safety or amenity. *AMD 1 GG 13/4/18*

14. Provisions for Parking, Access for Loading and Unloading Vehicles

- (a) In the Commercial, Mixed Use, Tourism, Light Industry and General Industry Zones –
 - (i) No land or buildings shall be developed unless provision is made for an area clear of the street for the purpose of loading or unloading goods or materials.
 - (ii) The local government will seek to ensure that the majority of servicing vehicles will be able to leave and enter the street in a forward direction.
 - (iii) Parking, loading and unloading and access, complete with necessary drainage, signs and marking as required by the local government, shall be provided prior to any occupation of the development or at such time as may be agreed in writing between the local government and the developer.
 - (iv) External servicing areas shall be established and maintained to the satisfaction of the local government.

15. Car Parking

AMD 1 GG 13/4/18, AMD 8 GG 9/1/24

- (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.

16. Parking of Commercial Vehicles in Residential Areas*AMD 1 GG 13/4/18*

- (a) No person shall park within the Residential zone a commercial vehicle without the development approval of the local government. Where the commercial vehicle parking use is proposed in the Residential zone and it complies with the following it will be exempt from development approval.

AMD 2 GG 18/1/19

- (i) not more than one such vehicle is to be parked on a lot;
- (ii) the vehicle is to form an essential part of the lawful occupation of an occupant of the dwelling and that occupation if carried on upon the lot does not contravene the Scheme;
- (iii) the vehicle is to be parked behind the front building line and effectively screened from view from outside the lot;
- (iv) no part of the vehicle is to be parked on any portion of a right-of-way or public road contiguous with the lot;
- (v) the vehicle is not to exceed 3.0 metres in height or 8.0 metres in length;
- (vi) no major/minor servicing of vehicles shall be undertaken on the lot;
- (vii) the vehicle is not brought to or taken from the lot between the hours of midnight and 6.00 am; and
- (viii) Compliance with the Environmental Protection (Noise) Regulations 1997.

*AMD 2 GG 18/1/19***17. Effluent Disposal**

- (a) Where reticulated sewer is not available, development shall provide for effluent disposal in accordance with the requirements of the Government Sewerage Policy.
- (b) Where on site effluent disposal systems are used, the system shall be located within the prescribed building envelope or in another appropriate location specified by the Local Government.
- (c) On site effluent disposal systems will not be permitted within SCA4-WHPZ unless it is consistent with a relevant Government Sewerage Policy.
- (d) On a site identified as being located within the Priority 2 or 3 area within a public drinking water source area only one on site effluent disposal system is permitted and furthermore effluent disposal is limited by Water Quality Protection Note 25 Land Use Compatibility in Public Drinking Water Source Areas and Water Quality Protection Note No. 70 – Wastewater treatment and disposal – domestic systems.

*AMD 2 GG 18/1/19***18. Building Height**

- (a) The height limit of any building that is not industrial in nature or in the Residential, Commercial or Mixed Use zones shall be limited to 9 metres.
- (b) The height limit of all building that is industrial in nature shall be limited to 15 metres.
- (c) The height limit of any building that is in the Commercial, Tourism or Mixed Use zones shall only be limited by plot ratio.

*AMD 2 GG 18/1/19**AMD 1 GG 13/4/18*

- (d) The height limit in subclauses (a), (b) or (c) shall not be exceeded unless considered in accordance with clause 64 of the deemed provisions.
- (e) The height limit of a Renewable energy facility is only limited by the provisions of Schedule 2 – Special Control Area No. 8. *AMD 7 GG 18/01/22*
- (f) The height limit for the land use of Telecommunications Infrastructure is only limited by the provisions of Schedule 2 – Special Control Area No. 8. *AMD 7 GG 18/01/22*

19. Potable Water Supply

- (a) All buildings intended for residential use shall be connected to a reticulated water supply provided by a licensed water provider. Where a reticulated supply is not available buildings intended for residential use must include provision for the storage of water tanks of not less than 120,000 litres of capacity.

Where rainfall is to be used as the predominant source for a water storage tank, the minimum collection area, in terms of rain surface runoff, to service the tank, is to be provided. The collection area will normally comprise of the roof area of structures on the lot and may include the dwelling, outbuildings and any other structure capable of collecting and directing water into the tank.

The size of the collection area is to be based on the following calculation:

Collection area (m²) = Average Household Water Consumption (L) divided by (0.85 multiplied by (local rainfall in mm -24mm)).

- Collection area (m²) is the minimum area for rain surface runoff that is required to service the water tank.
- Unless the Shire has determined otherwise the average household water consumption will be 147,800L.
- 0.85 is the efficiency of the collection meaning a minimum of 85% of the water will be collected (the Local Government may accept a greater efficiency rate if it can be demonstrated through design).
- Local rainfall is the average annual mean rainfall measured in millimetres (mm) guided by the nearest collection point provided by the bureau of Meteorology.
- 24mm is the anticipated loss through absorption and wetting of materials based on 2mm a month.

Potable water is of the quality specified under the Australian Drinking Water Quality Guidelines 2004 (as amended).

20. Landscaping of Demolished Building Sites

- (a) Where buildings are demolished within the Commercial or Mixed Use zones and, for whatever reason, redevelopment of the site is delayed for more than six months; the following works are required to be carried out by the applicant:
- (i) the premises are to be cleared of all rubble, debris and demolition materials;
 - (ii) the site is to be levelled to the same level as the adjoining footpath and/or road and turfed so it can be mowed unless topography is such that an alternative solution is required and that the solution is to the satisfaction of the Local Government;

- (iii) the site is to be landscaped with perimeter plantings (consisting of advanced specimens of fast growing species as determined by the Local Government); and
- (iv) the site is to be maintained to ensure no sediment runoff from the site occurs.

21. Sealing of Vehicle Parking and Access

- (a) All areas utilised for vehicle parking, manoeuvring, access, egress and storage in the Commercial, Mixed Use and Light Industry zones are to be sealed, marked and formalised as per Australian Standard 2890.1-2004 as amended.
- (b) All areas utilised for vehicle parking, manoeuvring, access and egress in the General Industry zone are to be sealed, marked and formalised as per Australian Standard 2890.1-2004 as amended.
- (c) All areas utilised for storage in the General Industry zone may be constructed to a suitable unsealed standard that permits all-weather access by two-wheel drive vehicles and that does not result in gravel, sand or other forms of earth leaving the site.

22. Bed and Breakfast and Holiday House Requirements

- (a) Where Bed and Breakfast or Holiday House uses are proposed, the site is to be connected to reticulated sewerage or the effluent disposal systems are to be of suitable quality and size.

AMD 4 GG 09/07/19

23. Light overspill

- (a) Floodlights, spotlights and all other forms of lighting shall be constructed, oriented and controlled so as not to:
 - (i) adversely impact on the amenity of any adjacent residents; or
 - (ii) Cause a traffic hazard in the adjacent road network.

24. Caretaker's Dwellings

- (a) Where a caretaker's dwelling use is proposed it shall comply with the following:
 - (i) A caretaker's dwelling must be incidental to the predominant use of the site.
 - (ii) Only one caretaker's dwelling is permitted on each lot.
 - (iii) The total plot ratio area of a caretaker's dwelling is 80m², measured from the external face of walls excluding verandahs and carports.
 - (iv) Verandahs and carports may be permitted, but if enclosed will form part of the total calculated floor area.
 - (v) The Local Government may consider the use of notifications on title to advise prospective purchasers of potential impacts from noise, dust, odour or amenity that may arise from the location of a caretaker's dwelling within the zone.
 - (vi) The Local Government will not consider applications for caretakers' dwellings prior to the primary site activity being either approved or constructed.
 - (vii) Where simultaneous approval has been granted by the Local Government for both a caretaker's dwelling and the main activity on the same lot, the main activity must be developed and operational prior to occupation of the dwelling.

- (viii) Caretaker's dwellings should be carefully sited and constructed so the potential site (or estate) impacts from noise, dust, odour or amenity are minimised.
- (ix) A caretaker's dwelling may only be occupied by the owner, manager, lessee or employee (and immediate family thereof) of the lawfully established or approved land use.
- (x) Where the primary site activity has ceased the occupation of the caretaker's dwelling is to cease.

25. Repurposed Dwelling Requirements

- (a) Notwithstanding any other requirement of the Scheme, all Repurposed dwelling require the Development Approval of the local government. *AMD 1 GG 13/4/18, AMD 2 GG 18/1/19*
- (b) Where a Repurposed dwelling use is proposed it shall comply with the following:
 - (i) Within the Rural Residential zone only one Repurposed dwelling may be approved on a lot.
 - (ii) The Repurposed dwelling should be carefully sited and constructed so the potential impacts from noise, dust, odour or amenity are minimised.
 - (iii) For the purposes of establishing whether a grouped dwelling is proposed a Repurposed dwelling will count as one dwelling.
 - (iv) Regardless of external wall materials, all roofs over the main portion of the Repurposed dwelling are to have a pitch of 10° or greater.

26. Second-hand Dwelling Requirements

- (a) Notwithstanding any other requirement of the Scheme, all Second-hand dwellings require the Development Approval of the local government. *AMD 2 GG 18/1/19*
- (b) Where a Second-hand dwelling use is proposed it shall comply with the following in addition to any other relevant provision of the Scheme:
 - (i) A building that has a roof or wall sheeting or any other material such as sound proofing or insulation, that contains asbestos, is not permitted to be relocated until those materials containing asbestos are removed and disposed of in the appropriate manner, prior to transportation.
 - (ii) The void area between the floor and natural ground levels is to be enclosed with brickwork, battens or other suitable materials as approved by the local government.
- (c) When considering an application for Development Approval for a second-hand dwelling, the local government may impose conditions concerning: *AMD 2 GG 18/1/19*
 - (i) the external appearance and material finishes, the screening of sub-floor spaces, the addition to or modification to the existing dwelling and the time frame imposed to complete specified work and connect the dwelling or building to lot services;
 - (ii) the provision of landscaping and/or screening of the building and/or site; and
 - (iii) the provision of a bond or bank guarantee in favour of the Local Government as surety for the completion of the building to a standard of presentation acceptable to the Local Government within a specified time.

- (d) Where the provision of a bond or bank guarantee is required, the Local Government shall refund the payment upon satisfactory completion of the necessary works.
- (e) The height limit as outlined in subclause (b) may be varied by a special control area or other applicable clause within the Scheme. *AMD 2 GG 18/1/19*

27. Shipping Containers Used as Outbuildings

AMD 4 GG 09/07/19

- (a) 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. *AMD 4 GG 09/07/19*
- (b) No shipping container shall be placed on any lot zoned Residential or Urban Development other than in accordance with clause 61 (k) in Schedule A. *AMD 2 GG 18/1/19*
- (c) Any approval granted for the placement of a shipping container on a lot zoned Rural Residential shall be limited to a specific period of time, such time not exceeding 12 months.
- (d) Notwithstanding subclauses (b) and (c) where a shipping container is clad and has the addition of a pitched roof or is permanently screened from public view it may receive Development Approval subject to subclause (a). *AMD 2 GG 18/1/19*
- (e) A shipping container shall not be used for any form of accommodation.
- (f) A shipping container shall be adequately screened from the street and shall not be stacked vertically unless otherwise approved.
- (g) Where a shipping container has fallen into disrepair or become unsightly at the discretion of the local government, they shall be removed from the lot or suitably upgraded.
- (h) 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. *AMD 4 GG 09/07/19*
- (i) 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). *AMD 4 GG 09/07/19*

28. Tourism Development Requirements

AMD 4 GG 09/07/19

- (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.
- (d) Unless determined otherwise by the Local Government, any approval granted for the development of a holiday house will have a limited duration as follows:
 - (i) An initial approval of one year (12 months) from the date of issuance, with any subsequent renewal being for a period of up to four years (48 months).
 - (ii) Any application for renewal must be made prior to the approved time period expiring. Any application received after the approved time period expires will be treated as a new application.
 - (iii) Where complaints against an approved Holiday House are received by the Shire of Esperance, further approval may not be granted unless the matters outlined in the complaints are adequately addressed.
- (e) Any renewal will be treated as a minor amendment, with the appropriate application fees applying.
- (f) The renewal of a holiday house will not require advertising in accordance with clause 64 of the deemed provisions

AMD 9 GG 23/2/24

29. Vegetation Protection

- (a) Approval is required from the local government for the removal of vegetation within the rural townsites, rural residential and rural smallholdings zones unless:
 - (i) It is within the agreed building envelope; or
 - (ii) It is associated with the construction of an approved building; or
 - (iii) It is the subject of an approved clearing permit; or
 - (iv) Such vegetation is diseased or dangerous; or
 - (v) It is the removal of exotic species and/or declared weeds; or
 - (vi) It is general fire management or any other requirement of an approved fire management plan; or
 - (vii) It is necessary for an approved access way.

- (b) In areas that are identified as containing the Proteaceae Dominated Kwongan 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.

AMD 4 GG 09/07/19

30. Outbuildings

AMD 2 GG 18/1/19; AMD 4 GG 09/07/19

- (a) Irrespective of the classification of an outbuilding as an I use in Table No 4 the erection of an outbuilding is not permitted unless development approval has already been issued for the erection of a single house, grouped dwelling or multiple dwelling on the lot;
- (b) Where an outbuilding has been constructed it is not to be used for commercial or industrial purposes; and
- (c) Where an outbuilding has been constructed it is not to be used for human habitation.

AMD 2 GG 18/1/19

31. Advertisements

- (a) Existing Advertising Signs which:
 - (i) were lawfully erected, placed or displayed prior to the approval of this Scheme; or
 - (ii) may be erected, placed or displayed pursuant to a licence granted by the local government prior to the approval of this Scheme; or
 - (iii) were erected, placed or displayed pursuant to previous Schemes or by-laws which did not require the approval of the local government or Main Roads WA prior to the approval of this Scheme;

may continue to be displayed or be erected and displayed unless the condition of the advertisement warrants removal or repair in accordance with clause 80 of the deemed provisions.

32. Unkempt Land

- (a) On any land within the Scheme area, any undergrowth, refuse, rubbish or disused material which in the opinion of the local government is likely to adversely affect the health, comfort or convenience of the inhabitants thereof, the local government may cause a notice to be served on the owner or occupier of such land requiring that the land is cleared of trees, scrub, undergrowth, refuse or rubbish, or such refuse, rubbish or disused material is removed from such land within a specified period.
- (b) Where the owner or occupier does not clear the land or remove the refuse, rubbish or disused material as required by the notice, the local government may without payment or any compensation in respect thereof, clear or remove it and dispose of it at the expense of the owner or occupier to whom notice is given.
- (c) A person to whom a notice under this clause is given may apply for a review of the requirement to the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. Where such an appeal is lodged, the effect of the notice and subsequent actions under subclause (b) shall be suspended until a decision of the State Administrative Tribunal has been handed down.

- (d) Failure to comply with a notice under this clause shall be a breach of the provisions of this Scheme.

33. Amenity

- (a) Where, in the opinion of the local government, any proposed building, structure, site work and/or use, would not be in harmony with the existing buildings or the amenity of the locality in which the proposed development is to be located by virtue of the use and/or design and appearances of the development, the colour or type of materials to be used on exposed surfaces, the height, bulk and mass of any building, the local government may:
 - (i) require development approval for the proposal;
 - (ii) refuse the proposal notwithstanding that it otherwise complies with the provisions of the Scheme; or
 - (iii) may place conditions on any Development Approval granted for the proposed development to ensure that it will not have an adverse impact on the character of the area or the amenity and landscape quality of the locality in which the proposed development is to be located. *AMD 2 GG 18/1/19*
- (b) No building shall be so constructed, finished or left unfinished that its external appearance would significantly detract from the amenity of the locality. All land and buildings shall be so used and maintained as to preserve the local amenity.
- (c) If the local government forms the opinion that there has been a breach of the requirements of subclauses (a) and (b) it may, in writing, require the owner to make good the breach in the manner and within the time stated in the notice. The notice may be served on the owner personally or by posting it to the last address of the owner known by the local government, and if served by post, shall be deemed to have been served three (3) clear days after the date of posting.
- (d) A person to whom a notice under this clause is given may apply for a review of the requirement to the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14.
- (e) Failure to comply with a notice under this clause shall be a breach of the provisions of this Scheme.

34. Management of Stormwater

- (a) Management of stormwater on all developments should be in accordance with current best practice as per the Stormwater Management Manual for Western Australia (DoW, 2007). The Local Government may require the preparation of water management plans as a condition of development approval as per the Better Urban Water Management framework.'

35. Telecommunications Infrastructure

- (a) An application for development approval is required for the development of Telecommunications Infrastructure excluding those listed in the Telecommunications Low Impact Facilities Determination 1997 and subsequent amendments to that determination. *AMD 1 GG 13/4/18*

DELETED AMD 7 GG 18/1/22
- (b) Within the Rural Zone Telecommunications Infrastructure is exempt from the setbacks assigned in Schedule 6. *AMD 7 GG 18/1/22*

36. Requirement for Consultation to Commence Mining

- (a) In addition to Clause 61 of the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015* where a mining operation in the rural zone is proposed development approval of the local government is not required subject compliance with subclause (b).
- (b) In considering proposals to commercially extract minerals, the Local Government will exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is either consistent with or contrary to the provisions of the Scheme and the Local Planning Strategy.

AMD 2 GG 18/1/19

37. Environmental, Public Health and Amenity Protection

AMD 4 GG 09/07/19

- (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

AMD 4 GG 09/07/19

- (a) A maximum density of R80 applies within the Local Centre Zone.
- (b) A maximum density of R160 applies within the Commercial Zone.

39. Mosquito Nuisance Notification.

- (a) The mosquito 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) At the subdivision stage the Western Australian Planning Commission 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, title which will inform lot owners and prospective purchasers of the potential mosquito risk.
- (c) The local government may 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 (NFV) viruses. Human cases of RRV and BFV diseases occur in some years in this general locality.'

AMD 7 GG 18/1/2022

40. Water for Firefighting.

AMD 8 GG 9/1/24

- (a) A permanent water supply of no less than 10,000 litres is to be maintained for bush firefighting 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.

Schedule 2 - Special Control Areas

[cl. 36]

1. SCA 1 – Port and Transport Corridor Special Control Area 1

(a) Purpose

The purpose of Special Control Area 1 is to provide guidance for land use and development within the area shown on the Scheme Maps as SCA 1.

(b) Objectives

The objectives for SCA 1 are to:

- identify land which may be adversely affected by the Esperance Port and the services and transport corridor;
- ensure that the use and development of affected land is compatible with the existing and proposed future use and development of the Esperance Port and associated transport and services corridor;
- minimise impacts of emissions - particularly dust and noise from heavy freight haulage by road and rail - on existing residential and other sensitive uses;
- implement Scheme controls designed to mitigate adverse environmental effects;
- ensure that no new development on land within SCA 1 is permitted unless arrangements are made for noise or other mitigation measures to be put in place;
- maximise the distance of new residential and noise sensitive development from the Esperance port, transport and services corridor and ensure that any that are permitted incorporate noise mitigation measures;
- restrict vehicle and pedestrian access points to the service corridor; and
- seek to improve the safety and efficiency of existing infrastructure.

(c) Application Requirements

- (i) Despite any other provisions in the Scheme, Development Approval is required for all residential and noise sensitive development proposed within Special Control Area 1.

AMD 2 GG 18/1/19

(d) Relevant Considerations

In addition to provisions of the Scheme, the local government in considering applications for rezoning, subdivision or Development Approval in SCA 1 is to have due regard to –

AMD 2 GG 18/1/19

- (i) *Esperance Port Access Corridor Review: Stage 2 – Noise Assessment* by Lloyd Acoustics;

Note: The report referenced in subclause (d)(i) can be found in electronic document and record management system.

AMD 4 GG 09/07/19

- (ii) *The Esperance Service Corridor Town Planning Scheme and Industrial Park Location Study* by ERM Mitchell McCotter;

Note: The report referenced in (d)(ii) can be found in electronic document and record management system.

- (iii) *Environmental Noise Assessment Esperance Port* by Lloyd George Acoustics Pty Ltd;

Note: The report referenced in (d)(iii) can be found in electronic document and record management system.

- (iv) Statement of Planning Policy No. 4.1 *State Industrial Buffer Policy*;
- (v) the *Environmental Protection (Noise) Regulations 1997* and use of noise mitigation measures for noise-sensitive premises; and
- (vi) the potential for adverse environmental impacts and the management of such potential impacts;

and shall determine applications for Development Approval accordingly.

AMD 2 GG 18/1/19

(e) Referral of Applications

The local government may refer applications for Development Approval to the Department of Planning, Lands and Heritage and/or the Department of Water and Environmental Regulation and the local government is to have due regard to advice received when determining applications.

AMD 2 GG 18/1/19

(f) Development Requirements

- (i) All residential and noise sensitive development shall comply with the noise management requirements specified in clause 1 of Schedule 2 of the Scheme. The Local Government may be willing to approve an alternate solution in relation to subclauses (g) Exposure Level 1 and (h) Exposure Level 2, subject to the submission and consideration of a satisfactory alternate solution.
- (ii) The local government may impose a condition on its planning consent for a single house or other noise sensitive premise that does not comply with these conditions requiring an appropriate mechanism to be placed on the title addressing and/or advising of the deficiencies associated with ameliorating transportation noise levels.
- (iii) Within SCA 1, all new subdivisions shall be designed to maximize the distance of noise-sensitive premises from the Esperance Port and the transport and services corridor and local government may request the Commission to impose conditions of approval requiring portions of the parent lot to be excluded from development of noise sensitive premises, limit access points to the transport corridor, install earth bunds or noise barrier fencing, establish landscaping along the service corridor frontages and significant entry points to the subdivision, require notification on certificates of title advising of the potential for nuisance impacts associated with operation of the port and heavy freight transport on road and rail.

All residential and noise sensitive development shall comply with the noise management guidelines unless discretion to vary them is expressed or implied in the following provisions.

(g) Exposure Level 1 (Condition 1 Area)

- (i) Standard double brick, brick veneer or reverse brick veneer on slab construction built in accordance with the energy efficiency provisions of the Building Code of Australia will be deemed to comply for residential and other noise sensitive development. Providing that the predicted noise thresholds are not exceeded there will be no requirement for additional noise attenuation measures.
- (ii) Lightweight building construction material on timber or steel framing with compressed fibre cement, timber or corrugated sheet metal cladding, will not be acceptable unless the proponent demonstrates that the structure achieves an internal noise level complying with Australian Standard 2107 – *Recommended Design Sound Levels and Reverberation Times for Building Interiors*.
- (iii) The local government will impose a condition on its planning consent for a single house or other noise sensitive premise that does not comply with these conditions requiring a Section 70A notification under the *Transfer of Land Act 1893* being placed on the title advising of the potential to be affected by transportation noise levels and the deficiencies in meeting those conditions. The notification will need to be in place before a building permit is issued. The notification is to state:
 - a. *“This lot is located in close proximity to the Esperance Port Access Corridor and may experience high levels of transportation noise.”*
 - b. *“Noise attenuation measures, as referenced in Schedule 2 (1)(g)(i)(ii) of the Shire of Esperance’s Local Planning Scheme No. 24, have not been incorporated into the design of the development on-site on the basis that the Section 70A Notification is advising all owners and future owners of such.”*
- (iv) New property titles (including strata titles) should warn of the proximity of the access corridor and the potential to be affected by transportation noise levels. This notification pursuant to Section 165 of the *Planning and Development Act 2005* is to state *“This lot is located in close proximity to the Esperance Port Access Corridor and may experience high levels of transportation noise.”*

(h) Exposure Level 2 (Condition 2 Area)

- (i) Noise sensitive development will require double brick masonry, brick veneer or reverse brick veneer on slab construction, including a tiled roof or corrugated metal roof with sarking and fibrous insulation between joists in the roof space together with enclosed eaves, unless a report is prepared by a suitably qualified person or organisation and endorsed by the Local Government which demonstrates alternative construction methods achieve the same level of noise reduction.
- (ii) Windows facing the port access corridor should non-opening with at least 8.38mm thick glazing; other may be 6.38mm. Mechanical ventilation or air conditioning would be required and acoustically treated. Careful consideration to building layout should be made including the placement of noise sensitive rooms, in particular the bedrooms, away from the façade facing the port access corridor and limiting the maximum size of openings, unless a report is prepared by a suitably qualified person or organisation and endorsed by the Local Government which demonstrates alternative construction methods achieve the same level of noise reduction.

- (iii) Lightweight building construction material on timber or steel framing with compressed fibre cement, timber or corrugated sheet metal cladding, will not be acceptable unless the proponent demonstrates that the structure achieves an internal noise level complying with Australian Standard 2107 – *Recommended Design Sound Levels and Reverberation Times for Building Interiors* and with Australian Standard 3671-1989 – *Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction*.
 - (iv) Masonry fencing or bunding may be required for all new subdivisions in this area.
 - (v) The local government will impose a condition on its planning consent for a single house or other noise sensitive premise that does not comply with these conditions requiring a Section 70A notification under the *Transfer of Land Act 1893* being placed on the title advising of the potential to be affected by transportation noise levels and the deficiencies in meeting those conditions. The notification will need to be in place before a building permit is issued. The notification is to state:
 - a. *“This lot is located in close proximity to the Esperance Port Access Corridor and may experience high levels of transportation noise.”*
 - b. *“Noise attenuation measures, as referenced in Schedule 2 (1)(h)(i)(ii) and/or (iii) of the Shire of Esperance’s Local Planning Scheme No. 24, have not been incorporated into the design of the development on-site on the basis that the Section 70A Notification is advising all owners and future owners of such.”*
 - (vi) New property titles (including strata titles) should warn of the proximity of the access corridor and the potential to be affected by transportation noise levels. This notification pursuant to Section 165 of the *Planning and Development Act 2005* is to state *“This lot is located in close proximity to the Esperance Port Access Corridor and may experience high levels of transportation noise.”*
- (i) Exposure Level 3A and 3B (Condition 3A and 3B Area)
- (i) Residential development should generally not be permitted without specific acoustic specialist advice considering and estimating internal noise levels. Internal noise level should meet the requirements of Australian Standard 2107 – *Recommended Design Sound Levels and Reverberation Times for Building Interiors*. Outdoor areas should be restricted to the opposite side of the corridor. Specialist acoustic advice should also be sought for other noise sensitive uses, in particular, schools, holiday and short term accommodation and offices within this area.
 - (ii) Noise sensitive development shall be double brick masonry, brick veneer or reverse brick veneer on slab construction, including tiled roof with insulated roof space and enclosed eaves. Ceilings should be double thick plasterboards, or a layer of compressed fibre cement sheeting placed under the tiles. Windows facing the port access corridor should be non-opening and their size kept to a practical minimum. If windows are required they should be at least 10mm thick single laminate sheet glass, or sealed double glass panels. Mechanical ventilation in all rooms is required. Noise sensitive rooms, in particular bedrooms should be shielded by other purpose areas, which would be facing the port access corridor. Outdoor areas should be well shielded from the corridor using the house as a barrier, unless a report is prepared by a suitably qualified person or organisation and endorsed by the Local Government, demonstrates that alternative construction methods achieve the same level of noise reduction.

- (iii) Lightweight building construction materials on timber or steel framing with compressed cellulous fibre cement, timber or corrugated sheet metal cladding, will not be acceptable within areas of Exposure Level 3A unless for non-habitable extensions to existing dwellings.
- (iv) Within Condition Area 3A the local government will impose a condition on its planning consent for a single house or other noise sensitive premise that does not comply with these conditions requiring a Section 70A notification under the *Transfer of Land Act 1893* being placed on the title advising of the potential to be affected by transportation noise levels and the deficiencies in meeting those conditions. The notification will need to be in place before a building permit is issued. The notification is to state:
 - a. *"This lot is located in close proximity to the Esperance Port Access Corridor and may experience high levels of transportation noise."*
 - b. *"Noise attenuation measures, as referenced in Schedule 2 (1)(i)(i)(ii) and/or (iii) of the Shire of Esperance's Local Planning Scheme No. 24, have not been incorporated into the design of the development on-site on the basis that the Section 70A Notification is advising all owners and future owners of such."*
- (v) Residential densities shall not be increased in this area unless located within the Additional Use A6 zone. Any such buildings are to be purpose built and an acoustic specialist is to certify that interior and exterior living areas comply with Australian Standard 2107 – *Recommended Design Sound Levels and Reverberation Times for Building Interiors* and with Australian Standard 3671-1989 – *Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction*.
- (vi) Masonry fencing or bunding shall be required for all new subdivisions.
- (vii) Within Condition Area 3A new property titles (including strata titles) should warn of the proximity of the access corridor and the potential to be affected by transportation noise levels. This notification pursuant to Section 165 of the *Planning and Development Act 2005* is to state *"This lot is located in close proximity to the Esperance Port Access Corridor and may experience high levels of transportation noise."*
- (viii) Within Condition Area 3B the local government will impose a condition on its planning consent for a single house or other noise sensitive premise that does not comply with these conditions requiring a Section 70A notification under the *Transfer of Land Act 1893* being placed on the title advising of the potential to be affected by port noise levels and the deficiencies in meeting those conditions. The notification will need to be in place before a building permit is issued. The notification is to state *"This lot is located in close proximity to the Esperance Port and may experience high levels of port noise."*
- (ix) Within Condition Area 3B new property titles (including strata titles) should warn of the proximity of port and the potential to be affected by port noise levels. This notification pursuant to Section 165 of the *Planning and Development Act 2005* is to state *"This lot is located in close proximity to the Esperance Port and may experience high levels of port noise."*
- (x) Where a lot is affected by Exposure Level 3B and any other exposure level within Special Control Area 1 the provisions of Exposure Level 3B will have precedence on that area to which Exposure Level 3B applies.

2. SCA 2 – Flinders Residential Development Special Control Area**2.1 Special Control Area 2A****(a) Purpose**

The purpose of Special Control Area 2A is to provide development control and guidance for land zoned for single residential R12.5 development within the Flinders subdivision.

(b) Objectives

The objectives of the SCA 2A are to –

- (i) provide a high level of amenity;
- (ii) create an attractive, desirable and responsive environment;
- (iii) create a safe and interesting streetscape and ensure that development enhances rather than detracts from it;
- (iv) provide for and protect a unique suburban residential character for the area;
- (v) promote and encourage climate sensitive and passive energy efficient design;
- (vi) promote retention of stormwater on site; and
- (vii) promote waterwise gardening.

(c) Application Requirements

- (i) Despite any other provision of the Scheme Development Approval is required for all development. *AMD 2 GG 18/1/19*

(d) Development Requirements

- (i) All residential development shall comply with the development standards unless discretion to vary them is expressed or implied in the following provisions.

(e) Development and Subdivision of Lots

- (i) All lots are to be single residential R12.5.
- (ii) The local government shall not support further subdivision or amalgamation of single residential lots that would have the effect of increasing residential density.

(f) Setbacks

- (i) All buildings shall be setback a minimum of five (5) metres from the primary street boundary with secondary street boundaries being setback in accordance with the Residential Design Codes.
- (ii) No garages, carports, sheds, balconies, verandahs or the like shall extend into the street setback area.

- (g) Building Form
 - (i) All single houses shall have eaves.
 - (ii) The street frontage entrance to single houses shall be clearly defined.
 - (iii) Balconies shall be constructed on street and rear facades only and should be designed to protect the privacy of adjacent properties.
- (h) Building Height
 - (i) The vertical distance at any point from natural ground level to the uppermost part of the building above that point (roof ridge, parapet, or wall) shall be no higher than eight (8) metres.
 - (ii) Natural ground level shall be deemed to be the finished ground level established as part of the subdivision of the land preceding development.
- (i) Fencing
 - (i) Front fencing is not required. Where a front fence is to be constructed forward of the building or the street setback, the following provisions shall apply –
 - i. Solid fencing shall be no higher than 750 millimetres; or
 - ii. Fences may be up to 1.8 metres, where the section of the fence higher than 750 millimetres has a minimum of 60% visual permeability with the exception of piers and posts that may be constructed up to 200 millimetres higher than the infill panels.
 - (ii) All front and side fences forward of the building or street setback, whichever is the greater, or adjacent to public open space, should be constructed in the same materials as, or be aesthetically compatible with, the residence on that lot.
 - (iii) All fencing for rear and side boundaries with the exception of fencing forward of the building or street setback area, whichever is the greater, shall be 1.8 metres in height from ground level as set down in subclause 2.1(h)(ii).
 - (iv) No fibre cement fencing shall be permitted.
 - (v) No fences shall be constructed of reflective materials.
 - (vi) No fences shall be constructed of second hand materials, except where the use of such materials has been specifically proposed because of its aesthetic qualities and where the use of such materials integrates with the character or architecture of the building, and the local government approves such use.
- (j) Retaining Walls, Excavation and Fill
 - (i) No retaining walls shall be permitted forward of the building or front setback, whichever is the greater, unless required as part of an architectural theme or garden feature unless it has been designed and constructed of the same materials or approved similar materials as those provided by the developer and approved by the local government.

- (ii) Unless required for a garden feature, undercroft parking or approved swimming pool, no lot shall be excavated or filled forward of the building or front setback, whichever is the greater, from finished ground level as set down in subclause 2.1(h)(ii).
- (k) Standard of Construction
 - (i) No Repurposed, Second-hand or transportable dwellings are permitted.
 - (ii) No second hand materials shall be permitted in the construction of any external walls or roofing of any residence or outbuilding constructed on any lot, except where the use of such materials has been specifically proposed because of its aesthetic qualities and where the use of such materials integrates with the character or architecture of the building, and such use is approved by the local government.
 - (iii) No reflective materials shall be permitted in the construction of any external walls or roofing of any residence or outbuilding constructed on any lot without due regard to the local government policy, except where the use of such materials has been specifically proposed because of its aesthetic qualities and where the use of such materials integrates with the character or architecture of the building and is approved by the local government.
 - (iv) All dwellings are to be predominantly masonry construction or an acceptable exterior combination of masonry and/or composite materials approved by the local government. Predominantly shall be defined as 50% or greater of the wall area, and does not include roofing materials or windows.

2.2 Special Control Area 2B

(a) Purpose

The purpose of Special Control Area 2B is to provide development control and guidance for land zoned for a mixture of residential densities within the Flinders subdivision.

(b) Objectives

The objectives of the SCA 2B are to –

- (i) provide for a mixture of residential densities;
- (ii) provide a high level of amenity;
- (iii) create an attractive, desirable and responsive environment;
- (iv) create a safe and interesting streetscape;
- (v) provide for and protect a unique suburban residential character for the area;
- (vi) promote and encourage climate sensitive and passive energy efficient design;
- (vii) promote retention of stormwater on site;

- (viii) promote waterwise gardening; and
 - (ix) provide a means of implementing a development contribution area.
- (c) Application Requirements
 - (i) Despite any other provision of the Scheme Development Approval is required for all development. *AMD 2 GG 18/1/19*
- (d) Development Requirements
 - (i) All residential development shall comply with the development standards unless discretion to vary them is expressed or implied in the following provisions.
 - (ii) All portions of restrictive covenants relating to single dwellings, setbacks, building height, construction materials, transportable dwellings, air conditioners, storage of refuse containers and retaining walls on lots within SCA 2B are hereby varied to the extent of their removal.
- (e) Development and Subdivision of Lots
 - (i) The local government shall not support further subdivision or amalgamation of single residential lots that would have the effect of increasing residential density.
 - (ii) Lots may be developed to the maximum density as prescribed by the density coding as indicated on the Scheme map.
 - (iii) The local government may implement a development contribution area.
- (f) Setbacks
 - (i) On lots designated as single residential with a density less than or equal to R20 on the Scheme Map, all buildings shall be setback a minimum of five (5) metres from the primary street boundary with secondary street boundaries being setback in accordance with the Residential Design Codes.
 - (ii) On lots designated with a density greater than R20 all buildings shall be set back from the street boundary in accordance with setbacks prescribed for the specific density as set out in the Residential Design Codes.
 - (iii) No garages, carports, sheds, balconies, verandahs or the like shall extend into the street setback area.
- (g) Building Form
 - (i) All single houses are encouraged to have eaves.
 - (ii) The street frontage entrance to single houses shall be clearly defined.
 - (iii) Balconies shall be designed and constructed so as to protect the privacy of adjacent properties in accordance with the R-Codes.

- (h) Building Height
 - (i) The vertical distance at any point from natural ground level to the uppermost part of the building above that point (roof ridge, parapet, or wall) shall be no higher than eight (8) metres.
 - (ii) Natural ground level shall be deemed to be the finished ground level established as part of the subdivision of the land preceding development.
- (i) Fencing
 - (i) Front fencing is not required. Where a front fence is to be constructed forward of the building or the street setback, the following provisions shall apply –
 - i. Solid fencing shall be no higher than 750 millimetres; or
 - ii. Fences may be up to 1.8 metres, where the section of the fence higher than 750 millimetres has a minimum of 60% visual permeability with the exception of piers and posts that may be constructed up to 200 millimetres higher than the infill panels.
 - (ii) All front and side fences forward of the building or street setback, whichever is the greater, or adjacent to public open space, should be constructed in the same materials as, or be aesthetically compatible with, the residence on that lot.
 - (iii) All fencing for rear and side boundaries with the exception of fencing forward of the building or street setback area, whichever is the greater, shall be 1.8 metres in height from ground level as set down in subclause 2.2(h)(ii).
 - (iv) No fibre cement fencing shall be permitted.
 - (v) No fences shall be constructed of reflective materials.
 - (vi) No fences shall be constructed of second hand materials, except where the use of such materials has been specifically proposed because of its aesthetic qualities and where the use of such materials integrates with the character or architecture of the building, and the local government approves such use.
- (j) Retaining Walls, Excavation and Fill
 - (i) No retaining walls shall be permitted forward of the building or front setback, whichever is the greater, unless required as part of an architectural theme or garden feature unless it has been designed and constructed of the same materials or approved similar materials as those provided by the developer and approved by the local government.
 - (ii) Unless required for a garden feature, undercroft parking or approved swimming pool, no lot shall be excavated or filled forward of the building or front setback, whichever is the greater, from finished ground level as set down in subclause 2.2(h)(ii).

- (k) Standard of Construction
 - (i) No Repurposed, Second-hand or transportable dwellings are permitted.
 - (ii) No second hand materials shall be permitted in the construction of any external walls or roofing of any residence or outbuilding constructed on any lot, except where the use of such materials has been specifically proposed because of its aesthetic qualities and where the use of such materials integrates with the character or architecture of the building, and such use is approved by the local government.
 - (iii) All dwellings are to be predominantly of masonry construction or an acceptable exterior combination of masonry and/or composite materials approved by the local government. Predominantly shall be defined as 50% or greater of the wall area, and does not include roofing materials or windows.

3. SCA 3 – Shark Lake Industrial Park Special Control Area 3

3.1 Special Control Area 3A

- (a) Purpose

The purpose of SCA 3A is to provide guidance for land use and development within proximity to the Shark Lake Industrial Park.
- (b) Objectives

The objectives of SCA 3A are to –

 - (i) identify land which may be affected by emissions such as odour, noise, vibration and light from the Shark Lake Industrial Park;
 - (ii) ensure that the use and development of land is compatible with the proposed future use and development within the Shark Lake Industrial Park;
 - (iii) minimise impacts on residential and other sensitive uses from emissions such as odour, noise, vibration and light from the Shark Lake Industrial Park; and
 - (iv) minimise the risk of adverse impact on the RAMSAR listed Lake Warden wetland system and the Shark Lake Nature Reserve.
- (c) Application Requirements

Despite any other provision of the Scheme Development Approval is required for all development. AMD 2 GG 18/1/19
- (d) Relevant Considerations

In addition to provisions of the Scheme the local government in considering applications for Development Approval is to have due regard to – AMD 2 GG 18/1/19

 - (i) Statement of Planning Policy No. 4.1 *State Industrial Buffer Policy*;

- (ii) guidelines of the Environmental Protection Authority for protection of the environment including but not limited to emissions to the atmosphere, and maintenance of water quality;
- (iii) guidelines of the Department of Water and Environmental Regulation for protection of the environment including but not limited to maintenance of water quality;
- (iv) guidelines for the assessment of risk;
- (v) the *Environmental Protection (Noise) Regulations 1997*;
- (vi) the potential for adverse environmental impacts and the management of such potential impacts; and
- (vii) a general presumption against construction of single houses and other sensitive uses in SCA 3A;
- (viii) the Commonwealth's *Environmental Biodiversity Conservation Act 1999* for reference to the Lake Warden wetland system and RAMSAR lakes;

and shall determine applications for Development Approval accordingly.

AMD 2 GG 18/1/19

- (e) Referral of Applications
The local government may refer applications for Development Approval to the Department of Biodiversity Conservation and Attractions and the local government is to have due regard to recommendations and advice received from the Department of Biodiversity Conservation and Attractions when determining applications.

AMD 2 GG 18/1/19

3.2 Special Control Area 3B

(a) Purpose

The purpose of SCA 3B is to provide guidance for land use and development within proximity to the Shark Lake Industrial Park.

(b) Objectives

The objectives of SCA 3B are to –

- (i) identify land which may be affected by emissions such as odour, noise, vibration and light from the Shark Lake Industrial Park;
- (ii) ensure that the use and development of land is compatible with the proposed future use and development within the Shark Lake Industrial Park;
- (iii) minimise impacts on residential and other sensitive uses from emissions such as odour, noise, vibration and light from the Shark Lake Industrial Park; and
- (iv) provide for “home business - rural” and “industry – rural” uses subject to the provisions of the Scheme.

(c) Application Requirements

- (i) Despite any other provision of the Scheme Development Approval is required for all development. *AMD 2 GG 18/1/19*
- (ii) Despite any other provision of the Scheme, "rural home business" may be permitted with the approval of the local government on a lot any part of which is within Special Control Area 3B as shown on the Scheme Map.

(d) Relevant Considerations

In addition to provisions of the Scheme the local government in considering applications for Development Approval is to have due regard to –

AMD 2 GG 18/1/19

- (i) Statement of Planning Policy No. 4.1 *State Industrial Buffer Policy*;
- (ii) guidelines of the Environmental Protection Authority for protection of the environment including but not limited to emissions to the atmosphere, and maintenance of water quality;
- (iii) guidelines for the assessment of risk;
- (iv) the *Environmental Protection (Noise) Regulations 1997* and use of noise insulation within single houses; and
- (v) the potential for adverse environmental impacts and the management of such potential impacts;

and shall determine applications for Development Approval accordingly.

AMD 2 GG 18/1/19

(e) Referral of Applications

The local government may refer applications for Development Approval to the Department of Biodiversity Conservation and Attractions and the local government is to have due regard to recommendations / advice received from the Department of Biodiversity Conservation and Attractions when determining applications.

AMD 2 GG 18/1/19

3.3 Special Control Area 3C

(a) Purpose

The purpose of SCA 3C is to provide guidance for land use and development within proximity to the Shark Lake Industrial Park.

(b) Objectives

The objectives of SCA 3C are to –

- (i) identify land which may be affected by emissions such as odour, noise, vibration and light from the Shark Lake Industrial Park;
- (ii) ensure that the use and development of land is compatible with the proposed future use and development within the Shark Lake Industrial Park;

- (iii) minimise impacts on residential and other sensitive uses from emissions such as odour, noise, vibration and light from the Shark Lake Industrial Park; and
 - (iv) encourage conservation of environmental values and protection of water quality in Shark Lake.
- (c) Application Requirements

Despite any other provision of the Scheme Development Approval is required for all development. AMD 2 GG 18/1/19
- (d) Relevant Considerations

In addition to provisions of the Scheme the local government in considering applications for Development Approval is to have due regard to – AMD 2 GG 18/1/19

 - (i) Statement of Planning Policy No. 4.1 *State Industrial Buffer Policy*;
 - (ii) guidelines of the Environmental Protection Authority for protection of the environment including but not limited to emissions to the atmosphere, and maintenance of water quality;
 - (iii) guidelines for the assessment of risk;
 - (iv) the *Environmental Protection (Noise) Regulations 1997* and use of noise insulation within single houses;
 - (v) the potential for adverse environmental impacts and the management of such potential impacts; and
 - (vi) a general presumption against construction of dwellings and other sensitive uses in SCA 3C;

and shall determine applications for Development Approval accordingly. AMD 2 GG 18/1/19
- (e) Referral of Applications

The local government may refer applications for Development Approval to the Department of Biodiversity Conservation and Attractions and the local government is to have due regard to recommendations / advice received from the Department of Biodiversity Conservation and Attractions when determining applications. AMD 2 GG 18/1/19

4. SCA 4 – Public Drinking Water Source Protection Areas - Special Control Area 4

(a) Purpose

The purpose of SCA 4 is to provide guidance for land use or development for the protection of public drinking water source areas.

Note: Public Drinking Water Source Protection Areas are defined on the Scheme Map in accordance with information provided by the Department of Water and Environmental Regulation.

(b) Objectives

The objectives of SCA 4 are to –

- (i) provide a basis for the protection of public drinking water resources (PDWSA) through the control of land use or development, which has the potential to prejudice the quality of water supplies for public use;
- (ii) identify land that has been designated as groundwater reserves and surface catchment areas that supply public drinking water;
- (iii) ensure that any land use does not detrimentally impact on a public drinking water source;
- (iv) implement Scheme controls that are designed to mitigate any adverse effects on a public drinking water source.

(c) Application Requirements

AMD 8 GG 9/1/24

- (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).

(d) Development Requirements

AMD 1 GG 13/4/18

- (i) The local government may refuse any application for Development Approval or impose conditions on any Development Approval so as to –

AMD 2 GG 18/1/19

- i. protect the resource; and
- ii. require the registration of a notification under section 70A of the *Transfer of Land Act 1893* on the title to the land giving notice of any limitations or constraints associated with the protection of resources at the applicant's cost.

- (ii) Despite any other provision of the Scheme Development Approval cannot be issued unless the proposal complies with the provisions of Water Quality Protection Note 25 Land Use Compatibility in Public Drinking Water Source Areas unless it is satisfactory to the Department of Water and Environmental Regulations.

AMD 2 GG 18/1/19

- (iii) Despite any other provision of the Scheme Development Approval cannot be issued for a development that contains the storage of fuel or chemicals without referral to the Department of Water and Environmental Regulation and the Local Government is to have due regards to recommendations and advice received from that authority when determining applications.

AMD 2 GG 18/1/19

(e) Minimum Lot Sizes for Subdivisions

AMD 8 GG 9/1/24

- (i) Where subdivision of land zoned Rural Residential is proposed within Special Control Area 4, the minimum lot sizes for shall be as follows:

Priority Area 1 - No Permitted Subdivision
 Priority Area 2 - 2 Hectares
 Priority Area 3 - 1 Hectare

- (ii) Where reticulation sewer is not available, subdivision shall only be supported where it complies with the Government Sewerage Policy and Water Quality Protection Note 25. AMD 8 GG 9/1/24

- (iii) Irrespective of subclause (ii) subdivision will not be supported unless the proposal complies with the provisions of Water Quality Protection Note 25 Land Use compatibility in Public Drinking Water Source Areas.

Note: There will be a general presumption against development or use of land, which is not compatible with Public Drinking Water Source Areas or which involves a significant risk to the resource. The onus will be on the proponent of development to demonstrate that the proposed activity will not prejudice the resource. AMD 1 GG 13/4/18

(f) Relevant Considerations

In addition to other provisions of the Scheme, in considering any application for rezoning, subdivision or Development Approval in SCA 4, the local government is to have particular regard to – AMD 2 GG 18/1/19

- (i) the Department of Water and Environmental Regulation Water Quality Protection Note: *Land Use Compatibility* in Public Drinking Water Source Areas, and any advice received from the Department of Water and Environmental Regulation;
- (ii) Esperance Water Reserve Drinking Water Source Protection Plan and other plans associated with outlying Country Towns;
- (iii) the requirements of Statement of Planning Policy No. 2.7, *Public Drinking Water Source Policy*;
- (iv) The potential impact of the proposal on the quality of the water resource;
- (v) The practicability and cost of any ameliorative measures proposed for the protection of the resource;
- (vi) The existing level of protection of the resource provided, with reference to management of land and location of development;
- (vii) The nature, location and performance of any existing or proposed effluent disposal system;
- (viii) The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to manage run-off and drainage.
- (ix) For the purposes of this Scheme the groundwater reserves will be deemed to be as per the relevant Drinking Water Source Protection Plan and a wellhead protection zone of with a 500 metres radius around each production bore in a Priority 1 area and a 300 metres radius around each production bore in Priority 2 and Priority 3 and where a wellhead protection zone from a drinking water production bore in a Priority 1 area extends into a Priority 2 or Priority 3 area the wellhead protection zone will be generally circular with a 300m radius within the Priority 2 or Priority 3 area will apply unless the Department of Water and Environmental Regulation indicates otherwise.

(g) Referral of Applications

The local government may refer applications for Development Approval to the Department of Water and Environmental Regulation or any other agency or organisation it deems necessary and shall have due regard to any advice received.

AMD 2 GG 18/1/19

(h) Modification of Boundary

Upon finalisation of any Public Drinking Source Area within the Scheme Area by the Department of Water and Environmental Regulation, any realignment of the SCA 4 boundary will trigger a Basic Amendment.

5. SCA 5 – Wetlands of Significance and Lake Warden Recovery Catchment Special Control Area 5

(a) Purpose

The purpose of SCA 5 is to provide guidance for land use and development within the catchments of wetlands of significance (RAMSAR Wetlands).

(b) Objectives

The objectives of SCA 5 are to –

- (i) ensure that the use and development of affected land is compatible with and does not detrimentally affect the SCA 5 wetlands;
- (ii) encourage retention and planting of native vegetation and properly managed perennial pasture;
- (iii) encourage fencing and rehabilitation of creek lines; and
- (iv) discourage subdivision and intensification of development within the Priority 1 area of the Lake Warden catchment due to the risks posed by the shallow water table, flooding, nutrient pollution, domestic animal impact and risks to public health.

(c) Application Requirements

- (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.

AMD 1 GG 13/4/18, AMD 2 GG 18/1/19, AMD 8 GG 9/1/24

- (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).

AMD 1 GG 13/4/18

(d) Relevant Considerations

In addition to provisions of the Scheme, the local government in considering applications for rezoning, subdivision or Development Approval in SCA 5 is to have due regard to –

AMD 2 GG 18/1/19

- (i) results of scientific research conducted by Department of Biodiversity Conservation and Attractions regarding groundwater and surface water interactions within the Lake Warden Wetland System and recommendations for management of the priority areas;

- (ii) guidelines of the Environmental Protection Authority for protection of the environment including but not limited to maintenance of water quality;
- (iii) guidelines of the Department of Water and Environmental Regulation for protection of wetlands and waterways including but not limited to maintenance of water quality;
- (iv) the potential for adverse environmental impacts and the management of such potential impacts; and
- (v) There is a general presumption against subdivision within the Priority 1 area of the Lake Warden catchment except where a structure plan applies;

and shall determine applications for Development Approval accordingly.

AMD 2 GG 18/1/19

(e) Referral of Applications

- (i) Except within the Priority 1 area of the Lake Warden catchment the Local Government will refer applications for Development Approval (except for Agriculture – Extensive, Single House and other related incidental uses) to the 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. *AMD 2 GG 18/1/19*
- (ii) Within the Priority 1 area of the Lake Warden catchment the Local Government will refer applications for Development Approval (except for Single House and other related incidental uses) to the 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. *AMD 2 GG 18/1/19*
- (iii) The keeping of horses on lots of less than 4ha (or equivalent stocking rates of other animals) within SCA 5 will be refused or referred to the Department of Biodiversity Conservation and Attractions for comment and subsequent determination by the Local Government.

6. SCA 6 – Brazier Street Industry Special Control Area 6

(a) Purpose

The purpose of SCA 6 is to provide guidance for land use and development within the area affected by proximity to the bulk fuel tank storage facilities, grain handling facilities, fertiliser plant, the Water Corporation wastewater treatment plant, railway line and the Shire depot.

(b) Objectives

The objectives for SCA 6 are to –

- (i) avoid increasing residential densities and other sensitive uses within the SCA until industrial uses that might affect the site have been relocated; and
- (ii) recommend that any new subdivision or development include notification on title of the proximity of the industrial uses which might adversely affect them.

AMD 2 GG 18/1/19

(c) Application Requirements

Despite any other provisions in this Scheme, Development Approval is required for development within Special Control Area 6.

AMD 2 GG 18/1/19

(d) Relevant considerations

In addition to provisions of the Scheme, the local government in considering applications for rezoning, subdivision or Development Approval in SCA 6 is to have due regard to –

AMD 8 GG 18/1/19

- (i) Statement of Planning Policy No. 4.1 *State Industrial Buffer Policy*;
- (ii) guidelines of the Environmental Protection Authority for protection of the environment including but not limited to emissions to the atmosphere and maintenance of water quality;
- (iii) guidelines for the assessment of risk;
- (iv) the *Environmental Protection (Noise) Regulations 1997* and use of noise mitigation measures within noise sensitive premises;
- (v) the potential for adverse environmental impacts and the management of such potential impacts;
- (vi) a general presumption against subdivision that would increase the construction of dwellings and other sensitive uses in SCA 6 until the industrial uses have been removed from the site or otherwise decommissioned; and
- (vii) a requirement for a notification on title for any new subdivision or development advising of the proximity of the industrial activities and the wastewater treatment plant.

AMD 2 GG 18/1/19

and shall determine applications for Development Approval accordingly.

AMD 2 GG 18/1/19

(e) Referral of Applications

- (i) The local government may refer applications for Development Approval to the Department of Water and Environmental Regulation or other applicable statutory agencies or authorities and the local government is to have due regard to advice received from the responsible authorities when determining applications.
- (ii) The local government may require the design and construction of any sensitive land use facilities in SCA 6 to include noise attenuation measures and mechanical ventilation to minimize the impacts from the industrial development and wastewater treatment plant upon the amenity of the premises.

AMD 2 GG 18/1/19

7. SCA 7 – Blue Haven and Second Beach Special Control Area 7

(a) Purpose

The purpose of Special Control Area 7 is to provide development control within the area shown on the scheme maps as SCA 7.

(b) Objective

The objectives of SCA 7 are to –

- (i) provide a high level of amenity in this visually sensitive coastal area;
- (ii) maintain suitable street setbacks to minimise impact on Twilight Beach Road;
- (iii) protect the vegetation corridor fronting Twilight Beach Road; and
- (iv) maintain the land for purely residential purposes.

(c) Application Requirements

Despite any other provisions of the Scheme Development Approval is required for all development.

AMD 2 GG 18/1/19

(d) General Development Requirements

In addition to other provisions of the Scheme, the local government in considering applications for rezoning, subdivision or Development Approval in SCA 7 is to have due regard to –

AMD 2 GG 18/1/19

- (i) Generally, within this area, no development will be permitted which, in the opinion of the local government; will be likely to endanger the visual amenity of Twilight Beach Road and the coastal views as seen from any lot or public place, and the ocean.
- (ii) No land shall be cleared, (other than for construction of buildings), filled or excavated without the prior permission of the local government in accordance with Part 7 of *Planning and Development (Local Planning Schemes) Regulations 2015*. An application for such permission shall include a statement as to the measures that will be taken to prevent wind and water erosion and a plan showing the proposed landscaping, including the design and location of pathways and driveways.
- (iii) The local government will encourage rear access to properties instead of direct access onto Twilight Beach Road. In no case shall permission be given for vehicular access across public open space or a PAW.
- (iv) The local government may also determine a landscape protection area within the setback to Twilight Beach Road.
- (v) No fencing shall be erected without the prior permission of the local government, in accordance with Part 7 of *Planning and Development (Local Planning Schemes) Regulations 2015*. The local government will consider the use of materials, colour and height of the fence in an attempt to ensure that such structures blend into the landscape.
- (vi) The local government will not permit the erection of sheds or other buildings between a house erected on the lot and any road except in the case of a corner lot or a lot with dual street frontages where the local government may permit such a building to be built between the residence and any road other than Twilight Beach Road.
- (vii) The local government will expect any residential development, sheds or outbuildings to be constructed of materials that will not be intrusive or draw attention, with the use of light colours or shiny surfaces to be avoided.

- (viii) Where setbacks under these provisions can be varied, the local government when exercising its discretion, shall give consideration to the following –
- i. existing vegetation and its retention;
 - ii. views from outlooks and Twilight Beach Road;
 - iii. difficult topography;
 - iv. if the lot has a street frontage and/or the site area is less than is specified in the Codes;
 - v. if the reduced setbacks will result in an improvement to the visual amenity of the area from Twilight Beach Road or adjoining properties; and
 - vi. any other relevant matters.
- (ix) Where the subject lot is affected by Clause 4 of Schedule 2 – Public Drinking Water Source Protection Areas - Special Control Area 4 and Clause 7 of Schedule 2 - Blue Haven and Second Beach Special Control Area 7, the following minimum lot sizes for subdivision shall apply:
- i. In accordance with the Drinking Water Source Protection Areas, a minimum lot size of 1 hectare where the development is not proposed for connection to reticulated sewer.
 - ii. Otherwise a minimum lot size in accordance with the *Residential Design Codes* will apply subject to an Structure Plan being prepared and reticulated sewer being provided.

7.1 Special Control Area 7A

In addition to the general development requirements in clause 7(d) of Schedule 2, the following apply specifically to lots as indicated on the Scheme Map as SCA 7A –

- (i) Setbacks on these lots will be in accordance with requirements of R10 as specified in the Residential Design Codes.

7.2 Special Control Area 7B

In addition to the general development requirements in clause 7(d) of Schedule 2, the following apply specifically to lots as indicated on the Scheme Map as SCA7B –

(i) Front Setback

Minimum 20 metres, which may be averaged to an absolute minimum of 15 metres to the Twilight Beach Road boundary of the lot. Averaging will be in accordance with the methodology outlined in the Residential Design Codes.

(ii) Side Setbacks

Minimum of 10 metres. May be reduced to 3 metres at the local government's discretion.

(iii) Rear / Secondary Street Setback

Minimum of 10 metres from the boundary. May be reduced to 5 metres at the local government's discretion.

7.3 Special Control Area 7C

In addition to the general development requirements in clause 7(d) of Schedule 2, the following apply specifically to lots as indicated on the Scheme Map as SCA 7C –

(i) Front Setback

20 metres to 40 metres from the Twilight Beach Road boundary, at the discretion of the local government.

(ii) Side and Rear Setbacks

Minimum of 10 metres. May be reduced to 5 metres at the local government's discretion.

7.4 Special Control Area 7D

In addition to the general development requirements in clause 7(d) of Schedule 2, the following apply specifically to lots as indicated on the Scheme Map as SCA 7D –

(i) Front Setback

Minimum of 10 metres.

(ii) Side and Rear Setbacks

Minimum of 10 metres. May be reduced to 5 metres at the local government's discretion.

7.5 Special Control Area 7E

In addition to the general development requirements in clause 7(d) of Schedule 2, the following apply specifically to lots as indicated on the Scheme Map as SCA 7E –

(i) Front Setback

Minimum of 10 metres.

(ii) Side and Rear Setbacks

In accordance with requirements of R10 as specified in the Residential Design Codes.

7.6 Special Control Area 7F

In addition to the general development requirements in clause 7(d) of Schedule 2, the following apply specifically to lots as indicated on the Scheme Map as SCA 7F –

- (i) Prior to the subdivision of this land, a Structure Plan will be required to be prepared for the area and approved by the local government and the WAPC. The Structure Plan is to include road widening or the provision of a service road to limit access to Twilight Beach Road.

(ii) Front Setback

- i. Minimum of 7.5 metres to Twilight Beach Road;
- ii. Where fronting any road other than Twilight Beach Road, a minimum front setback of 7.5 metres applies unless otherwise varied under a Structure Plan.

(iii) Side and Rear Setbacks

In accordance with the requirements of R10 as specified in the Residential Design Codes unless otherwise assigned a different density under a Structure Plan.'

AMD 2 GG 18/1/19

8. SCA8 – Esperance Airport Special Control Area 8

(a) Purpose

- (i) The purpose of Special Control Area 8 is to provide guidance for land use and development control within the area shown on the Scheme Map as SCA 8.
- (ii) For the purpose of SCA 8, "development" shall include planting of trees and shrubs, a flagpole, antenna, aerial, tower, electricity transmission line, satellite dish, chimney, flue, smokestack or other similar structures.

(b) Objectives

The objectives for SCA 8 are to –

- (i) protect the continued operations of the Esperance Airport near Gibson and its existing and potential future flight paths;
- (ii) ensure that development and vegetation on and around the airport does not compromise the current and future operations of the airport;
- (iii) control the height of all vegetation and development to prevent obstacles from being constructed within areas that are subject to airport height restrictions;
- (iv) ensure that new development within the airport SCA is designed and constructed to mitigate any impact by noise;
- (v) generally, discourage subdivision and development to minimise the potential for sensitive land uses to be undertaken within the airport SCA and allow for future airport expansion; and
- (vi) ensure that development is in accordance with and does not compromise the objectives of the Esperance Airport Master Plan.

(c) Application Requirements

Despite any other provisions in the Scheme –

- (i) Development Approval is required for all land use and development within SCA 8A including the construction, extension or alteration of a single house or any other building or structure; and
AMD 2 GG 18/1/19
- (ii) within SCA 8B Development Approval is required for any proposed structure which will exceed 15 metres in height.
AMD 2 GG 18/1/19
- (iii) within SCA 8C Development Approval is required for all development (except Agriculture – Extensive).
AMD 2 GG 18/1/19
- (iv) 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).
GG AMD 1 /13/4/18

(d) Development Requirements

- (i) Any new dwelling, including the extension or alteration of an existing dwelling, shall be constructed so as to comply with design and construction –
 - i. noise attenuation measures contained in *Australian Standards AS2021-1994 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction* in accordance with the best available advice regarding existing and future Australian Noise Exposure Forecast criteria; and
 - ii. the height limitations associated with the Obstacle Limitation Surfaces.
- (ii) the local government may restrict the development of residential uses and occupation of other buildings that may be adversely affected by aircraft noise in accordance with the Australian Noise Exposure Forecast criteria as follows –
 - i. less than 20 ANEF is Acceptable for Development;
 - ii. 20 to 25 ANEF may be Conditionally Acceptable for Development; and
 - iii. greater than 25 ANEF is Unacceptable for Development.
- (iii) The local government may require any owner or occupier to remove any structure or vegetation which in the opinion of the airport manager or Civil Aviation Safety Authority exceeds the Obstacle Limitation Surface height.

(e) Relevant Considerations

- (i) The local government shall not grant approval to any development that compromises the purpose of the Esperance Airport Special Control Area.
- (ii) The local government shall not approve a dwelling including any alteration or extension on land contained within the greater than 25 ANEF contour line.
- (iii) The local government shall not approve any development that infringes upon the Esperance Airport Obstacle Limitation Surfaces (OLS).
- (iv) In considering any application for Development Approval, subdivision or scheme amendment, the local government shall have regard to –

AMD 2 GG 18/1/19

- i. objectives of the Esperance Airport Special Control Area 8;
- ii. advice from the Department of Transport and Civil Aviation Safety Authority;
- iii. potential impacts of the proposal on the current and future operations of the airport;
- iv. relevant ANEF contour information;
- v. *Australian Standards AS2021-1994 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*;
- vi. the Esperance Airport Obstacle Limitation Surfaces (OLS);
- vii. the Esperance Airport PANS-OPS protection surface; and

viii. the Esperance Airport Master Plan.

9. SCA9 – Coastal Erosion and Inundation Risk Special Control Area 9

(a) Purpose

The purpose of SCA9 is to provide guidance for land use and development within the potential coastal erosion and inundation risk area.

(b) Objective

The objective of SCA9 is to –

- (i) Ensure that development and use are made aware of potential coastal erosion and inundation risk.

(c) Application Requirements

- (i) 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.

AMD 2 GG 18/1/19, AMD 8 GG 9/1/24

(d) Relevant Considerations

In addition to the provisions of the Scheme, the local government in considering applications for rezoning, subdivision or Development Approval in SCA 9 is to have regard to –

- (i) Esperance Coastal Hazard and Vulnerability Assessment by BMT JFA Consultants;
AMD 2 GG 18/1/19
- (ii) Esperance Coastal Hazard Adaptation Strategy by BMT JFA Consultants; and
AMD 2 GG 18/1/19
- (iii) Statement of Planning Policy 2.6 State Coastal Planning Policy.
AMD 2 GG 18/1/19

and shall determine applications for Development Approval accordingly.

AMD 2 GG 18/1/19

(e) Development Requirements

- (i) A notification is to be placed on the Certificate of Title as a condition on its planning consent stating '*VULNERABLE COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years*'.
- (ii) New property titles (including strata titles) should warn of potential coastal erosion and inundation risk. This notification pursuant to Section 165 of the Planning and Development Act is to state '*VULNERABLE COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years*'

10. SCA 10 – Undeveloped Rural Area**(a) Purpose**

The purpose of SCA 10 is to provide guidance for land use and development within the undeveloped rural zoned areas of the Shire.

(b) Objectives

The objectives of SCA 10 is to –

- (i) provide for mining activity, low key eco-tourism uses, environmental conservation and agricultural land uses.

(c) Application Requirements

Despite any other provision of the Scheme Development Approval is required for all development. Land uses are to be assessed as follows: *AMD 2 GG 18/1/19*

(i) As P uses

Telecommunications infrastructure

(ii) As D uses

Mining Operations
Agriculture – Extensive
Agriculture – Intensive
Animal Husbandry – intensive
Holiday House
Repurposed dwelling
Single House
Second-hand dwelling
Winery
Workforce accommodation

(iii) As I uses

Industry

(iv) All other uses are to be read as X uses in Table No. 4**(d) Relevant Considerations**

In addition to provisions of the Scheme, the local government in considering applications for rezoning, subdivision or Development Approval in SCA 10 is to have due regard to – *AMD 2 GG 18/1/19*

- (i) results of scientific research conducted by Department of Biodiversity Conservation and Attractions, the Department of Primary Industries and Regional Development or other relevant authority; *AMD 2 GG 18/1/19*
- (ii) guidelines of the Environmental Protection Authority for protection of the environment including but not limited to maintenance of water quality;
- (iii) guidelines of the Department of Water and Environmental Regulation for protection of wetlands and waterways including but not limited to maintenance of water quality;

- (iv) the potential for adverse environmental impacts and the management of such potential impacts; and
- (v) Guidelines of the Commissioner of Soil and Land Conservation (WA) for the protection of landscapes including but not limited to maintenance of soils.

AMD 2 GG 18/1/19

and shall determine applications for Development Approval accordingly.

AMD 2 GG 18/1/19

(e) Development Requirements

- (i) Minimum lot sizes will be as per the Local Planning Strategy.
- (ii) Minimum setbacks to development will be 20m to all boundaries.
- (iii) The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by the Local Government and the Health Department of Western Australia.
- (iv) A potable water supply shall be provided to the satisfaction of the Local Government and in accordance with Clause 18 of Schedule 1 of the Scheme.
- (v) Power will be generated on site as there is no external service.

(f) Referral of Applications

- (i) Development application that require the clearing of native vegetation will be referred to the Department of Biodiversity Conservation and Attractions, the Commissioner of Soil and Land Conservation (WA) and 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.

AMD 2 GG 18/1/19

11. SCA 11 – Modified Sewage Sensitive Areas Special Control Area

- (a) The purpose of SCA 11 is to identify a Sewage Sensitive Area, consistent with the Analysis of Surficial Ground Water Landscapes and Hydrological Pathways linking the Ramsar Listed Lake Warden Wetlands (24 August 2018) by Tilo Massenbauer and as shown on the Scheme Map, that is in addition to the Sewage Sensitive Areas defined by State Policy.

(b) Objectives

The objectives of SCA 11 are to-

- (i) identify land that has been designated as a Sewage Sensitive Area;
- (ii) ensure that the development and use of land does not detrimentally impact on a Sewage Sensitive Area; and
- (iii) implement Scheme controls that are designed to mitigate any adverse effects on a Sewage Sensitive Area.

(c) Application Requirements

- (i) Despite any other provision of the Scheme development approval is required for all land use and development where on-site effluent disposal is proposed and connection to a reticulated sewerage system is not required.

(d) Development Requirements

- (i) Compliance with the State policy governing the provision of sewerage infrastructure and on-site sewage disposal as it relates to land use planning for Sewage Sensitive Areas.

Note: Government Sewerage Policy will be superseded by updated State Planning Policy 2.9 – Planning for Water

- (ii) 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.

Note: The report referenced in clause 11. (a) can be found in the Shire's Electronic document and records management system – Ref: D18/20641.

AMD 7 18/1/2022

Schedule 3 - Additional Uses

[cl. 19]

No.	Location	Base Zone	Additional Use(s)	Development Standards/Conditions
A1	Esperance Loc East 22, Lot 20, Daw Drive to Kent Place, Bandy Creek	Rural Residential	As a 'D' use: <ul style="list-style-type: none">Restaurant/Cafe	Trade access via Kent Place is denied.
A2	Lots 247 & 248 Daphne Street and Lot 336 Nugent Street, Castletown	<i>DELETED BY AMD 4 GG 09/07/19</i>		
A3	Lot 83 cnr Fisheries Road, Windabout Way and Lalor Drive, Windabout	<i>DELETED BY AMD 7 GG 18/1/2022</i>		
A4	Lot 82 Coolgardie- Esperance Highway, Grass Patch	Rural Townsite	As an 'A' use: <ul style="list-style-type: none">Motor Vehicle Repair	<ol style="list-style-type: none"> The local government may approve a reduction in the front setback to zero where it is consistent with the setback for building/s fronting the Coolgardie-Esperance Highway. Mechanical repair of vehicles, plant, and equipment does not permit the recapping or retreading of tyres, panel beating, spray painting, or chassis reshaping.
A5	<u>Hellfire Art Gallery</u> Lot 2 Tyrrell Rd, Merivale	Rural	As a 'D' use: <ul style="list-style-type: none">Art GalleryRestaurant/CafeExhibition CentreShop	<ol style="list-style-type: none"> No additional development shall be permitted or undertaken unless Development Approval has been granted by the local government having regard for site limitations pertaining to parking and on-site effluent disposal. <i>AMD 2 GG 18/1/19</i> The Shop is not to have a net Floor Area in excess of 50m².
A6	Lots 1 – 8, 5 – 8, 50, 104 and 502 Emily Street, Lots 11, 12, 105, 16, 31 -35, 2, 154, 155, 38, 39, 3, 41, 1, 2, 95 – 102, 544, 545, SL1 – 4, 125 – 129, 1, 222, 223 Dempster Street, Lots 1, 3 – 7, 157, 156, 50, 52, 53 Taylor Street, Lots 1 – 5, 23, 24, 9, 3, 2, 16, 537, 536,	Residential	As a 'D' use: <ul style="list-style-type: none">Art Gallery <i>AMD 2 GG 18/1/19</i>CabinCar ParkChaletConsulting Room <i>AMD 7 GG 18/1/22</i>Convenience StoreExhibition CentreHoliday House <i>AMD 2 GG 18/1/19</i>Medical Centre	<ol style="list-style-type: none"> Where access to a laneway is available, prior to commencement of development arrangements shall be put in place for any land needed to widen the laneway to six (6) metres to be granted to the local government free of cost. In any case the maximum amount of land to be ceded from one side of the laneway will be one (1) metre. Subdivision of lots abutting a

Additional Uses

No.	Location	Base Zone	Additional Use(s)	Development Standards/Conditions
	153, 152, 12, 12, 20, SL 1 – 8, 5, 217, 530, 922, 85 – 88, 92, 1, 5, 4 114 – 120 The Esplanade, Lot 21 William Street, Lots 3, 885, 886 Kemp Street, Lot 2 Brazier Street, Strata Lots 1 – 3 Balfour Street. Lot 1, 2, 31, 32, 60, 63 Dempster Street, Lots 158, 160-162 Taylor Street, Esperance <i>AMD 8 GG 9/1/2024</i>		<ul style="list-style-type: none"> Office <i>AMD 2 GG 18/1/19</i> Restaurant/ Café Small Bar <p>As an 'A' use:</p> <ul style="list-style-type: none"> Amusement Parlour Caravan Park Club Premises Fast Food Outlet Holiday Accommodation <i>AMD 2 GG 18/1/19</i> Hotel Lunch Bar Nightclub Reception Centre Serviced Apartment Shop Tavern Tourist Development <p>As an 'I' use:</p> <ul style="list-style-type: none"> Caretakers Dwelling 	<p>laneway that is less than six (6) metres wide will not be permitted where the laneway is the only access.</p> <p>4. The local government may approve a combination of tourist accommodation and permanent residential accommodation on the same site.</p> <p>5. Where Strata Titling is proposed, appropriate management arrangements are in place, via a management statement, including a maximum length of stay provision of three months in any twelve month period applied to the tourism accommodation component on all developments.</p> <p>6. 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; <i>AMD 1 GG 13/4/18</i></p> <p>(b) Existing and proposed dwellings shall be connected to reticulated sewerage system, prior to occupation of new development.</p> <p>(c) The difference in natural ground levels within the site and adjacent land will not result in excessive bulk, visual privacy or overlooking problems and will not require excessively high retaining walls.</p> <p>7. Setbacks, subject to subclause 1 will be –</p> <p>(a) side setback of 0 metres;</p> <p>(b) rear setback of 0 metres;</p> <p>(c) front setback of 4 metres for the residential development; and</p> <p>(d) front setback of 0 metres for non-residential development.</p>
A7	Lots 118 – 120, 156 – 163 Ralston Street, Lot 150 Overheu Street, Lots 93 – 99 Sutcliffe Street, Condingup	Rural Residential	<p>As an 'A' use:</p> <ul style="list-style-type: none"> Educational Establishment Home Store Place of Worship Restaurant/Cafe 	As determined by the local government.

Additional Uses

No.	Location	Base Zone	Additional Use(s)	Development Standards/Conditions
A8	Lot 5 Downes Street, Pink Lake	<i>DELETED BY AMD 7 GG 18/1/2022</i>		
A9	Lot 11 Sims Street, Chadwick	General Industry	As a 'P' use: <ul style="list-style-type: none"> Office 	As determined by the local government.
A10	Lot 32 Orana Drive, Myrup	Rural Residential	As a 'D' use: <ul style="list-style-type: none"> Educational Establishment As an 'A' use: <ul style="list-style-type: none"> Reception Centre 	As determined by the local government.
A11	Lot 290 Mills Place, West Beach	Mixed Use	As a 'D' use: <ul style="list-style-type: none"> Holiday Accommodation Holiday House Single House 	Holiday Accommodation is to comply with the density of R20.
A12	Lot 408 Yallambee Road, Myrup	Rural	As a 'D' use: <ul style="list-style-type: none"> Shop 	The shop is not to have a net Floor Area in excess of 36m ² .
A13	Lot 808 Corry Street, Esperance	Residential	As a 'D' use: <ul style="list-style-type: none"> Medical Centre 	The number of health practitioners is not to exceed 3.
A14	Lot 1 Fisheries Road, Myrup	Rural	As a 'D' use: <ul style="list-style-type: none"> Shop 	The shop is not to have a net Floor Area in excess of 45m ² .
A15	Portion Lot 35 Merivale Road, Myrup <i>AMD 1 GG 13/4/18</i> <i>AMD 2 GG 18/1/19</i>	Rural	As a 'D' use: <ul style="list-style-type: none"> Shop 	The shop is not to have a net Floor Area in excess of 150m ² .
A16	Portion Lot 770 Spencer Road, Pink Lake <i>AMD 7 GG 18/1/2022</i>	Rural Residential	As a 'D' use: <ul style="list-style-type: none"> Shop Restaurant/cafe 	The shop is not to have a net Floor Area in excess of 150m ² .
A17	Portion Lot 105 Pink Lake Road, Nulsen and Lot 104 Rowse Street, Nulsen (Lot 104 on DP 32089) <i>AMD 8 GG 9/1/24</i>	Tourism	As a 'D' use: <ul style="list-style-type: none"> Grouped Dwelling Special Purpose Dwelling Workforce accommodation As an 'A' use: <ul style="list-style-type: none"> Aged Care Facility 	<ol style="list-style-type: none"> A density of R60 applies to the development of a grouped dwelling or special purpose dwelling. The aged care facility is not to have a plot ratio exceeding 1.0 <i>AMD 8 GG 9/1/24.</i>

Additional Uses

No.	Location	Base Zone	Additional Use(s)	Development Standards/Conditions
A18	Lots 421 and 422 Pink Lake Road, Nulsen	Local Centre	As a 'D' use: <ul style="list-style-type: none"> Single House 	<ol style="list-style-type: none"> A density of R20 applies. Residential development is to be in accordance with the R-Codes. <p><i>AMD 4 GG 09/07/19</i></p>
A19	Lots 15, 53 and portion of Lot 20 Daw Drive, Bandy Creek	Residential	As a 'D' use: <ul style="list-style-type: none"> Caravan park As an 'A' use: <ul style="list-style-type: none"> Holiday accommodation Tourist development 	<ol style="list-style-type: none"> Development is restricted to lots of 2000m² or greater Development is subject to the controls of the Tourism zone
A20	Lot 1 Dempster Street, Esperance <i>AMD 2 GG 18/1/19</i>	Residential	As a 'D' use: <ul style="list-style-type: none"> Shop Reception Centre As an 'I' use: <ul style="list-style-type: none"> Restaurant/cafe 	<ol style="list-style-type: none"> The shop is not to have a net Floor Area in excess of 44m². The Restaurant/cafe use is incidental to the Shop. The additional uses are not permitted to cause, require or result in permanent works on the site.
A21	Lot 307 Goldfields Road, Castletown <i>AMD 4 GG 09/07/19</i>	Residential	As a 'D' use: <ul style="list-style-type: none"> Shop Restaurant 	As determined by the local government.
A22	Lot 106 Pink Lake Road, Nulsen <i>AMD 4 GG 09/07/19</i>	Residential	As an 'A' use: <ul style="list-style-type: none"> Tourist development 	Development is subject to the controls of the Tourism zone.
A23	Lot 2 Pink Lake Road, Pink Lake <i>AMD 7 GG 18/1/2022</i> <i>AMD 8 GG 9/1/2024</i>	Rural Residential	As a 'D' use: <ul style="list-style-type: none"> Home Store Restaurant/Café Reception Centre Educational Establishment 	As determined by the local government
A24	Lot 12 and 13 Warden Road, Chadwick <i>AMD 7 GG 18/1/2022</i>	Rural Residential	As an 'A' use: <ul style="list-style-type: none"> Community Purpose 	As determined by the local government.
A25	Lots 1, 27, 29, 41- 44 and 63 Shark Lake Road Monjingup. <i>AMD 7 GG 18/1/2022</i>	Rural Residential	On Lot 63 Shark Lake Road only, as a 'D' use: <ul style="list-style-type: none"> Grouped dwelling On all lots as an 'A' use: <ul style="list-style-type: none"> Workforce accommodation 	The number of Grouped Dwellings on Lot 63 Shark Lake Road shall not exceed two (excluding an ancillary dwelling).

Additional Uses

No.	Location	Base Zone	Additional Use(s)	Development Standards/Conditions
A26	Lot 905 Goldfields Road, Castletown <i>AMD 8 GG 9/1/2024</i>	Residential	As a 'D' Use <ul style="list-style-type: none"> Holiday Accommodation 	As determined by the local government
A27	Lots 29, 537 Mitchell Street, Lots 25-28 Westmacott Street Castletown <i>AMD 8 GG 9/1/2024</i>	Residential	As a 'D' Use <ul style="list-style-type: none"> Caravan Park 	As determined by the local government
A28	Lot 2 William Street, Esperance <i>AMD 8 GG 9/1/2024</i>	Residential	As a 'D' use <ul style="list-style-type: none"> 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-Phyllis Street, Lots 239-242 Daphne Street, Castletown <i>AMD 8 GG 9/1/2024</i>	Residential	As a 'D' use <ul style="list-style-type: none"> Holiday Accommodation Tourist Accommodation 	<p>1. The residential density may 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>
A30	Lot 165 (23) Norseman Road, Castletown <i>AMD 8 GG 9/1/2024</i>	Light Industry	As a 'D' use: <ul style="list-style-type: none"> Office 	As determined by the local government
A31	Lots 70-74 The Esplanade, Esperance <i>AMD 9 GG 23/2/24</i>	Commercial	As a 'D' use <ul style="list-style-type: none"> Single house 	As determined by the Local Government
A32	Lot 174 Merivale Road, Merivale <i>AMD 9 GG 23/2/24</i>	Commercial	As a 'P' use <ul style="list-style-type: none"> Brewery As a 'D' use Caravan Park Holiday Accommodation 	<p>1. The shop is not to have a Net Floor Area in excess of 150m².</p> <p>2. All development shall be setback a minimum of 10 metres from Merivale Road.</p>

Additional Uses

No.	Location	Base Zone	Additional Use(s)	Development Standards/Conditions
			<ul style="list-style-type: none">• Restaurant/Café As a 'I' use <ul style="list-style-type: none">• Shop	<p>3. A BAL Rating of BAL 29 or less is to be achieved for all development.</p> <p>4. Any application for development approval is to be accompanied with an associated fire management plan.</p>

Schedule 4 - Restricted Uses

[cl. 20]

No.	Description of land	Restricted use	Conditions
R1	Lot 37 Fisheries Road, Castletown	<p>As a 'D' use:</p> <ul style="list-style-type: none"> • Earthmoving Equipment – Depot for • Industry – Light • Transport Depot • Warehouse/storage 	<ol style="list-style-type: none"> 1. Development is to be in accordance with the approved Local Development Plan Ref: 16067-3. 2. No development contrary to point 1. will be permitted until such time as a new Local Development Plan has been prepared and approved in accordance with the relevant provisions of Part 6 - Local Development Plans in Schedule 2 - Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015. 3. In addition to the requirements set out under clause 48(1)(c) in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, any new Local Development Plan should set out the following information: <ol style="list-style-type: none"> i. a storage unit facility in the eastern portion of the Lot to act as a noise buffer prior to operating the site as a depot, with a requirement that it is to be registered as a restrictive covenant on the title of the lot, pursuant to section 129BA of the Transfer of Land Act 1893; ii. marking of setbacks required for each type of vehicle and machine.
R2	<p>Lot 2 Cascade Road, Lot 3 River Road, Cascade, Lot 1691 Grass Patch Road, Lort River</p> <p>Lot 1 Willis Street, Grass Patch, Lot 15 Harbour Road, Lot 502 South Coast Highway, Chadwick.</p> <p>AMD 2 GG 18/1/19</p>	<p>As a 'D' use:</p> <ul style="list-style-type: none"> • Warehouse/storage • Workforce Accommodation <p>As a 'I' use:</p> <ul style="list-style-type: none"> • Office 	<ol style="list-style-type: none"> 1. Development is to be in accordance with Schedule 6 with the exception of Minimum Car Spaces (Space/ Sq. Metre). 2. Development is to be in accordance with Schedule 7.

No.	Description of land	Restricted use	Conditions
R3	Mardabilla Location 2 Point Malcolm Road, Israelite Bay	As an 'A' use: <ul style="list-style-type: none"> • Agriculture - Intensive • Caretaker's dwelling • Dwelling • Holiday accommodation • Tourist development 	<ol style="list-style-type: none"> 1. All tourist related development (Holiday accommodation or Tourist development) is to be of a scale and design commensurate to eco – tourism. 2. Agriculture – Intensive uses will be limited to the area of the site east of the historic homestead. 3. The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by the Local Government and the Health Department of Western Australia. 4. A potable water supply shall be provided to the satisfaction of the Local Government and in accordance with Clause 18 of Schedule 1 of the Scheme. 5. Power will be generated on site as there is no external service to the lot. 6. All applications for Development Approval will be forwarded to the Department of Biodiversity Conservation and Attractions for comment. <i>AMD 2 GG 18/1/19</i>

Schedule 5 - Special Uses

[cl. 21]

No.	Description of land	Special use	Conditions
SU1	<u>Historic Wireless Hill OTC Site</u> Part former Wireless Station Site being Lot 1 on Deposited Plan 40225	As a 'D' use: <ul style="list-style-type: none"> • Art Gallery • Bed and Breakfast • Single House • Holiday House As an 'A' use: <ul style="list-style-type: none"> • Restaurant/cafe 	a) The 3000m ² site to be maintained to protect its cultural heritage significance as a former OTC site. b) Future use of the site is to demonstrate due regard to its heritage significance and the restrictive covenant on its title. c) Restrictive covenant to be retained on title to ensure that there is no erection, demolition or alteration of any part of the existing buildings nor any clearing of land or advertising signs placed on Lot 1 without prior written approval of the Shire of Esperance. This does not preclude a new restrictive covenant being prepared to reflect more appropriate arrangements for development.
SU2	<u>Shark Lake Abattoirs</u> Lot 21 Coolgardie – Esperance Highway, Myrup	As a 'D' use: <ul style="list-style-type: none"> • Abattoir (and incidental uses) 	a) Site may continue to be used as an abattoir and may include associated stockholding yards subject to continuing approvals as required by the Department of Water and Environmental Regulation and the local government.
SU3	Lot(s) 203, 204, 205 and 206 Orleans Bay Road, Condingup AMD 6 GG 30/03/2021	As a 'D' use: <ul style="list-style-type: none"> • Tourist Development • Caravan Park • Restaurant/Café • Single House (Managers Residence) • Recreation - Private 	1. Objectives The objectives of the zone are to: <ul style="list-style-type: none"> (i) provide for high quality short-term accommodation to complement the Duke of Orleans Bay Caravan Park; (ii) ensure all development is compatible with its rural and natural landscape setting; (iii) ensure development does not compromise the role and function of the Condingup townsite; and (iv) ensure that infrastructure and development is co-ordinated and does not result in fragmented development, ownership or management arrangements. 2. General <ul style="list-style-type: none"> (i) Aside from the manager's residence, occupation of the site is to be for tourism purposes only, limited to short-term accommodation (being no more than 3 months occupation in any 12-month period).

No.	Description of land	Special use	Conditions
			<p>3. Subdivision</p> <p>(i) Strata titling of the development shall be subject to the establishment of by-laws for ongoing management and implementation, which shall address the following to the satisfaction of the responsible authority:</p> <ul style="list-style-type: none"> a. Implementation of an approved local development plan; b. Provision for a full-time manager residing on site; c. Ongoing management of common property, including bushfire management d. provision of a potable water supply; e. Wastewater disposal in accordance with State policy; f. Staging of development to be coordinated with harvesting and lease arrangements relating to the blue gum plantation; g. Any Building Designs, Materials and Colour as set out in condition 6; and h. Occupation and management of accommodation and its availability. <p>(ii) Where strata titling of the site is proposed, the caravan park is to remain on a single land title.</p> <p>4. Infrastructure</p> <p>The following servicing and infrastructure is to be provided to the satisfaction of the relevant decision-maker:</p> <ul style="list-style-type: none"> (i) Wastewater disposal in accordance with State policy; (ii) A potable water supply; and (iii) Electricity supply and upgrades as necessary. <p>5. Concept Plan and Development Approval</p> <p>(i) Development shall generally be in accordance with a concept plan, or any variation to that plan approved by Council and shall incorporate the following:</p> <ul style="list-style-type: none"> • All fire breaks between the

No.	Description of land	Special use	Conditions
			<p>tourist development and adjoining uses;</p> <ul style="list-style-type: none"> Any buffers required from the adjoining blue gum plantation and rural land; If the development is to be staged, the identification of the lots to be developed in each stage. <p>(ii) All development shall be subject to development approval.</p> <p>(iii) Only one single house may be permitted on the site. This dwelling is for the exclusive occupation of the manager of the tourist accommodation, including a partner and/or dependents.</p> <p>(iv) All buildings and infrastructure shall be set back a minimum of 20 metres from Orleans Bay Road and Crown Reserve 41097 unless otherwise determined by the Local Government, in order to reflect current guidelines and codes of practice in relation to bush fire management and buffer setbacks from rural land uses.</p> <p>6. Building Designs, Materials and Colour</p> <p>(i) Dwellings, outbuildings and structures associated with the use of the land shall be designed and constructed of materials which allow them to blend into the landscape of the site;</p> <p>(ii) No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket unless otherwise determined by the Local Government. Preferred fencing shall be of rural construction (post and strand); and</p> <p>(iii) Development of the site is to address its location in a rural setting with siting and landscaping to limit visual impact of development on landscape values which may be demonstrated through a landscape plan.</p> <p>7. Bushfire Management</p> <p>Prior to subdivision or development, a Bushfire Management Plan and Emergency Evacuation Plan is to be prepared in accordance with State Planning Policy 3.7 and Guidelines for Planning in Bushfire Prone Areas, to the</p>

No.	Description of land	Special use	Conditions
			<p>satisfaction of the local government.</p> <p>8. Notification of Prospective Owners</p> <p>(i) Provision shall be made to the Local Government's satisfaction to ensure prospective purchasers of land within Special Use SU3 are given a copy of these conditions prior to entering into an agreement to acquire any property.</p> <p>(ii) Notifications to be incorporated onto all titles advising land owners and their successors of the existing blue gum plantation on the adjoining land and that in future there may be other agricultural uses developed in the surrounding area and that the plantation or other uses may impact on the amenity of the tourist development.</p>
SU4	<p><u>Myrup Fly-in Estate</u> Lot 900 corner of Fisheries and Merivale Roads, Myrup</p>	<p>As a 'D' use:</p> <ul style="list-style-type: none"> • Airfield • Club Premises • Educational Establishment • Fuel Depot • Holiday House • Holiday Accommodation • Home Occupation • Recreation – Private • Telecommunications Infrastructure • Single House 	<p>1.0 Subdivision and Development Guide Plan</p> <p>1.1 Subdivision shall be generally in accordance with the Subdivision and Development Guide Plan adopted by Council and signed by the Chief Executive Officer.</p> <p>1.2 Minor variations to the subdivision design may be approved by Council and the Western Australian Planning Commission but further subdivision of the lots created shall not be permitted.</p> <p>1.3 Development shall generally be in accordance with the Subdivision and Development Guide Plan adopted by Council and signed by the Chief Executive Officer.</p> <p>1.4 Minor variations to the development standards of the Subdivision and Development Guide Plan may be approved by the local government subject to clause 3.0 Land Use and clause 64 of the deemed provisions' AMD 2 GG 18/1/19</p> <p>2.0 Objective of the Zone</p> <p>2.1 To provide for an Airfield and aircraft related operations including a "Fly-in Estate" to provide for all aspects of flying including residential development alongside aircraft storage, student flying training, charter flying, scenic tour flying, flying for sport, gliding, ultra-lights, short term accommodation for flying patrons and small aircraft maintenance and repair associated with</p>

No.	Description of land	Special use	Conditions
			<p>the land use and environmental management controls to protect the subject land and adjoining Mullet Lake Nature Reserve.</p> <p>3.0 Land Use</p> <p>3.1 Incidental activities which are consistent with the objective of this Special Use may be considered by the Local Government.</p> <p>3.2 Any proposals which may have an impact on groundwater quality will be referred to the Department of Water and Environmental Regulation for comment, prior to determination by the Local Government.</p> <p>4.0 Location of Buildings and Structures</p> <p>4.1 Setbacks for buildings and structures on residential lots shall be as determined by the R5 code of the Residential Design Codes of Western Australia.</p> <p>4.2 All other setbacks shall be determined by the Local Government in accordance with the Subdivision and Development Guide Plan.</p> <p>4.3 Notwithstanding the above, aircraft hangars may be approved with a nil setback on all lots adjacent to taxiways subject to compliance with the Building Code of Australia.</p> <p>4.4 No development is permitted on land north east of Runway 32 – 14.</p> <p>5.0 Building Design, Materials and Colour</p> <p>5.1 Dwellings and outbuildings shall be designed and constructed of materials which complement the character of the area.</p> <p>6.0 Vegetation Protection and Revegetation</p> <p>6.1 No clearing of vegetation shall occur except for:</p> <ul style="list-style-type: none"> • Clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended) and Fire Management Plan; • Clearing as may reasonable be required to construct an approved structure;

No.	Description of land	Special use	Conditions
			<ul style="list-style-type: none"> • Trees which are dead, diseased or dangerous; • Clearing to gain vehicular access to an approved structure or any other clearing which may be approved by the Local Government; and • Clearing to give effect to the adopted Subdivision and Development Guide Plan. <p>6.2 Revegetation of the Fly-in Estate including residential lots with native species is encouraged subject to fire management requirements.</p> <p>7.0 Water Supply</p> <p>7.1 Each dwelling and any holiday accommodation shall be provided with a water tank with a minimum capacity of 120,000 litres.</p> <p>8.0 Effluent Disposal</p> <p>8.1 On site effluent disposal shall be the responsibility of the individual landowners.</p> <p>8.2 The Local Government shall require the use of approved Alternative Aerobic Treatment Unit Systems (ATU's).</p> <p>9.0 Bush Fire Management</p> <p>9.1 A Fire Management Plan shall be prepared, prior to development or subdivision into survey strata lots, in consultation with and to the satisfaction of the Shire of Esperance, Quarry Road Local Bush Fire Brigade and Fire and Emergency Services Authority and other relevant bodies, as considered by the Local Government or Statutory Authorities. The Fire Management Plan shall be reviewed on an annual basis in consultation with the Shire of Esperance and Quarry Road Local Bush Fire Brigade. The Fire Management Plan shall include fire fighting measures to be implemented on site including the provision of fire fighting equipment including water supply, fire breaks and annual fire fighting training with the local Bush Fire Brigade. The Shire of Esperance and Quarry Road Local Bushfire Brigade shall be provided with an up-to-date Fire Management Plan annually.</p>

No.	Description of land	Special use	Conditions
			<p>9.2 The subdivision shall be designed in accordance with State Planning Policy 3.7 Planning for Bushfire Risk Management.</p> <p>9.3 The Local Government will require the Western Australian Planning Commission to impose conditions at the time of subdivision of the land into survey strata lots requiring the preparation and implementation of a Fire Management Plan for the subject land, including but not limited to the provision of a reliable water supply for fire fighting purposes.</p> <p>10.0 Conditions of Subdivision</p> <p>10.1 Provision shall be made to the Local Government's satisfaction to ensure that prospective purchasers and occupiers of land within SU4 are provided with a copy of these Special Use SU4 Provisions prior to entering into an agreement to acquire any property.</p> <p>11.0 Application for Development Approval</p> <p>11.1 All development within SU4 shall require Development Approval. <i>AMD 2 GG 18/1/19</i></p> <p>11.2 Where development involves the maintenance and repair of aircraft, the Local Government may require as a condition of Development Approval, the provision of appropriate grease and oil traps for the storage and offsite disposal of oils. <i>AMD 2 GG 18/1/19</i></p> <p>12.0 Mosquito Nuisance</p> <p>12.1 Notification in the form of a memorial shall be registered against the Certificate of Title of all residential lots created within SU4 advising of the existence of a hazard or other factor affecting the use or enjoyment of the land. The memorial is to state as follows:</p> <p>This lot is in close proximity to mosquito breeding areas. The mosquito species is known to carry Ross River Virus and other diseases.</p>

No.	Description of land	Special use	Conditions
			<p>13.0 Aboriginal Heritage</p> <p>13.1 Consultation with responsible Aboriginal representative organisations, including the Goldfields Land and Sea Council shall be undertaken prior to development or subdivision into survey strata lots.</p> <p>14.0 Aviation</p> <p>14.1 The airfield facility and activities shall comply with all relevant regulations and guidelines of any Statutory Authority with regard to aviation operations and safety procedures.</p> <p>15.0 Environmental Conditions</p> <p>15.1 Vegetation</p> <p>15.1.1 The proponent will develop a Vegetation Management Plan prior to development or subdivision into survey strata lots which will include:</p> <ul style="list-style-type: none"> • No clearing of land to the north –east of runway 32-14; • Weed control; • Fire Management; • Exclusion of stock; and <p>Any other factors considered relevant by the Local Government.</p> <p>15.1.2 The Vegetation Management Plan shall be prepared prior to development or subdivision into survey strata lots, in consultation with and to the satisfaction of the Shire of Esperance and Department of Biodiversity Conservation and Attractions and other relevant bodies, as considered appropriate by the Local Government or Statutory Authorities. The Vegetation Management Plan shall be reviewed on a bi-annual basis in consultation with the Shire of Esperance and Department of Biodiversity Conservation and Attractions.</p> <p>15.2 Local Water Management Strategy</p> <p>15.2.1 The proponent shall develop a Local Water Management Strategy prior to development or subdivision into survey strata lots.</p>

No.	Description of land	Special use	Conditions
			<p>15.2.2 The Local Water Management Strategy shall be prepared in consultation with and to the satisfaction of the Shire of Esperance, the Department of Water and Environmental Regulation and other relevant bodies, as considered by the Local Government or Statutory Authorities. The Local Water Management Strategy shall be reviewed on a bi-annual basis in consultation with the Shire of Esperance and Department of Water and Environmental Regulation.</p> <p>15.2.3 The Local Water Management Strategy shall address potential impacts, monitoring and management issues relating to wetlands and waterways, flood risk, groundwater and surface water quality, drainage and nutrient management, landscaping and revegetation, effluent disposal and storm water management and any other factors considered relevant by Local Government or Statutory Authorities.</p> <p>15.2.4 The proponent will develop a Fuel Spill Action Plan prior to development or subdivision into survey strata lots to minimise the occurrence of fuel spills and to ensure that if there is a fuel spill, clean up is immediate and there will be no resulting environmental impact on the site or on the adjacent wetlands.</p> <p>15.2.5 The proponent will develop Waste Oil Disposal Plan prior to development or subdivision into survey strata lots to ensure all workshop waste oil is disposed of appropriately off site.</p> <p>15.3 Noise</p> <p>15.3.1 The proponent will develop a Noise Management Plan prior to development or subdivision into survey strata lots. The Noise Management Plan shall address measures for the monitoring and management of noise including number of flight take-offs and landings, special procedures for airfield operation, flight circuits, special events, recording and monitoring of noise related complaints and monitoring, management and minimising impact on birds and nearby residences and any other factors considered relevant by the Local Government or Statutory Authorities.</p>

No.	Description of land	Special use	Conditions
			<p>15.3.2 The Noise Management Plan shall be prepared in consultation with and to the satisfaction of the Shire of Esperance, Department of Water and Environmental Regulation, Air Services Australia and other relevant bodies, as considered by the Local Government or Statutory Authorities. The Noise Management Plan shall be reviewed on a bi-annual basis in consultation with the Shire of Esperance, Department of Water and Environmental Regulation and Air Services Australia.</p> <p>15.3.3 No aircraft larger than 5700kg shall operate from the Myrup Fly-in Estate.</p> <p>15.3.4 Measures may be implemented as part of the Noise Management Plan to avoid flights over residential areas. <i>AMD 7 GG 18/1/2022</i></p> <p>15.3.5 The annual number of flights (take-offs and landings of all types) shall be recorded by the operators of the Myrup Fly-In Estate and submitted to the Local Government annually. The annual average weekly number of flights shall not exceed 100 flights. The number of flights in any seven day period shall not exceed 150 flights.</p> <p>15.3.6 The number of daily flights shall not exceed 40 flights unless where part of a 'Special Event' as approved by the Local Government or for emergency purposes.</p> <p>15.3.7 Written permission from the the Local Government shall be sought a minimum of 21 days prior to any 'Special Event' (such as Air Rally or as deemed a Special Event by the Local Government). The Local Government may request details of the 'Special Event' as it sees fit including but not limited to management plans and hours of operation. The Local Government may require the Myrup Fly-In Estate notify the local community of any 'Special Event'.</p> <p>15.4 Environmental Management</p> <p>15.4.1 The proponent and future occupiers/owners of Myrup Fly-In Estate and/or of survey strata lots are responsible for environmental management on the site.</p>

No.	Description of land	Special use	Conditions
SU5	<u>Duke of Orleans</u> <u>Caravan Park</u> Lot 6 Wharton Road, Condingup AMD 4 GG 09/07/19	As a 'D' use: <ul style="list-style-type: none"> Caravan Park Park home park AMD 2 GG 18/1/19 Single House (Managers Residence) Shop 	a) Not to develop on the land: <ul style="list-style-type: none"> (i) Less than sixty six (66) "long stay sites" as defined under the <i>Caravan Parks and Camping Grounds Regulations 1997 (WA)</i> as amended. (ii) Less than fifty nine (59) "short stay sites" as defined under the <i>Caravan Parks and Camping Grounds Regulations 1997 (WA)</i> as amended. (iii) Less than twenty one (21) "sites" as defined under the <i>Caravan Parks and Camping Grounds Regulations 1997 (WA)</i> as amended which is to be used for one 'camp' as defined under the <i>Caravan Parks and Camping Grounds Act 1995 (WA)</i> as amended. (iv) Less than twenty one (21) "overflow areas" as defined under the <i>Caravan Parks and Camping Grounds Regulations 1997 (WA)</i> as amended. b) No new development of a "long stay site" as defined under the <i>Caravan Parks and Camping Grounds Regulations 1997 (WA)</i> as amended is to be located within 150 metres from the horizontal shoreline datum, a term defined under State Planning Policy No 2.6, as amended. c) Only one dwelling may be permitted on the site. This dwelling is for the exclusive occupation of the manager of the tourist accommodation, their partner and dependents. d) The Shop is not to have a Net Floor Area in excess of 160m ² .
SU6	DELETED BY AMD 7 GG 18/1/2022		
SU7	Lucky Bay Brewery Part Lot 66 on DP 415322 AMD 4 GG 09/07/19 AMD 7 GG 18/1/2022 AMD 8 GG 9/1/2024	As a 'P' use: <ul style="list-style-type: none"> Single house Home occupation Ancillary dwelling As a 'D' use: <ul style="list-style-type: none"> Brewery Tavern Rural pursuit/ hobby farm As an 'I' use: <ul style="list-style-type: none"> Educational Establishment Restaurant/Café 	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: DELETED BY AMD 7 GG 18/1/2022 (a) Any subdivision will require the preparation and adoption of a structure plan in accordance with Part 4 of the deemed provisions. AMD 7 GG 18/1/2022

No.	Description of land	Special use	Conditions
		<ul style="list-style-type: none">• Reception Centre• Holiday House <p>Other complimentary or non-defined uses considered appropriate by the local government.</p>	<p>(b) All development within SU7 shall require development approval.</p> <p>(c) Parking requirements are to be in accordance with Schedule 7.</p>

Schedule 6 - Development Provisions by Zone

[Schedule 1 cl. 1.(a)]

Zones and Land Use	Minimum Lot Area Sq. m	Minimum Effective Frontage m	Max Plot Ratio	Minimum Setbacks m			Minimum Landscaping	Minimum Car Spaces (Space/Sq. Metre)
				Front	Rear	Side		
Residential	In accordance with the Residential Design Codes						Where the use is listed in the R-Codes development is to be as per the R-Codes. AMD 1 GG 13/4/18	Where the use is listed in the R-Codes development is to be as per the R-Codes. AMD 1 GG 13/4/18
	Where no R-Code is stipulated			7.5	6	2	Where the use is not defined in the R-Codes development is to be as per Schedule 7. AMD 1 GG 13/4/18	Where the use is not defined in the R-Codes development is to be as per Schedule 7. AMD 1 GG 13/4/18
Rural	As per Local Planning Strategy	200		20(i)	20	20	As required by the local government.	As per Schedule 7 – Parking and Landscaping by Land Use
		(i) As per Clause 6(a) of Schedule 1 if adjacent any highway or railway.						
Rural Residential	As per Local Planning Strategy(i)	30		20	10	10	As required by the local government.	As per Schedule 7 – Parking and Landscaping by Land Use
		(i) Minimum Lot Size subject to subclause 4(e)(i) of Schedule 2 (ii) In accordance with Schedule 8 Rural Residential – Special Provision.						
Rural Smallholdings	As per Local Planning Strategy	200		20(i)	20	20	As required by the local government.	As per Schedule 7 – Parking and Landscaping by Land Use
		(i) As per Clause 6(a) of Schedule 1 if adjacent any highway or railway. (ii) In accordance with Schedule 9 Rural Smallholdings – Special Provision.						
Rural Townsite AMD 8 GG 9/1/2024	2000(i) (iii)	20		7.5	6	6(ii)	As required by the local government.	As per Schedule 7 – Parking and Landscaping by Land Use
		(i) Minimum lot size subject to clause 4(e)(i) of Schedule 2 (ii) At the discretion of the local government, may be reduced to a minimum of 1.5m on a Lot under 2000m². (iii) Where a lot is connected to a reticulated sewerage system the						

Zones and Land Use	Minimum Lot Area Sq. m	Minimum Effective Frontage m	Max Plot Ratio	Minimum Setbacks m			Minimum Landscaping	Minimum Car Spaces (Space/Sq. Metre)
				Front	Rear	Side		
		R20 density will apply						
Light Industry	1000	20	0.8	20 (i) & (ii)	Nil (iii)	Nil (iii)	25% of area within 12 metres of the front boundary	1 per 100 gross floor area plus 1/20 gross office floor area. Minimum 3 spaces Where a land use is listed in Schedule 7 – Parking and Landscaping by Land Use parking is to be in accordance with that Schedule.
	(i) At the discretion of the local government, may be reduced to a minimum of 12m where the front and side walls within 20m of the frontage are to be constructed of a hard, durable material but not including metal cladding (less than 50% metal cladding is allowed) and may incorporate glazing as approved by the local government. (ii) Where the development adjoins a road not a Highway, proposed Highway or an Important Local Road, the local government may reduce the front setback distance to a minimum of 12 metres which can be reduced to 6m by the Local Government after giving notice in accordance with clause 64 of the deemed provisions. (iii) Where the development adjoins a Residential Zone, the minimum distance shall be 7.5m.							
General Industry	2000	25	0.8	20m (i), (ii) & (iii)	Nil (iv)	Nil (iv)	25% of area within 12 metres of the front boundary	Gross floor area up to and including 400 <ul style="list-style-type: none">1 per 100 gross floor area Gross floor area up to and including 1000 <ul style="list-style-type: none">4 bays plus 1 bay per 150 gross floor area over 400 Gross floor area over 1000 <ul style="list-style-type: none">8 bays plus 1 bay per 200 gross floor area over 1000 plus 1 per 40 gross office floor area Minimum 3 Spaces
	(i) At the discretion of the local government, may be reduced to a minimum of 12m where the front and side walls within 20m of the frontage are to be constructed of hard, durable material but not including metal cladding (less than 50% metal cladding is allowed) and may incorporate glazing as approved by the local government. (ii) Where the development adjoins a road, not a Highway or an Important Local Road the front setback is to be a minimum of 12 metres which can be reduced to 6m by the Local Government after giving notice in accordance with clause 64 of the deemed provisions. (iii) In the Town of Esperance on each side of the South Coast Highway between Elysium Road and Harbour Road, a minimum setback of 40m shall apply to provide for future service roads and landscaping. (iv) Where development adjoins a Residential Zone the minimum distance shall be 10m.							

Zones and Land Use	Minimum Lot Area Sq. m	Minimum Effective Frontage m	Max Plot Ratio	Minimum Setbacks m			Minimum Landscaping	Minimum Car Spaces (Space/Sq. Metre)
				Front	Rear	Side		
Commercial	200	5	2.5	Nil	Nil	Nil	50% of front setback area if a front setback applies	<p>1 per 25 of gross floor area.</p> <p>Office- 1 per 40 gross floor area</p> <p><i>NB</i> Where the office area is at ground floor level and capable of being converted to a higher use (i.e. A shop) then the parking requirement for a higher use shall prevail.</p> <p>Where a land use is listed in Schedule 7 – Parking and Landscaping by Land Use parking is to be in accordance with that Schedule.</p> <p>Where a development exceeds 5000 sq. metres in gross floor area, the parking requirement over the minimum requirement shall be subject to the discretion of the Local Government.</p>
Local Centre	500	10	1.0	Nil	Nil	Nil	50% of front setback area if a front setback applies	<p>Retail - 1 per 25 gross floor area</p> <p>Office - 1 per 40 gross floor area</p> <p><i>NB</i> Where the office area is at ground floor level and capable of being converted to a higher use (i.e. A shop) then the parking requirement for a higher use shall prevail.</p>

Zones and Land Use	Minimum Lot Area Sq. m	Minimum Effective Frontage m	Max Plot Ratio	Minimum Setbacks m			Minimum Landscaping	Minimum Car Spaces (Space/Sq. Metre)
				Front	Rear	Side		
								Where a land use is listed in Schedule 7 – Parking and Landscaping by Land Use parking is to be in accordance with that Schedule.
Mixed Use	500	10	1.5	Nil	Nil	Nil	50% of front setback area if a front setback applies	Retail - 1 per 25 gross floor area Office - 1 per 40 gross floor area <i>NB</i> Where the office area is at ground floor level and capable of being converted to a higher use (i.e. A shop) then the parking requirement for a higher use shall prevail. Where a land use is listed in Schedule 7 – Parking and Landscaping by Land Use parking is to be in accordance with that Schedule.
Tourism	1000	20	2.0	5	Nil (i)	Nil (i)	As per Schedule 7 – Parking and Landscaping by Land Use	As per Schedule 7 – Parking and Landscaping by Land Use
	(i) Where development adjoins a Residential Zone the minimum distance shall be at the discretion of the local government.							
Private clubs, institutions and places of worship.	1000	20	0.5	12	7.5	2 per story	50% of minimum front setback area	1 per 40 gross floor area Where a land use is listed in Schedule 7 – Parking and Landscaping by Land Use parking is to be in accordance with that Schedule.

Schedule 7 - Parking and Landscaping by Land Use

[Schedule 1 cl. 1.(b)]

Land Use	Minimum Landscaping	Minimum Car Spaces (Space/Sq. Metre unless otherwise stated)
Amusement parlour		1 per 30 m ² gross floor area
Art gallery		1 per 30 m ² gross floor area
Bed and breakfast		2 additional bays
Betting agency		1 per 30 m ² gross floor area
Brewery		1 per 40m ² gross floor area
Bulky goods showroom	10% of site	1 bay per 50 m ² gross floor area
Caravan park	50% of all setback areas	Visitor car parking 1 bay per 10 long stay bays 1 bay per 20 short stay bays
Caretaker's dwelling		1 bay
Child care premises AMD 8 GG 9/1/2024		1 bay per employee and 1 bay per 5 children(ii)
Car park	10% of site	N/A
Cinema/theatre		1 bay per 4 persons accommodated
Civic use		1 bay per 4 persons accommodated
Club premises AMD 8 GG 9/1/2024		1 bay per employee and 1 bay per 4 persons accommodated
Community purpose AMD 8 GG 9/1/2024		1 bay per employee and 1 bay per 4 persons accommodated
Consulting rooms AMD 8 GG 9/1/2024		3 bays per consulting room plus 1 bay per staff member(ii)
Convenience Store AMD 8 GG 9/1/2024		1 bay per 25m ² gross floor area(ii)
Educational establishment		3 bays per classroom
Exhibition centre		1 bay per 30m ² gross floor area
Family day care	With no landscaping and parking requirements. AMD 1 GG 13/4/18	1 bay per 2 children rounded up. AMD 1 GG 13/4/18
Fast food outlet AMD 1 GG 13/4/18	50% of front setback area. AMD 1 GG 13/4/18	1 bay per 2.5m ² queuing area (4 bays minimum) Plus 1 bay per 5m ² of eating area Plus 4 car queuing spaces for a drive through facility. AMD 1 GG 13/4/18
Fuel depot AMD 8 GG 9/1/2024		1 bay per 45 m ² office facilities
Funeral parlour		6 bays Plus 1 bay per 4 seats in the hall or auditorium(i) if chapel is included
Garden centre AMD 8 GG 9/1/2024		1 bay per 75 m ² public floor area
Holiday accommodation		1 bay per employee plus 1 bay per bedroom or 2 per unit whichever is greater
Holiday house		2 bays
Home business		2 additional bays

Parking and Landscaping by Land Use

Land Use	Minimum Landscaping	Minimum Car Spaces (Space/Sq. Metre unless otherwise stated)
Home occupation		N/A
Home office		N/A
Home store AMD 8 GG 9/1/2024		1 bay per 40m ² of gross floor area or part thereof of the use
Hospital		1 bay per 4 beds plus 1 per employee
Hotel		1 bay per 5m ² bar & lounge areas plus 1 bay per 4m ² restaurant plus 1 bay per accommodation unit
Industry AMD 1 GG 13/4/18	25% of area within 12 metres of the front boundary. AMD 1 GG 13/4/18	Gross floor area up to and including 400 <ul style="list-style-type: none"> 1 per 100 gross floor area Gross floor area up to and including 1000 <ul style="list-style-type: none"> 4 bays plus 1 bay per 150 gross floor area over 400 Gross floor area over 1000 <ul style="list-style-type: none"> 8 bays plus 1 bay per 200 gross floor area over 1000 plus 1 per 40 gross office floor area Minimum 3 Spaces. AMD 1 GG 13/4/18
Industry-Light AMD 1 GG 13/4/18	25% of area within 12 metres of the front boundary. AMD 1 GG 13/4/18	1 per 100 gross floor area plus 1/20 gross office floor area. Minimum 3 spaces Where a land use is listed in Schedule 7 – Parking and Landscaping by Land Use parking is to be in accordance with that Schedule. AMD 1 GG 13/4/18
Liquor store – large		
Liquor store – small		1 bay per 30 m ² gross floor area
Lunch Bar	50% of front setback area. GG AMD 1 13/4/18	1 bay per 2.5m ² queuing area (4 bays minimum) Plus 1 bay per 5m ² of eating area Plus 4 car queuing spaces for a drive through facility. GG AMD 113/4/18
Marina	10%	50% of Commercial Zone in Schedule 6
Market		3 bays per stall or 1 bay per 10m ² whichever is greater
Medical centre AMD 8 GG 9/1/2024		3 bays per consulting room plus 1 bay per employee(ii)
Motel		1 bay per 10m ² bar & lounge areas plus 1 bay per 4m ² restaurant plus 1 bay per accommodation unit

Parking and Landscaping by Land Use

Land Use	Minimum Landscaping	Minimum Car Spaces (Space/Sq. Metre unless otherwise stated)
Motor vehicle, boat or caravan sales	10% of site	1 bay per 200m ² gross floor area
Motor vehicle repair		4 bays per working bay Plus 1 bay per employee
Motor vehicle wash AMD 8 GG 9/1/2024		1 bay per employee and 1 bay per wash bay
Nightclub		1 bay per 10 m ² gross floor area(i)
Office		1 bay per 40m ² gross floor area
Park home park AMD 8 GG 9/1/2024	20% of site	1 bay per accommodation unit Visitor car parking 1 bay per 10 long stay site 1 bay per 20 short stay site
Place of worship	25% of site	1 bay per 4 seats in the hall or auditorium(i)
Reception centre		1 bay per 4 persons accommodated plus 1 bay per employee
Recreation – private AMD 8 GG 9/1/2024		To be assessed by the local government with regard to the facilities required
Repurposed dwelling AMD 1 GG 13/4/18	As per R-Codes for single house.	The same parking requirements as Single House in the R-Codes
Residential Building AMD 1 GG 13/4/18	As per R-Codes for single house.	The same parking requirements as Single House in the R-Codes with one extra bay per bedroom over 4 bedrooms.
Restaurant/café		1 bay per 4m ² dining & waiting area
Restricted premises		1 bay per 40m ² gross floor area
Road house		2 bays per pump plus 1 bay per employee plus 1 per 15m ² shop
Second-hand dwelling AMD 1 GG 13/4/18	As per R-Codes for single house.	The same parking requirements as Single House in the R-Codes.
Serviced apartment		1.5 bays per accommodation unit rounded up
Service station AMD 8 GG 9/1/2024		1 bay per pump plus 1 bay per employee plus 1 per 15m ² shop
Shop		1 bay per 25 m ² gross floor area
Small bar		1 bay per 10m ² bar & lounge areas plus 1 bay per 4m ² restaurant
Supermarket AMD 8 GG 9/1/2024		1 bay per 10m ² public floor area
Tavern	Generally - 25% of site Centre or Mixed Use Zones – 75% of front setback area	1 bay per 5m ² bar & lounge areas plus 1 bay per 4m ² restaurant
Tourist development AMD 8 GG 9/1/2024		1 bay per accommodation unit plus 1 bay per employee plus 1 bay per 4m ² restaurant
Trade display		1 bay per 50 m ² gross floor area of display and sales area
Trade supplies		1 bay per 50 m ² gross floor area

Parking and Landscaping by Land Use

Land Use	Minimum Landscaping	Minimum Car Spaces (Space/Sq. Metre unless otherwise stated)
Transport depot <i>AMD 8 GG 9/1/2024</i>		1 bay per commercial vehicle garaged plus 1 bay per on-site employee
Veterinary centre <i>AMD 8 GG 9/1/2024</i>		3 bays per consulting room plus 1 bay per staff member
Warehouse/storage		1 bay per 100m ² gross floor area
Winery		1 bay per 50 m ² gross floor area of display and sales area plus 1 bay per 4m ² restaurant
Workforce accommodation <i>AMD 8 GG 9/1/2024</i>		1 bay per accommodation unit
Footnote: (i) the local government may take into consideration any parking areas available after normal shop and office closing hours. (ii) The local government may take into consideration any parking areas available in the public domain in proximity to the development		

Schedule 8 - Rural Residential – Special Provisions

[Schedule 1 cl. 4.(i)]

No.	Description of land	Special Provisions
RR1	<p>Previously comprised of Portions of Esperance East Location 17, 18 & 22, Lots 5, 1 & 2 to the north of Fisheries Road</p> <p><i>Note: Located within SCA 5.</i></p> <p><i>Note: As shown on the Scheme Map.</i></p>	<ol style="list-style-type: none"> 1. The local government, following development in accordance with any Outline Development Plan, Detailed Area Plan or preliminary subdivision approvals in place by 31 December 2005, will not support further subdivision of this land. 2. A 20 metre wide landscape protection strip is to be retained as natural bush along the Fisheries Road frontage with the exception of access roads. 3. Where land is to be cleared, the local government will not permit any lot to be cleared to more than 50 per cent of its total area (including the land covered by buildings) except where it determines that with supplementary tree planting and landscaping, parkland clearing can be done to no more than a further 25 percent of the lot area. 4. The keeping of horses on lots less than 4 ha in area is prohibited.
RR2	<p>Previously comprised of Lots 35, 367, 392, 396, 398, 400, 773, 774 and 775 Eleven Mile Beach and Barook Roads, Pink Lake</p> <p><i>Note: As shown on the Scheme Map.</i></p>	<ol style="list-style-type: none"> 1. The local government will support development in accordance with an Outline Development Plan or Detailed Area Plan adopted by 31 December 2005. Development will also be supported in accordance with a preliminary subdivision approval in place by 31 December 2005. Further subdivision of this land will not be supported. 2. Notwithstanding any other provision in the Scheme, the Shire has discretion to support further subdivision of Lot 9501 (formally part of Lot 775) Eleven Mile Beach Esperance where it is consistent with an Outline Development Plan approved by the Shire of Esperance and endorsed by the Western Australian Planning Commission. No lot sizes less than 2 hectares shall be permitted. 3. The keeping of horses on lots less than 4 ha in area is prohibited. 4. The number of horses or stock permitted on lots of 4 ha or greater is restricted to a maximum of two horses only (or equivalent). The local government will only grant approval to the keeping of horses or stock subject to submission of an application for Development Approval that includes proposed measures to manage the land. <i>AMD 2 GG 18/1/19</i> 5. The siting and erection of any building, outbuilding, or fence shall not be approved by the local government unless or until it is satisfied that the design, construction, materials and position will be in harmony with the character and amenity of the land within the zone and any fire management plan applicable to the site. 6. Strategic Fire Breaks as nominated on an outline development plan, subdivision guide plan, or fire management plan, shall be provided as a condition of subdivision and constructed to a standard approved by the local government and the Fire and Emergency Services. The firebreaks should be located along contours and on level ground where possible, slashed and not cleared, to prevent wind erosion and to protect the fragile environment. 7. Unless easements for the local government to access the site have been agreed, owners are to maintain Strategic Fire Breaks that cross their lots and to ensure fire fighting appliances can access their land.

No.	Description of land	Special Provisions
		<p>8. Owners are encouraged to obtain variations to the standard local government firebreak notices to avoid clearing of firebreaks over sloping land along fence lines (other than for approved Strategic Fire Breaks).</p> <p>9. The base of leach drains must be located a minimum of two (2) metres above the highest groundwater level and a minimum of one hundred (100) metres from any drain, waterway or wetland.</p> <p><i>AMD 1 GG 13/4/18</i></p>
RR3	<p><u>Melijinup Heights</u></p> <p>former Lot 2 Melijinup Road, Myrup</p> <p><i>Note: As shown on the Scheme Map.</i></p>	<p>1. All trees and shrubs shall be retained unless their removal is authorised by the local government except in the cases of trees and shrubs which are proposed to be removed to make way for approved building construction, fences, firebreaks and constructed access ways.</p> <p>2. The local government may require, as a condition of Development Approval, tree planting on lots it considers deficient in cover and the owner is to maintain such trees thereafter. <i>AMD 2 GG 18/1/19</i></p> <p>3. Buildings shall be confined to building envelopes indicated on the adopted plan of subdivision unless the local government is satisfied that an alternative site has equal or better geological conditions for building and on-site effluent disposal and the alternative position will not unduly affect the amenity of nearby lots.</p> <p>4. On-site effluent disposal systems shall be to the specifications and satisfaction of the local government and the Health Department of WA. The use of alternative effluent disposal systems may be required and in any event the following requirements shall be satisfied-</p> <p>(a) a 2 metre separation between the base of the leach drains and the highest recorded groundwater level or bedrock;</p> <p>(b) at least a 100m horizontal separation between the effluent disposal system and any drain, waterway or wetland;</p> <p>(c) the area around each effluent disposal system shall be planted with indigenous trees and shrubs by the owners and maintained to the satisfaction of the local government.</p>
RR4	<p><u>Gibson East</u></p> <p>Portion former Loc 626, now Lots 21 to 24 Gibson Road and Lots 26 to 31 Shipard Close, Gibson</p> <p><i>Note: As shown on the Scheme Map.</i></p>	<p>1. Subdivision has been generally in accordance with the Subdivision Guide Plan as certified by the Shire Clerk on 8.9.94 and the local government will support no further subdivision of these lots.</p> <p>2. On lots 3, 4 and 6-11 on the Subdivision Guide Plan, any building development is to be sited within the building envelope as depicted on the Subdivision Guide Plan.</p> <p><i>Note: Affected lots are Lots 23 and 24 Gibson Road and Lots 26 to 31 Shipard Close.</i></p> <p>3. The vegetation wind breaks as established on the boundaries of the lots shall be maintained to the satisfaction of the local government and fenced if required by the local government if being adversely affected by grazing stock.</p> <p>4. On-site effluent disposal systems shall be limited to high performance environmental systems approved by the local government and the</p>

No.	Description of land	Special Provisions
		Health Department of WA.
RR5	<p><u>Larmour Estate</u></p> <p>Lots 2-14 and 17 Ivy Larmour Drive and Lots 15 and 16 Coolgardie-Esperance Highway, Gibson</p> <p><i>Note: As shown on the Scheme Map.</i></p> <p>AMD 3 GG 12/10/18</p>	<ol style="list-style-type: none"> 1. No further subdivision shall be permitted. 2. No residential development or effluent disposal systems are permitted within the wellhead protection zone. 3. The keeping of horses and pigs is prohibited. 4. The rearing or agistment of livestock and poultry for commercial purposes is prohibited. 5. The keeping of livestock on Lots 9-12 inclusive and Lot 16 is prohibited. 6. Subject to subclause 3., the keeping of livestock is permitted on Lots 1-8 and Lots 13-15 in accordance with the equivalent of 10 Dry Sheep Equivalents (DSE) per hectare. 7. Rural pursuits that have the potential to pollute the Gibson Public Drinking Water Source Area are to be refused or referred to the Water Corporation and the Department of Water and Environmental Regulation for comment and the local government is to have due regard to advice received from those agencies when determining applications. 8. Best management practices should be used when using or storing chemicals such as fertilisers and pesticides to reduce the risk of contaminants leaching into groundwater. 9. Conditions may apply to the storage of fuels and chemicals within wellhead protection zones (SHPZ). 10. The local government may require, as a condition of Development Approval, planting of trees and/or other perennial vegetation on lots that it considers require improvement and/or on areas that are identified for strategic (future) tree planting on the subdivision guide plan for the area. AMD 2 GG 18/1/19 11. The local government may require, as a condition of Development Approval, to take measures that adequately preserve and protect vegetation on lots where the cover of such vegetation is considered worthy of preservation and protection, and/or otherwise is located within the strategic tree planting areas identified on the subdivision guide plan for the area. Such measures may include installation of fencing, firebreaks and any other measure the local government thinks fit. AMD 2 GG 18/1/19 12. Vegetation that is planted, preserved and/or protected in accordance with development of the subdivision and/or Development Approval shall be retained to the satisfaction of the local government. AMD 2 GG 18/1/19
RR6	<p>Lots 118 – 120, 156 – 163 Ralston Street, Lot 150 Overhue Street, Lots 93 – 99 Sutcliffe Street, Condingup</p>	<ol style="list-style-type: none"> 1. Further subdivision of this Rural Residential Zone is not permitted. 2. Rural pursuits that have the potential to pollute the Condingup Water Reserve Public Drinking Water Source Area are to be refused or referred to the Water Corporation and the Department of Water and Environmental Regulation for comment and the local government is to be due regard to advice received from those Agencies when determining applications.

No.	Description of land	Special Provisions
		3. Fertilisers, herbicides and insecticides should be applied sparingly to prevent excess chemicals or nutrients leaching into the groundwater with particular reference to protecting the Condungup Water Reserve.
RR7	Lots 10, 17, 18 Goldfields Road, Lot 19, 20. 22 – 25 Kent Place. Lots 15, 16, 21, 101, 102, 29 – 33, 25 – 37 Frank Freeman Drive, Lots 11 – 14, 38 – 43 McCarthy Road, Lot 34, 44 – 48 Bow Court Lots 2 – 5 Daw Drive, Lots 1, 6 – 8 Bandy Grove	1. In order to assist in maintaining the existing environment all trees and shrubs shall be retained unless their removal is authorised by the Local Government except in the cases of trees and shrubs which are proposed to be removed to make way for house construction, fences, firebreaks and constructed access ways. 2. Exposed areas shall be replanted extensively to provide concealment and shelter as required by the Local Government. 3. The siting and erection of any building, outbuilding, or fence shall not be approved by the Local Government unless or until it is satisfied that the design, construction materials and position will be in harmony with the character of the land within the zone and the area generally. 4. No outbuildings shall be erected between a dwelling and a public road alignment. 5. Further subdivision of this Rural Residential Zone is not permitted.
RR8	Lots 52 – 58 Kiwi Close, Lot 59 Goldfields Road	1. No outbuildings shall be erected between a dwelling and a public road alignment. 2. Further subdivision of this Rural Residential Zone is not permitted.

Schedule 9 - Rural Smallholdings – Special Provisions

[Schedule 1 cl. 4.(j)]

No.	Description of land	Special Provisions
RS1	Lot 1492 Paterson Road, Monjingup <i>Note: As shown on the Scheme Map.</i>	1. The local government will support development in accordance with the Outline Development Plan (Structure Plan) adopted by 31 December 2011. Further subdivision of this land will not be supported.
RS2	Lots 65 and 66 Patterson Road, Lots 197 – 200 Coolgardie – Esperance Highway, Lots 1 – 3, 13 Bukenerup Road, Lots 4 – 8 Stearne Road, Lot 1 Old Shark Lake Road, Lot 41 – 44, 27 – 29 Monjingup, Lots 2, 101, 102, Coolgardie – Esperance Highway, Lot 103 Lake Road, Lot 24 Hill Road, Myrup <i>Note: As shown on the Scheme Map.</i>	1. Further subdivision of this Rural Smallholdings Zone is not permitted other than in the case of a boundary adjustment that will not result in an increase in the number of lots.
RS3	Lot 63 Shark Lake Road, Lots 1, 1 – 4, 381, 382, 9000 Paterson Road, Lot 13 Bukenerup Road, Lot 351 Stearne Road Monjingup Lot 586 Coolgardie – Esperance Highway, Myrup <i>Note: As shown on the Scheme Map.</i>	1. All subdivision is to be in accordance with a Structure Plan prepared in accordance with clause 16 of Schedule 2 Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 10 - Exempted Advertisements

[Schedule A cl. 61.(1)(v)]

Land Use and/or Development	Exempted Sign Type and Number (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Advertisement
Dwellings	One professional name-plate as appropriate	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
All classes of buildings other than a single house or two group dwellings	One sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	2.0m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building	Not Applicable
Industrial and Warehouse Premises	A maximum of four advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building and excluding signs which are connected to a pole, wall, or other building.	Total area of such advertisements is not to exceed 15m ² or 20% of the elevation of the building whichever is the lesser.
	A maximum of two freestanding advertisement signs not exceeding 5 metres in height above ground level.	Maximum permissible total area is not to exceed 10m ² and individual advertisement signs are not to exceed 6m ² .
Showroom, racecourses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not designed to be visible from outside the complex or facility concerned either from adjacent private land or from public places and streets.	Not Applicable
Public Places and Reserves	Signs (illuminated and non-illuminated) relating to the functions of Government, a responsible authority or the local government including those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	Not Applicable
	Signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such signs have been constructed or exhibited by or at the direction of Government, a responsible authority or the local government, and	Not Applicable
	Signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or	Not Applicable

Land Use and/or Development	Exempted Sign Type and Number (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Advertisement
	the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	
Railway Property	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon the railway station.	No sign shall exceed 2m ² in area.
Advertisements within Buildings	All advertisements placed or displayed within buildings, which cannot ordinarily be seen by a person outside of those buildings.	Not Applicable

Temporary Signs	Exempted Sign Type and Number (All non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Advertisement
Building Construction Sites (signs displayed only for the duration of the construction) as follows:		
Dwellings	(a) One sign per street frontage containing details of the project and the contractors undertaking the construction work.	2m ²
Multiple dwellings, shops, commercial and industrial properties	One sign as for (a) above which may also include site security information.	5m ²
Large development or redevelopment projects involving shopping centres, office or other buildings exceeding three (3) storeys in height	One sign as for (a) above	10m ²
	One additional sign showing the name of the project builder.	5m ²
Sales of goods or livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property transactions – Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:		
Dwellings	(b) Two signs per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed. <i>AMD 2 GG 18/2/19</i>	The total area of signs is not to exceed 2m ²
Multiple dwellings, shops, commercial and industrial properties.	One sign as for (b) above.	Each sign is not to exceed an area of 5m ²

Temporary Signs	Exempted Sign Type and Number (All non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Advertisement
Large properties comprised of shopping centres, buildings in excess of four (4) storeys and rural properties in excess of five (5) hectares.	One sign as for (b) above	Each sign is not to exceed an area of 10m ²
Display Homes - Advertisement signs displayed for the period over which homes are on display for public inspection:		
	One sign for each dwelling on display. In addition to (b) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² 5m ²
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. <div>AMD 4 GG 09/07/19</div>		

Schedule 11 - Development**Contribution Areas**

[cl. 27]

No.	Description of land	Special Provisions

OFFICIAL

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the Shire of Esperance at the Ordinary Meeting of Council held on the 26 April 2016

M SCOTT

CHIEF EXECUTIVE OFFICER

V BROWN

SHIRE PRESIDENT

OFFICIAL

COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL

Council resolved to support approval of the draft Scheme of the Shire of Esperance at the Ordinary Meeting of Council held on the 24 January 2017

The Common Seal of the Shire of Esperance was
hereunto affixed by authority of a resolution
of the Council in the presence of:

M SCOTT

CHIEF EXECUTIVE OFFICER

V BROWN

SHIRE PRESIDENT

WAPC Recommended for Approval

J GILDENHUYS

**Delegated under S.16 of the Planning
and Development Act, 2005**

Date: 26 July 2017

Approval Granted
R SAFFIOTI
MINISTER FOR PLANNING

Date: 26 July 2017