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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF CHAPMAN VALLEY

LOCAL PLANNING SCHEME

No. 3

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF CHAPMAN VALLEY

LOCAL PLANNING SCHEME No. 3

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

TABLE OF CONTENTS

Part 1 Preliminary—sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.

Part 2 Reserves—sets out the reserves which apply in the Scheme area and related provisions.

Part 3 Zones and the use of land—sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.

Part 4 General development requirements—sets out the general planning requirements which apply to land use and development within the Scheme area.

Part 5 Special control areas—sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.

Part 6 Terms referred to in Scheme—lists the general definitions and terms used in the Scheme and also lists the land use terms used in the Scheme.

Schedules

- A Supplemental provisions to the deemed provisions
- 1 Additional uses
- 2 Restricted uses
- 3 Additional site and development requirements for zones
- 4 Additional site and development requirements for land uses
- 5 Additional site and development requirements for Rural zone, Rural Residential zone and Rural Smallholding zones
- 6 Additional site and development requirements for Rural Residential zone
- 7 Additional site and development requirements for Rural Residential zone
- 8 Carparking Standards

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF CHAPMAN VALLEY

LOCAL PLANNING SCHEME No. 3**PART 1—PRELIMINARY****1. Citation**

This local planning scheme is the *Shire of Chapman Valley Scheme No. 3*.

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 scheme is revoked—

Shire of Chapman Valley Local Planning Scheme No. 2 as gazetted 20/11/2013.

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 Chapman Valley 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 Maps 1—17.

7. Contents of Scheme

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).
- (b) the supplemental provisions contained in Schedule A.
- (c) the Scheme Map (sheets 1—17).

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) provide for a variety of lifestyle opportunities;
- (b) provide for appropriate diversification of agricultural and other economic activities;

- (c) preserve agriculturally productive land and protect such land from ad hoc fragmentation or incompatible development;
- (d) protect, preserve and enhance the environment, natural and cultural heritage, and landscape and streetscape values;
- (e) provide for the consolidation and/or expansion of the existing settlements of Nabawa, Yuna, Nanson and Howatharra;
- (f) protect the landscape and environmental values of the Moresby Range and associated valleys;
- (g) protect, and provide for the appropriate development of, coastal and riverine areas, and water supplies;
- (h) provide for the orderly and proper development of the Urban Development Zone;
- (i) provide for the orderly and proper development of the Oakajee Industrial Estate, including the establishment of supporting infrastructure such as port facilities, roads and railways, and electricity, gas and water supplies, and the protection of the Buffer from incompatible development; and
- (j) assist in the implementation of the State Planning Strategy, including relevant State and Regional policies.

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 Chapman Valley 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

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 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 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.
Infrastructure Services	<ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of essential infrastructure services.
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.
Cemetery	<ul style="list-style-type: none"> • To set aside land required for a cemetery.

Reserve Name	Objectives
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.
District Distributor Road	<ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy
Local Distributor Road	<ul style="list-style-type: none"> To set aside land required for a primary 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.

15. Additional uses for local reserves

There are no additional uses for land in local reserves that apply to this Scheme.

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 2—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.
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.
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 Residential	<ul style="list-style-type: none"> To provide for lot sizes in the range of 1 ha to 4 ha. 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	<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 to the Rural zone.

Zone name	Objectives
	<ul style="list-style-type: none"> To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
Commercial	<ul style="list-style-type: none"> To provide for a range of shops, offices, restaurants and other commercial and community facilities outlined in the townsite. 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.
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 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.
Rural Enterprise	<ul style="list-style-type: none"> To provide for light industrial and ancillary residential development on one lot. To provide for lot sizes in the range of 1ha to 4ha. To carefully design rural enterprise estates to provide a reasonable standard of amenity without limiting light industrial land uses. To notify prospective purchasers of potential amenity impacts from light industrial land uses.
Strategic Industry— Oakajee Industrial Zone A (General Industry)	<ul style="list-style-type: none"> To provide for ancillary industries to Oakajee Industrial Zone C (such as manufacturing, fabrication and processing industries), which will not affect the locality through the emission of noise, odours, smoke and other wastes above prescribed environmental standards. To provide for industries required to service large-scale, generally capital-intensive industries located nearby or elsewhere in the Region; To provide for other land-uses compatible with the predominant use of the land; and To prevent the establishment of land-uses more appropriately undertaken in other areas.
Strategic Industry— Oakajee Industrial Zone B (Coastal)	<ul style="list-style-type: none"> To provide for the coordinated development of infrastructure, including port facilities, required to service large-scale, generally capital-intensive industries that are of strategic importance to the economic development of the State and Region; To provide for the development of such infrastructure as outlined in the above objective in accordance with environmental best practice; To prevent the establishment of land-uses more appropriately undertaken in other areas; To accommodate the requirements of potential industries within the adjacent strategic industrial core (Oakajee Industrial Zone C) integrated with the protection of areas of landscape, heritage and recreation significance; To provide for other land-uses compatible with the predominant uses of the land.
Strategic Industry— Oakajee Industrial Zone C (Strategic Industry)	<ul style="list-style-type: none"> To provide for the coordinated development of large-scale, generally capital-intensive industries that are of strategic importance to the economic development of the State and Region and which, by their nature, should be isolated from residential areas; To ensure that should development of a strategic industry proceed, it is contained within a strategic industrial core with appropriate surrounding buffers, and that development adheres to environmental standards and operational criteria approved by the Environmental Protection Authority and the local government; To prevent the establishment of land-uses more appropriately undertaken in other commercial and/or industrial areas; To provide for other land-uses compatible with the predominant use of the land.

17. Zoning table

The zoning table for this Scheme is as follows—

Table 3—Zoning Table

USE	ZONES												
	Residential	Rural Townsite	Urban Development	Rural Residential	Rural Smallholdings	Rural	Commercial	Light Industry	General Industry	Oakajee Industrial Area A (General Industry)	Oakajee Industrial Area B (Coastal)	Oakajee Industrial Area C (Strategic Industry)	Rural Enterprise
Abattoir	X	X	X	X	X	A	X	X	X	X	X	X	X
Aged care facility	A	A	A	X	X	X	X	X	X	X	X	X	X
Aged or dependent person's dwelling	P	P	P	P	D	D	X	X	X	X	X	X	X
Agriculture-extensive	X	X	X	X	D	P	X	D	D	P	P	P	X
Agriculture-intensive	X	X	X	X	D	D	X	D	X	X	X	X	X
Amusement parlour	X	X	A	X	X	X	A	X	X	X	X	X	X
Ancillary dwelling	D	D	D	D	D	D	D	X	X	X	X	X	X
Animal establishment	X	X	X	X	A	A	X	A	X	X	X	X	X
Animal husbandry-intensive	X	X	X	X	A	A	X	X	X	X	X	X	X
Art gallery	A	A	A	A	D	D	P	X	X	X	X	X	D
Bed and breakfast	A	A	A	A	D	D	D	X	X	X	X	X	X
Betting agency	X	X	A	X	X	X	A	X	X	X	X	X	X
Brewery	X	A	A	X	A	A	D	A	A	X	X	X	D
Bulky goods showroom	X	X	X	X	X	X	P	P	D	X	X	X	X
Camping ground	X	A	A	X	A	A	D	X	X	X	X	X	X
Caravan park	X	A	A	X	A	A	D	X	X	X	X	X	X
Caretaker's dwelling	X	X	I	X	X	X	I	I	A	X	X	X	I
Carpark	X	D	D	X	X	X	D	D	D	D	D	D	I
Child care premises	A	A	A	X	X	X	A	X	X	X	X	X	X
Cinema/theatre	X	X	A	X	A	A	A	X	X	X	X	X	X
Civic use	A	A	A	A	D	D	D	D	D	D	D	D	X
Club premises	X	A	A	X	X	X	A	X	X	X	X	X	D
Community purpose	X	A	A	X	X	A	D	D	X	X	X	X	D
Consulting rooms	A	A	A	X	X	X	D	X	X	X	X	X	X
Convenience store	X	A	A	X	X	X	P	D	D	D	X	X	X
Corrective institution	X	X	X	X	X	X	X	X	X	X	X	X	X
Educational establishment	X	A	A	X	A	A	A	X	X	X	X	X	X
Exhibition centre	X	A	A	X	A	A	D	X	X	X	X	X	X
Family day care	A	A	A	A	A	A	D	X	X	X	X	X	X
Fast food outlet	X	X	A	X	X	X	D	X	X	X	X	X	X
Fuel depot	X	X	X	X	X	X	X	D	D	D	D	D	X
Funeral parlour	X	X	X	X	X	X	D	D	X	X	X	X	A
Garden centre	X	A	A	A	A	A	D	A	X	X	X	X	D
Grouped dwelling	P	D	D	X	X	D	D	X	X	X	X	X	X
Holiday accommodation	X	A	A	X	A	A	D	X	X	X	X	X	X
Holiday house	A	A	A	A	A	X	X	X	X	X	X	X	X
Home business	A	D	A	A	D	D	D	X	X	X	X	X	D
Home occupation	D	D	D	D	D	D	D	X	X	X	X	X	D
Home office	P	P	P	P	P	P	P	X	X	X	X	X	D
Home store	A	A	A	A	A	D	D	X	X	X	X	X	X
Hospital	X	X	A	X	X	X	A	X	X	X	X	X	X
Hotel	X	X	A	X	X	X	A	X	X	X	X	X	X
Industry—cottage	X	D	A	A	A	D	D	X	X	X	X	X	P
Industry—extractive	X	X	X	X	A	A	X	A	A	D	D	D	X
Industry	X	X	X	X	X	X	X	A	P	P	A	A	X
Industry—light	X	X	X	X	X	X	X	P	A	P	A	A	P
Industry—rural	X	X	X	X	A	D	X	D	D	D	X	X	X
Industry—service	X	X	X	X	X	X	D	P	D	D	X	X	P
Liquor store—large	X	X	A	X	X	X	D	X	X	X	X	X	X
Liquor store—small	X	X	A	X	X	X	D	X	X	X	X	X	X

USE	ZONES												
	Residential	Rural Townsite	Urban Development	Rural Residential	Rural Smallholdings	Rural	Commercial	Light Industry	General Industry	Oakajee Industrial Area A (General Industry)	Oakajee Industrial Area B (Coastal)	Oakajee Industrial Area C (Strategic Industry)	Rural Enterprise
Lunch Bar	X	A	A	A	A	D	D	D	A	D	X	X	X
Marina	X	X	X	X	X	X	X	X	X	X	D	X	X
Marine filling station	X	X	A	X	X	X	X	X	X	X	D	X	X
Market	X	D	A	X	A	A	A	A	X	X	X	X	X
Medical centre	X	X	X	X	X	X	D	D	D	I	X	X	X
Mining operations*	X	X	A	X	X	A	X	X	X	D	D	D	X
Motel	X	X	X	X	X	X	A	X	X	X	X	X	X
Motor vehicle, boat or caravan sales	X	X	X	X	X	X	D	P	D	X	X	X	X
Motor vehicle repair	X	X	X	X	X	X	D	P	P	D	D	D	D
Motor vehicle wash	X	X	D	X	X	X	D	P	P	D	D	D	X
Multiple dwelling	D	D	A	X	X	X	D	X	X	X	X	X	X
Nightclub	X	X	X	X	X	X	A	X	X	X	X	X	X
Office	X	X	X	X	X	X	P	D	D	I	I	I	I
Park home park	X	X	X	X	X	A	D	X	X	X	X	X	X
Place of worship	X	X	X	X	X	X	A	X	X	X	X	X	X
Produce stall	X	A	X	X	A	D	X	X	X	X	X	X	X
Reception centre	X	X	X	X	A	A	D	X	X	X	X	X	X
Recreation—private	X	X	X	X	A	D	D	D	X	X	X	X	A
Renewable energy facility	X	X	X	X	X	A	X	A	A	A	A	A	X
Repurposed dwelling	A	A	A	A	A	D	X	X	X	X	X	X	X
Residential Building	X	A	A	A	A	A	D	X	X	X	X	X	X
Resource recovery centre	X	X	X	X	X	A	X	A	D	D	A	D	A
Restaurant/cafe	X	A	X	X	A	A	D	X	X	X	X	X	X
Restricted premises	X	X	X	X	X	X	A	X	X	X	X	X	X
Road house	X	A	X	X	X	A	D	A	A	A	X	X	X
Rural home business	X	A	X	X	A	D	D	X	X	X	X	X	D
Rural pursuit/hobby farm	X	X	X	A	D	P	D	X	X	X	X	X	X
Second hand dwelling	A	A	A	A	A	D	X	X	X	X	X	X	X
Serviced apartment	X	A	X	X	X	A	A	X	X	X	X	X	X
Salvage yard	X	X	X	X	X	X	X	P	P	D	X	X	X
Service station	X	A	A	X	X	X	D	D	D	D	X	X	X
Shop	X	A	A	X	X	X	P	D	D	X	X	X	X
Single house	P	P	P	P	P	P	I	X	X	X	X	X	D
Small bar	X	A	A	X	X	X	A	X	X	X	X	X	X
Stockpiling	X	X	X	X	X	A	X	X	A	D	P	P	X
Tavern	X	X	A	X	X	X	A	X	X	X	X	X	X
Telecommunications infrastructure	A	A	A	A	A	D	A	P	P	D	D	D	A
Tourist development	X	A	A	X	A	A	D	X	X	X	X	X	X
Trade display	X	X	X	X	X	X	D	P	P	P	X	X	D
Trade supplies	X	X	X	X	X	X	D	D	D	D	X	X	D
Transport depot	X	X	X	X	X	X	X	P	P	P	D	D	A
Tree farm	X	X	X	X	A	D	X	D	D	D	X	X	X
Veterinary centre	X	X	X	X	X	A	D	D	X	X	X	X	A
Warehouse/storage	X	X	X	X	X	X	D	P	P	D	D	D	A
Waste disposal facility	X	X	X	X	X	X/A**	X	X	X	A	X	A	X
Waste storage facility	X	X	X	X	X	X/A**	X	X	X	A	X	A	X
Winery	X	X	X	X	D	D	P	D	X	X	X	X	X
Workforce accommodation	X	X	A	X	X	A	X	X	X	X	X	X	X

* 'Mining' 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*.

** X/A—means that a waste disposal facility and waste storage facility are prohibited 'X' uses in the Rural zone, with the exception of Rural zoned land within Special Control Area 1 (Oakajee Industrial Zone and Buffer), where the uses are advertised 'A' uses.

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 all 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 plans that apply to the land—

(a) a structure plan;

(b) an activity centre plan;

(c) a local development plan.

19. Additional uses

(1) Schedule 1 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 2 sets out—

(a) restricted classes of use for specific 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.

21. Special use zones

There are no special use zones which apply to this 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 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).

26. Modification of R-Codes

There are no modifications to the R-Codes.

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

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 Table 4 are to be read as part of this Scheme.

Table 4—State planning policies to be read as part of Scheme

State planning policies to read as part of Scheme
State Planning Policy 2.5—Rural Planning
State Planning Policy 2.7—Public Drinking Water Source
State Planning Policy 3.7—Planning in Bushfire Prone Areas
State Planning Policy 4.1—State Industrial Buffer
State Planning Policy 5.2—Telecommunications Infrastructure
State Planning Policy 5.4—Road and Rail Noise

(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

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) The conditions set out in the Table are environmental conditions that apply to this Scheme as a result of an assessment carried out under the *Environmental Protection Act 1986* Part IV Division 3.

Table 5—Environmental conditions that apply to land in Scheme area

Scheme or amendment No.	Gazettal date	Environmental conditions
Scheme No. 2	20 November 2013	<p>(1) Development within the Buller 'Urban Development' zone in relation to the conservation areas shall be generally in accordance with concept 2A as outlined in the Shire of Chapman Valley Buller Development Zone Opportunities, Constraints and Concepts Study.</p> <p>(2) Any future structure plan shall identify future local scheme reserves for the purpose of conservation as outlined in concept 2A within the Shire of Chapman Valley Buller Development Zone Opportunities, Constraints and Concepts Study.</p> <p>(3) Any future structure plan shall identify R5-Low Density (minimum lot size 2000m²) residential areas as outlined in areas X and Y as depicted in Figure 1 of Minister for Environment Statement No.937 published on 6 June 2013.</p> <p>(4) Any future structure plan shall identify the areas of <i>Frankenia pauciflora</i> community on Lots 7 and 9 these areas would be subject to detailed area plans as outlined in the Western Australian Planning Commission's Liveable Neighbourhoods policy to address public open space, vegetation protection, future fences, building envelopes and setback of any future lots.</p>

(2) The environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.

(3) The local government—

- (a) must make available for public inspection during business hours at the offices of the local government all statement relating to this Scheme published under the *Environmental Protection Act 1986* Part IV Division 3; and
- (b) may publish those statements on the website of the local government.

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

No.	Description of land	Requirement
1	Buller Local Structure Plan	The local government shall not support any proposed development, subdivision or rezoning of land covered by the Buller Local Structure Plan that may prejudice the overall development potential of the area as reflected in the structure plan.

33. Additional site and development requirements

(1) Schedules 3 and 4 set 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.

34. Variations to site and development requirements

(1) In this clause—

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

(2) 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. Development standards for Rural Enterprise zone

(1) Prior to subdivision and development in the Rural Enterprise zone a structure plan shall be prepared and approved, demonstrating the ability to—

- (a) separate light industrial and residential uses via the use of building envelopes and/or dual frontages; and
- (b) achieve a clear delineation between light industrial and residential vehicles in access arrangements to the lots.

(2) In the Rural Enterprise zone—

- (a) dwellings must be incidental to the predominant use of the site for light industry;
- (b) the development of dwellings shall be in accordance with the R2 density code provisions of the R-Codes, with the exception of the minimum lot size area, which is not applicable;
- (c) no more than one dwelling will be permitted on each lot;
- (d) the local government shall not grant development approval for a dwelling prior to the predominant use being either approved or constructed;
- (e) where a dwelling has been granted development approval, it shall not be occupied until the predominant use has been established and is operational on site;
- (f) lots shall be connected to a network electricity supply and reticulated potable water supply provided by a licensed service provider; and
- (g) notifications on title may be used to advise prospective purchasers of potential noise, dust, odour or other amenity impacts that may arise from light industrial uses.

36. Urban Development zone

(1) All subdivision is to be in accordance with a structure plan prepared in accordance with Schedule 2, Part 4 of the Deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

(2) Notwithstanding Clause 36(1) the local government may approve the development of land within the Urban Development zone prior to a structure plan prepared in accordance with Schedule 2, Part 4 of the Deemed provisions in relation to that land, if the local government is satisfied that this will not prejudice future structure planning in the area.

37. Appearance of land and buildings

(1) Unless otherwise approved by the local government, no person shall erect any building or other structure which by reason of colour or type of materials, architectural style, height or bulk, ornament or general appearance, has an exterior appearance which is out of harmony with existing buildings or the landscape character of the area.

(2) All buildings and land on which they are located within the Scheme area shall be maintained in a manner, which preserves the amenity of the surrounding locality to the satisfaction of the local government.

(3) Where in the opinion of the local government an activity is being undertaken that results in the appearance of the property having a deleterious effect on the amenity of the area in which it is located, the local government shall require the owner or occupier to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity.

38. Building height

(1) Unless otherwise approved by the local government, no building shall be constructed to exceed 9.0 metres in height above natural ground level, including masts or aerials and the like, whether free standing or otherwise.

(2) For the purpose of this section the overall 'height' shall be determined by the vertical measurement from natural ground level at the centre point of the smallest rectangle containing the whole of the proposed building or structure.

(3) In considering an application to relax the requirements of subclause (1) the local government shall, in addition to the general matters set out in clause 67 of the deemed provisions, give particular consideration to—

- (a) The practical need for development to exceed 9.0 metres in height above natural ground level;
- (b) Whether the proposed development may have a detrimental effect on nearby/adjoining properties; and
- (c) The costs to the community of not approving the development.

39. Boundary setbacks

(1) Except on land to which a Residential Density Coding applies on the Scheme Maps and where the provisions of the Residential Design Codes shall prevail, all corner lots, lots with more than one street frontage, or irregularly-shaped lots, the local government shall determine for the purposes of determining setback requirements which boundaries shall be considered front, side and rear boundaries.

40. Building envelopes

(1) Where a building envelope is identified on a structure or fire management plan, all development shall be contained within the designated envelope area.

(2) No development of any structures shall occur within any area/s identified as 'Development Exclusion Area', 'Re-vegetation Area', 'Remnant Vegetation' or similar on the structure or fire management plan;

(3) Notwithstanding the requirements of Clause 62 of the deemed provisions, where a building envelope exists on a particular lot an application for development approval to change or relocate the building envelope shall be accompanied by relevant building plans and information addressing visual amenity, privacy and screening, vegetation loss, access, and proximity to natural features.

(4) In considering an application to relax the requirements of subclause (2) and (3), the local government shall, in addition to the general matters set out in Clause 67 of the deemed provisions, give particular consideration to—

- (a) unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations; and
- (b) unnecessary clearing of remnant native vegetation; and
- (c) visual obtrusiveness and/or impact on an adjoining property by way of privacy, noise, odour or light spill; and
- (d) suitability for landscape screening using effective screening vegetation; and
- (e) compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Scheme and relevant local planning policy.

41. Access

(1) Unless otherwise approved by the local government, no development shall occur on a lot without access to a suitably constructed road to the satisfaction of the local government.

(2) Unless otherwise approved, no development shall occur on a lot without legal road frontage.

(3) In considering an application to relax the requirements of subclause (1) and (2), the local government shall, in addition to the general matters set out in Clause 67 of the deemed provisions, give particular consideration to—

- (a) Any alternative legal means of access to the lot; and

- (b) The quality of any un-constructed road access provided to the lot; and
 - (c) The costs and/or complexity involved in providing constructed road and/or legal road frontage; and
 - (d) The type and quantity of traffic expected to be generated by the proposed development.
- (4) Vehicle access ways and circulation areas for all development, except single dwellings, ancillary accommodation and associated outbuildings, shall be designed so as to permit all vehicles, of a type that may reasonably be expected to visit the site on a regular basis, to enter and leave the site in a forward gear.

42. Car Parking Standards and Loading Bays

(1) Schedule 8, sets out the requirements for vehicle and bicycle parking for non-residential development, for all zones. Unless otherwise approved by the local government, carparking shall comply with these requirements.

(2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes or a State or local planning policy the requirement referred to in subclause (1) prevails.

(3) All carparking areas shall be designed and constructed in accordance with relevant Australian Standards or any other standard endorsed by the Local government.

(4) Unless otherwise approved, all carparking areas with 10 or more bays shall include landscaped areas equivalent to 10% of the area of the carparking bays within that carpark, and such landscaped areas shall be included in calculations for determining the landscaping provision and not carparking provision.

(5) Where land is developed to accommodate a range of uses, the number of car parking spaces to be provided is to be calculated separately for each part of the land or building used for each use.

(6) When considering an application for development approval, the local government may impose conditions regarding the required number and/or method of provision of car parking spaces. In particular, the local government may impose conditions relating to—

- (a) the proportion of car parking spaces to be roofed or covered;
- (b) the means of access to each car parking space and the adequacy of any vehicular manoeuvring area;
- (c) the design and location of the car parking spaces on the site and their effect on the existing streetscape and the amenity of adjoining development and the locality generally, including the potential effect if those spaces should later be roofed or covered;
- (d) the extent to which car parking spaces are located within required building setback areas; and
- (e) the location of proposed public footpaths, vehicular crossings of private footpaths within the lot and the effect of both pedestrian and vehicular traffic movement and safety.

(7) If the local government is satisfied that adequate car parking exists or is to be provided in close proximity to a proposed development, notwithstanding Schedule 8, it may accept a cash payment in lieu of the provision of car parking spaces subject to the following—

- (a) a cash-in-lieu payment shall not be less than the estimated cost to the owner of providing the car parking spaces otherwise required by the Scheme, plus the value as estimated by the local government of that area of land which would have been occupied by the car parking spaces;
- (b) the local government shall have already provided a public car park nearby or have firm proposals for providing a public car park area within the near future; and
- (c) payments under this clause shall be deposited into a special fund to be used exclusively to provide and/or maintain car parks in the near vicinity.

(8) All development for commercial or industrial purposes shall be designed so as to provide for the loading and unloading of all vehicles, of a type that may reasonably be expected to visit the site on a regular basis, in a manner that does not in any way restrict the use of vehicle accessways, circulation areas or carparking areas.

(9) Pursuant to subclause (8), a loading bay shall comply with minimum dimensions of 3.5 metres width, 7.0 metres length and 3.5 metres height.

43. Parking of large vehicles

(1) Unless otherwise approved by the local government, no boat, caravan or other vehicle exceeding 4 tonnes TARE weight shall be stored on any Residential or Rural Townsite zoned land for more than 8 hours consecutively, unless it is a vehicle being used in connection with building or construction works on the site.

44. Landscaping

(1) The landscaping requirements at Schedule 3 means an open area designed, developed and maintained as garden planting and areas for pedestrian use and at the discretion of the local government it may include natural bushland, swimming pools and areas under covered ways. Garbage collection and handling spaces, and other open storage areas shall not be included.

(2) The local government may in a landscaped area restrict the use of concrete, gravel, pebble and similar hard materials and require 'in lieu' thereof the planting of trees and shrubs of a nature that require little maintenance.

(3) Where a proposed development utilises less than fifty per cent of the allowable plot ratio, the local government may reduce the landscaping requirement, provided that the landscaping requirement shall be required proportionately as subsequent development occurs.

(4) A requirement of the landscaping is that one tree capable of growing to a height of three metres or more shall be planted for every 10 m² of landscape area but the local government may relax this requirement in the case of residential land use.

(5) Unless otherwise approved by the local government, no person shall occupy any buildings forming part of an approved development until the required landscaping has been constructed and planted.

45. Domestic Water Supplies

(1) Where a reticulated water supply is not available a minimum 100,000L rainwater storage facility (or equivalent) shall be provided for any dwelling, with the necessary roof catchment capacity, or alternatively, evidence shall be provided to the satisfaction of the local government that an adequate on-site potable water source is present and will be coupled with a minimum water storage facility of 10,000L to serve the same purpose.

(2) Where a minimum water storage facility is required pursuant to subclause (1) a 50mm outlet with gate valve and male coupling, or an alternative to the satisfaction of the local government, shall be located at the base of the facility to be clearly marked "Fire Brigade Connection Point" for firefighting use where the need arises to protect residential development on the same property.

46. Waterways and Flooding

(1) Unless otherwise approved by the local government, no development shall occur within 100 metres of any natural waterway or within any area identified as potentially affected by a 1 in 100-year flood of the Chapman, East Chapman, Oakajee, Buller or Greenough Rivers, or the Durawah Gully.

(2) In considering an application to relax the requirements of subclause (1), the local government shall, in addition to the general matters set out in Clause 67 of the deemed provisions, give particular consideration to—

- The advice of the Department of Water and Environmental Regulation regarding 1 in 100-year flood levels;
- The effect that the proposed development may have on the waterway, in terms of restricted flow, nutrient enrichment or any other matter considered relevant; and
- The effect that the waterway may have on the proposed development.

47. 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.

48. Requirement for consultation to commence mining

In considering applications which propose to commercially extract minerals, the local government may exercise its discretion to inform the Minister for Mines, Industry Regulation and Safety and the Minister for Planning, Lands and Heritage in writing that the granting of a mining lease or general-purpose lease is contrary to the provisions of this Scheme and the Shire's Local Planning Strategy.

PART 5—SPECIAL CONTROL AREAS

49. 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 the Table.

Table 6—Special control areas in Scheme area

Name of area	Purpose and Objective	Additional provisions
Special Control Area 1—Oakajee Industrial Zone and Buffer (SCA1)	The purpose of Special Control Area 1 is to— (a) Provide for appropriate environmental and planning controls pertaining to the development of an industrial estate housing industries of strategic economic value to the State and Region, and which require separation from sensitive land-uses; and	(a) All development proposed must be in accordance with an approved structure plan or plans prepared in accordance with Part 4 of the deemed provisions. (b) Notwithstanding any other provision contained within this Scheme, no residential use, temporary or permanent, including a single house, shall be permitted on land within the Special Control Area. Specific exception may be made to accommodate temporary camp accommodation for workers prior to the establishment of the first industry within the Strategic Industry zone.

Name of area	Purpose and Objective	Additional provisions
	<p>(b) Provide for a buffer surrounding the industrial estate within which land-uses incompatible with the purpose of the industrial estate are not permitted.</p> <p>(c) Support continued broad-acre agriculture on larger land holdings and the strategic placement and stockpiling of raw or manufactured materials (other than hazardous materials) subject to environmental and visual considerations.</p>	<p>(c) All development applications considered by the local government to be of environmental significance within the strategic industrial core (Area C) shall be referred to the Environmental Protection Authority.</p> <p>(d) Prior to any clearing of remnant vegetation, searches shall be undertaken to identify significant flora on the site. Flora management strategies will be prepared for areas of significant flora.</p> <p>(e) The Estate Manager will be required to establish a noise monitoring program before the establishment of the first industrial activity to monitor the cumulative impact of noise generated by industries in the estate, in consultation with the Department of Water and Environmental Regulation, to determine whether Environmental Protection Authority Regulations are being met within the special control area boundary.</p> <p>(f) The Estate Manager will be required to review proponent air emissions modelling to confirm compatibility with air quality modelling used to define the buffer boundary and report results to the Department of Water and Environmental Regulation and Conservation and the Office of the Environmental Protection Authority.</p> <p>(g) The Estate Manager will be required to establish a program before the establishment of the first industrial activity for collection of baseline data and undertake air quality monitoring for dust and particle emissions to the satisfaction of the Department of Water and Environmental Regulation.</p> <p>(h) The Estate Manager will be required to review proponent quantitative risk assessment to confirm compatibility with quantitative risk assessment used to define the buffer boundary and report results to the Department of Water and Environmental Regulation and the Office of the Environmental Protection Authority.</p> <p>(i) The Estate Manager will be required to establish a monitoring program, before the establishment of the first industrial activity, for groundwater to collect baseline data and to the satisfaction of the Department of Water and Environmental Regulation and the Office of the Environmental Protection Authority.</p> <p>(j) The Estate Manager will be required to establish a rainfall monitoring program before the establishment of the first industrial activity and is to report results to the Department of Water and Environmental Regulation and the Office of the Environmental Protection Authority.</p> <p>(k) Notwithstanding the provisions contained within Part 3, should the cumulative environmental impacts of incremental industrial development exceed the Environmental Protection Authority criteria, the Estate Manager is required to make suitable arrangements for occupants of residences within the Oakajee Industrial Zone buffer to vacate that residence.</p> <p>(l) Individual industries will be required to provide drainage plans to the satisfaction of the local government prior to undertaking any construction.</p> <p>(m) The Estate Manager will be required to prepare an overall Oakajee Landscape Master Plan with performance timetables to ensure</p>

Name of area	Purpose and Objective	Additional provisions
		<p>nominated actions are completed within time. This Master Plan is to be prepared prior to commencement of construction of the first industry.</p> <p>(n) Individual industries will comply with Landscape Master Plan requirements and submit individual landscape plans and implementation timetables with their development applications. Landscape plans shall be designed and implemented to the satisfaction of the local government.</p> <p>(o) Provisions shall be made for the protection and management of two European heritage sites illustrated on the structure plan. All development applications shall also be required to address aboriginal heritage issues in accordance with Aboriginal Heritage Management Plan/s approved by the state government agency responsible for the protection of aboriginal heritage.</p> <p>(p) The following provisions apply to that part of Special Control Area 1 shown on the Scheme Maps as Industrial Zone (Area C)—</p> <ol style="list-style-type: none"> i. All major development shall be subject to approved environmental management criteria governing layout, manner of development and ongoing management of proposed operations, including safety and satisfactory storage or disposal of noxious or hazardous materials or wastes. ii. All major development shall be subject to an environmental impact statement if requested by the Local Government. <p>(q) The following provisions apply to that part of Special Control Area 1 shown on the Scheme Maps as Industrial Zone (Area B)—</p> <ol style="list-style-type: none"> a. Prior to construction of the port— <ol style="list-style-type: none"> i. a Coastal Management and Structure Plan will be prepared for Area B of the Industrial Zone by the State Government to the satisfaction of the Local Government and in consultation with the Environmental Protection Authority and the Western Australian Planning Commission; and ii. a Structure Plan is to be prepared in accordance with Schedule 2, Part 4 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, to be adopted by the Local Government, and endorsed by the Western Australian Planning Commission. The Plans are to provide for the coordination and integration of intended land uses, transport and service corridors and sites of heritage and landscape significance, and shall depict public access to and along the ocean foreshore. The Plans are to address port and associated activities, transport and services corridors and rehabilitation of remnant vegetation and management of recreation. b. The Coastal Management and Structure Plan shall be consistent with relevant Western Australian Planning Commission policy, shall conform with conditions set by the Minister for the Environment for the Oakajee Deep Water Port Proposal.

Name of area	Purpose and Objective	Additional provisions
Special Control Area 2—Moresby Range Landscape Protection (SCA2)	The purpose of Special Control Area 2 is the protection of the Moresby Range and associated valleys from development and/or subdivision that will detrimentally affect the landscape values of the area, including preventing development that may lead to problems of erosion. In determining any application for development approval on land within Special Control Area 2, the local government shall give consideration to the purpose of the Special Control Area.	<p>(1) Within SCA 2, no clearing or destruction of any remnant native vegetation or re-vegetation shall be permitted except for—</p> <ul style="list-style-type: none"> (a) Clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended), the local government's Bush Fire Notice and/or any fire management plan endorsed by the local government; (b) Clearing as may reasonably be required to accommodate an approved building and curtilage, or vehicular access to an approved building or other land use approved by the local government; and/or (c) Clearing as may be allowed under the Department of Water and Environmental Regulation and Conservation Land Clearing Regulations; (d) Trees that are diseased or dangerous. <p>(2) In the determination of any application for development approval within SCA 2, the local government may, having regard to the purpose of the Special Control Area set out in Part 5 and the assessment criteria detailed in the Moresby Range Management Strategy, require modification of development proposals, or impose conditions of approval regarding—</p> <ul style="list-style-type: none"> (a) The siting of the proposed development; (b) The design and layout of the proposed development; (c) The materials and finishes to be used in the proposed development; (d) The protection of remnant native vegetation or re-vegetation located on the site; (e) The installation and maintenance of vegetation to provide for the visual screening of proposed development; and/or (f) The installation and maintenance of vegetation, retaining walls or other works to prevent erosion.
Special Control Area 3—Public Drinking Water Supply (SCA3)	To identify the proclaimed Public Drinking Water Source Protection Areas; and b) to ensure that land use and development within is compatible with the protection and long-term management of water resources for public water supply.	<p>(1) Relevant considerations</p> <ul style="list-style-type: none"> (a) In determining land uses and development proposals, the local government will have due regard to relevant State Government policies and the most recent Department of Water, Department of Water and Environmental Regulation Land Use Compatibility Tables for Public Drinking Supply Areas; and (b) In determining land uses and development proposals, the local government is to have due regard to any comments and recommendations from the Department of Water and Environmental Regulation and may impose relevant conditions to prevent or minimise the potential risk of groundwater contamination. The local government should also have regard to the management direction provided by priority classification of certain areas, noting that: i) Priority 2 areas are defined to ensure that there is no increased risk of pollution of the water source; and ii) Priority 3 areas are defined to manage the risk of pollution to the water source. 6.4.3. <p>(2) Prior to approving land uses in Special Control Area 3, the local government may refer applications to the Department of Water and Environmental Regulation and the Water Corporation for consideration and recommendation.</p>

PART 6—TERMS REFERRED TO IN SCHEME*Division 1—General definitions used in Scheme***50. Terms used**

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

building envelope means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;

building height, 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;

cabin 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;

chalet 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;

commencement day means the day this Scheme comes into effect under section 87(4) of the Act;

commercial vehicle 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);

floor area has meaning given in the Building Code;

frontage, 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 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 *Mining Act 1978* section 8(1);

net lettable area or **nla** means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas—

- (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 *Planning and Development Act 2005* 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.

51. Land use terms used

(1) 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—

abattoir means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;

aged care facility means a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include hospital or psychiatric facility;

agriculture—extensive means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture—intensive or animal husbandry—intensive;

agriculture—intensive 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;

amusement parlour 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;

animal establishment 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;

animal husbandry—intensive 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;

art gallery means premises—

- (a) that are open to the public; and
- (b) where artworks are displayed for viewing or sale;

bed and breakfast 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;

betting agency means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*;

brewery means premises the subject of a producer's license authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*;

bulky goods showroom 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;

- camping ground** has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;
- caravan park** means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* 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—
- any part of a public road used for parking or for a taxi rank; or
 - any premises in which cars are displayed for sale;
- child care premises** means premises where—
- an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
 - a child care service as defined in the *Child Care Services Act 2007* 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;
- 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—
- used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
 - operated during hours which include, but may extend beyond, normal trading hours; and
 - the floor area of which does not exceed 300 m² 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;
- 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 *Education and Care Services National Law (Western Australia)* 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—
- without further preparation; and
 - primarily off the premises;
- fuel depot** means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used—
- as a service station; or
 - for the sale of fuel by retail into a vehicle for use by the vehicle;
- funeral parlour** means premises used—
- to prepare and store bodies for burial or cremation;
 - to conduct funeral services;
- garden centre** means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;
- holiday accommodation** means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owners of the lot;
- holiday house** means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;
- home business** 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—
- does not involve employing more than 2 people who are not members of the occupier's household; and
 - 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 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—

- (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—
 - (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
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) 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 means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation—

- (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 means a shop attached to a dwelling that—

- (a) has a net lettable area not exceeding 100 m²; and
- (b) is operated by a person residing in the dwelling;

hospital means premises that are a hospital within the meaning given in the *Health Services Act 2016* section 8(4);

hotel means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises;

industry 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—

- (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;

industry—cottage means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which—

- (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;

industry—extractive 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—

- (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;

industry—light 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;

industry—rural means—

- (a) an industry handling, treating, processing or packing rural products;
(b) a workshop servicing plant or equipment used for rural products;

industry—service means—

- (a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
(b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

liquor store—large means—

- (a) the subject of a liquor store license granted under the *Liquor Control Act 1988*; and
(b) in which the whole of, or a portion of, the premises with a net lettable area of more than 300 m² is used to display and sell packaged liquor for consumption off the premises.

liquor store—small means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300 m²;

lunch bar 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;

marina 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;

marine filling station means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

market means premises used for the display and sale of goods from stalls by independent vendors;

medical centre 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;

mining operations means premises where mining operations, as that term is defined in the *Mining Act 1978* section 8(1) is carried out;

motel means premises, which may be licensed under the *Liquor Control Act 1988*—

- (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;

motor vehicle, boat or caravan sales means premises used to sell or hire motor vehicles, boats or caravans;

motor vehicle repair 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;

motor vehicle wash means premises primarily used to wash motor vehicles;

nightclub means premises the subject of a nightclub license granted under the *Liquor Control Act 1988*;

office means premises used for administration, clerical, technical, professional or similar business activities;

park home park means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8;

place of worship means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;

produce stall means a stall used to sell produce grown or made locally.

reception centre means premises used for hosted functions on formal or ceremonial occasions;

recreation—private means premises that are—

- (a) used for indoor or outdoor leisure, recreation or sport; and
(b) not usually open to the public without charge;

renewable energy facility 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;

repurposed dwelling means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling;

resource recovery centre means premises other than a waste disposal facility used for the recovery of resources from waste;

restaurant/cafe 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 *Liquor Control Act 1988*;

restricted premises 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 *Classification (Publications, Films and Computer Games) Act 1995* (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;

road house 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 emergencies;
- (f) dump points for the disposal of black and/or grey water from recreational vehicles;

rural home business 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—

- (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 200 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 more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;

rural pursuit/hobby farm 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—

- (a) the rearing, agistment, stabling or training of animals;
- (b) the keeping of bees;
- (c) the sale of produce grown solely on the premises;

salvage yard means land or premises used for the storage and sale of materials salvaged from the demolition or renovating of buildings or machinery;

second hand dwelling 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;

serviced apartment means a group of units or apartments providing—

- (a) self-contained short stay accommodation for guests; and
- (b) any associated reception or recreational facilities;

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 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 *Liquor Control Act 1988*;

stockpiling means the temporary storage of raw or manufactured materials for a given purpose in an enclosed or an open environment;

tavern means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*;

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—

- (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 *Carbon Rights Act 2003* 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—

- (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—

- (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;

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—

- (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 of which development approval not required.

(1) Development approval of the local government is not required for the following works—

- (k) the erection or extension of a single house in the Rural zone, where the development standards set out in the scheme (including boundary setbacks) are satisfied, unless the development—
 - (i) is located in a place that is entered in the Register of Heritage Places under the *Heritage Act 2018*; or
 - (ii) is located in a place that is the subject of an order under the *Heritage Act 2018* Part 4; or
 - (iii) is located in a place that is included on a heritage list prepared in accordance with this Scheme; or

- (iv) is located in a place that is within an area designated under the Scheme as a heritage area; or
 - (v) is located in a place that is the subject of a heritage agreement entered into under the *Heritage Act 2018* section 90; or
 - (vi) is proposed within 100 metres of any natural waterway or may be potentially affected by a 1 in 100-year flood of the Chapman, East Chapman, Oakajee, Buller or Greenough Rivers, or the Durawah Gully; or
 - (vii) is proposed on a lot which does not have access to a dedicated legal and/or constructed road; or
 - (viii) will involve the erection of any structure greater than 9.0 metres in height above natural ground level.
- (l) the erection or extension of an outbuilding, external figure, boundary wall or fence, patio, pergola, veranda, garage, carport, or swimming pool on the same lot as a single house in the Rural zone, where the development standards set out in the scheme (including boundary setbacks) are satisfied, unless the development—
- (i) is located in a place that is entered in the Register of Heritage Places under the *Heritage Act 2018*; or
 - (ii) is located in a place that is the subject of an order under the *Heritage Act 2018* Part 4; or
 - (iii) is located in a place that is included on a heritage list prepared in accordance with this Scheme; or
 - (iv) is located in a place that is within an area designated under the Scheme as a heritage area; or
 - (v) is located in a place that is the subject of a heritage agreement entered into under the *Heritage Act 2018* section 90; or
 - (vi) is proposed within 100 metres of any natural waterway or may be potentially affected by a 1 in 100-year flood of the Chapman, East Chapman, Oakajee, Buller or Greenough Rivers, or the Durawah Gully; or
 - (vii) is proposed on a lot which does not have access to a dedicated legal and/or constructed road; or
 - (viii) will involve the erection of any structure greater than 9.0 metres in height above natural ground level; or
 - (ix) is a relocated building.
- (n) the demolition of any building or structure on a Rural zoned lot except where the building or structure is—
- (i) located in a place that has been entered in the Register of Places under the *Heritage Act 2018*; or
 - (ii) the subject of an order under Part 4 of the *Heritage Act 2018*; or
 - (iii) included on the Heritage List prepared in accordance with this Scheme; or
 - (iv) located within an area designated under this Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage Act 2018* section 90.

SCHEDULE 1—ADDITIONAL USES

Table 6

Specified additional uses for zoned land in Scheme area

No.	Description of land	Additional use	Conditions
A1	Lot 14 Nanson-Howatharra Road, Nanson Location 2248	As an 'A' use— <ul style="list-style-type: none"> • Brewery • Camping ground • Caravan park • Holiday accommodation • Residential Building • Reception centre • Restaurant/cafe • Winery 	1. The local government may require that a local development plan be prepared to its satisfaction prior to approving development in accordance with Part 6 of the deemed provisions. 2. Following the preparation of a local development plan to the satisfaction of the local government, development is to be in accordance with the local development plan.
A2	Lot 32 Victoria Murphy-Yetna Road, Nanson Location 6869	As an 'A' use— <ul style="list-style-type: none"> • Restaurant/cafe • Reception centre • Holiday accommodation 	1. The local government may require that a local development plan be prepared to its satisfaction prior to approving development in accordance with Part 6 of the deemed provisions.

No.	Description of land	Additional use	Conditions
			<p>2. Following the preparation of a local development plan to the satisfaction of the local government, development is to be in accordance with the local development plan.</p> <p>3. All buildings shall be sympathetic in design and construction, and complementary in colour and materials to the existing landform and landscape elements, to the satisfaction of the local government.</p> <p>4. The use of zincalume and/or coloured roof and wall materials, which in the opinion of the local government prejudices the landscape amenity of the surrounding landform, is not permitted.</p> <p>5. All habitable buildings (including a restaurant/café or reception centre) shall be serviced by—</p> <ul style="list-style-type: none"> (a) A potable water supply with a minimum storage capacity of 100,000L sourced from rainwater catchment or an alternative on-site supply approved by the local government in consultation with the Department of Health. (b) An approved on-site effluent disposal system set back a minimum distance of 100 metres from any water course or wetland area and a minimum of 30 metres from any bore, well or dam, with a minimum of 2 metres vertical separation from the base of the apparatus and the highest known ground water level or bedrock. <p>6. All supply of potable water shall comply with the drinking water standards for public buildings as prescribed under the Australian Drinking Water Guidelines [NHMRC] 1996.</p> <p>7. The seating for a restaurant/café or reception centre building shall not exceed 200 persons, including the provision for alfresco dining.</p> <p>8. The restaurant/café or reception centre shall include disabled access and ablution facilities in accordance with the standards prescribed in the Building Code of Australia.</p> <p>9. Carparking associated with a restaurant/café or reception centre shall be calculated at 1 bay for every 4 seats.</p> <p>10. All carparking, manoeuvring areas and access driveways shall be constructed, as a minimum, to compacted gravel, drained and delineated standard to the local government's specifications.</p> <p>11. The clearing of remnant vegetation on the property other than for fire management and/or driveway access purposes is not permitted, unless otherwise determined by the local government.</p> <p>12. All stormwater resulting from impervious surfaces and buildings shall be retained on the site. Stormwater shall not be disposed of into natural drainage lines resulting in erosion or cause environmental harm (contamination).</p> <p>13. A landscaping plan shall be submitted as part of a development application clearly showing the planting of native trees and shrubs around all proposed buildings on the property, to the satisfaction of the local government.</p> <p>14. Vegetation buffers shall be established on the property where, in the opinion of the local government, a potential conflict issue may arise with an adjoining land use.</p>

No.	Description of land	Additional use	Conditions
			<p>15. The specific siting of buildings on the property shall be determined by the local government at the development application stage taking into account visual amenity, conflict issues between neighbouring uses, vehicular access, provision of adequate servicing, and removal of vegetation and extent of site works involved.</p> <p>16. Management of the property (including all development/uses) shall be provided and maintained on site, unless otherwise determined by the local government.</p> <p>17. Prior to the commencement of development of an Additional Use permitted within this zone, the applicant shall provide and implement a fire management plan to the satisfaction of the Department of Fire and Emergency Services and the local government. The fire management plan shall address—</p> <ol style="list-style-type: none"> (a) water supplies for firefighting; (b) egress for residents and access for firefighting units; (c) strategic and alternative fire breaks; (d) location of building envelopes; and (e) adequacy of firefighting equipment. <p>The fire management plan is to be prepared in accordance with State Planning Policy No.3.7—Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas.</p>
A3	Lot 31 of Victoria, Baston Close, Nanson Location 2248	<p>As an 'A' use—</p> <ul style="list-style-type: none"> • Holiday Accommodation • Chalets 	<p>1. The local government may require that a local development plan be prepared to its satisfaction prior to approving development in accordance with Part 6 of the deemed provisions.</p> <p>2. Following the preparation of a local development plan to the satisfaction of the local government, development is to be in accordance with the local development plan.</p> <p>3. All buildings shall be sympathetic in design and construction, and complementary in colour and materials to the existing landform and landscape elements, to the satisfaction of the local government.</p> <p>4. The use of zincalume and/or coloured roof and wall materials, which in the opinion of the local government prejudices the landscape amenity of the surrounding landform, is not permitted.</p> <p>5. All habitable buildings shall be serviced by—</p> <ol style="list-style-type: none"> (a) A potable water supply with a minimum storage capacity of 100,000L sourced from rain water catchment or an alternative on-site supply approved by the local government in consultation with the WA Department of Health. (b) An approved on-site effluent disposal system set back a minimum distance of 100 metres from any water course or wetland area and a minimum of 30 metres from any bore, well or dam, with a minimum of 2 metres vertical separation from the base of the apparatus and the highest known ground water level or bedrock. <p>6. All supply of potable water shall comply with the drinking water standards for public buildings as prescribed under the Australian Drinking Water Guidelines [NHMRC] 1996.</p> <p>7. At least one chalet building shall include disabled access and ablution facilities in</p>

No.	Description of land	Additional use	Conditions
			<p>accordance with the standards prescribed in the Building Code of Australia.</p> <p>8. Car parking shall to be calculated at a minimum of 1 bay for every 2 bedrooms of accommodation provided (based on 2 persons per bedroom).</p> <p>9. All car parking, manoeuvring areas and access driveways shall be constructed, as a minimum, to compacted gravel, drained and delineated standard to the local government's specifications.</p> <p>10. The clearing of remnant vegetation on the property other than for fire management and/or driveway access purposes is not permitted, unless otherwise determined by the local government.</p> <p>11. All stormwater resulting from impervious surfaces and buildings shall be retained on the site. Stormwater shall not be disposed of into natural drainage lines resulting in erosion or cause environmental harm (contamination).</p> <p>12. A landscaping plan shall be submitted as part of a development application clearly showing the planting of native trees and shrubs around all proposed buildings on the property, to the satisfaction of the local government.</p> <p>13. Vegetation buffers shall be established on the property where, in the opinion of the local government, a potential conflict issue may arise with an adjoining land use.</p> <p>14. The specific siting of buildings on the property shall be determined by the local government at the development application stage taking into account visual amenity, conflict issues between neighbouring uses, vehicular access, provision of adequate servicing, and removal of vegetation and extent of site works involved.</p> <p>15. Prior to the commencement of development of an Additional Use permitted within this Zone, the developer shall provide and implement a fire management plan to the satisfaction of the Department of Fire and Emergency Services and the local government. The fire management plan shall address—</p> <ol style="list-style-type: none"> (a) water supplies for firefighting; (b) egress for residents and access for firefighting units; (c) strategic and alternative fire breaks; (d) location of building envelopes; and (e) adequacy of firefighting equipment. <p>The fire management plan is to be prepared in accordance with State Planning Policy No.3.7—Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas.</p>
A4	Lot 2 Chapman Valley Road, Yetna	<p>As an 'A' use—</p> <ul style="list-style-type: none"> • Brewery • Restaurant/café • Reception centre • Shop 	<p>1. The local government may require that a local development plan be prepared to its satisfaction prior to approving development in accordance with Part 6 of the deemed provisions.</p> <p>2. Following the preparation of a local development plan to the satisfaction of the local government, development is to be in accordance with the local development plan.</p> <p>3. All buildings shall be sympathetic in design and construction, and complementary in colour and materials to the existing landform and landscape elements, to the satisfaction of the local government.</p>

No.	Description of land	Additional use	Conditions
			<p>4. All habitable buildings (including a restaurant/cafe, reception centre and shop) shall be serviced by—</p> <p>(a) A potable water supply with a minimum storage capacity of 100,000L sourced from rainwater catchments or an alternative on-site supply approved by the local government in consultation with the WA Department of Health.</p> <p>(b) An approved on-site effluent disposal system set back a minimum distance of 100 metres from any water course or wetland area and a minimum of 30 metres from any bore, well or dam, with a minimum of 2 metres vertical separation from the base of the apparatus and the highest known ground water level or bedrock.</p> <p>5. All supply of potable water shall comply with the drinking water standards for public buildings as prescribed under the Australian Drinking Water Guidelines [NHMRC] 2004.</p> <p>6. The seating for a restaurant/café and reception centre shall not exceed 200 persons, including the provision for alfresco dining.</p> <p>7. Carparking associated with a restaurant/café or reception centre use shall be calculated at 1 bay for every 4 seats.</p> <p>8. All car parking, manoeuvring areas and access driveways shall be constructed, as a minimum, to compacted gravel, drained and delineated standard to the local government's specifications.</p> <p>9. The clearing of remnant vegetation on the property other than for fire management and /or driveway access purposes is not permitted, unless otherwise determined by the local government.</p> <p>10. All storm water resulting from impervious surfaces and buildings shall be retained on the site. Storm water shall not be disposed of into natural drainage lines resulting in erosion or cause environmental harm (contamination).</p> <p>11. A landscaping plan shall be submitted as part of a development application clearly showing the planting of native trees and shrubs around all proposed buildings on the property, to the satisfaction of the local government.</p> <p>12. Vegetation buffers shall be established on the property where, in the opinion of the local government, a potential conflict issue may arise with an adjoining land use.</p> <p>13. The specific siting of buildings on the property shall be determined by the local government at the development application stage taking into account visual amenity, conflict issues between neighbouring uses, vehicular access, provision of adequate servicing, and removal of vegetation and extent of site works involved.</p> <p>14. Management of the property (including all development/uses) shall be provided and maintained on site, unless otherwise determined by the local government.</p> <p>15. The crossover to Chapman Valley Road from Lot 2 shall be designed and constructed in accordance with local government/Main Roads WA standards.</p> <p>16. Prior to the commencement of development of an Additional Use permitted within this Zone, the developer may be required at the request of the local government to provide and</p>

No.	Description of land	Additional use	Conditions
			<p>implement a fire management plan to the satisfaction of the Department of Fire and Emergency Services and the local government. The fire management plan shall address—</p> <ol style="list-style-type: none"> i. water supplies for firefighting; ii. egress for residents/patrons and access for firefighting units; iii. strategic and alternative fire breaks; iv. adequacy of firefighting equipment. <p>The fire management plan is to be prepared in accordance with State Planning Policy No.3.7—Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas.</p>
A5	Portion Lots 2071, 1158, 6984, 7458 & 7459 Nanson Howatharra Road, Nanson	<p>As an 'A' use—</p> <ul style="list-style-type: none"> • Camping ground • Reception centre • Recreation—private • Produce stall 	<ol style="list-style-type: none"> 1. The local government may require that a local development plan be prepared to its satisfaction prior to approving development in accordance with Part 6 of the deemed provisions. 2. Following the preparation of a local development plan to the satisfaction of the local government, development is to be in accordance with the local development plan. 3. All buildings shall be sympathetic in design and construction, and complementary in colour and materials to the existing landform and landscape elements, to the satisfaction of the local government. 4. The specific siting of buildings on the property shall be determined by the local government at the development application stage taking into account visual amenity, conflict issues between neighbouring uses, vehicular access, provision of adequate servicing, and removal of vegetation and extent of site works involved. 5. Vegetation buffers shall be established on the property where, in the opinion of the local government, a potential conflict issue may arise with an adjoining land use. 6. The clearing of remnant vegetation on the property other than for fire management and/or driveway access purposes is not permitted, unless otherwise determined by the local government. 7. Prior to the commencement of development of an Additional Use permitted within this zone, the developer must provide and implement a fire management plan to the requirements of the local government in consultation with the Department of Fire and Emergency Services. The fire management plan shall address— <ol style="list-style-type: none"> i. water supplies for firefighting; ii. egress for residents and visitors to the site, and access for firefighting units; iii. strategic and alternative fire breaks; and iv. adequacy of firefighting equipment. <p>The fire management plan is to be prepared in accordance with State Planning Policy No.3.7—Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas.</p> <ol style="list-style-type: none"> 8. All supply of potable water shall comply with the drinking water standards for public buildings as prescribed under the Australian Drinking Water Guidelines 2011. 9. Ablution facilities must be provided to the requirements of the local government in consultation with the Department of Health.

No.	Description of land	Additional use	Conditions
			<p>10. Waste facilities must be provided to the requirements of the local government in consultation with the Department of Health.</p> <p>11. All carparking, manoeuvring areas and access driveways associated with the development must be constructed and maintained to the requirements of the local government.</p> <p>12. Additional to any requirements pertaining to development approval the land use must comply with all relevant requirements of the <i>Caravan Parks and Camping Grounds Regulations 1997</i>, <i>Liquor Control Act 1988</i>, <i>Liquor Control Regulations 1988</i> and the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>

SCHEDULE 2—RESTRICTED USES

Table 7

Restricted uses for land in Scheme area

No.	Description of land	Restricted use	Conditions
R1	Lot 20, Location 17, Chapman Valley Road, Waggrakine	<p>As an 'A' use—</p> <ul style="list-style-type: none"> • holiday accommodation • reception centre • restaurant/café • winery 	<p>1. The local government may require that a local development plan be prepared to its satisfaction prior to approving development in accordance with Part 6 of the deemed provisions.</p> <p>2. Following the preparation of a local development plan to the satisfaction of the local government, development is to be in accordance with the local development plan.</p> <p>3. All buildings shall be sympathetic in design and construction, and complementary in colour and materials to the existing landform and landscape elements, to the satisfaction of the local government.</p> <p>4. The use of zincalume and/or coloured roof and wall materials, which in the opinion of the local government prejudices the landscape amenity of the surrounding landform, is not permitted.</p> <p>5. All habitable buildings (including a restaurant/café or reception centre) shall be serviced by—</p> <p>(a) A potable water supply with a minimum storage capacity of 100,000L sourced from rainwater catchment or an alternative on-site supply approved by the local government in consultation with the WA Department of Health.</p> <p>(b) An approved on-site effluent disposal system set back a minimum distance of 100 metres from any water course or wetland area and a minimum of 30 metres from any bore, well or dam, with a minimum of 2 metres vertical separation from the base of the apparatus and the highest known ground water level or bedrock.</p> <p>6. All supply of potable water shall comply with the drinking water standards for public buildings as prescribed under the Australian Drinking Water Guidelines [NHMRC] 1996.</p> <p>7. A minimum roof area for the restaurant/café or reception centre shall be 230m², and for holiday accommodation the minimum roof area shall be 100m².</p> <p>8. The seating for a restaurant/café or reception centre shall not exceed 100 persons, including the provision for alfresco dining.</p> <p>9. The restaurant/café or reception centre shall include disabled access and ablution facilities in accordance with the standards prescribed in the Building Code of Australia.</p> <p>10. At least one building shall include disabled access and ablution facilities in accordance with the standards prescribed in the Building Code of Australia.</p>

No.	Description of land	Restricted use	Conditions
			<p>11. Carparking associated with a restaurant/café or reception centre shall be calculated at 1 bay for every 4 seats.</p> <p>12. Carparking for each chalet unit shall to be calculated at a minimum of 1 bay for every 2 bedrooms of accommodation provided (based on 2 persons per bedroom).</p> <p>13. All carparking, manoeuvring areas and access driveways shall be constructed, as a minimum, to compacted gravel, drained and delineated standard to the local government's specifications.</p> <p>14. The clearing of remnant vegetation on the property other than for fire management and/or driveway access purposes is not permitted, unless otherwise determined by the local government.</p> <p>15. All stormwater resulting from impervious surfaces and buildings shall be retained on the site. Stormwater shall not be disposed of into natural drainage lines resulting in erosion or cause environmental harm (contamination).</p> <p>16. A landscaping plan shall be submitted as part of a development application clearly showing the planting of native trees and shrubs around all proposed buildings on the property, to the satisfaction of the established on the property where, in the opinion of the local government, a potential conflict issue may arise with an adjoining land use.</p> <p>17. The specific siting of buildings on the property shall be determined by the local government at the development application stage taking into account visual amenity, conflict issues between neighbouring uses, vehicular access, provision of adequate servicing, and removal of vegetation and extent of site works involved.</p> <p>18. Management of the property (including all development/uses) shall be provided and maintained on site, unless otherwise determined by the local government.</p> <p>19. The crossover to Chapman Valley Road from the site shall be designed and constructed in accordance with local government standards.</p>

SCHEDULE 3—ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS FOR ZONES

Zone	Minimum lot area (m ²)	Minimum effective frontage (m)	Maximum site coverage (%)	Maximum plot ratio	Minimum boundary setbacks (m)			Minimum carparking spaces	Minimum landscaping (% of site area)
					Front	Rear	Side		
Residential	*	*	*	*	*	*	*	*	*
Rural Townsite	*	*	*	*	*	*	*	*	*
Urban Development	As outlined in approved structure plan	*	*	*	*	*	*	*	*
Rural-Residential	As outlined in approved structure plan	As outlined in approved structure plan	**	**	15	5	5	**	**
Rural Smallholdings	As outlined in approved structure plan	As outlined in approved structure plan	**	**	15	10	5	**	**
Rural	***	200	**	**	15	15	5	**	**
Commercial	**	20	50	1.5	4	7.5	Nil	1 per 100m ² gfa	10
Rural Enterprise	10,000 (1ha)	*	*	*	*	*	*	*	20
Light Industry	1,000	20	50	0.8	9	5	5	1 per 100m ² gfa	10
General Industry	2,000	25	50	0.8	20	5	5	1 per 100m ² gfa	10
Oakajee Industrial Area A (General Industry)	2,000	25	50	0.8	20	5	5	1 per 100m ² gfa	10
Oakajee Industrial Area B (Coastal)	4,000	40	70	0.8	20	5	7.5	1 per 100m ² gfa	5
Oakajee Industrial Area C (Strategic Industry)	50,000	80	50	0.8	20	10	30	1 per 100m ² gfa	10
Public Purposes	**	**	**	**	**	**	**	**	**

* As per the Residential Design Codes except for non-residential development in which case the standards shall be as determined by the local government in each particular case.

** As determined by the local government in each particular case.

*** As determined by the local government consistent with the Local Planning Strategy.

**SCHEDULE 4—ADDITIONAL SITE AND DEVELOPMENT
REQUIREMENTS FOR LAND USES**

Use	DEVELOPMENT STANDARDS			
	Minimum lot area (m ²)	Minimum carparking spaces	Minimum landscaping (% of site area)	Other requirements
Aged or dependent person's dwelling	As per Residential Design Codes	As per Residential Design Codes	As per Residential Design Codes	
Aged care facility		As determined by the local government		
Agriculture-intensive				As per Local Planning Policy
Amusement parlour		1 per 20m ² nla		
Ancillary dwelling		As per Residential Design Codes	As per Residential Design Codes	As per Local Planning Policy
Animal establishment				As per Local Planning Policy and Local Laws
Animal husbandry-intensive				As per Local Planning Policy and Local Laws
Bed and breakfast	800 on Residential or Townsite Zoned land	1 per bedroom		As per Local Planning Policy
Betting agency		1 per 20m ² nla		
Camping ground	100,000 on Rural Smallholdings or Rural Zoned land			As per Local Planning Policy
Caravan park	100,000 on Rural Smallholdings or Rural Zoned land	1 per site plus 1 visitor bay per 5 sites		As per Local Planning Policy
Cinema/theatre		1 per 4 seats		
Consulting rooms		4 per consultant		
Convenience store		1 per 20m ² nla		
Exhibition centre	100,000 on Rural Smallholdings or Rural Zoned land	1 per 40m ² nla		As per Local Planning Policy
Family day care		1		
Fast food outlet	2,000	1 per 10m ² nla		
Grouped dwelling		As per Residential Design Codes on Residential zoned land	As per Residential Design Codes on Residential zoned land	As per Clause 5.20 for Rural zone As per Local Planning Policy for all other zones
Holiday accommodation	100,000 on Rural Smallholdings or Rural Zoned land	1 per unit		As per Local Planning Policy on Rural Smallholdings or Rural Zoned land
Home business		2, plus 1 for each staff member not normally resident on site		As per Local Planning Policy
Home occupation		Nil		As per Local Planning Policy
Hotel		1 per 5m ² bar and lounge area		
Industry-cottage		2, plus 1 for each staff member not normally resident on site		As per Local Planning Policy
Industry-extractive				As per Local Planning Policy
Industry	2,000	1 per 100m ² gfa	10	As per Local Planning Policy
Industry—light	1,000	1 per 100m ² gfa	10	As per Local Planning Policy
Industry—rural				As per Local Planning Policy
Industry-service		1 per 40m ² for retail area, 1 per 100m ² for remainder of nla		As per Local Planning Policy
Lunch Bar		1 per 40m ² nla		

Use	DEVELOPMENT STANDARDS			
	Minimum lot area (m ²)	Minimum carparking spaces	Minimum landscaping (% of site area)	Other requirements
Liquor store		1 per 20m ² nla		
Residential building	100,000 on Rural Smallholdings or Rural Zoned land	1 per bedroom		As per Local Planning Policy
Motel		1 per room, plus 1 staff/visitor bay per 5 rooms		As per Local Planning Policy
Motor vehicle boat or caravan sales		1 per 100m ² retail space		
Multiple dwelling		As per Residential Design Codes	As per Residential Design Codes	
Nightclub		1 per 5m ² bar and lounge area		
Office		1 per 40m ² nla		
Park home park	100,000 on Rural Smallholdings or Rural Zoned land	1 per site plus 1 visitor bay per 5 sites		As per Local Planning Policy
Produce stall		1 per 40m ² nla		
Reception centre	100,000 on Rural Smallholdings or Rural Zoned land	1 per 4 people the centre will accommodate		As per Local Planning Policy
Restaurant/café	100,000 on Rural Smallholdings or Rural Zoned land	1 per 4 seats		As per Local Planning Policy
Restricted premises		1 per 20m ² nla		
Salvage yard	2,000			
Service station	1500			
Shop		1 per 20m ² nla		
Single house		As per Residential Design Codes Design Codes on Residential zoned land	As per Residential Design Codes Design Codes on Residential zoned land	
Tavern		1 per 5m ² bar and lounge area		
Veterinary centre		4 per consultant		
Warehouse/Storage		1 per 200m ² GLA		
Winery		1 per 30m ² retail space		

SCHEDULE 5—SITE AND DEVELOPMENT REQUIREMENTS RELATING TO RURAL, RURAL RESIDENTIAL AND RURAL SMALLHOLDINGS ZONES

Zone	Requirement
Rural	<p>(1) The erection of two or more single detached dwellings may be permitted within the Rural zone at the discretion of the local government where the land is managed for rural pursuits or agriculture-extensive and where the occupants are engaged in that predominant land use or activity.</p> <p>(2) The occurrence of development in accordance with subclause (1) will generally not be considered as grounds for subdivision. Subdivision of land within the Rural zone will generally not be supported unless it is zoned to facilitate subdivision as specifically provided for in the endorsed Local Planning Strategy; or is consistent with the criteria set out in the Western Australian Planning Commission's Development Control Policy 3.4 (Subdivision of Rural Land).</p>
Rural Residential and Rural Smallholdings	<p>(1) Structure Plan</p> <p>(a) Subdivision, development and land use shall generally be in accordance with a structure plan as adopted by the local government and the Western Australian Planning Commission in accordance with Part 4 of the deemed provisions;</p> <p>(b) Subdivision, development and land-use shall generally be in accordance with any other matters outlined on the structure plan; and</p> <p>(c) In addition to such other provisions of the Scheme as may affect it, any land that is included in a Rural Residential zone or Rural Smallholding zone shall be subject to those provisions as may be specifically set out against it in Schedules 6 or 7.</p>

Zone	Requirement
	<p>(2) Buildings</p> <p>(a) All buildings shall be sited in accordance with the setback requirements specified in the Scheme except where building envelopes are shown on a structure plan or local development plan. Where building envelopes are shown, all buildings and effluent disposal systems shall be located within that envelope.</p> <p>(b) All buildings constructed on the land shall be sympathetic to existing landscape features, predominantly landform, vegetation and amenity in terms of their design, height, location, material and cladding colours.</p> <p>(c) Construction of a dam or soak or land use activity that may impede in any way the natural flow along any water course shall be subject to formal planning consent being granted by the local government, following consultation with the Department of Water and Environmental Regulation.</p> <p>(d) Only one dwelling is permitted on any lot within the Rural Residential and Rural Smallholding zone, although the local government may, at its discretion, also approve one ancillary accommodation unit.</p> <p>(e) No dwelling shall be constructed or approved for construction unless an approved method of on-site effluent disposal suitable for long-term usage has been incorporated into the approved plans, and is in a location, to the satisfaction of the local government in consultation with the Department of Health.</p> <p>(f) All stormwater runoff from buildings and other impervious surfaces shall be disposed of within each lot so as to avoid scouring and erosion.</p> <p>(3) Vegetation</p> <p>(a) No clearing or destruction of any remnant vegetation or revegetation shall be permitted except for—</p> <ol style="list-style-type: none"> i. Clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended), the local government's Bush Fire Notice and/or any fire management plan endorsed by the local government, and the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i>; ii. Clearing for vehicular access or fire breaks specifically identified on a structure plan or local development plan; iii. Clearing as may reasonably be required to accommodate an approved building and curtilage, or vehicular access to an approved building or other land use approved by the local government; iv. Trees that are diseased or dangerous. <p>(b) Re-vegetation of identified areas with the intent of rehabilitating degraded land or for screening purposes may be required on consideration of subdivision or development applications.</p> <p>(4) Foreshores/Watercourses</p> <p>(a) At the time of subdivision, the local government may request that the Western Australian Planning Commission impose conditions requiring that an Urban Water Management Plan and/or Watercourse Management Plan be prepared and implemented.</p> <p>(b) At time of subdivision, the local government may request that the Western Australian Planning Commission impose condition/s requiring suitable arrangements to be made for the ceding of foreshore reserves or management and/or rehabilitation of foreshores retained in private ownership.</p> <p>(c) Vehicle and pedestrian crossings over watercourses shall be designed and constructed to minimise impact on their natural form and function.</p> <p>(5) Fire Management</p> <p>(a) At time of subdivision, the local government may request that the Western Australian Planning Commission impose condition/s requiring the preparation of a fire management plan; and</p> <p>(b) At time of subdivision, the local government may request that the Western Australian Planning Commission impose condition/s requiring a contribution toward firefighting facilities in the district.</p> <p>(6) Vehicular Access</p> <p>(a) At time of subdivision, the local government may request that the Western Australian Planning Commission impose condition/s requiring the construction of any roads, battle-axe access legs, or shared access legs required to provide adequate vehicular access to the proposed lots; and</p> <p>(b) At time of subdivision, the local government may request that the Western Australian Planning Commission impose condition/s requiring a contribution to the upgrading of the local road system.</p> <p>(c) At time of development approval, the local government may require a crossover to be constructed to the specifications of the Shire and/or Main Roads WA.</p>

Zone	Requirement
	<p>(7) Fencing</p> <p>(a) At time of subdivision, the local government may request that the Western Australian Planning Commission impose condition/s requiring the installation of boundary fencing and fencing around areas of remnant vegetation and/or re-vegetation. All such fences are to be constructed to control stock to the satisfaction of local government and maintained in good condition thereafter to the satisfaction of the local government; and</p> <p>(b) Prior to the stocking of any particular lot, the local government may require that areas of remnant vegetation within or adjoining the lot shall be protected by stock proof fencing to the specification and satisfaction of the local government. All such fences are to be maintained in good condition thereafter to the satisfaction of the local government.</p> <p>(8) Advice to Prospective Purchasers</p> <p>(a) At time of subdivision, the local government may request that the Western Australian Planning Commission impose condition/s requiring the subdivider to advise prospective purchasers of the special provisions contained herein and any other provisions of the Scheme considered relevant by the local government.</p>

SCHEDULE 6—ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS RELATING TO RURAL RESIDENTIAL ZONE

No.	Description of Land	Conditions
RR1	Waggrakine/ White Peak shown on Scheme Maps 11 of 17 and 13 of 17 as RR1	<p>1. For those lots which do not depict a building envelope, all structures including sheds, outbuildings, garages, storage areas and effluent disposal systems shall be sited not more than 22 metres from the closest wall of the dwelling, and must also comply with the setback and/or siting standards in the Scheme;</p> <p>2. With the objective of maintaining sustainable land use practices and preventing land degradation through wind and water erosion, the keeping of animals is permitted in accordance with the following or such density as approved by the local government following consultation with the Department of Primary Industries and Regional Development, with conditions if appropriate—</p> <ul style="list-style-type: none"> • 5 sheep / 1ha of agistment area • 1 horse / 2ha of agistment area • 1.6 pony / 2ha of agistment area • 1 milking cow / 2ha of agistment area • 1.6 heifer / 2ha of agistment area • 5 goats / 1ha of agistment area <p>Only one stock option as specified above will be permitted or a combination equivalent of one option.</p> <p>3. Notwithstanding the above, the local government may reduce or vary the limit on stocking or place any other conditions in light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the environment or amenity of the neighbouring properties from those rates described in Clause (2) above.</p> <p>4. The following fencing requirements shall apply—</p> <p>(a) The minimum standard of fencing shall be seven-line ringlock with single strand wire on top, with pine posts at six metre separation;</p> <p>(b) The subdivider shall construct perimeter boundary fencing to the minimum standard at each stage of subdivision.</p> <p>(c) The developer shall fence all bridle trails to the minimum standard as the bridle trails are developed at each progressive stage of subdivision.</p> <p>(d) Prior to final approval of subdivision of the land, the watercourse and all remnant vegetation (excluding areas for fire control, driveway access and servicing) shall be protected from livestock by means of fencing to an appropriate standard as prescribed by the local government.</p> <p>(e) All other fencing shall be constructed by individual landowners to the minimum standard, prior to the issue of a building permit.</p>

No.	Description of Land	Conditions
		<p>5. Prior to the commencement of any development on any lot, the local government may require each lot owner to prepare a tree planting and maintenance program with the intention of screening building structures and rehabilitating and revegetating the land without restricting approved activities/operations.</p> <p>6. Construction of a dam or soak or land use activity that may impede in any way the natural flow along any water course shall be subject to formal planning consent being granted by the local government, following consultation with the Department of Water and Environmental Regulation.</p> <p>7. Bridle trails depicted on the structure plan will be constructed by the subdivider at the time of subdivision to the specification and satisfaction of the local government.</p> <p>8. All lots created shall be connected to a reticulated water supply.</p> <p>9. The creation of lots adjoining the future North West Coastal Highway alignment will not be permitted without a trafficable alternative access being provided to the subject land, and direct access onto the highway alignment will not be permitted.</p>
RR2	Waggrakine/ Moresby shown on Scheme Map 15 of 17 as RR2	<p>1. With the objective of maintaining sustainable land use practices, and preventing land degradation through wind and water erosion, the keeping of animals is permitted in accordance with the following or such density as approved by the local government following consultation with the Department of Primary Industries and Regional Development, with conditions if appropriate—</p> <ul style="list-style-type: none"> • 5 sheep / 1ha of agistment area • 1 horse / 2ha of agistment area • 1.6 pony / 2ha of agistment area • 1 milking cow / 2ha of agistment area • 1.6 heifer / 2ha of agistment area • 5 goats / 1ha of agistment area <p>Only one stock option as specified above will be permitted or a combination equivalent of one option.</p> <p>2. Notwithstanding the above, the local government may reduce or vary the limit on stocking or place any other conditions in light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the environment or amenity of the neighbouring properties from those rates described in Clause (1) above.</p> <p>3. Prior to the commencement of any development on any lot, the local government may require each lot owner to prepare a tree planting and maintenance program with the intention of screening building structures and rehabilitating and revegetating the land without restricting approved activities/operations.</p> <p>4. At the time of subdivision, the development setback from either side of any creek line is to be confirmed in conjunction with the Department of Water and Environmental Regulation.</p> <p>5. No building shall be erected above the 140metre A.H.D. contour.</p> <p>6. At the time of subdivision, suitable arrangements are to be made with the Water Corporation for the adequate provision of a reticulated water supply to service lots above the RL 112 AD line. This shall include the transfer of freehold land (free of cost) and any infrastructure works (at the subdividers expense) as indicated on the structure plan.</p> <p>7. With regard to the proposed water tank site, an overhead tank erected on a stand is not permitted.</p> <p>8. The infrastructure (tank and associated buildings/infrastructure) shall be of a colour complementary to the existing landform and landscape elements, to the satisfaction of the local government. Zincalume or a galvanised corrugated iron finish or similar is not permitted;</p> <p>9. The Water Corporation or subdivider will be required at the time of installing a water storage tank to submit a landscaping plan for screening purposes to be endorsed by the local government, with this plan to be implemented within 12 months from the date of approval unless otherwise approved by the local government.</p> <p>10. Any new subdivisional or service road intersection(s) with Chapman Valley Road shall be subject to the approval of the local government. Direct vehicular access onto Chapman Valley Road shall not be permitted.</p>

**SCHEDULE 7—SITE AND DEVELOPMENT REQUIREMENTS RELATING TO RURAL
SMALLHOLDING ZONES**

No.	Description of Land	Conditions
RS1	Howatharra/ Nabawa/ Nanson/ Yetna shown on Scheme Maps 3 of 17, 6 of 17, 9 of 17 and 10 of 17 as RS1	<p>1. Applications for Development Approval</p> <p>In addition to the requirements of Clause 63 of the deemed provisions, all applications for development approval are required to be accompanied by relevant plans and information that—</p> <ol style="list-style-type: none"> (a) propose appropriate land management techniques to the satisfaction of the responsible authority to make good areas of degradation identified as such; (b) delineate areas of significant remnant vegetation, surface water and other water bodies and significant topographical features; (c) delineate areas of stock grazing and proposed stock numbers; (d) delineate the proposed location of building envelopes; (e) delineate the location of existing and proposed effluent disposal systems; (f) delineate location of existing tracks and fences and proposed location of fences and driveways; and (g) describe materials and colour of external cladding of all proposed buildings. <p>2. Land use</p> <ol style="list-style-type: none"> (a) When considering applications for development approval, the local government may refer the application to the Department of Water and Environmental Regulation and the Department of Primary Industries and Regional Development and any other responsible authority and relevant Government agency for comment and approval where appropriate; (b) Animal husbandry-intensive and industry-extractive are prohibited; and (c) The subdividing owner of the land shall make arrangements satisfactory to the local government to ensure that prospective purchasers are advised that preliminary advice should be sought from the Department of Primary Industries and Regional Development regarding the establishment within the subject land any proposed use that falls under the use class 'agriculture-intensive' as defined in Part 6. <p>3. Stocking Rates</p> <ol style="list-style-type: none"> (a) With the objective of maintaining sustainable land use practices, and preventing land degradation through wind and water erosion, the keeping of animals is permitted in accordance with the following or such density as approved by the local government following consultation with the Department of Primary Industries and Regional Development, with conditions if appropriate— <ul style="list-style-type: none"> • 2.5 dry sheep equivalent / 1 hectare • 1 horse / 2 hectares • 1 pony / 1.6 hectares • 1 milking cow / 4 hectares • 1 heifer / 1.6 hectares • 1 dairy goat / 0.5 hectares • 5 cashmere goats / 1 hectare • 1 deer / 0.3 hectares <p>Only one stock option will be permitted or a combination equivalent to one option is permitted.</p> (b) Notwithstanding the above, the local government may reduce or vary the limit on stocking or place any other conditions in light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the environment or amenity of the neighbouring properties from those rates described in Clause 3(a) above. <p>4. Water Resources</p> <ol style="list-style-type: none"> (a) Where scheme water supply is unavailable a minimum 100,000L rainwater storage facility for each residence or evidence from the proponent which is satisfactory to the local government than an adequate on-site potable water source exists shall be provided;

No.	Description of Land	Conditions
		<p>(b) A license from the Department of Water and Environmental Regulation is required to draw groundwater from a well, bore, dam or any naturally occurring surface water body or watercourse;</p> <p>(c) Where the area has not been surveyed for hydrological resources, the prior advice of the Department of Water and Environmental Regulation should be sought regarding the provision of a water supply for any proposed agriculture-intensive land use and development;</p> <p>(d) No development or land use activity shall impede in any way the natural water flow along any creek line or water course.</p>
RS2	Narra Tarra/Yetna shown on Scheme Maps 9 of 17 and 14 of 17 as RS2	<p>1. Stock Control</p> <p>(a) The keeping of animals (other than domestic pets) shall accord with the maximum stocking rates as prescribed by the Department of Primary Industries and Regional Development.</p> <p>(b) Application for approval to increase the stocking rate above the minimum prescribed is to be submitted to and determined by the local government. The local government in determining an application for an increase in the stocking rate may consult with Department of Primary Industries and Regional Development and affected surrounding land owners on desirable rates and applicable pasture types.</p> <p>(c) Notwithstanding (a) above, the local government may reduce or vary the limit on stocking or place any other conditions in light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the environment or amenity of the neighbouring properties.</p> <p>2. Water</p> <p>(a) Construction of a single dwelling on any proposed lot shall be supported by a minimum roof catchment area of 300m² from all building/s and a rain water storage tank of at least 100,000L (or evidence from the applicant which is satisfactory to the local government that an adequate on-site potable water source exists) shall be provided to sustain a potable water supply for domestic and fire fighting use in accordance with the local governments Rural Bushfire Policy requirements.</p> <p>(b) The local government may request the Western Australian Planning Commission impose a condition at the time of subdivision requiring the subdivider to demonstrate the quantity and quality of ground water, with this data to be made available to the local government and prospective purchasers of the land.</p> <p>3. Vehicle Access</p> <p>(a) No direct vehicle access is permitted onto or from a Primary Distributor Road.</p> <p>4. Advice to Purchasers</p> <p>(a) The local government may request that the Western Australian Planning Commission impose a condition at the time of subdivision that requires the subdivider to ensure that prospective purchasers and successors in title are advised of—</p> <ol style="list-style-type: none"> i. The Scheme provisions which relate to the use and management of the land; ii. The constraints associated with the use of ground and surface water for agriculture-intensive pursuits, and the need to liaise with the Department of Water and Environmental Regulation regarding ground water licensing requirements for commercial use. iii. The recommendations detailed in any Aboriginal Heritage Survey that may have been prepared as a requirement of the rezoning process.
RS3	White Peak shown on Scheme Maps 11 of 17, 12 of 17 and 13 of 17 as RS3	<p>1. Stocking Rates</p> <p>(a) With the objective of maintaining sustainable land use practices, and preventing land degradation through wind and water erosion, the keeping of animals is permitted in accordance with the following or such density as approved by the local government following consultation with the</p>

No.	Description of Land	Conditions
		<p>Department of Primary Industries and Regional Development, with conditions if appropriate—</p> <ul style="list-style-type: none"> • 5 dry sheep/1 hectare • 1 horse/2 hectare • 1.6 pony/2 hectare • 1 milking cow/2 hectares • 1.6 heifer/2 hectares • 5 goats/1 hectare <p>Only one stock option will be permitted or a combination equivalent to one option is permitted.</p> <p>(b) Notwithstanding the above, the local government may reduce or vary the limit on stocking or place any other conditions in light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the environment or amenity of the neighbouring properties from those rates described in Clause 1(a) above.</p> <p>2. Water</p> <p>(a) Where scheme water supply is unavailable, construction of a single dwelling on any proposed lot shall be supported by a minimum roof catchment area of 300m² from all building/s and a rain water storage tank of at least 100,000L (or evidence from the applicant which is satisfactory to the local government that an adequate on-site potable water source exists) shall be provided to sustain a potable water supply for domestic and firefighting use in accordance with the local government's Rural Bushfire Policy requirements.</p> <p>(b) The local government may request the Western Australian Planning Commission impose a condition at the time of subdivision requiring the subdivider to demonstrate the quantity and quality of ground water, with this data to be made available to the local government and prospective purchasers of the land.</p>
RS4	Howatharra shown on Scheme Maps 8 of 17 as RS4	<p>1. Stock Control</p> <p>(a) The keeping of animals shall only take place upon areas identified within the structure plan.</p> <p>(b) The keeping of animals shall accord with the maximum stocking rates as prescribed by the Department of Primary Industries and Regional Development.</p> <p>(c) Applications for approval increase the stocking rate above the minimum prescribed is to be submitted to and determined by the local government. The local government in determining an application for an increase in the stocking rate may consult with the Department of Primary Industries and Regional Development and affected surrounding landowners on desirable rates and applicable pasture types.</p> <p>(d) Notwithstanding (b) above, the local government may reduce or vary the limit on stocking or place any other conditions in light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the environment or amenity of the neighbouring properties.</p> <p>2. Vegetation Protection</p> <p>(a) A restrictive covenant shall be placed on the Title of each lot limiting the clearing of remnant vegetation to designated building envelopes, with the exception of fire control, driveway access and servicing.</p> <p>(b) Prior to the stocking of any areas identified within the structure plan as suitable for the keeping of animals, all remnant vegetation shall be protected from livestock by means of fencing to an appropriate standard to the approval of the local government.</p> <p>3. Water</p> <p>(a) Construction of a single dwelling on any proposed lot shall be supported by a minimum roof catchment area of 300m² from all building/s and a rain water storage tank of at least 100,000L (or evidence from the applicant which is satisfactory to the local government that an adequate on-site potable water source exists) shall be provided to sustain a potable water supply for domestic and firefighting use in accordance with the local government's Rural Bushfire Policy requirements.</p>

No.	Description of Land	Conditions
		(b) The local government may request the Western Australian Planning Commission impose a condition at the time of subdivision requiring the subdivider to demonstrate the quantity and quality of ground water, with this data to be made available to the local government and prospective purchasers of the land.

SCHEDULE 8—CARPARKING STANDARDS

Use	Minimum carparking spaces
Aged or dependent person's dwelling	As per Residential Design Codes
Aged care facility	
Agriculture-intensive	*
Amusement parlour	1 per 20m ² nla
Ancillary dwelling	As per Residential Design Codes
Animal establishment	*
Animal husbandry-intensive	*
Bed and breakfast	1 per bedroom
Betting agency	1 per 20m ² nla
Camping ground	
Caravan park	1 per site plus 1 visitor bay per 5 sites
Cinema/theatre	1 per 4 seats
Consulting rooms	4 per consultant
Convenience store	1 per 20m ² nla
Exhibition centre	1 per 40m ² nla
Family day care	1
Fast food outlet	1 per 10m ² nla
Grouped dwelling	As per Residential Design Codes on Residential zoned land
Holiday accommodation	1 per unit
Home business	2, plus 1 for each staff member not normally resident on site
Home occupation	*
Hotel	1 per 5m ² bar and lounge area
Industry-cottage	2, plus 1 for each staff member not normally resident on site
Industry-extractive	*
Industry-general	1 per 100m ² gfa
Industry—light	1 per 100m ² gfa
Industry—rural	*
Industry-service	1 per 40m ² f for retail area, 1 per 100m ² for remainder of nla
Liquor store	1 per 20m ² nla
Residential Building	1 per bedroom
Lunch bar	1 per 40m ² nla
Motel	1 per room, plus 1 staff/visitor bay per 5 rooms
Motor vehicle boat or caravan sales	1 per 100m ² retail space
Multiple dwelling	As per Residential Design Codes
Night club	1 per 5m ² bar and lounge area
Office	1 per 40m ² nla
Park home park	1 per site plus 1 visitor bay per 5 sites
Produce stall	1 per 40m ² nla
Reception centre	1 per 4 people the centre will accommodate
Restaurant/café	1 per 4 seats
Restricted premises	1 per 20m ² nla
Salvage yard	*
Service station	1 per 20m ² nla
Shop	1 per 40m ² nla

Use	Minimum carparking spaces
Showroom	As per Residential Design Codes Design Codes on Residential zoned land
Single house	1 per 5m ² bar and lounge area
Tavern	4 per consultant
Veterinary centre	1 per 200m ² GLA
Warehouse	1 per 20m ² retail space
Winery	*

* To be determined by the local government in each particular case.

Table 2—Car parking dimensions

Parking angle	Width (m)	Length (m)	Separation / Aisle (m)
45 degree	3.5	5.2	3.7
60 degree	2.8	5.6	5
90 degree	2.5	5.5	6.5
Standard	All parking spaces shall be designed, constructed, drained and maintained to the satisfaction of the local government		
Landscaping	Landscaping shall be undertaken at a rate of 1 bay per every 10 bays being landscaped (inclusive of a tree).		

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the Shire of Chapman Valley at the Ordinary Council Meeting of Council held on the 21 March 2018.

M. BATTILANA, Chief Executive Officer.
A. FARRELL, President.

COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL

Council resolved to support approval of the draft Scheme of the Shire of Chapman Valley at the Ordinary Council Meeting of Council held on the 21 November 2018.

The Common Seal of the Shire of Chapman Valley was hereunto affixed by authority of a resolution of the Council in the presence of—

M. BATTILANA, Chief Executive Officer.
A. FARRELL, President.

WAPC Recommended for Approval

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

Approval Granted
Date: 12 June 2019.

C. MEAGHAN.

Date: 28 June 2019.

R. SAFFIOTI, Minister for Planning.