

Shire of Chapman Valley

Local Planning Scheme No. 4

Updated to include Scheme, gazetted on 28 July 2026

Original Local Planning Scheme Gazetted on
28 JULY 2026



Department of Planning,
Lands and Heritage



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Shire of Chapman Local Planning Scheme No. 4
Amendments

Amendment No.	Gazettal Date	Date Updated	Updated By	Details
Scheme	28/07/2026	28/07/2026	HAB	New Scheme

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Part 1 – Preliminary

1. Citation

This local planning scheme is the Shire of Chapman Valley Scheme No.4.

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.3 as gazetted 23/7/2019.

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

- (1) In addition to the provisions set out in this document (the **scheme text**), this Scheme includes the following —
 - a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 (amended)).
 - b) the supplemental provisions to the deemed provisions contained in Schedule A.
 - c) the Scheme Map (sheets 1 – 17).
- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of Scheme

The purposes of this Scheme are to —

- a) set out the local government's planning aims and intentions for the Scheme area; and
- b) set aside land as local reserves for public purposes; and
- c) zone land within the Scheme area for the purposes defined in this Scheme; and
- d) control and guide development including processes for the preparation of structure plans 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) maintain sustainable land use practices and prevent land degradation through wind and water erosion;
- e) protect, preserve and enhance the environment, natural and cultural heritage, and landscape and streetscape values;
- f) provide for the consolidation and/or expansion of the existing settlements of Nabawa, Yuna, Nanson and Howatharra;
- g) protect the landscape and environmental values of the Moresby Range and associated valleys;
- h) protect, and provide for the appropriate development of, coastal and riverine areas, and water supplies;

- i) provide for the orderly and proper development of the Urban Development zone;
- j) provide for the orderly and proper development of the Oakajee Strategic Industry area, 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
- k) 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	- 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.
Foreshore	- To set aside areas for foreshore reserves abutting a body of water or water course. - To provide for the protection of natural values and processes, a range of active and passive recreational uses, cultural and community activities, activities promoting community education of the environment and/or uses that are compatible with and/or support the amenity of the reservation.
Environmental Conservation	- 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	- 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	To provide for a range of essential physical and community infrastructure.
Infrastructure Services	Public Purposes which specifically provide for a range of essential infrastructure services.

Reserve Name	Objectives
Education	Public Purposes which specifically provide for a range of essential education facilities.
Emergency Services	Public Purposes which specifically provide for a range of essential emergency services.
Cemetery	To set aside land required for a cemetery.
Primary Distributor Road	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	To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
Local Distributor Road	To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	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	- 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	To provide for a range of land uses that would typically be found in a small country town.
Urban Development	- 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	- 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	- 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	- 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.

Zone name	Objectives
	• To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. • To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. • To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
Commercial	• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. • To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
Light Industry	• 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	• 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.
Strategic Industry	• To designate industrial sites of State or regional significance.
Special Use	• To facilitate special categories of land uses which do not sit comfortably within any other zone. • To enable the Council to impose specific conditions associated with the special use.
Rural Enterprise	• 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.

17. Zoning table

The zoning table for this Scheme is as follows —

Table 3 – Zoning Table

Use	Residential	Rural Townsite	Rural Residential	Rural Smallholdings	Rural	Commercial	Light Industry	General Industry	Strategic Industry	Rural Enterprise	Urban Development
Abattoir	X	X	X	X	A	X	X	X	X	X	Refer to clause 18(6)
Agriculture—extensive	X	X	X	D	P	X	D	D	P	X	
Agriculture—intensive	X	X	X	D	D	X	D	X	X	X	
Amusement parlour	X	X	X	X	X	A	X	X	X	X	
Ancillary dwelling	P	D	D	D	D	D	X	X	X	X	
Animal establishment	X	X	X	A	A	X	A	X	X	X	
Animal husbandry—intensive	X	X	X	A	A	X	X	X	X	X	
Art gallery	A	A	A	D	D	P	X	X	X	D	
Betting agency	X	X	X	X	X	A	X	X	X	X	
Brewery	X	A	X	A	A	D	A	A	X	D	
Bulky goods showroom	X	X	X	X	X	P	P	A	X	D	
Caravan park	X	A	X	A	A	D	X	X	X	X	
Caretaker's dwelling	X	X	X	X	X	I	I	X	X	I	
Car park	X	D	X	X	X	D	D	D	D	I	
Child care premises	A	A	X	X	X	A	X	X	X	X	
Cinema/theatre	X	X	X	A	A	A	X	X	X	X	
Civic use	A	A	A	D	D	D	D	D	D	X	
Club premises	X	A	X	X	X	A	X	X	X	D	
Commercial vehicle parking	X	A	A	D	P	D	P	P	P	X	
Community purpose	X	A	X	X	A	D	D	X	X	D	
Consulting rooms	A	A	X	X	X	D	X	X	X	X	
Convenience store	X	A	X	X	X	P	D	D	X	X	
Corrective institution	X	X	X	X	X	X	X	X	X	X	
Educational establishment	X	A	X	A	A	A	X	X	X	X	
Exhibition centre	X	A	X	A	A	D	X	X	X	X	
Family day care	A	A	A	A	A	D	X	X	X	X	
Fast food outlet/lunch bar	X	A	X	X	X	D	A	A	X	X	
Fuel depot	X	X	X	X	X	X	D	D	D	X	
Funeral parlour	X	X	X	X	X	D	D	X	X	A	
Garden centre	X	A	A	A	A	D	A	X	X	D	

Use	Residential	Rural Townsite	Rural Residential	Rural Smallholdings	Rural	Commercial	Light Industry	General Industry	Strategic Industry	Rural Enterprise	Urban Development
Grouped dwelling	P	D	X	X	D	D	X	X	X	X	Refer to clause 18(6)
Home business	A	D	A	D	D	D	X	X	X	D	
Home occupation	D	D	D	D	D	D	X	X	X	D	
Home office	P	P	P	P	P	P	X	X	X	P	
Home store	A	A	A	A	D	D	X	X	X	X	
Hospital	X	X	X	X	X	A	X	X	X	X	
Hosted short-term rental accommodation	P	P	P	P	P	P	X	X	X	X	
Hotel	X	X	X	X	X	A	X	X	X	X	
Independent living complex	A	A	X	X	X	X	X	X	X	X	
Industry	X	X	X	X	X	X	A	P	A	X	
Industry—cottage	X	D	A	A	D	D	X	X	X	P	
Industry—extractive	X	X	X	A	A	X	A	A	D	X	
Industry—light	X	X	X	X	X	X	P	D	A	P	
Industry—rural	X	X	X	A	D	X	D	D	X	X	
Liquor store—large	X	X	X	X	X	D	X	X	X	X	
Liquor store—small	X	X	X	X	X	D	X	X	X	X	
Marina	X	X	X	X	X	X	X	X	A	X	
Marine filling station	X	X	X	X	X	X	X	X	A	X	
Market	X	D	X	A	A	A	A	X	X	X	
Medical centre	X	X	X	X	X	D	D	I	X	X	
Mining operations	A	A	A	A	A	A	A	A	D	A	
Motor vehicle, boat or caravan sales	X	X	X	X	X	D	P	A	X	X	
Motor vehicle repair	X	X	X	X	X	D	P	P	D	D	
Motor vehicle wash	X	X	X	X	X	D	P	P	D	X	
Multiple dwelling	D	D	X	X	X	D	X	X	X	X	
Nature based park	X	X	X	A	A	X	X	X	X	X	
Nightclub	X	X	X	X	X	A	X	X	X	X	
Office	X	X	X	X	X	P	D	I	I	I	
Park home park	X	X	X	X	A	D	X	X	X	X	
Place of worship	X	X	X	X	X	A	X	X	X	X	
Reception centre	X	X	X	A	A	D	X	X	X	X	
Recreation—private	X	X	X	A	D	D	D	X	X	A	
Renewable energy facility	X	X	X	X	A	X	A	A	A	X	

Use	Residential	Rural Townsite	Rural Residential	Rural Smallholdings	Rural	Commercial	Light Industry	General Industry	Strategic Industry	Rural Enterprise	Urban Development
Repurposed dwelling	A	A	A	A	D	D	X	X	X	I	Refer to clause 18(6)
Residential aged care facility	A	A	X	X	X	D	X	X	X	X	
Residential building	A	A	A	A	A	D	X	X	X	X	
Resource recovery centre	X	X	X	X	A	X	A	D	A	A	
Restaurant/cafe	X	A	X	A	A	D	X	X	X	X	
Restricted premises	X	X	X	X	X	A	X	X	X	X	
Road house	X	A	X	X	A	D	A	A	X	X	
Rural home business	X	A	X	A	D	D	X	X	X	X	
Rural pursuit/hobby farm	X	X	A	D	P	D	X	X	X	X	
Second hand dwelling	A	A	A	A	D	D	X	X	X	I	
Service Station	X	A	X	X	X	D	D	D	X	X	
Shop	X	A	X	X	X	P	D	I	X	X	
Single house	P	P	P	P	P	D	X	X	X	I	
Small bar	X	A	X	X	X	A	X	X	X	X	
Tavern	X	X	X	X	X	A	X	X	X	X	
Telecommunications infrastructure	A	A	A	A	D	A	P	P	D	A	
Tourist and visitor accommodation	X	A	X	A	A	D	X	X	X	X	
Trade display	X	X	X	X	X	D	P	P	X	D	
Trade supplies	X	X	X	X	X	D	D	D	X	D	
Transport Depot	X	X	X	X	X	X	P	P	D	A	
Tree farm	X	X	X	A	D	X	D	D	X	X	
Unhosted short-term rental accommodation	A	A	A	A	A	D	X	X	X	X	
Veterinary centre	X	X	X	X	A	D	D	X	X	A	
Warehouse/storage	X	X	X	X	A	X	P	D	D	A	
Waste disposal facility	X	X	X	X	A	X	X	A	A	X	
Waste storage facility	X	X	X	X	A	X	X	A	A	X	
Winery	X	X	X	D	D	P	D	X	X	X	
Workforce accommodation	X	A	X	X	A	A	X	X	X	X	

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 advertising the application in accordance with clause 64 of the deemed provisions;
 - X means that the use is not permitted by this Scheme.

Notes for this clause:

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.
 2. Under clause 61 of the deemed provisions and Schedule A certain works and uses are exempt from the requirement for development approval.
 3. Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.
- (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 advertise 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 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) 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 Table 7 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

There are no restricted uses which apply to this Scheme.

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 ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.
- (4) Subclause (3)(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (5) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

Part 4 - General development requirements

25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- (2A) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (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 —
 - (a) the area has a coding number superimposed on it in accordance with subclause (3); or
 - (b) a provision of this Scheme provides that the R-Codes apply to the area.
- (5) The R-Codes can be applied in full or in part, in a provision of the Scheme.

26. Modification of R-Codes

There are no modifications to the R-Codes.

27. Deleted

28. Deleted

29. Other planning codes to be read as part of Scheme

There are no other planning codes that are to be read as part of the Scheme.

30. Modification of planning codes

There are no modifications to a planning code that, under clause 29, is to be read as part of the Scheme.

31. Environmental conditions

- (1) The conditions set out in Table 4 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 4 – Environmental conditions that apply to land in Scheme area

Scheme or amendment No.	Gazettal date	Environmental conditions
Scheme No.2	20 November 2013	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 <i>Shire of Chapman Valley Buller Development Zone Opportunities, Constraints and Concepts Study</i>. 2) Any future structure plan shall identify future local scheme reserves for the purpose of conservation as outlined in concept 2A within the <i>Shire of Chapman Valley Buller Development Zone Opportunities, Constraints and Concepts Study</i>. 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. 4) Any future structure plan shall identify the areas of <i>Frankenia pauciflora</i> community on Lots 7 and 9 as areas that are to be subject to local development plans that are to address the Commission's Liveable Neighbourhoods policy in respect of public open space, vegetation protection, future fences, building envelopes and setbacks of any development and future lots.

- (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 must ensure that all statements relating to this Scheme published under the *Environmental Protection Act 1986* Part IV Division 3 are published in accordance with clause 87 of the deemed provisions.
- (4) Subclause (3) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

32. General development standards and requirements

- (1) Schedules 2, 3, 4, 5 and 6 set out requirements relating to development that are additional to those set out in the R-Codes or other planning codes listed under clause 29, precinct structure 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 or other planning codes listed under clause 29, a precinct structure plan, a local development plan or a State or local planning policy, the requirement referred to in subclause (1) prevails.
- (3) To the extent that a requirement referred to in clause 33 is inconsistent with clause 32, the requirement referred to in clause 33 prevails.

33. Site specific development standards and requirements that apply to land covered by structure plan, or local development plan

There are no additional requirements that apply to this Scheme.

34. Variations to site and development requirements

(1) In this clause —

general development standards and requirements means requirements set out in clauses 32 and 33.

(2) The local government may approve an application for a development approval that does not comply with a general development standard or requirement.

(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 a general development standard or 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(4) 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(2) of the deemed provisions; and

(b) the non-compliance with the general development standard or requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

35. Restrictive covenants

(1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.

(2) If subclause (1) operates to extinguish or vary a restrictive covenant —

- (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
- (b) the local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for development approval in accordance with clause 64 of the deemed provisions.

Part 5 - Special control areas

36. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in Table 5. The provisions contained in a special control area apply in addition to the provisions that apply to the underlying zone or reserve.

Table 5 – Special control areas in Scheme area

Name of area	Purpose and Objective	Additional provisions
Special Control Area 1 – Oakajee Strategic Industry Area 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 (b) Provide for a buffer surrounding the industrial estate within which land uses incompatible with the purpose of the industrial estate are not permitted. (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.	(1) Notwithstanding any other provision contained in this Scheme, no residential use shall be permitted on land within the Special Control Area. Specific exception may be made to accommodate temporary workforce accommodation, that has been granted temporary development approval in accordance with the deemed provisions, and which is associated with the construction of an approved industrial use. (2) The following provisions apply to that part of the Special Control Area zoned Strategic Industry and General Industry — (a) All development proposed must be in accordance with an approved structure plan prepared in accordance with Part 4 of the deemed provisions. (b) A structure plan prepared in accordance with (2)(a) shall also include consideration of the following: i) Transport infrastructure and road hierarchy, in consultation with the Department of Main Roads; ii) Cumulative noise impact modelling; iii) Air quality modelling; iv) District water management report; v) Quantitative risk assessment; vi) Bushfire risk management; vii) Landscape and visual impact management;

Name of area	Purpose and Objective	Additional provisions
		viii) Heritage management; ix) Remnant vegetation and significant flora management. (c) At the time of development application, in addition to the requirements of this Scheme and State planning policy, proponents may be required to provide the following: i) An environmental impact assessment outlining: • Site layout; • Manner and form of development; • Ongoing management of proposed operations, including safety and satisfactory storage or disposal of noxious or hazardous materials or wastes; ii) Water management plan; iii) Landscape and visual impact management plan; iv) Bushfire management plan; v) Traffic impact assessment and management plan. (d) All development applications considered by the determining authority to be of environmental significance shall be referred to the Environmental Protection Authority. (3) Prior to construction of the port — (a) A structure plan and coastal management plan shall be prepared in accordance with Part 4 of the deemed provisions and relevant State planning policy, to the satisfaction of the determining authority, in consultation with the Environmental Protection Authority and Commission. (b) The plans are to provide for — (i) the coordination and integration of intended land uses, including

Name of area	Purpose and Objective	Additional provisions
		the port and associated activities; (ii) transport and service corridors; (iii) rehabilitation of remnant vegetation; (iv) sites of heritage and landscape significance; and (v) recreation, including public access to and along the ocean foreshore.
Special Control Area 2 – Moresby Range Landscape Protection Area (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.	(1) No clearing or destruction of any remnant native vegetation or re-vegetation shall be permitted except for clearing — (a) 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) that 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; (c) that may be allowed under the Department of Water and Environmental Regulation land clearing regulations; and/or (d) to remove trees that are diseased or dangerous. (2) In the determination of any application for development approval the local government may, having regard to the purpose of the Special Control Area and the assessment criteria detailed in the Moresby Range Management Strategy, require modification of development proposals, or impose conditions of approval regarding — (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;

Name of area	Purpose and Objective	Additional provisions
		(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 to ensure that land use and development within is compatible with the protection and long-term management of water resources for public water supply.	(1) In determining development applications, in addition to matters specified in clause (67)(2) of the deemed provisions the local government will have due regard to the most recent Department of Water and Environmental Regulation Land Use Compatibility Tables for Public Drinking Supply Areas. (2) In determining development applications, the local government is to have due regard to any comments and recommendations from the Department of Water and Environmental Regulation and the Water Corporation 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 — (a) Priority 2 areas are defined to ensure that there is no increased risk of pollution of the water source; and (b) Priority 3 areas are defined to manage the risk of pollution to the water source.

Part 6 - Terms referred to in Scheme

Division 1 – General definitions used in Scheme

37. Terms used

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

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

cabin means a building that —

- (a) is an individual unit other than a chalet; and
- (b) forms part of —
 - (i) tourist and visitor accommodation; or
 - (ii) a caravan park;and
- (c) if the unit forms part of a caravan park – is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period;

chalet means a building that —

- (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) forms part of —
 - (i) tourist and visitor accommodation; or
 - (ii) a caravan park;and
- (c) if the unit forms part of a caravan park – is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period;

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 the meaning given in the Building Code;

minerals has the meaning given in the *Mining Act 1978* section 8(1);

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;

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

wholesale means the sale of goods or materials to be sold by others.

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

Division 2 – Land use terms used in Scheme

38. Land use terms used

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

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

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 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;

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 licence authorising the production of beer, cider or spirits 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, beddings, 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 children's goods, including play equipment and accessories;
 - (xi) sporting, cycling, leisure, fitness goods and accessories;
 - (xii) swimming pools;or
- (b) used to sell 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;

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 —

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) any premises in which cars are displayed for sale;

child care premises means premises where —

- (a) 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
- (b) 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;

commercial vehicle parking means premises used for parking of one or two commercial vehicles but does not include —

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) parking of commercial vehicles incidental to the predominant use of the land;

community purpose means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;

consulting rooms means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

convenience store means premises —

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) the floor area of which does not exceed 300m² 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/lunch bar means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten —

- (a) without further preparation; and
- (b) primarily off the premises;

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 —

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle;

funeral parlour means premises used —

- (a) to prepare and store bodies for burial or cremation;
- (b) 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;

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 —

- (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 50m²; 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 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 20m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m²; 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 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 100m²; and
- (b) is operated by a person residing in the dwelling;

hospital means premises used as a hospital as defined 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
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granted under the *Liquor Control Act 1988*, including any betting agency on the premises;

independent living complex means a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility;

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 outbuilding 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 premises used for industry that —

- (a) supports and/or is associated with primary production; or
- (b) services plant or equipment used in primary production;

liquor store — large means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300m²;

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 300m²;

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;

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;

nature based park means facility used as a nature based park as defined in the *Caravan Parks and Camping Grounds Regulations 1997*;

nightclub means premises the subject of a nightclub licence 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*;

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

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 relating to, the generation of

energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary;

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

residential aged care facility means a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes —

- (a) appropriate staffing to meet the nursing and personal care needs of residents;
- (b) meals and cleaning services;
- (c) furnishings, furniture and equipment.

This may consist of multiple components that include communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short term) care and/or an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility;

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

restaurant/café 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) accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period;
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;

rural home business means 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 200m²; and
- (d) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (e) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle 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;

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 home or transportable dwelling;

service station means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;

shop means premises other than a 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*;

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 and visitor accommodation —

- (a) means a building, or a group of buildings forming a complex, that —
 - (i) is wholly managed by a single person or body; and
 - (ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and
 - (iii) may include on-site services and facilities for use by guests; and
 - (iv) in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night; and
- (b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during

the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but

(c) does not include any of the following —

- (i) an aged care facility as defined in the *Land Tax Assessment Act 2002* section 38A(1);
- (ii) a caravan park;
- (iii) hosted short-term rental accommodation;
- (iv) a lodging-house as defined in the *Health (Miscellaneous Provisions) Act 1911* section 3(1);
- (v) a park home park;
- (vi) a retirement village as defined in the *Retirement Villages Act 1992* section 3(1);
- (vii) a road house;
- (viii) workforce accommodation;

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 and relocated 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 Part 7) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015* (amended).

39. Development for which development approval not required

- (1) Development approval is not required for works if —
 - (a) the works are of a class specified in Column 1 of an item in Table 6; and
 - (b) if conditions are set out in Column 2 of Table 6 opposite that item — all of those conditions are satisfied in relation to the works.

Table 6

No.	Column 1- Works	Column 2 - Conditions
1.	The erection of, or alterations or additions to, a single house on a lot.	(a) Where located in the Rural zone; and (b) where the Scheme development standards and requirements for the zone are satisfied; and (c) the development is not located in a place that is — (i) a heritage-protected place; (ii) abutting an unconstructed road reserve or on a lot which does not have direct frontage to a gazetted road reserve; (iii) within 100m of any natural waterway.
2.	The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house: (a) ancillary dwelling (b) outbuilding; (c) external fixture; (d) boundary wall or solid fence; (e) patio; (f) pergola; (g) verandah; (h) deck; (i) garage (j) carport;.	(a) Where located in the Rural zone; and (b) where the Scheme development standards and requirements for the zone are satisfied; and (c) the development is not located in a place that is — (i) a heritage-protected place; (ii) within 100m of any natural waterway.

- (2) Development approval of the local government is not required for the following uses —
 - (a) the use of land in a reserve, where such land is owned or vested in the local government or a public authority, and the use is —
 - (i) for the purpose for which the land is reserved under this Scheme; or
 - (ii) for any purpose for which such land may be lawfully used by the local government or the public authority.

Schedule 1 – Additional Uses

Table 7 - Specified additional uses for zoned land in Scheme area

No.	Description of land	Additional use	Conditions
A1	Lot 4 Post Office Lane, Nabawa	'A' Use • Community Purpose • Exhibition Centre • Industry - Cottage • Market • Reception Centre • Recreation – Private	(1) The additional uses shall be located, designed and constructed to ensure that the amenity of adjoining residential properties is maintained, with regard to visual amenity, noise, dust, vibration, other emissions and vehicular access. (2) When considering an application for development approval the local government may impose conditions in relation to (but not be limited to) — • upgrading of the existing building; • hours of operation; • number of seats; • number of employees; • signage; • car parking and access; • landscaping; • stormwater drainage; • waste disposal; and/or • any other matters the local government considers relevant.

Schedule 2 - General Development Standards and Requirements for Zones

Table 8

Zone	Minimum lot area	Minimum effective frontage (m)	Maximum site coverage (%)	Maximum plot ratio	Minimum boundary setbacks (m)			Minimum landscaping (% of site area)
					Front	Rear	Side	
Residential	*	*	*	*	*	*	*	*
Rural Townsite	*	*	*	*	*	*	*	*
Urban Development	As outlined in approved structure plan	*	*	*	*	*	*	*
Rural-Residential	1ha	***	* *	* *	15	5	5	* *
Rural Smallholdings	4ha	***	* *	* *	15	5	5	* *
Rural Enterprise	1ha	*	*	*	*	*	*	20
Rural	* * *	200	* *	* *	15	5	5	* *
Commercial	* *	20	50	1.5	4	7.5	Nil	10
Light Industry	1,000m ²	20	50	0.8	9	5	5	10
General Industry	2,000m ²	25	50	0.8	20	5	5	10
Strategic Industry	As outlined in approved structure plan	As outlined in approved structure plan	50	0.8	20	10	10	10

* As per the R-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 Commission at the time of subdivision.

Schedule 3 - General Development Standards and Requirements for Land Uses

Table 9

DEVELOPMENT REQUIREMENTS				
Use	Minimum lot area	Minimum carparking spaces	Minimum landscaping (% of site area)	Other requirements
Agriculture—intensive	*	*	*	As per Local Planning Policy
Amusement parlour	*	1 per 20m ² nla	*	
Ancillary dwelling	*	As per R-Codes	As per R-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
Betting agency	*	1 per 20m ² nla	*	
Caravan park	10ha 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	10ha on Rural Smallholdings or Rural zoned land	1 per 40m ² nla	*	As per Local Planning Policy
Family day care	*	1	*	
Fast food outlet/lunch bar	2,000m ²	1 per 20m ² nla	*	
Grouped dwelling	*	As per R-Codes on Residential zoned land	As per R-Codes on Residential zoned land	As per Local Planning Policy for all other zones
Home business	*	2, plus 1 for each staff member not normally resident on site	*	As per Local Planning Policy

DEVELOPMENT REQUIREMENTS				
Use	Minimum lot area	Minimum carparking spaces	Minimum landscaping (% of site area)	Other requirements
Home occupation	*	*	*	As per Local Planning Policy
Hotel	*	1 per 5m ² bar and lounge area	*	
Independent living complex	*	*	*	As per the R-Codes clause 5.5.2
Industry	2,000m ²	1 per 100m ² gfa	10	As per Local Planning Policy
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—light	1,000m ²	1 per 100m ² gfa	10	As per Local Planning Policy
Industry—rural	*	*	*	As per Local Planning Policy
Liquor store—large Liquor store—small	*	1 per 20m ² nla	*	
Motor vehicle, boat or caravan sales	*	1 per 100m ² retail space	*	
Multiple dwelling	*	As per R-Codes	As per R-Codes	
Nightclub	*	1 per 5m ² bar and lounge area	*	
Office	*	1 per 40m ² nla	*	
Park home park	10ha on Rural Smallholdings or Rural zoned land	1 per site plus 1 visitor bay per 5 sites	*	As per Local Planning Policy
Reception centre	10ha on Rural Smallholdings or Rural zoned land	1 per 4 people the centre will accommodate	*	As per Local Planning Policy
Residential aged care facility	*	*	*	
Residential building	10ha on Rural Smallholdings		*	As per Local Planning Policy

DEVELOPMENT REQUIREMENTS				
Use	Minimum lot area	Minimum carparking spaces	Minimum landscaping (% of site area)	Other requirements
	or Rural zoned land	1 per bedroom		
Restaurant/café	10ha on Rural Smallholdings or Rural zoned land	1 per 4 seats	*	As per Local Planning Policy
Restricted premises	*	1 per 20m ² nla	*	
Service station	1,500m ²	*	*	
Shop	*	1 per 20m ² nla	*	
Single house	*	As per R-Codes Design Codes on Residential zoned land	As per R-Codes Design Codes on Residential zoned land	
Tavern	*	1 per 5m ² bar and lounge area	*	
Tourist and visitor accommodation	10ha on Rural Smallholdings or Rural zoned land	1 per unit	*	
Veterinary centre	*	4 per consultant	*	
Warehouse/storage	*	1 per 200m ² gfa	*	
Winery	*	1 per 30m ² retail space	*	

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

Schedule 4 –General Development Standards and Requirements relating to Rural, Rural Residential, Rural Smallholdings and Rural Enterprise Zones

Table 10

Zone	Requirement
Rural	(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 used for rural pursuit/hobby farm or agriculture—extensive and where the occupants are engaged in that predominant land use or activity. (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 rezoned to facilitate subdivision as specifically provided for in the endorsed Local Planning Strategy; or is consistent with the criteria set out in Development Control Policy 3.4 Subdivision of Rural Land. (3) Notwithstanding any other provision contained in this Scheme, the land uses warehouse/storage, waste disposal facility and waste storage facility are not permitted on any Rural zoned land outside of Special Control Area 1 – Oakajee Strategic Industry area and buffer.
Rural Residential and Rural Smallholdings	(1) Prior to subdivision the Commission may require that a structure plan be prepared in accordance with Part 4 of the deemed provisions. If a structure plan is required, it is to provide for the coordination and integration of the following matters, where applicable — (a) retention of remnant vegetation; (b) road network/s; (c) reticulated water supply (if available); (d) bushfire management and risk mitigation measures; (e) setbacks from strategic or other significant freight routes; (f) foreshore, public open space and drainage reserves; (g) building envelopes and/or exclusion areas; (h) areas where stock and other large animals may be kept; (i) any other relevant planning matter. (2) In addition to such other provisions of the Scheme as may affect it, any land that is included in a specific Rural Residential zone or Rural Smallholdings zone the subject of Schedules 5 or 6 shall be subject to those provisions. To the extent that a requirement in Schedule 5 or 6 is inconsistent with Schedule 4, the requirement referred to in Schedule 5 or 6 prevails. (3) All stormwater runoff from buildings and other impervious surfaces shall be disposed of within each lot so as to avoid scouring and erosion. (4) Vegetation (a) No clearing or destruction of any remnant vegetation or revegetated areas shall be permitted except for — (i) Clearing to comply with the requirements of the — • <i>Bush Fires Act 1954</i> (as amended);

Zone	Requirement
	• Local government Bush Fire Notice and/or an endorsed fire management plan; • <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. (b) At the time of subdivision application the local government may recommend that the Commission impose condition/s requiring re-vegetation of identified areas for the rehabilitation of degraded land, or for screening purposes. (c) Prior to the commencement of any development on any lot, the local government may require each landowner to prepare a tree planting and maintenance program with the intention of screening development and rehabilitating and revegetating the land. (5) Foreshores/Watercourses (a) At the time of subdivision application, the local government may recommend that the Commission impose conditions requiring that an Urban Water Management Plan and/or Watercourse Management Plan be prepared and implemented. (b) At the time of subdivision application, the local government may recommend that the Commission impose condition/s requiring suitable arrangements to be made for the ceding of foreshore reserves; or the management and/or rehabilitation of foreshores retained in private ownership. (c) Vehicle and pedestrian crossings over watercourses shall be designed and constructed to minimise impact on their natural form and function. (d) 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 development approval being granted by the local government, following consultation with the Department of Water and Environmental Regulation. (6) Fire Management (a) At the time of subdivision application, the local government may recommend that the Commission impose a condition requiring a contribution toward a strategic water tank for fire fighting purposes. (7) Vehicular Access (a) At the time of subdivision application, the local government may recommend that the 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

Zone	Requirement
	(b) At the time of subdivision application, the local government may recommend that the Commission impose condition/s requiring a contribution to the upgrading of the local road system. (c) At the time of development approval, the local government may require a crossover to be constructed to the specifications of the local government and/or Main Roads WA. (8) Fencing (a) At the time of subdivision application, the local government may recommend that the Commission impose condition/s requiring the installation of boundary fencing and stock control fencing around areas of — • remnant vegetation; • re-vegetation; • watercourses. (b) When considering an application for development approval the local government may impose a condition requiring areas of remnant vegetation to be protected by stock proof fencing.
Rural Enterprise	(1) Prior to subdivision and development the local government may require a structure plan to be prepared in accordance with Part 4 of the deemed provisions, 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) A maximum of one dwelling will be permitted on each lot, and each dwelling must be incidental to the predominant use. (3) The local government shall not grant development approval for a dwelling prior to the predominant use being either approved or constructed. (4) Where a dwelling has been granted development approval, it shall not be occupied until the predominant use is constructed and operational. (5) Lots shall be connected to a network electricity supply and reticulated potable water supply provided by a licensed service provider. (6) 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.

Schedule 5 –Development Standards and Requirements relating to specific Rural Residential zoned land

Table 11

No.	Description of Land	Requirement
RR1	Waggrakine/ White Peak, depicted as RR1 on Scheme Maps 11 and 13.	(1) For those lots without a building envelope, all structures including 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. (2) Development approval is not required for the keeping of animals at or below the density of — • 5 sheep per 1 hectare of agistment area, or the dry sheep equivalent for other small stock; or • 1 horse per 2 hectares of agistment area, or the cattle unit equivalent for other large stock. Only one stock option as specified above will be permitted or, a combination equivalent to one option. (3) Fencing requirements — (a) The minimum standard of fencing shall be seven-line ringlock with single strand wire on top, with pine posts at six metre separation; (b) At the time of subdivision application, the local government may recommend that the Commission impose conditions requiring — (i) construction of perimeter boundary fencing; or (ii) the fencing of bridal trails to the minimum fencing standard provided in requirement (3)(a). (4) All new lots shall be connected to a reticulated water supply.
RR2	Waggrakine/ Moresby, depicted as RR2 on Scheme Map 15.	(1) Development approval is not required for the keeping of animals at or below the density of — • 5 sheep per 1 hectare of agistment area, or the dry sheep equivalent for other small stock; or • 1 horse per 2 hectares of agistment area, or the cattle unit equivalent for other large stock. Only one stock option as specified above will be permitted or, a combination equivalent to one option. (2) At the time of subdivision application, the local government may recommend that the Commission impose condition/s requiring the preparation of a local development plan depicting minimum development setback lines from either side of any creek line, and recommend that the application be referred to the Department of Water and Environmental Regulation. (3) No building shall be erected above the 140 metre A.H.D. contour. (4) All new lots shall be connected to a reticulated water supply. (5) Direct vehicular access onto Chapman Valley Road shall not be permitted unless approved by the local government.

Schedule 6 – Development Standards and Requirements relating to specific Rural Smallholdings zoned land

Table 12

No.	Description of Land	Requirement
RS1	Howatharra/ Nabawa/ Nanson/Yetna, depicted as RS1 on Scheme Maps 3. 6. 9 and 10.	(1) Development and Land Use (a) In addition to the requirements of clause 63 of the deemed provisions, applications for development approval may be required by the local government to be accompanied by relevant plans and information that — (i) provides the details of land management techniques to restore areas of degraded land; (ii) delineate areas of significant remnant vegetation, surface water and other water bodies and significant topographical features; (iii) delineate areas of stock grazing and proposed stock numbers; (iv) delineate the proposed location of building envelopes; (v) delineate the location of existing and proposed effluent disposal systems; (vi) delineate location of existing tracks and fences and proposed location of fences and driveways; and (vii) describe materials and colour of external cladding of all proposed buildings. (b) 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; (c) Animal husbandry—intensive and industry—extractive are not permitted. (2) Stocking Rates (a) Development approval is not required for the keeping of animals at or below the density of — • 5 sheep per 1 hectare, or the dry sheep equivalent for other small stock; or • 1 horse per 2 hectares, or the cattle unit equivalent for other large stock. Only one stock option as specified above will be permitted or, a combination equivalent to one option. (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 Requirement 2(a) above. (3) Water Resources

No.	Description of Land	Requirement
		(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; (b) No development or land use activity shall impede in any way the natural water flow along any creek line or watercourse.
RS2	Narra Tarra/Yetna, depicted as RS2 on Scheme Maps 9 and 14.	(1) Stock Control (a) Use of the land for agriculture – extensive or animal husbandry – intensive, and specifically the keeping of animals (other than domestic pets), shall accord with the maximum stocking rates prescribed by the Department of Primary Industries and Regional Development. (b) In determining a development application for agriculture—extensive or animal husbandry—intensive the local government may impose conditions of approval relating to — (i) the maximum number of stock permitted; and (ii) a variation to the maximum number of stock permitted during unseasonable weather conditions. (2) Water (a) Construction of a dwelling shall be supported by a minimum aggregate roof catchment area of 300m² from all building/s and a rain water storage tank of at least 100,000L; or evidence to demonstrate that an adequate on-site water source exists for potable, other domestic, and firefighting use. (b) At the time of subdivision application the local government may recommend that the Commission impose a condition requiring, prior to the commencement of subdivisional works, the landowner/applicant to provide — (i) information demonstrating the quantity and quality of ground water; and (ii) a written undertaking to ensure that future owners of proposed lots will be provided with this information.
RS3	White Peak, depicted as RS3 on Scheme Maps 11, 12 and 13	(1) Stocking Rates Development approval is not required for the keeping of animals at or below the density of — • 5 sheep per 1 hectare, or the dry sheep equivalent for other small stock; or • 1 horse per 2 hectares, or the cattle unit equivalent for other large stock. Only one stock option as specified above will be permitted or, a combination equivalent to one option. (2) Water (a) Where reticulated water supply is unavailable, construction of a dwelling shall be supported by a minimum aggregate roof catchment area of 300m² from all building/s and a rain water storage tank of at least 100,000L; or evidence to demonstrate that an adequate on-site water source exists for potable, other domestic, and firefighting use.

No.	Description of Land	Requirement
		(b) At the time of subdivision application the local government may recommend that the Commission impose a condition requiring, prior to the commencement of subdivisional works, the landowner/applicant to provide — (i) information demonstrating the quantity and quality of ground water; and (ii) a written undertaking to ensure that future owners of proposed lots will be provided with this information.
RS4	Howatharra, depicted as RS4 on Scheme Map 8	(1) Stock Control In determining a development application for agriculture—extensive or animal husbandry—intensive the local government may impose conditions of approval relating to — (a) the maximum number of stock permitted; and (b) a variation to the maximum number of stock permitted during unseasonable weather conditions. (2) Vegetation Protection At the time of subdivision application the local government may recommend that the Commission impose a condition requiring a restrictive covenant to be placed on each new title, limiting the clearing of remnant vegetation to designated building envelopes and areas required to be cleared for fire control, driveway access and servicing. (3) Water (a) Construction of a dwelling shall be supported by a minimum aggregate roof catchment area of 300m² from all building/s and a rain water storage tank of at least 100,000L; or evidence to demonstrate that an adequate on-site water source exists for potable, other domestic, and firefighting use. (b) At the time of subdivision application the local government may recommend that the Commission impose a condition requiring, prior to the commencement of subdivisional works, the landowner/applicant to provide — (i) information demonstrating the quantity and quality of ground water; and (ii) a written undertaking to ensure that future owners of proposed lots will be provided with this information.

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 12th December 2024.

J CRIDDLE

CHIEF EXECUTIVE OFFICER

N BATTEN

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 16th October 2025.

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

J CRIDDLE

CHIEF EXECUTIVE OFFICER

N BATTEN

PRESIDENT

WAPC Recommended for Approval

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

Approval Granted

M JOHNSTON

Date: 23 June 2026

J CAREY

MINISTER FOR PLANNING

Date: 2 July 2026