

SHIRE OF MERREDIN

Local Planning Scheme No. 06

Updated to include AMD 7 GG 24/12/2020



Department of
Planning

Prepared by the
Department of Planning

Original Town Planning Scheme Gazettal
24 June 2011

DISCLAIMER

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning of any errors or omissions in this document.

Department of Planning
Gordon Stephenson
House
140 William Street
Perth WA 6000

Locked Bag 2506
Perth WA 6001

website: www.planning.wa.gov.au
email:
corporate@planning.wa.gov.au
tel: 08 6551 9000
fax: 08 6551 9001
National Relay Service: 13 36 77
infoline: 1800 626 477

SHIRE OF MERREDIN LPS 06 – TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				Gazetted on 24/06/11 Captured on 05/07/11 by Nick Morris
1	30/11/12	17/12/12	NM	Replaced Special Use No. 7 within Schedule 4 – Special Use Zones. Inserted clause 5.12.4(a) and 5.12.4(b). Modified clause 5.3.3.
2	2/8/13	5/8/13	NM	Inserted clause 5.15 “Highway Service zone”
3	26/06/15	07/07/15	NG	Include a new entry within Schedule 2.
5	04/07/17	06/07/17	GM	<p>Inserted reference to the deemed provisions in the preamble to the Scheme.</p> <p>Inserted reference to the deemed provisions and supplemental provisions in Part 1.4 by inserting new sub-clauses (b) and (c) and renumbering the sub-clauses accordingly.</p> <p>Inserted reference to the Regulations accordingly to: 1.7.1(ii) and 1.7.3.</p> <p>Inserted the correct schedule reference for clause 1.5(g).</p> <p>Deleted the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2: Parts 2, 7 – 10, clause 5.10, Schedules 6 – 9 in their entirety.</p> <p>Inserted Schedule A – Supplemental Provisions.</p> <p>Amended the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2: Clause 3.4.1, 3.4.2(a), 4.3.2, 4.4.2(b), 4.8(c), 4.9.2, 5.4.2, 5.5.2(a), 5.5.3(a), 5.9, 5.11.2 and 5.12.2.</p> <p>Deleted referenced to the following terms and replace them with the corresponding term throughout the scheme:</p> <ul style="list-style-type: none"> • ‘planning approval’ replaced with ‘development approval’; • ‘council’ replaced with ‘local government’; • ‘outline development plan’ replaced with ‘structure plan’; • ‘Town Planning Scheme’ replaced with ‘Local Planning Scheme’. <p>Modified clause 4.2.8.2.</p> <p>Amended Schedule 1 by inserting new definitions ‘Industry – Cottage, Industry – Service, Showroom and deleting ‘Transport Depot’.</p> <p>Modified the zoning table to update the Use Class names to correspond with the appropriate definition within the Schedule 1 Part 6 Model Provisions for Local Planning Schemes – Industry – Rural to Industry Primary Production; Industry – Mining to Mining Operations; Agroforestry to Tree Farm; Rural Pursuit to Rural Pursuit/Hobby Farm; and Warehouse to Warehouse/storage.</p> <p>Deleted the following use classes and their permissibility from the zoning table as they are covered by other uses classes: Industry – General, Plantation and Storage.</p> <p>Renumbered the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.</p>
4	06/04/18	23/04/18	GM	<p>Modified Table One – Zoning Table by deleting the ‘X’ against ‘grouped dwelling’ in a General Farming zone and inserting a ‘D1’, and adding a footnote to Table as follows; ‘1 Subject to clause 4.13’.</p> <p>Clause 4.13 – deleted paragraph 2 and replaced it with the following –</p> <p>‘In the ‘General Farming’ zone, the erection of more than one (1) single house per lot will generally not be supported. The local government may, at its discretion, approve the erection of one (1) additional dwelling on a rural lot, provided that:</p> <p>(a) the total number of dwellings on the lot will not exceed three (3) dwellings;</p>

				<p>(b) the additional dwelling complies with the setback requirements not less than those specified for the Residential Design Code R2;</p> <p>(c) the lot has an area of not less than 40 hectares;</p> <p>(d) it can be demonstrated that the additional dwelling is for workers or family members employed for primary production activities on the lot;</p> <p>(e) adequate provision of potable water for, and disposal of sewage from, the additional dwelling can be demonstrated;</p> <p>(f) the additional dwelling will not adversely detract from the rural character and amenity of the area or conflict with primary production on the subject lot or adjoining land;</p> <p>(g) access to the existing road network is to be provided for any additional dwelling and shared with any existing dwelling where practicable;</p> <p>(h) the existence of more than one dwelling on a lot in the 'General Farming' zone shall not be considered by itself to be sufficient grounds for subdivision.'</p> <p>Reclassified Lots 45 and 46 Plimpton Street, Burracoppin, from 'Parks and Recreation' local scheme reserve to 'Townsite' zone with a residential density code of 'R10/20'.</p> <p>Reclassified Crown Reserve 13876 Bates Street, Merredin, from 'Public Purposes – Primary School' local scheme reserve to 'Public Purposes – Civic and Cultural' local scheme reserve and 'Residential' zone with a residential density code of 'R10/50'.</p>
6	18/1/19	21/1/19	HB	<p>Amend Schedule Two - Additional Uses by: Deleting the words 'There are no additional uses that apply to the Scheme'; and Insert a new additional use to allow 'tourist development' on Lots 719, 720 and 971 Hay Street, Merredin.</p> <p>Amend scheme maps accordingly.</p> <p>Amend 'Schedule one - Dictionary of Defined Words and Expressions' to include the following model general definitions: Cabin, chalet, short term accommodation and tourist development.</p>
7	24/12/2020	04/01/2021	MLD	<p>Reclassify the south-west portion of Lot 301 on Deposited Plan 64537, Volume 2741 Folio 719 from 'General Farming' zone to 'Light Industry' zone on the Scheme Map; and</p> <p>Reclassify the portion of Adamson Rd fronting Lots 301 & 525 from Local Scheme Reserve "Parks and Recreation", 'Light Industry' zone and 'General Farming' zone to 'No Zone</p>

Preamble

This Local Planning Scheme of the Shire of Merredin consists of this Scheme Text, the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2), the supplemental provisions contained in Schedule A and the Scheme Maps. The Scheme Text should be read with the Local Planning Strategy for the Shire.

Part 2 of the deemed provisions sets out the Local Planning Framework. At the core of this Framework is the Local Planning Strategy which sets out the long-term planning directions for the local government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme. In addition to the Local Planning Strategy, the Framework provides for Local Planning Policies that set out the general policies of the local government on matters within the Scheme.

The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme also sets out the requirements for development approval, enforcement of the Scheme provisions and non-conforming uses.

Queries regarding any aspect of the Scheme and how it may affect proposals for future development and use of land within the local government district should be directed to the Shire of Merredin Administration Centre, Cnr Barrack and King Streets, Merredin (Tel: (08) 9041 1611, Fax: (08) 9041 2379)

AMD 5 GG 04/07/17

CONTENTS

PART ONE – PRELIMINARY	7
1.1 Citation.....	7
1.2 Responsible authority	7
1.3 Scheme area	7
1.4 Contents of Scheme	7
1.5 Purposes of Scheme	7
1.6 The aims of the Scheme.....	8
1.7 Definitions	8
1.8 Relationship with local laws	9
1.9 Relationship with other Schemes	9
PART TWO – RESERVES.....	10
2.1 Reserves.....	10
2.2 Regional Reserves	10
2.3 Local Reserves	10
2.4 Use and development of Local Reserves.....	10
PART THREE – ZONES AND THE USE OF LAND	12
3.1 Zones.....	12
3.2 Objectives of the zones	12
3.3 Table 1 - Zoning Table	16
3.4 Interpretation of the Zoning Table	17
3.5 Additional uses	17
3.6 Restricted uses.....	17
3.7 Special use zones	18
3.8 Non-conforming uses	18
3.9 Extensions and changes to a non-conforming use	18
3.10 Discontinuance of non-conforming use	18
3.11 Termination of a non-conforming use.....	19
3.12 Destruction of non-conforming use buildings	19
PART FOUR – GENERAL DEVELOPMENT REQUIREMENTS	22
4.1 Compliance with development standards and requirements	22
4.2 Residential Design Codes	22
4.3 Special application of Residential Design Codes	22
4.4 Restrictive covenants	22
4.5 Variations to site and development standards and requirements	23
4.6 Environmental conditions	23
4.7 Site and Development Requirements.....	25
4.8 Caretaker's dwelling	25
4.9 Development Areas	26
4.10 Special Residential Development.....	26
4.11 Rural Residential Development	26
4.12 Homestead Lot Development.....	26
4.13 General Farming Zone Development	27
4.14 Highway Service Zone.....	27
4.15 Streetscape Amenity	27

PART FIVE – SPECIAL CONTROL AREAS	28
5.1 Operation of special control areas.....	28
5.2 SCA 1 Evaporation Ponds.....	28
5.3 SCA 2 Wastewater treatment plant	28
5.4 SCA3 Rubbish tip	29
5.5 SCA4 Wind Farm.....	30
5.6 SCA5 Merredin airstrip	30
5.7 SCA6 Nature conservation purposes	31
SCHEDULE A – supplemental provisions	32
Schedule One — Dictionary Of Defined Words And Expressions	33
Schedule Two — Additional Uses.....	35
Schedule Three — Restricted Uses	36
Schedule Four — Special Use Zones	37
Schedule Five — Exempted Advertisements.....	38
Schedule SIX — Environmental Conditions.....	40
ADOPTION	41

TABLES

Table One – Zoning Table.....	20
Table Two – Development Table	24

PART ONE – PRELIMINARY

1.1 CITATION

1.1.1 The Shire of Merredin Scheme No. 6 (“**the Scheme**”) comes into operation on its Gazettal date.

1.1.2 The following is hereby revoked —

- Shire of Merredin Local Planning Scheme No 1 - Gazetted 16 September 1983
- Shire of Merredin Local Planning Scheme No 2 - Gazetted 3 July 1970
- Shire of Merredin Local Planning Scheme No 5 - Gazetted 26 February 1971

1.2 RESPONSIBLE AUTHORITY

The Shire of Merredin is the responsible authority for implementing the Scheme.

1.3 SCHEME AREA

The Scheme applies to the Scheme area that covers the entire local government district of the Shire of Merredin as shown on the Scheme Map.

1.4 CONTENTS OF SCHEME

AMD 5 GG 04/07/17

The Scheme comprises —

- (a) the Scheme Text;
- (b) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2;
- (c) the supplemental provisions contained in Schedule A; and
- (d) the Scheme Map (Sheets 1 – 15).

The Scheme is to be read in conjunction with the Local Planning Strategy.

1.5 PURPOSES OF SCHEME

The purposes of the Scheme are to —

- (a) set out the local government’s planning aims and intentions for the Scheme area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in Schedule 7 to the *Planning and Development Act 2005*.

AMD 5 GG 04/07/17

1.6 THE AIMS OF THE SCHEME

The aims of the Scheme are —

- To assist the effective implementation of regional plans and policies including the State and Local Planning Strategy.
- To ensure there is a sufficient supply of serviced and suitable land for a variety of housing types, employment, commercial activities, community facilities, recreation and open space.
- To rationalise the distribution of townsites to be supported and serviced by the local government.
- To reinforce the role of the Merredin town centre as the principal focus of retail, office, civic and cultural activities as well as providing for a high level of community services and for the provision of mixed use developments.
- To assist employment and economic growth by facilitating the timely provision of suitably serviced land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home-based employment.
- To facilitate a diverse and integrated network of open space catering for both active and passive recreation, consistent with the needs of the community.
- To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities including rural residential development.
- To protect and enhance the environmental values, remnant vegetation and natural resources of the local government area and to promote ecologically sustainable land use and development.
- To safeguard and enhance the character, heritage and amenity of the built and natural environment of the local government area.

1.7 DEFINITIONS

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have —

- a) in the *Planning and Development Act 2005*; or
- b) if they are not defined in that Act —
 - (i) in the Dictionary of defined words and expressions in Schedule 1 of this Scheme;
 - (ii) in Schedule 1 Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations); or
AMD 5 GG 04/04/17
 - (iii) in the Residential Design Codes.

1.7.2 If there is a conflict between the meaning of a word or expression in the Dictionary in Schedule 1 of this Scheme, the Model Scheme Text and the meaning of that word or expression in the Residential Design Codes —

- a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
- b) in any other case the definition in Schedule 1 of the Scheme prevails.

1.7.3 A copy of Schedule 1 Part 6 of the Regulations is to be kept and made available for public inspection at the offices of the local government. *AMD 5 GG 04/07/17*

1.8 RELATIONSHIP WITH LOCAL LAWS

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

1.9 RELATIONSHIP WITH OTHER SCHEMES

There are no other Schemes of the Shire of Merredin which apply to the Scheme area.

PART TWO – RESERVES

2.1 RESERVES

Certain lands within the Scheme area are classified as Local Reserves.

2.2 REGIONAL RESERVES

There are no regional reserves in the Scheme area.

2.3 LOCAL RESERVES

Local Reserves are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

2.4 USE AND DEVELOPMENT OF LOCAL RESERVES

2.4.1 A person must not –

- a) use a Local Reserve; or
 - b) commence or carry out development on a Local Reserve,
- without first having obtained development approval under Part 7 of the deemed provisions. *AMD 5 GG 04/07/17*

2.4.2 In determining an application for development approval the local government is to have due regard to -

- (a) the matters set out in clause 67 of the deemed provisions; and *AMD 5 GG 04/07/17*
- (b) the ultimate purpose intended for the Reserve.

2.4.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for development approval.

2.4.4 OBJECTIVES OF THE LOCAL RESERVES

2.4.4.1 Parks and Recreation Local Reserve

The objectives are -

- To provide for formal and structured recreational activities and sporting facilities that are deemed appropriate to service the surrounding residents.
- To provide for passive recreational uses, parklands, amenities and buffer areas that are deemed appropriate for use and enjoyment by the surrounding residents.
- To provide for drainage purposes in a park setting.

2.4.4.2 Conservation Local Reserve

The objectives are -

- To ensure proper management procedures are in place to protect the biodiversity of the Reserves for the future.

- To ensure the protection and conservation of existing Crown Land regardless of the use for which the Reserve is vested.
- To prohibit any new use or development that is considered to be contrary to the continued conservation or intended conservation of the land.
- To provide for areas requiring improved environmental management measures or upgrades due to degradation or inappropriate use.

2.4.4.3 **Public Purposes Local Reserve**

The objectives are -

- To provide for public facilities, civic and cultural uses and other purposes as required to service urban development.
- To protect land from activities considered inappropriate to the successful continued use of public purposes, civic and cultural facilities.

2.4.4.4 **Railway Local Reserve**

The objectives are -

- To provide land and facilities for railway purposes and associated activities.
- To protect land from activities considered inappropriate to the successful continued operation of the railway infrastructure.

PART THREE – ZONES AND THE USE OF LAND

3.1 ZONES

- 3.1.1 The Scheme area is classified into the zones shown on the Scheme Map.
- 3.1.2 The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.2 OBJECTIVES OF THE ZONES

The objectives of the zones are -

3.2.1 Residential zone

The objectives are -

- 3.2.1.1 To provide for a high standard of residential development and residential character.
- 3.2.1.2 To provide for predominantly residential development with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes of Western Australia.
- 3.2.1.3 Non-residential uses shall be compatible in character, scale and operation with the predominant residential use.
- 3.2.1.4 A non-residential use shall only be permitted if the use does not detract from the amenity of the area.

3.2.2 Town Centre zone

The objectives are -

- 3.2.2.1 To maintain a consolidated, compact and accessible town centre area for a mix of business and retail uses.
- 3.2.2.2 To provide for a range of uses to ensure maximum occupation of land and buildings, even where uses may be interim or transitional.
- 3.2.2.3 To retain Merredin townsite as the focus for commercial, office, civic and cultural and service functions.
- 3.2.2.4 To provide for a high level of community services.
- 3.2.2.5 To maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles.
- 3.2.2.6 To preclude the storage of bulky and unsightly goods where they may be in public view.
- 3.2.2.7 To provide for and encourage mixed use developments to capitalise on the central location.
- 3.2.2.8 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.
- 3.2.2.9 To provide street furniture, planting and sheltered places for pedestrians.

- 3.2.2.10 To encourage the provision of public art to improve the amenity and ambiance of the town centre area.
- 3.2.2.11 To reduce uses attracting large volumes of heavy vehicle traffic other than to service retail outlets.
- 3.2.2.12 To provide for residential uses only where the residential uses are combined with a commercial use, e.g. hotel, or where the residential uses occupy a floor level where it is impracticable or inappropriate to establish a shop or office.

3.2.3 **Commercial zone**

The objectives are -

- 3.2.3.1 To maintain a coordinated, consolidated, compact and accessible area for a mix of predominately small scale convenience shops, offices and community facilities to serve the day to day needs.
- 3.2.3.2 To centralise commercial, office, showroom, open air display and service functions for day to day needs.
- 3.2.3.3 To maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles.
- 3.2.3.4 To preclude the storage of bulky and unsightly goods where they may be in public view.
- 3.2.3.5 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.
- 3.2.3.6 To reduce uses attracting large volumes of heavy vehicle traffic other than to service retail outlets.

3.2.4 **Highway Service zone**

The objectives are -

- 3.2.4.1 To encourage a high level of amenity to enhance the existing highway streetscape.
- 3.2.4.2 To encourage the development of tourist accommodation and associated facilities in selected locations within the Merredin Townsite to encourage the patronage of travellers.
- 3.2.4.3 To provide for overnight forms of accommodation including a motel and caravan park to service the travellers and visitors.
- 3.2.4.4 To provide for short-stop travel facilities such as a service station, road house, art, craft and souvenir shop.
- 3.2.4.5 To provide areas with easy access and parking.
- 3.2.4.6 To minimise land use conflicts and address environmental impacts.
- 3.2.3.7 To ensure that development complies with the Main Roads WA policy for development abutting the Great Eastern Highway.

3.2.5 **Light Industry zone**

The objectives are -

- 3.2.5.1 To provide for service industries and light industries that will not have a detrimental effect on nearby residential or other sensitive uses.
- 3.2.5.2 To provide for home business type uses where caretakers dwellings may be permitted.
- 3.2.5.3 To provide for a range of employment opportunities.
- 3.2.5.4 To preclude the storage of bulky and unsightly goods where they may be in public view.
- 3.2.5.5 To ensure the appropriate use of setback areas and the provision of landscaping to the local government's satisfaction.
- 3.2.5.6 To allow light and service industries that are compatible with nearby uses.
- 3.2.5.7 To provide areas with easy access and parking.
- 3.2.4.8 To minimise land use conflicts and address environmental impacts.

3.2.6 **General Industry zone**

The objectives are -

- 3.2.6.1 To provide for general industry, the storage and distribution of goods and associated uses, which by the nature of their operations may need to be separated from residential and other sensitive areas.
- 3.2.6.2 To discourage non-industrial uses to minimise land use conflicts and address environmental impacts.
- 3.2.6.3 To provide a location for diverse industries that would otherwise have a detrimental impact on the other uses in close vicinity.
- 3.2.6.4 To encourage the provision of landscaping to ensure the industrial development is appropriately screened from the main road.
- 3.2.6.5 To provide a location where separate heavy vehicular access is provided.
- 3.2.6.6 To provide a location for depots, warehouses, and large vehicle parking and servicing areas.
- 3.2.6.7 To provide for a range of employment opportunities.

3.2.7 **Townsite zone**

The Townsite Zone applies to the townsites of Nukarni, Burracoppin, Nangeenan, Hines Hill, Korbel and Muntadgin.

The objectives are -

- 3.2.7.1 To maintain a rural town atmosphere and lifestyle choice.
- 3.2.7.2 To provide for a degree of flexibility of uses allowed within the zone whilst maintaining an appropriate level of residential amenity.

3.2.7.3 To allow a variety of uses necessary to service the normal functions of a rural townsite.

3.2.7.4 To provide for a mix of residential development and a range of commercial, light industrial and other uses considered appropriate in rural towns.

3.2.8 **Special Use zone**

The objectives are -

3.2.8.1 To enable the local government to specify a specific site to provide for a primary purpose and to impose specific conditions as set out in Schedule 4. The Schedule may restrict the use and operation of any development that would normally not fit within the ambit of any other zone in this Scheme.

3.2.8.2 To provide for the preparation of an Structure plan (ODP), to be adopted by the Western Australian Planning Commission, to ensure proper and orderly planning. *AMD 5 GG 04/07/17*

3.2.8.3 To provide an area where special uses can be operated under the specific control of the local government in order to maintain the safety, health and welfare of surrounding users.

3.2.9 **Special Residential zone**

The objectives are -

3.2.9.1 To encourage development for the purpose of closer settlement on land that is suitable for such a purpose, without impacting on the continued use of surrounding activities and land uses.

3.2.9.2 To ensure that development maintains the semi-rural character of the locality, maintains a high level of amenity and minimises disturbance to the landscape through construction of buildings and structures, clearing, earthworks and access roads.

3.2.9.3 To discourage or prohibit development not compatible with the predominantly semi-rural nature and residential amenity of the zone.

3.2.9.4 To promote and encourage cluster subdivision and other innovative rural residential designs, having consideration for conservation values.

3.2.10 **Rural Residential zone**

The objectives are -

3.2.10.1 To provide for development for the purpose of closer settlement on land that is suitable for such a purpose, without impacting on the continued rural operation of adjoining land.

3.2.10.2 To ensure that development maintains the rural character of the locality, maintains a high level of amenity and minimises disturbance to the landscape through construction of buildings and structures, clearing, earthworks and access roads.

3.2.10.3 To discourage or prohibit development not compatible with the predominantly rural nature amenity of the zone.

3.2.10.4 To promote and encourage cluster subdivision and other innovative rural residential designs, having consideration for conservation values.

- 3.2.10.5 To ensure the provision of community facilities and emergency services in the vicinity of rural residential developments.
- 3.2.10.6 To encourage the provision of vegetation and fauna corridors and the revegetation of the land to adequately protect any areas or sites of conservation value within the design.
- 3.2.10.7 To direct and design the staging of rural residential subdivision to prevent premature demand for services and facilities.

3.2.11 **General Farming zone**

The objectives are -

- 3.2.11.1 To provide for a range of rural pursuits that are compatible with the capability of the land and retain the rural character and amenity of the locality.
- 3.2.11.2 To protect land from urban uses that may jeopardise the future use of that land for other planned purposes that are compatible with the zoning.
- 3.2.11.3 To support sustainable farming practices and the retention of remnant vegetation.
- 3.2.11.4 To prevent any development that may affect the viability of a holding.
- 3.2.11.5 To encourage small scale, low impact tourist accommodation in rural locations.
- 3.2.11.6 To encourage a diversification of rural activities that will reduce the dependency of the rural sector on traditional crops.
- 3.2.11.7 To support the creation of homestead lots in accordance with adopted Local Planning Policy.
- 3.2.11.8 To support mining activities where an environmental management plan has been prepared and is acceptable to the local government and the Environmental Protection Authority.
- 3.2.11.9 To preclude the disposal of used tyres or any other material that may be detrimental to the quality of the land.

3.3 **TABLE 1 - ZONING TABLE**

- 3.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses 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.
- 3.3.2 The symbols used in the cross-reference in the Zoning Table have the following meanings —
 - 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the 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 special notice in accordance with clause 64 of the deemed provisions;
AMD 5 GG 04/07/17

'X' means a use that is not permitted by the Scheme.

3.3.3 A change in the use of land from one use to another is permitted if —

- a) the local government has exercised its discretion by granting development approval;
- b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- d) the change is to an incidental use that does not change the predominant use of the land.

3.4 INTERPRETATION OF THE ZONING TABLE

3.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

3.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —

- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or
AMD 5 GG 04/07/17
- c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

3.5 ADDITIONAL USES

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

3.6 RESTRICTED USES

There are no restricted uses which apply to the Scheme.

3.7 SPECIAL USE ZONES

- 3.7.1 Special use zones are set out in schedule 4 and are in addition to the zones in the zoning table.
- 3.7.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in schedule 4 and subject to compliance with any conditions set out in schedule 4 with respect to that land.

NOTE: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the scheme.

3.8 NON-CONFORMING USES

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent –

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 80 of the deemed provisions, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

AMD 5 GG 04/07/17

3.9 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

3.9.1 A person must not –

- a) alter or extend a non-conforming use;
- b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- c) change the use of land from a non-conforming use to another non-conforming use,

without first having applied for and obtained development approval under the Scheme.

3.9.2 An application for development approval under this clause is to be advertised in accordance with clause 64 of the deemed provisions.

AMD 5 GG 04/07/17

3.9.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

3.10 DISCONTINUANCE OF NON-CONFORMING USE

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

3.11 TERMINATION OF A NON-CONFORMING USE

The local government may effect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.

3.12 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the development approval of the local government.

Table One – Zoning Table

USE CLASSES	ZONES									
	RESIDENTIAL	TOWN CENTRE	COMMERCIAL	HIGHWAY SERVICE	LIGHT INDUSTRY	GENERAL INDUSTRY	TOWNSITE	SPECIAL RESIDENTIAL	RURAL RESIDENTIAL	GENERAL FARMING
RESIDENTIAL USES										
Aged or dependent persons dwelling	D	D	X	X	X	X	D	X	X	X
Caretaker's dwelling	X	D	D	D	D	D	P	X	X	D
Home business	D	D	D	D	D	D	P	D	D	D
Home occupation	D	D	D	D	D	D	P	D	D	D
Home office	P	D	D	D	D	D	P	D	D	D
Home store	D	X	D	X	X	D	D	D	D	D
Park home park	X	X	A	D	X	X	A	X	X	X
Residential building	A	X	D	D	X	X	A	X	X	X
Single house	P	X	A	X	X	X	D	P	P	P
Grouped dwelling <i>AMD 4 GG 06/04/18</i>	P	X	D	X	X	X	D	X	X	D ¹
Multiple dwelling	D	D	D	X	X	X	D	X	X	X
TOURIST AND ENTERTAINMENT USES										
Amusement parlour	X	D	D	D	X	A	A	X	X	X
Bed and breakfast	A	X	D	X	X	X	A	D	D	D
Camping ground	X	X	X	D	X	X	A	X	X	A
Caravan park	X	X	X	D	X	X	A	X	X	X
Holiday accommodation	X	D	D	D	X	X	A	D	D	A
Hotel	X	D	P	D	X	X	A	X	X	X
Motel	X	X	D	D	X	X	A	X	X	X
Tavern	X	D	P	D	X	X	A	X	X	X
COMMERCE										
Betting agency	X	P	P	X	X	X	A	X	X	X
Cinema/theatre	X	D	P	X	X	X	D	X	X	X
Consulting rooms	X	P	D	D	D	X	A	X	X	X
Convenience store	A	P	P	D	X	X	A	X	X	X
Dry cleaning premises	X	D	D	D	D	D	A	X	X	X
Fast food outlet	X	D	D	P	X	X	A	X	X	X
Lunch bar	X	P	P	P	P	P	A	X	X	X
Market	X	D	D	D	X	D	A	X	X	X
Medical centre	X	P	D	D	X	X	A	X	X	X
Motor vehicle, boat or caravan sales	X	D	D	D	D	X	A	X	X	X
Motor vehicle repair	X	D	D	D	P	P	A	X	X	X
Motor vehicle wash	X	D	D	D	P	P	A	X	X	X
Night club	X	D	D	X	X	X	A	X	X	X
Office	D	P	P	D	D	D	A	X	X	D
Reception centre	X	D	P	D	X	X	A	D	D	X
Recreation – Private	X	D	D	D	D	D	A	X	X	A
Restaurant	X	P	P	D	X	X	A	D	D	D
Restricted premises	X	D	D	D	D	X	A	X	X	X
Service station	X	D	D	P	D	P	A	X	X	X
Shop	X	P	P	D	D	D	A	X	X	X
Showroom	X	D	P	D	P	P	A	X	X	X
Trade display	X	D	D	D	P	P	A	X	X	X
Transport depot	X	X	X	D	P	P	A	X	X	D
Winery	X	X	X	X	X	X	A	X	D	A
OTHER USES										
Car park	D	P	P	P	D	P	P	D	X	X
Funeral parlour	X	D	A	D	X	P	A	X	X	X

USE CLASSES	ZONES									
	RESIDENTIAL	TOWN CENTRE	COMMERCIAL	HIGHWAY SERVICE	LIGHT INDUSTRY	GENERAL INDUSTRY	TOWNSITE	SPECIAL RESIDENTIAL	RURAL RESIDENTIAL	GENERAL FARMING
Service utility	D	D	D	D	D	D	D	D	D	D
Telecommunications infrastructure	A	D	D	D	P	P	D	A	A	D
Veterinary centre	X	X	A	A	D	P	A	D	D	A
Wind Farm or wind energy facility	X	X	X	X	X	X	X	X	X	A
INDUSTRY USES										
Fuel depot	X	X	X	X	X	A	A	X	X	X
Industry	X	X	X	X	X	D	X	X	X	X
Industry – cottage	A	X	D	D	P	P	D	A	A	A
Industry – extractive	X	X	X	X	X	P	X	X	X	D
Industry – general	DELETED BY AMD 5 GG 04/07/17									
Industry – hazardous	X	X	X	X	X	A	X	X	X	X
Industry – light	X	X	X	X	P	P	A	X	X	D
Industry – primary production AMD 5 GG 04/07/17	X	X	X	X	A	P	A	D	D	P
Industry – service	X	D	D	D	P	P	A	X	X	D
Mining Operations AMD 5 GG 04/07/17	X	X	X	X	X	X	X	X	X	D
Storage	DELETED BY AMD 5 GG 04/07/17									
Warehouse/storage AMD 5 GG 04/07/17	X	D	D	X	P	P	A	X	X	X
CIVIC AND COMMUNITY USES										
Child care premises	A	D	A	X	X	X	D	X	X	X
Civic use	D	D	D	X	X	D	A	D	D	X
Club premises	D	P	P	X	X	D	A	D	D	X
Community purpose	A	D	P	X	X	A	A	X	X	X
Corrective institution	X	X	X	X	X	X	X	X	X	A
Educational establishment	X	X	P	X	X	A	A	X	X	X
Exhibition centre	X	D	D	D	D	X	X	X	X	X
Family day care	D	D	D	X	X	X	A	X	D	X
Hospital	X	X	X	X	X	X	A	X	X	X
Place of worship	X	X	D	X	X	X	A	X	X	X
RURAL USES										
Animal establishment	X	X	X	X	A	A	X	X	X	A
Animal husbandry – Intensive	X	X	X	X	X	X	X	X	X	A
Agriculture – extensive	X	X	X	X	X	X	X	X	X	P
Agriculture – intensive	X	X	X	X	X	X	X	D	D	A
Plantation	DELETED BY AMD 5 GG 04/07/17									
Rural pursuit/hobby farm AMD 5 GG 04/07/17	X	X	X	X	X	X	A	D	D	D
Tree Farm AMD 5 GG 04/07/17	X	X	X	X	X	X	X	D	D	A
Wayside stall	X	X	X	X	X	X	D	D	D	D

* means uses as determined by the local government as per Schedule 4.

¹ Subject to clause 4.13.

AMD 4 GG 06/04/18

PART FOUR – GENERAL DEVELOPMENT REQUIREMENTS

4.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

Any development of land is to comply with the provisions of the Scheme.

4.2 RESIDENTIAL DESIGN CODES

- 4.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.
- 4.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.
- 4.2.3 The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

4.3 SPECIAL APPLICATION OF RESIDENTIAL DESIGN CODES

- 4.3.1 The Residential Design Code for land zoned 'Commercial' and 'Town Centre' in Merredin Townsite shall be R10/50 unless otherwise indicated on the Scheme Maps.
- 4.3.2 The Residential Design Code for land zoned 'Townsite' in all other townsites in the district shall be R10/20 unless otherwise shown. Where no Residential Design Code is shown in the Townsite or Residential zones, subdivision or development shall be assessed at R10.
- 4.3.3 The local government shall not approve a residential development with a density exceeding R10 unless the local government is satisfied that the development can be connected to a reticulated sewerage system and is in accordance with any relevant government sewerage policy.
AMD 1 GG 30/11/12

4.4 RESTRICTIVE COVENANTS

- 4.4.1 Subject to clause 4.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.
- 4.4.2 Where clause 4.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant development approval to the development of the land which would, but for the operation of clause 4.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 64 of the deemed provisions.
AMD 5 GG 04/07/17

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.
- 4.5.2 In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to —
- a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and
AMD 5 GG 04/07/17
 - b) have regard to any expressed views prior to making its determination to grant the variation.
- 4.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that —
- a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the deemed provisions; and
AMD 5 GG 04/07/17
 - b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

4.6 ENVIRONMENTAL CONDITIONS

- 4.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are subject are incorporated into the Scheme by Schedule 6 of the Scheme.
- 4.6.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- 4.6.3 The local government is to —
- a) maintain a register of all relevant statements published under sections 48F and 48G of the Environmental Protection Act; and
 - b) make the statements available for public inspection at the offices of the local government.

Table Two – Development Table

CONTROLS	MINIMUM BOUNDARY SETBACK (metres)			MAXIMUM PLOT RATIO	MINIMUM LANDSCAPED AREA (%)	MINIMUM NUMBER OF ON SITE CAR PARKING BAYS
DEVELOPMENT	FRONT	REAR (average)	SIDES			
Child care centre	7.5	7.5	*	*	*	1 for each employee.
Club	*	*	*	0.5	*	1 for every 45m2 of net lettable area.
Community purpose	*	*	*	*	10	1 for every 4 persons whom the building is designed to accommodate.
Consulting rooms	*	*	*	0.5	10	1 for every 30m2 of net lettable area, plus 1 for each person employed.
Educational establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the local government.
Funeral Parlour	*	*	*	*	10	As determined by the local government, (minimum 6).
Hospital	9.0	7.5	5.0	0.4 in Res Zone 0.5 elsewhere	20	1 per 4 beds and 1 per employee.
Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 1 per 2m2 of bar and lounge area.
Industry - General	7.5	7.5	*	*	15	1 per 2 employees.
Industry - Light	7.5	7.5	*	*	10	1 per 2 employees.
Industry - Service	7.5	7.5	*	*	10	1 per 2 employees.
Motel	11.0	7.5	3.0 per storey	1.0	30	1 per unit, plus 1 space per 25m2 of service area.
Motor vehicle, boat and caravan sales	*	*	*	*	5	1 for every 250m2 of sales area, plus 1 for every person employed on site.
Office	*	*	*	0.5	*	1 for every 30m2 plot ratio area.
Residential building	As per the Residential Design Code	*	30	1 per dwelling.		
Restaurant	*	*	*	*	*	1 for every 10m2 of net lettable area or 1 for every 4 seats provided, whichever is the greater.
Service station	11.0	7.5	5	*	5	1 for every working bay, plus 1 for each person employed on site.
Shop	*	*	*	*	*	1 for every 15m2 of net lettable area.
Showroom	*	*	*	*	10	1 for every 100m2 of gross floor area.

4.7 SITE AND DEVELOPMENT REQUIREMENTS

Any development that is permitted under the provisions of Part 3 and Part 4 of this Scheme shall conform to the requirements for that use as specified in Table II - Development Table, or in the Residential Design Codes for residential development.

4.7.1 Development Requirements

Where requirements for a particular use are not set out in this Scheme, the development shall conform to the provisions for the predominant use of the zone in which it is situated, as determined by the local government. Where such provisions are inappropriate, development shall conform to such requirements as the local government shall determine. For the purposes of this Clause, the predominant uses in zones and local reserves shall be deemed to be as outlined in their respective objectives.

Where a non-residential development abuts a residential zone the development may be subject to additional conditions in order to minimise any visual or other impacts on the residential area.

4.7.2 Combined Uses

Where two or more uses are combined in a single development, the development shall conform to the requirements for each use respectively, or where such requirements are inappropriate, to such requirements as the local government shall determine.

4.7.3 Industrial Development

Unsewered industrial development will be restricted to 'dry industry' type (ie. industries predicted to generate wastewater for disposal on-site of a daily rate of less than 540 litres per 1000m²).

4.7.4 Car Parking

Car parking requirements for each use are set out in Table II - Development Table and the relevant Local Planning Policy.

4.7.5 Landscaping

Landscaping requirements for each use are set out in Table II - Development Table and the relevant Local Planning Policy.

4.8 CARETAKER'S DWELLING

The provisions of this clause apply to caretakers' dwellings.

4.8.1 A caravan is not permitted as a caretaker's dwelling for either permanent or temporary occupation.

4.8.2 Only a single caretaker's dwelling shall be permitted on each lot and it shall be located at the rear of a lot.

4.8.3 The local government will not support the subdivision or development of land that will;

- allow the dwelling to be sold separately from the predominant use of the land;
- restrict the use of the land.

- 4.8.4 A caretaker's dwelling shall have a maximum floor area of 100m² measured from the external face of the walls.

4.9 DEVELOPMENT AREAS

Subdivision and development of land included in a Development Area, as shown on the Scheme Map, shall be subject to the preparation of an Structure plan for the area in accordance with Part 4 of the deemed provisions.

AMD 5 GG 04/07/17

4.10 SPECIAL RESIDENTIAL DEVELOPMENT

- 4.10.1 Development shall comply with the R2 general site requirements of the Residential Design Codes.

- 4.10.2 Subdivision and development shall only occur in accordance with an adopted Structure plan prepared in accordance with Part 4 of the deemed provisions.

AMD 5 GG 04/07/17

- 4.10.3 Uses shall only be permitted in accordance with Table 1 - Zoning Table.

- 4.10.4 Development shall ensure the provision of community facilities and emergency services in the vicinity of special residential developments.

- 4.10.5 Development shall encourage the provision of vegetation and fauna corridors and the revegetation of the land to adequately protect any areas or sites of conservation value within the design.

4.11 RURAL RESIDENTIAL DEVELOPMENT

AMD 1 GG 30/11/12

- 4.11.1 Residential development shall comply with the R2 general site requirements of the Residential Design Codes.

- 4.11.2 Subdivision and development shall only occur in accordance with an adopted Structure plan prepared in accordance with Part 4 of the deemed provisions.

AMD 5 GG 04/07/17

- 4.11.3 Uses shall only be permitted in accordance with Table 1 - Zoning Table.

- 4.11.4 a) All lots within the Rural Residential zone will be connected to a reticulated water supply at the time of subdivision.

- b) Notwithstanding clause a), where it is not practical and reasonable for lots to connect to a reticulated supply, the WAPC may consider a fit-for-purpose domestic and potable water supply that includes water for fire fighting. The supply must be demonstrated, sustainable and consistent with the appropriate standards for water and health.

4.12 HOMESTEAD LOT DEVELOPMENT

Local government will support the creation of homestead lots when in addition to the relevant state development control policy, each of the following requirements can be met;

- (a) the homestead lot contains a dwelling on a rural lot that has been established for no less than 15 years;
- (b) the homestead lot is accessed by an existing Shire road or the proponent may be required to construct and maintain a public road to the relevant standard for a period of not less than 10 years;
- (c) the homestead lot being connected to electricity;

- (d) the disposal of putrescible waste from the homestead lot can be serviced to the satisfaction of local government.

4.13 GENERAL FARMING ZONE DEVELOPMENT

Notwithstanding the right to develop a single house on an existing lot, residential development in the General Farming zone shall comply with the specific requirements of the local government, however these shall not be less than those specified for the Residential Design Code R2.

In the 'General Farming' zone, the erection of more than one (1) single house per lot will generally not be supported. The local government may, at its discretion, approve the erection of one (1) additional dwelling on a rural lot, provided that: *AMD 4 GG 06/04/18*

- (a) the total number of dwellings on the lot will not exceed three (3) dwellings;
- (b) the additional dwelling complies with the setback requirements not less than those specified for the Residential Design Code R2;
- (c) the lot has an area of not less than 40 hectares;
- (d) it can be demonstrated that the additional dwelling is for workers or family members employed for primary production activities on the lot;
- (e) adequate provision of potable water for, and disposal of sewage from, the additional dwelling can be demonstrated;
- (f) the additional dwelling will not adversely detract from the rural character and amenity of the area or conflict with primary production on the subject lot or adjoining land;
- (g) access to the existing road network is to be provided for any additional dwelling and shared with any existing dwelling where practicable;
- (h) the existence of more than one dwelling on a lot in the 'General Farming' zone shall not be considered by itself to be sufficient grounds for subdivision.

All proposals for development in the General Farming zone must have regard to both on-site and off-site impacts and, where necessary, should be accompanied by information identifying –

- (a) environmental values and any environmental risks;
- (b) the potential for land use conflict;
- (c) the potential impacts and restrictions on allowed uses on adjacent or nearby locations;
- (d) the separation distances and/or buffers relating to a potentially incompatible land use which need to be provided on-site and the appropriate conditions relating to subdivision and development.

4.14 HIGHWAY SERVICE ZONE

AMD 2 GG 5/8/13

Habitable buildings shall have a setback from service stations in accordance with current State Government requirements.

4.15 STREETSCAPE AMENITY

The local government may impose conditions relating to the design and location of buildings, and streetscape enhancements to ensure that development is appropriate to the scale and operation of the locality, particularly in respect to the Town Centre zone.

PART FIVE – SPECIAL CONTROL AREAS

5.1 OPERATION OF SPECIAL CONTROL AREAS

5.1.1 The following special control areas apply to the Scheme as shown on the Scheme Map.

- SCA1 Evaporation ponds
- SCA2 Wastewater treatment plant
- SCA3 Rubbish tip
- SCA4 Wind farm
- SCA5 Merredin airstrip
- SCA6 Nature conservation purposes

5.1.2 In respect of a special control area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

5.2 SCA 1 EVAPORATION PONDS

5.2.1 Purpose

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

5.2.2 Objectives

The objectives for the SCA 1 are to:

- a) identify land which may be affected by the Evaporation Ponds;
- b) ensure that the use and development of land is compatible; and
- c) minimise impacts on residential and other sensitive uses.

5.2.3 Application Requirements

Despite any other provision of the Scheme development approval is required for all use and development including a single house.

5.2.4 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the local government based on advice received from the environmental protection agency.

5.2.5 Referral of Applications

All development shall be referred to the environmental protection agency for advice.

5.3 SCA 2 WASTEWATER TREATMENT PLANT

5.3.1 Purpose

The purpose of Special Control Area 2 is to provide guidance for land use and development within the area shown on the Scheme Maps as SCA 2.

5.3.2 Objectives

The objectives for the SCA 2 are to:

- a) identify land which may be affected by the Wastewater treatment plant;
- b) ensure that the use and development of land is compatible; and
- c) minimise impacts on residential and other sensitive uses.

5.3.3 Application Requirements

Despite any other provision of the Scheme development approval is required for all use and development including a single house.

5.3.4 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the local government based on advice received from the environmental protection agency.

5.3.5 Referral of Applications

All development shall be referred to the environmental protection agency for advice.

5.4 **SCA3 RUBBISH TIP**

5.4.1 Purpose

The purpose of Special Control Area 3 is to provide guidance for land use and development within the area shown on the Scheme Maps as SCA 3.

5.4.2 Objectives

The objectives for the SCA 3 are to:

- a) identify land which may be affected by the Rubbish tip;
- b) ensure that the use and development of land is compatible; and
- c) minimise impacts on residential and other sensitive uses.

5.4.3 Application Requirements

Despite any other provision of the Scheme development approval is required for all use and development including a single house.

5.4.4 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the local government based on advice received from the environmental protection agency.

5.4.5 Referral of Applications

All development shall be referred to the environmental protection agency for advice.

5.5 SCA4 WIND FARM

5.5.1 Purpose

The purpose of Special Control Area 4 is to provide guidance for land use and development within the area shown on the Scheme Maps as SCA 4.

5.5.2 Objectives

The objectives for the SCA 4 are to:

- a) identify land which may be affected by the Wind Farm;
- b) ensure that the use and development of land is compatible; and
- c) minimise impacts on residential and other sensitive uses.

5.5.3 Application Requirements

Despite any other provision of the Scheme development approval is required for all use and development including a single house.

5.5.4 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the local government based on advice received from the environmental protection agency.

5.5.5 Referral of Applications

All development shall be referred to the environmental protection agency for advice.

5.6 SCA5 MERREDIN AIRSTRIP

5.6.1 Purpose

The purpose of Special Control Area 5 is to provide guidance for land use and development within the area shown on the Scheme Maps as SCA 5.

5.6.2 Objectives

The objectives for the SCA 5 are to:

- a) identify land which may be affected by the Merredin airstrip;
- b) ensure that the use and development of land is compatible;
- c) minimise impacts on residential and other sensitive uses; and
- d) protect the operational airspace of the airstrip.

5.6.3 Application Requirements

Despite any other provision of the Scheme development approval is required for all use and development including a single house.

5.6.4 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the local government based on advice received from the environmental protection agency.

5.6.5 Referral of Applications

All development shall be referred to the environmental protection agency for advice.

5.7 **SCA6 NATURE CONSERVATION PURPOSES**

5.7.1 Purpose

The purpose of Special Control Area 6 is to provide guidance for land use and development within the area shown on the Scheme Maps as SCA 6.

5.7.2 Objectives

The objectives for the SCA 6 are to:

- a) ensure that the use and development of land is does not detrimentally impact on the nature conservation values.

5.7.3 Application Requirements

Despite any other provision of the Scheme development approval is required for all use and development including a single house.

5.7.4 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the local government based on advice received from the environmental protection agency.

5.7.5 Referral of Applications

All development shall be referred to the environmental protection agency for advice.

SCHEDULE A – SUPPLEMENTAL PROVISIONS

AMD 5 GG 04/07/17

- 61(1)(k) the erection or installation of a sign or advertisement of a class specified in Schedule 5 of this Scheme that applies in respect of the sign unless the sign is to be erected or installed –
- (i) on a place included on a heritage list prepared in accordance with this Scheme; or
 - (ii) on land located within an area designated under this Scheme as a heritage area.
- 61(1)(l) the erection or extension of a single house on a lot if a single house is a permitted (“P”) use in the zone (where the R-Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- 61(1)(m) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) in the zone (where the R-Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- 61(1)(n) the demolition of any building or structure except where the building or structure is:
- (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List under clause 8 of the deemed provisions; or
 - (iv) located in a heritage area designated under the Scheme.

SCHEDULE ONE — DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

Unless listed below the words and expressions used in the Scheme have the same meaning as the general definitions and land use definitions contained in Schedule 1 of the *Town Planning Amendment Regulations 1999* (the Model Scheme Text). Where a definition is listed below and there is a conflict of interpretation of words the meaning of the word or term, the definition listed below shall prevail, unless the word or expression applies to residential development (Clause 1.7 refers).

"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. AMD 6 GG 18/1/19

"Camping ground" has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;

"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. AMD 6 GG 18/1/19

"Dry cleaning premises" - means land and buildings used for the cleaning of garments and other fabrics by chemical processes;

"Holiday accommodation" - means accommodation comprising two or more cabins, apartments, chalets, cottages, or flats which, by way of trade or business, or for the purpose of any trade or business is held out as being available or is made available for holiday purposes for occupation by persons other than the proprietor for a period of less than 3 months. Holiday accommodation may include a dining area or restaurant;

"Industry - Cottage" - means a trade or light industry producing arts and crafts which does not fall within the definition of a home occupation which: AMD 5 GG 04/07/17

- (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 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area;

"Industry - hazardous" - means an industry which by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation, due to danger or risk, from other activities or buildings;

"Industry - Service" - means AMD 5 GG 04/07/17

- (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 which have a retail shop front and used as depot for receiving goods to be serviced;

"Service utility" - means any work or undertaking constructed or maintained by a service authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, waste, communications or other similar services;

"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.

AMD 6 GG 18/1/19

"Showroom" - means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

AMD 5 GG 04/07/17

"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.

AMD 6 GG 18/1/19

"Transport depot" – *DELETED BY AMD 5 GG 04/07/17*

"Wayside stall" - means a stall located adjacent to a street in which only fruit, vegetables and artifacts grown, produced or made on the land are sold or offered for sale;

"Wind farm or wind energy facility" – means premises or land used to generate electricity by wind force and includes any turbine, building or other structure used in, or in conjunction with, the generation of electricity by wind force but does not include turbines used principally to supply electricity for a domestic property, rural use of the land or anemometers.

SCHEDULE TWO — ADDITIONAL USES

AMD 6 GG 18/1/19

No.	Description of land	Additional use	Conditions
1	<p>Portion of Lot 984 French Avenue, Merredin</p> <p>AMD 3 GG 26/06/15</p>	<p>The following are 'A' uses:</p> <ul style="list-style-type: none"> • Consulting Rooms • Reception Centre • Educational Establishment • Place of Worship 	<ol style="list-style-type: none"> 1. Additional Use rights apply to the re-use and/or extension of existing development on site in keeping with other Scheme requirements. 2. Prior to determination of any development proposal to re-use any school building and/or infrastructure, local government may require a report on the structural integrity of those building/s or infrastructure.
2	<p>Lots 719, 720 and 971 Hay Street, Merredin.</p> <p>AMD 6 GG 18/1/19</p>	<p>Tourist development is a discretionary (D) use.</p>	<ol style="list-style-type: none"> 1. Tourist development shall be no greater than two storeys in height. 2. No direct vehicle access to Alfred Street is permitted. 3. Tourist development is to comply with the minimum setback requirements of relevant density code. 4. Tourist development closest to Hay Street is to have an interface with adjoining residential properties and fencing is to be in accordance with applicable front fence standards of the R-Codes. 5. Amalgamation of Lots 719, 720 and 971 is required should development be proposed over lot boundaries. 6. Onsite facilities for the use of guests are to be incidental to any tourist development, integrated with the accommodation, and are to be of a scale commensurate with the surrounding residential areas.

SCHEDULE THREE — RESTRICTED USES

There are no restricted uses that apply to the Scheme.

No.	Description of land	Restricted use	Reason for Restriction	Map Label

SCHEDULE FOUR — SPECIAL USE ZONES

The following special use zones apply to the Scheme.

No	Description of land	Special use	Conditions	Map Label
1	Reserve 28563 Barr and Bates Streets, Merredin	Homes for the aged	Compliance with the Residential Design Codes	HA
2	Lot 25 Todd Street, Merredin	Veterinary Hospital	Compliance with the local government's approval	VH
3	Lot 1 Fifth Street, Merredin	Funeral parlour/ residence	Compliance with the local government's approval	FP/R
4	Lot 1430 Barrack Street, Merredin	Restaurant	Compliance with the local government's approval	R
5	Crown Reserve 44697 Golf, McDonald and Telfer Streets, Merredin	Tourist Development and interim rural uses	Development will only be permitted in accordance with an adopted ODP.	T
6	Crown Reserve 22645 Karbelka Street, Merredin	Tourist Development and interim rural uses	Development will only be permitted in accordance with an adopted ODP.	T
7	Lots 4 and 5, and portion of Lot 20261 Merredin-Narembeen Road, South Merredin <i>AMD 1 GG 30/11/12</i>	Airstrip	Development will only be permitted in accordance with an adopted ODP. The ODP shall include the location of all vegetation on the land and measures to be taken to protect this vegetation.	A
8	Lots 2, 18258, 19112, 20211, 20218, 20723-20727, 20729, 20730, 20750, 20751, 20753, 20754, 20762, 20772, 24768, 25271, 25278, 25298, 26665, 27137, 27467, 28125 and Loc 20771 Collgar District	Wind farm or wind energy facility and uses in accordance with uses permitted in the General Farming zone.	Development will only be permitted in accordance with local government's approval.	WF
9	Lots 2-4 and 50 Great Eastern Hwy, Lots 50 and 27389 Goldfields Road, Merredin	Agricultural Research Station	Compliance with the local government's approval	ARS
10	Lots 130 and 131 Fifth Street, Merredin	Place of Worship	Compliance with the local government's approval	W
11	Lot 401 French Ave, Merredin	Place of Worship	Compliance with the local government's approval	W
12	Lot 1 Kitchener Road, Merredin	Place of Worship	Compliance with the local government's approval	W
13	Lot 534 Throssell Road and Hunter Ave, Merredin	Place of Worship	Compliance with the local government's approval	W

SCHEDULE FIVE — EXEMPTED ADVERTISEMENTS

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN ¹	MAXIMUM SIZE
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ² .
Shops, Showrooms and other uses appropriate to a Shopping Area.	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
Industrial and Warehouse Premises	<p>A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisements, shall not exceed 15m.</p> <p>Maximum permissible total area shall not exceed 10m² and individual advertisement signs shall not exceed 6m².</p>
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A
Public Places and Reserves	a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government a public authority or local government of a local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and	N/A

¹ Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated.

	<p>b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a local government, and</p> <p>c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	<p>N/A</p> <p>N/A</p>
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

SCHEDULE SIX — ENVIRONMENTAL CONDITIONS

There are no environmental conditions imposed by the Minister for Environment which apply to the Scheme

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

ADOPTION

Adopted by resolution of the Council of the Shire of Merredin at the Ordinary Meeting of the Council held on the day of201....

.....
SHIRE PRESIDENT

.....
Date

.....
CHIEF EXECUTIVE OFFICER

.....
Date

FINAL APPROVAL

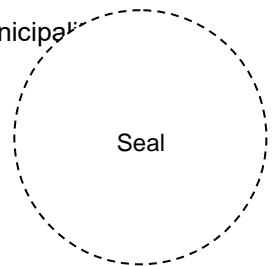
Adopted for final approval of the Shire of Merredin at the meeting of Council held on the day of 201....and the seal of the Municipality was pursuant to that resolution affixed in the presence of

.....
SHIRE PRESIDENT

.....
Date

.....
CHIEF EXECUTIVE OFFICER

.....
Date



RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

.....
Delegated under S.16 of the PD Act 2005

.....
Date

FINAL APPROVAL GRANTED

.....
MINISTER FOR PLANNING

.....
Date