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PLANNING AND DEVELOPMENT ACT 2005

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**SHIRE OF MERREDIN**

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**LOCAL PLANNING  
SCHEME No. 6**



**PLANNING AND DEVELOPMENT ACT 2005**

SHIRE OF MERREDIN

**APPROVED LOCAL PLANNING SCHEME  
LOCAL PLANNING SCHEME No. 6**

Ref. TPS/0160

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Merredin Local Planning Scheme No. 6 on 18 May 2011, the Scheme Text of which is published as a Schedule annexed hereto.

K. A. HOOPER, Shire President.  
G. S. POWELL, Chief Executive Officer.

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**Schedule**

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

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**Preamble**

This Local Planning Scheme of the Shire of Merredin consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read with the Local Planning Strategy for the Shire.

Part 2 of the Scheme Text 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 Text also sets out the requirements for planning 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)

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**PLANNING AND DEVELOPMENT ACT 2005**

## SHIRE OF MERREDIN

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- Part 3: **Reserves**—sets out the local reserves which apply in the Scheme area and related provisions.
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- Part 6: **Special control areas**—sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.
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**PLANNING AND DEVELOPMENT ACT 2005**

## SHIRE OF MERREDIN

**LOCAL PLANNING SCHEME No. 6****PART 1—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 Town Planning Scheme No. 1—Gazetted 16 September 1983
- Shire of Merredin Town Planning Scheme No. 2—Gazetted 3 July 1970
- Shire of Merredin Town 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**

The Scheme comprises—

- (a) the Scheme Text;
- (b) 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 the First Schedule to the *Planning and Development Act 2005*.

**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 Council.
- 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 the Model Scheme Text of the *Town Planning Amendment Regulations 1999*, or
  - (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 of the Model Scheme Text—Dictionary of defined words and expressions is to be kept and made available for public inspection at the offices of the local government.

### 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 2—LOCAL PLANNING POLICY FRAMEWORK

### 2.1 Scheme determinations to conform to Local Planning Strategy

If the Local Planning Strategy is inconsistent with the Scheme, determinations of the local government under the Scheme are to be consistent with the Local Planning Strategy.

A Local Planning Strategy has been prepared and endorsed under the *Town Planning Regulations 1967*.

### 2.2 Local Planning Policies

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply—

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area,

and may amend or add to or rescind the Policy.

### 2.3 Relationship of Local Planning Policies to Scheme

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2 A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

### 2.4 Procedure for making or amending a Local Planning Policy

2.4.1 If a local government resolves to prepare a Local Planning Policy, the local government—

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of—
  - (i) where the draft Policy may be inspected;
  - (ii) the subject and nature of the draft Policy; and
  - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

2.4.2 After the expiry of the period within which submissions may be made, the local government is to—

- (a) review the proposed Policy in the light of any submissions made; and
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

2.4.3 If the local government resolves to adopt the Policy, the local government is to—

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

2.4.4 A Policy has effect on publication of a notice under clause 2.4.3(a).

2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

2.4.6 Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

### **2.5 Revocation of Local Planning Policy**

A Local Planning Policy may be revoked by—

- (a) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

## **PART 3—RESERVES**

### **3.1 Reserves**

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

### **3.2 Regional Reserves**

There are no regional reserves in the Scheme area.

### **3.3 Local Reserves**

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

### **3.4 Use and development of Local Reserves**

3.4.1 A person must not—

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme.

3.4.2 In determining an application for planning approval the local government is to have due regard to—

- (a) the matters set out in Part 10.2, and;
- (b) the ultimate purpose intended for the Reserve.

3.4.3 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 planning approval.

#### *3.4.4 Objectives of the Local Reserves*

##### **3.4.4.1 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.

##### **3.4.4.2 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.

#### 3.4.4.3 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.

#### 3.4.4.4 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 4—ZONES AND THE USE OF LAND

#### 4.1 Zones

4.1.1 The Scheme area is classified into the zones shown on the Scheme Map.

4.1.2 The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

#### 4.2 Objectives of the zones

The objectives of the zones are—

##### 4.2.1 Residential zone

The objectives are—

- 4.2.1.1 To provide for a high standard of residential development and residential character.
- 4.2.1.2 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.
- 4.2.1.3 Non-residential uses shall be compatible in character, scale and operation with the predominant residential use.
- 4.2.1.4 A non-residential use shall only be permitted if the use does not detract from the amenity of the area.

##### 4.2.2 Town Centre zone

The objectives are—

- 4.2.2.1 To maintain a consolidated, compact and accessible town centre area for a mix of business and retail uses.
- 4.2.2.2 To provide for a range of uses to ensure maximum occupation of land and buildings, even where uses may be interim or transitional.
- 4.2.2.3 To retain Merredin townsite as the focus for commercial, office, civic and cultural and service functions.
- 4.2.2.4 To provide for a high level of community services.
- 4.2.2.5 To maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles.
- 4.2.2.6 To preclude the storage of bulky and unsightly goods where they may be in public view.
- 4.2.2.7 To provide for and encourage mixed use developments to capitalise on the central location.
- 4.2.2.8 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.
- 4.2.2.9 To provide street furniture, planting and sheltered places for pedestrians.
- 4.2.2.10 To encourage the provision of public art to improve the amenity and ambiance of the town centre area.
- 4.2.2.11 To reduce uses attracting large volumes of heavy vehicle traffic other than to service retail outlets.
- 4.2.2.12 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.

##### 4.2.3 Commercial zone

The objectives are—

- 4.2.3.1 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.
- 4.2.3.2 To centralise commercial, office, showroom, open air display and service functions for day to day needs.

4.2.3.3 To maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles.

4.2.3.4 To preclude the storage of bulky and unsightly goods where they may be in public view.

4.2.3.5 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.

4.2.3.6 To reduce uses attracting large volumes of heavy vehicle traffic other than to service retail outlets.

#### 4.2.4 *Highway Service zone*

The objectives are—

4.2.4.1 To encourage a high level of amenity to enhance the existing highway streetscape.

4.2.4.2 To encourage the development of tourist accommodation and associated facilities in selected locations within the Merredin Townsite to encourage the patronage of travellers.

4.2.4.3 To provide for overnight forms of accommodation including a motel and caravan park to service the travellers and visitors.

4.2.4.4 To provide for short-stop travel facilities such as a service station, road house, art, craft and souvenir shop.

4.2.4.5 To provide areas with easy access and parking.

4.2.4.6 To minimise land use conflicts and address environmental impacts.

4.2.3.7 To ensure that development complies with the Main Roads WA policy for development abutting the Great Eastern Highway.

#### 4.2.5 *Light Industry zone*

The objectives are—

4.2.5.1 To provide for service industries and light industries that will not have a detrimental affect on nearby residential or other sensitive uses.

4.2.5.2 To provide for home business type uses where caretakers dwellings may be permitted.

4.2.5.3 To provide for a range of employment opportunities.

4.2.5.4 To preclude the storage of bulky and unsightly goods where they may be in public view.

4.2.5.5 To ensure the appropriate use of setback areas and the provision of landscaping to the Council's satisfaction.

4.2.5.6 To allow light and service industries that are compatible with nearby uses.

4.2.5.7 To provide areas with easy access and parking.

4.2.4.8 To minimise land use conflicts and address environmental impacts.

#### 4.2.6 *General Industry zone*

The objectives are—

4.2.6.1 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.

4.2.6.2 To discourage non-industrial uses to minimise land use conflicts and address environmental impacts.

4.2.6.3 To provide a location for diverse industries that would otherwise have a detrimental impact on the other uses in close vicinity.

4.2.6.4 To encourage the provision of landscaping to ensure the industrial development is appropriately screened from the main road.

4.2.6.5 To provide a location where separate heavy vehicular access is provided.

4.2.6.6 To provide a location for depots, warehouses, and large vehicle parking and servicing areas.

4.2.6.7 To provide for a range of employment opportunities.

#### 4.2.7 *Townsite zone*

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

The objectives are—

4.2.7.1 To maintain a rural town atmosphere and lifestyle choice.

4.2.7.2 To provide for a degree of flexibility of uses allowed within the zone whilst maintaining an appropriate level of residential amenity.

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

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

#### 4.2.8 *Special Use zone*

The objectives are—

4.2.8.1 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.

4.2.8.2 To provide for the preparation of an Outline Development Plan (ODP), to be adopted by the local government, to ensure proper and orderly planning.

4.2.8.3 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.

#### 4.2.9 *Special Residential zone*

The objectives are—

4.2.9.1 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 landuses.

4.2.9.2 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.

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

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

#### 4.2.10 *Rural Residential zone*

The objectives are—

4.2.10.1 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.

4.2.10.2 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.

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

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

4.2.10.5 To ensure the provision of community facilities and emergency services in the vicinity of rural residential developments.

4.2.10.6 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.

4.2.10.7 To direct and design the staging of rural residential subdivision to prevent premature demand for services and facilities.

#### 4.2.11 *General Farming zone*

The objectives are—

4.2.11.1 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.

4.2.11.2 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.

4.2.11.3 To support sustainable farming practices and the retention of remnant vegetation.

4.2.11.4 To prevent any development that may affect the viability of a holding.

4.2.11.5 To encourage small scale, low impact tourist accommodation in rural locations.

4.2.11.6 To encourage a diversification of rural activities that will reduce the dependency of the rural sector on traditional crops.

4.2.11.7 To support the creation of homestead lots in accordance with adopted Local Planning Policy.

4.2.11.8 To support mining activities where an environmental management plan has been prepared and is acceptable to the Council and the Environmental Protection Authority.

4.2.11.9 To preclude the disposal of used tyres or any other material that may be detrimental to the quality of the land.

### 4.3 **Table I—Zoning Table**

4.3.1 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.

4.3.2 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 planning approval;

'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;

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

4.3.3 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 planning 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.

#### 4.4 Interpretation of the Zoning Table

4.4.1 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.

4.4.2 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 9.4 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

#### 4.5 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.

#### 4.6 Restricted uses

There are no restricted uses which apply to the Scheme.

#### 4.7 Special use zones

4.7.1 Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

4.7.2 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.

#### 4.8 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 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

#### 4.9 Extensions and changes to a non-conforming use

4.9.1 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 planning approval under the Scheme.

4.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

4.9.3 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 planning 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.

TABLE I—ZONING TABLE

Use Classes	Zones									
	Residential	Town Centre	Commercial	Highway Service	Light Industry	General Industry	Townsite	Special Residential	Rural Residential	General Farming
<b>RESIDENTIAL USES</b>										
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	P	X	D	X	X	X	D	X	X	X
Multiple dwelling	D	D	D	X	X	X	D	X	X	X
<b>TOURIST AND ENTERTAINMENT USES</b>										
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
<b>COMMERCE USES</b>										
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

Use Classes	Zones									
	Residential	Town Centre	Commercial	Highway Service	Light Industry	General Industry	Townsite	Special Residential	Rural Residential	General Farming
Transport depot	X	X	X	D	P	P	A	X	X	D
Winery	X	X	X	X	X	X	A	X	D	A
<b>OTHER USES</b>										
Carpark	D	P	P	P	D	P	P	D	X	X
Funeral parlour	X	D	A	D	X	P	A	X	X	X
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
<b>INDUSTRY USES</b>										
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	X	X	X	X	X	D	X	X	X	X
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—mining	X	X	X	X	X	X	X	X	X	D
Industry—rural	X	X	X	X	A	P	A	D	D	P
Industry—service	X	D	D	D	P	P	A	X	X	D
Storage	X	D	D	X	P	P	A	X	X	X
Warehouse	X	D	D	X	P	P	A	X	X	X
<b>CIVIC AND COMMUNITY USES</b>										
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
<b>RURAL USES</b>										
Agroforestry	X	X	X	X	X	X	X	D	D	A
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	X	X	X	X	X	X	X	D	D	D
Rural pursuit	X	X	X	X	X	X	A	D	D	D
Wayside stall	X	X	X	X	X	X	D	D	D	D

#### **4.10 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.

#### **4.11 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.

#### **4.12 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 planning approval of the local government.

### **PART 5—GENERAL DEVELOPMENT REQUIREMENTS**

#### **5.1 Compliance with development standards and requirements**

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

#### **5.2 Residential Design Codes**

5.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.

5.2.2 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.

5.2.3 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.

#### **5.3 Special application of Residential Design Codes**

5.3.1 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.

5.3.2 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.

5.3.3 The Council shall not approve a residential development with a density exceeding R10 unless the Council is satisfied that an alternative sewerage disposal system can be installed and managed to its satisfaction.

#### **5.4 Restrictive covenants**

5.4.1 Subject to clause 5.4.2, 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.

5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, 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 9.4.

#### **5.5 Variations to site and development standards and requirements**

5.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning 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.

5.5.2 In considering an application for planning 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 Part 9; and
- (b) have regard to any expressed views prior to making its determination to grant the variation.

5.5.3 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 Part 10; and
- (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.

## 5.6 Environmental conditions

5.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 10 of the Scheme.

5.6.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.

5.6.3 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 II—DEVELOPMENT TABLE**

CONTROLS  Development	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum Landscaped Area (%)	Minimum Number of on Site Car Parking Bays
	Front	Rear (Average)	Sides			
Child care centre	7.5	7.5	*	*	*	1 for each employee.
Club	*	*	*	0.5	*	1 for every 45m <sup>2</sup> 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 30m <sup>2</sup> 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 Council.
Funeral Parlour	*	*	*	*	10	As determined by the Council, (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 2m <sup>2</sup> 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 25m <sup>2</sup> of service area.
Motor vehicle, boat and caravan sales	*	*	*	*	5	1 for every 250m <sup>2</sup> of sales area, plus 1 for every person employed on site.
Office	*	*	*	0.5	*	1 for every 30m <sup>2</sup> plot ratio area.
Residential building	As per the Residential Design Code			*	30	1 per dwelling.
Restaurant	*	*	*	*	*	1 for every 10m <sup>2</sup> 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 15m <sup>2</sup> of net lettable area.
Showroom	*	*	*	*	10	1 for every 100m <sup>2</sup> of gross floor area.

Notes: i) \* means 'to be determined by the Council' in each particular case.

(ii) Landscaping to be generally at the street frontage.

## 5.7 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.

### 5.7.1 *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.

### 5.7.2 *Combined Uses*

Where 2 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.

### 5.7.3 *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 1000m<sup>2</sup>).

### 5.7.4 *Car Parking*

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

### 5.7.5 *Landscaping*

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

## 5.8 Caretaker's dwelling

The provisions of this clause apply to caretakers' dwellings.

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

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

5.8.3 The Council 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.

5.8.4 A caretaker's dwelling shall have a maximum floor area of 100m<sup>2</sup> measured from the external face of the walls.

## 5.9 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 Outline Development Plan for the area in accordance with clause 5.10.

### 5.10 Outline Development Plan (ODP)

5.10.1 The local government or the Western Australian Planning Commission may require the preparation of an outline development plan prior to considering any subdivision or development proposal in any zone.

5.10.2 Notwithstanding the requirements of this Scheme, all subdivision and development is to comply with the requirements of any endorsed outline development plan/s.

5.10.3 Any departure or alterations to outline development plans may, subject to the approval of the Western Australian Planning Commission, be permitted if the local government considers that the proposed departure or alteration is minor in nature and will not prejudice the progressive subdivision and development of the area.

#### 5.10.4

(a) Upon receiving an outline development plan, the local government is to either—

- (i) determine that the outline development plan is satisfactory for advertising;
- (ii) determine that the outline development is not to be advertised until further details have been provided or modifications undertaken; or
- (iii) determine that the outline development plan is not satisfactory for advertising and give reasons for this to the proponent.

(b) When the local government has determined the outline development plan to be suitable for advertising, the outline development plan should be advertised for a minimum period of 21 days.

(c) The local government shall advise affected landowners and relevant agencies in writing that the outline development plan is available for public advertising.

(d) Following advertising, the local government shall consider the public submissions made in respect of the outline development plan, and either uphold or dismiss the submissions made.

- (e) The local government may require modifications to the outline development plan prior to adoption.
- (f) When the local government is satisfied with the outline development plan, it is to adopt the outline development plan and forward the Council's resolution, the adopted outline development plan, and schedule of public submissions to the Western Australian Planning Commission for final approval.
- (g) The Western Australian Planning Commission shall then approve the outline development plan, approve the outline development plan with modifications or refuse the outline development plan.

#### 5.10.5 *Advertising of outline development plans*

The local government may within 30 days of receiving the outline development plan require that it be advertised in accordance with clause 2.6 of this Scheme.

#### 5.10.6 *Operation of outline development plans*

- (a) An outline development plan commences operation when it is adopted by the local government and approved by the Western Australian Planning Commission.
- (b) If an outline development plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Design Codes then—
  - (i) the provisions of the outline development plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme;
  - (ii) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the outline development plan area; and
  - (iii) where there is conflict between the provisions of a zone, reserve or provision in an outline development plan or a scheme, the scheme shall prevail.
- (c) If the zones and reserves in an outline development plan are inconsistent with the scheme, they must be incorporated into the scheme via an amendment or a scheme review.

#### 5.10.7 *Right of Review*

The proponent of an outline development plan required by this Scheme may make application for review under Part 14 of the *Planning and Development Act 2005* on the following grounds—

- (a) The failure of the local government to make a determination on the content and requirement of an outline development plan (or an amendment to an outline development plan) within 120 days of the outline development plan being lodged;
- (b) A decision by the local government not to endorse an outline development plan (or an amendment to an outline development plan); and
- (c) Conditions of approval of the outline development plan (or an amendment to an outline development plan).

5.10.8 An outline development plan is to contain such detail, as in the opinion of the local government and the Western Australian Planning Commission, is required to satisfy the planning requirements for the outline development plan area, and shall address, but is not limited to, the following—

- (a) a set of maps and a report describing the outline development plan area and surrounding land uses;
- (b) maps are to be of a legible scale for the outline development area;
- (c) key opportunities and constraints of the outline development plan area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and services;
- (d) conservation and environmental values including bushland, wetlands, streams and water courses, foreshore reserves and setbacks, environmental policy areas and urban water management areas;
- (e) sites and features of Aboriginal and European heritage value;
- (f) transport routes, including highways, district and neighbourhood roads, public transport routes, cycle routes and railway stations;
- (g) the planning context for the outline development plan including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, an indication of how the outline development plan is to be integrated into the surrounding area;
- (h) proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and mixed business uses;
- (i) the proposed indicative lot pattern and general location of any major buildings;
- (j) estimates of future lots, dwellings, population, commercial and industrial floor space;
- (k) provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;
- (l) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;

- (m) any catchment management plan, regional, district or local water management strategy recommendations;
- (n) any facilities which the purchasers of the lots will be required to provide (eg. liquid or solid waste disposal);
- (o) areas where conventional septic tanks may not be suitable;
- (p) the description of adjoining land(s), connections to adjoining land(s) and their uses;
- (q) the timeframe and staging of subdivision and development, and the method of implementation; and
- (r) such other information as may be required by the local government as a result of the site's characteristics.

5.10.9 In considering other procedural matters involved with outline development plans, the local government and proponent will be guided by policies of the Western Australian Planning Commission.

### **5.11 Special Residential Development**

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

5.11.2 Subdivision and development shall only occur in accordance with an adopted Outline Development Plan prepared in accordance with clause 5.10.

5.11.3 Uses shall only be permitted in accordance with Table I—Zoning Table.

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

5.11.5 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.

### **5.12 Rural Residential Development**

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

5.12.2 Subdivision and development shall only occur in accordance with an adopted Outline Development Plan prepared in accordance with clause 5.10.

5.12.3 Uses shall only be permitted in accordance with Table I—Zoning Table.

### **5.13 Homestead Lot Development**

Council 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 Council.

### **5.14 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 Council, however these shall not be less than those specified for the Residential Design Code R2.

The erection of more than 1 single house per lot will generally not be supported, except where it can be demonstrated that the additional houses are for workers accommodation.

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.

### **5.15 Streetscape Amenity**

The Council 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 6—SPECIAL CONTROL AREAS****6.1 Operation of special control areas**

6.1.1 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

6.1.2. 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.

**6.2 SCA 1 Evaporation Ponds****6.2.1 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.

**6.2.2 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.

**6.2.3 Application Requirements**

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

**6.2.4 Development Requirements**

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

**6.2.5 Referral of Applications**

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

**6.3 SCA 2 Wastewater treatment plant****6.3.1 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.

**6.3.2 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.

**6.3.3 Application Requirements**

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

**6.3.4 Development Requirements**

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

**6.3.5 Referral of Applications**

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

**6.4 SCA3 Rubbish tip****6.4.1 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.

**6.4.2 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.

**6.4.3 Application Requirements**

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

#### 6.4.4 *Development Requirements*

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

#### 6.4.5 *Referral of Applications*

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

### **6.5 SCA4 Wind Farm**

#### 6.5.1 *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.

#### 6.5.2 *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.

#### 6.5.3 *Application Requirements*

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

#### 6.5.4 *Development Requirements*

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

#### 6.5.5 *Referral of Applications*

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

### **6.6 SCA5 Merredin airstrip**

#### 6.6.1 *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.

#### 6.6.2 *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.

#### 6.6.3 *Application Requirements*

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

#### 6.6.4 *Development Requirements*

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

#### 6.6.5 *Referral of Applications*

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

### **6.7 SCA6 Nature conservation purposes**

#### 6.7.1 *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.

#### 6.7.2 *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.

#### 6.7.3 *Application Requirements*

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

#### 6.7.4 *Development Requirements*

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

#### 6.7.5 *Referral of Applications*

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

**PART 7—HERITAGE PROTECTION**

The provisions detailed in Part 7 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text) relating to heritage protection shall form part of this Scheme, except as varied below.

There are no variations to Part 7 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text).

**PART 8—DEVELOPMENT OF LAND**

The provisions detailed in Part 8 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text) relating to the development of land are deemed to form part of this Scheme, except as varied below.

In addition to the provisions of Part 8 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text) a new sub-clause 8.2 (b) (iii) is added to ensure that the following development requires the planning approval of the local government;

- (iii) the Council deems the development to be inappropriate or inadequate in any way including, the use of materials, landscaping, aesthetics or any other aspect that the Council considers appropriate to impose a planning condition.

**PART 9—APPLICATIONS FOR PLANNING APPROVAL**

The provisions detailed in Part 9 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text) relating to applications for planning approval are deemed to form part of this Scheme, except as varied below.

There are no variations to Part 9 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text).

**PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS**

The provisions detailed in Part 10 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text) relating to the procedure for dealing with applications are deemed to form part of this Scheme, except as varied below.

There are no variations to Part 10 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text).

**PART 11—ENFORCEMENT AND ADMINISTRATION**

The provisions detailed in Part 11 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text) relating to enforcement and administration are deemed to form part of this Scheme, except as varied below.

There are no variations to Part 11 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text).

**SCHEDULES**

- Schedule 1: Dictionary of defined words and expressions
  - Schedule 2: Additional uses
  - Schedule 3: Restricted uses
  - Schedule 4: Special use zones
  - Schedule 5: Exempted advertisements
  - Schedule 6: Form of application for planning approval
  - Schedule 7: Additional information for advertisements
  - Schedule 8: Notice of public advertisement of planning proposal
  - Schedule 9: Notice of determination on application for planning approval
  - Schedule 10: Environmental conditions
-

## SCHEDULE 1

## 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).

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

**'Dry cleaning premises'**—means land and buildings used for the cleaning of garments and other fabrics by chemical processes;

**'Holiday accommodation'**—means accommodation comprising 2 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: 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;

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

**'Transport depot'**—means land or a building or buildings used for the parking or garaging of road motor vehicles (including taxis) which are used or intended to be used for the carriage of passengers or goods, or land or a building or buildings used for the transfer of goods from one such motor vehicle to another of such motor vehicles and includes the maintenance or repair of such vehicles;

**'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 2

## ADDITIONAL USES

There are no additional uses that apply to the Scheme.

No.	Description of land	Additional use	Conditions

## SCHEDULE 3

## RESTRICTED USES

There are no restricted uses that apply to the Scheme.

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

## SCHEDULE 4

## 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, <b>Merredin</b>	Homes for the aged	Compliance with the Residential Design Codes	HA
2	Lot 25 Todd Street, <b>Merredin</b>	Veterinary Hospital	Compliance with the Council's approval	VH
3	Lot 1 Fifth Street, <b>Merredin</b>	Funeral parlour/ residence	Compliance with the Council's approval	FP/R
4	Lot 1430 Barrack Street, <b>Merredin</b>	Restaurant	Compliance with the Council's approval	R

No.	Description of land	Special use	Conditions	Map Label
5	Crown Reserve 44697 Golf, McDonald and Telfer Streets, <b>Merredin</b>	Tourist Development and interim rural uses	Development will only be permitted in accordance with an adopted ODP.	T
6	Crown Reserve 22645 Karbelka Street, <b>Merredin</b>	Tourist Development and interim rural uses	Development will only be permitted in accordance with an adopted ODP.	T
7	Lot 4 Merredin-Narembeen Road, <b>South Merredin</b>	Airstrip	Development will only be permitted in accordance with an adopted ODP.	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 <b>Collgar District</b>	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 Council's approval.	WF
9	Lots 2-4 and 50 Great Eastern Hwy, Lots 50 and 27389 Goldfields Road, <b>Merredin</b>	Agricultural Research Station	Compliance with the Council's approval	ARS
10	Lots 130 and 131 Fifth Street, <b>Merredin</b>	Place of Worship	Compliance with the Council's approval	W
11	Lot 401 French Ave, <b>Merredin</b>	Place of Worship	Compliance with the Council's approval	W
12	Lot 1 Kitchener Road, <b>Merredin</b>	Place of Worship	Compliance with the Council's approval	W
13	Lot 534 Throssell Road and Hunter Ave, <b>Merredin</b>	Place of Worship	Compliance with the Council's approval	W

SCHEDULE 5  
EXEMPTED ADVERTISEMENTS

Land Use and/or Development	Exempted Sign <sup>1</sup>	Maximum Size
<b>Dwellings</b>	One professional name-plate as appropriate.	0.2m <sup>2</sup>
<b>Home Occupation</b>	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
<b>Places of Worship, Meeting Halls and Places of Public Assembly</b>	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>
<b>Cinemas, Theatres and Drive-In Theatres</b>	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 <sup>2</sup> .
<b>Shops, Showrooms and other uses appropriate to a Shopping Area.</b>	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
<b>Industrial and Warehouse Premises</b>	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. A maximum of 2 free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements, shall not exceed 15m. Maximum permissible total area shall not exceed 10m <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup> .

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

Land Use and/or Development	Exempted Sign <sup>1</sup>	Maximum Size
<b>Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes</b>	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
<b>Public Places and Reserves</b>	<p>(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</p> <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> <p>N/A</p>
<b>Railway Property and Reserves</b>	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 <sup>2</sup> in area.
<b>Advertisements within buildings</b>	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
<b>All classes of buildings other than single family dwellings</b>	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 <sup>2</sup>

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

#### SCHEDULE 6

##### FORM OF APPLICATION FOR PLANNING APPROVAL

The Form of application for planning approval as shown in Schedule 6 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text) shall apply to this Scheme, except as varied below.

There are no variations to the form as shown in Schedule 6 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text).

#### SCHEDULE 7

##### ADDITIONAL INFORMATION FOR ADVERTISEMENTS

The Form for additional information for advertisements as shown in Schedule 7 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text) shall apply to this Scheme, except as varied below.

There are no variations to the form as shown in Schedule 7 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text).

#### SCHEDULE 8

##### NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

The notice of public advertisement of planning proposal as shown in Schedule 8 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text) shall apply to this Scheme, except as varied below.

There are no variations to the notice as shown in Schedule 8 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text).

#### SCHEDULE 9

##### **NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL**

The notice of determination on application for planning approval as shown in Schedule 9 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text) shall apply to this Scheme, except as varied below.

There are no variations to the notice as shown in Schedule 9 of the *Town Planning Amendment Regulations 1999* (Appendix B—Model Scheme Text).

#### SCHEDULE 10

##### **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 19th day of January 2010.

K. A. HOOPER, Shire President.

Date: 28 January 2010.

G. S. POWELL, Chief Executive Officer.

Date: 28 January 2010.

#### **FINAL APPROVAL**

Adopted for final approval of the Shire of Merredin at the meeting of Council held on the 20th day of July 2010 and the seal of the Municipality was pursuant to that resolution affixed in the presence of—

K. A. HOOPER, Shire President.

Date: 28 January 2010.

G. S. POWELL, Chief Executive Officer.

Date: 28 January 2010.

#### **RECOMMENDED/SUBMITTED FOR FINAL APPROVAL**

P. BASKIND, Delegated under S.16 of the PD Act 2005.

Date: 14 March 2011.

#### **FINAL APPROVAL GRANTED**

JOHN DAY, Minister for Planning.

Date: 18 May 2011.