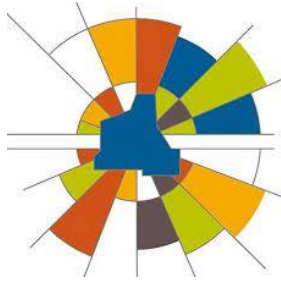


Shire of Merredin Report of Review

The Report of Review is prepared in accordance with Regulation 66 of the *Planning and Development (Local Planning Schemes) Act 2015* to determine whether the strategy, scheme, structure plans and local planning policies are satisfactory in their existing respective forms.

February 2022



Shire of Merredin Report of Review

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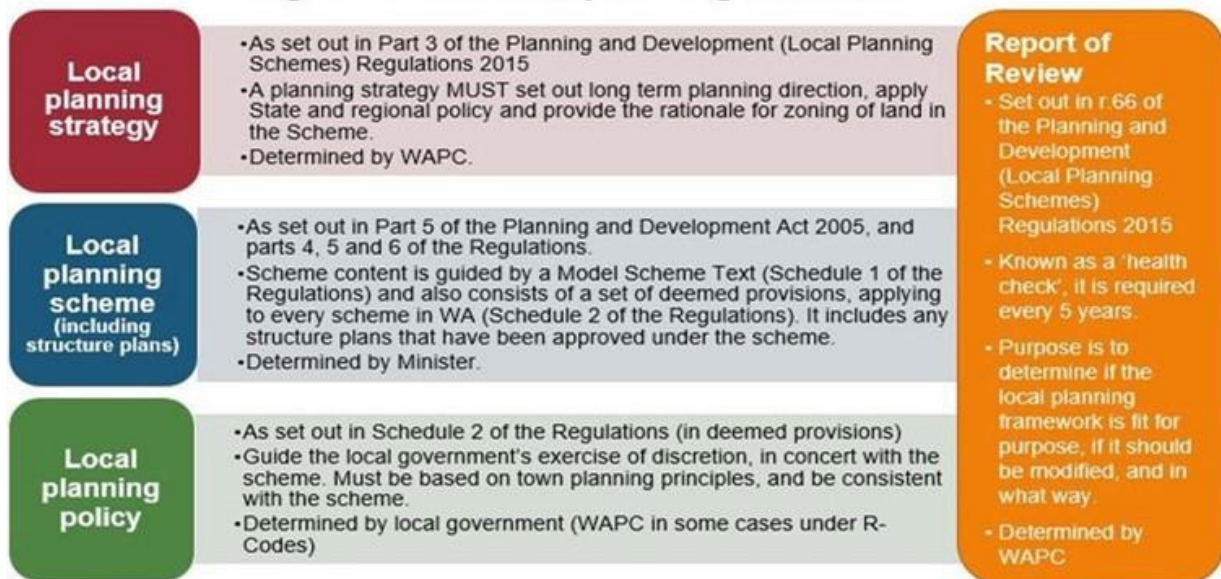
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PART 1 - Background

About the WA planning system

The Western Australian Planning system is centralised in nature, with the Minister for Planning, Western Australian Planning Commission and local governments having a range of responsibilities. These roles and responsibilities are also set out in legislation and regulation, principally the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. As shown in Figure 1, the local planning framework consists of three key components; a local planning strategy and scheme, and a suite of local planning policies that guide local government discretion in decision-making. Central to the operation of the local planning framework is a Report of Review.

Figure 1 - the local planning framework



What is a Report of Review?

A Report of Review is a health-check for the local planning framework, which is required to be prepared every 5 years to assess how the framework is operating, and if adjustments need to be made. A Report of Review is required to consider whether a local government's local planning strategy and scheme, and any structure plans adopted under the scheme are:

1. satisfactory in their existing form; or
2. should be amended; or
3. should be revoked and/or have a new one prepared.

It is also recommended that local planning policies be considered as part of this review, but it is at the local government's discretion.

Following the recommendation from the local government, the Commission is to decide whether the Commission agrees or disagrees with the Report of Review and notify the local government of its decision. The local government is then required to publish the Report of Review and notice of the Commission's decision. The reason for this is to increase transparency in the planning system and provide stakeholders and community members with a 'road map' of future changes (or not) to the local framework.

This Report of Review will examine the Shire of Merredin’s local planning framework and make recommendations to the Commission.

What forms part of Merredin’s local planning framework?

The Shire of Merredin's local planning framework consists of:

- 1. Local Planning Strategy (endorsed in 2007);
- 2. Local Planning Scheme No.6 (gazetted in 2011);
- 3. Local Planning Policies; and
- 4. Structure plans.

About the Shire of Merredin

The Shire of Merredin (Shire) is approximately 250 kilometres east of Perth and covers an area of 3,300 square kilometres. The Shire is one of 42 local governments located in the State's Wheatbelt planning region.

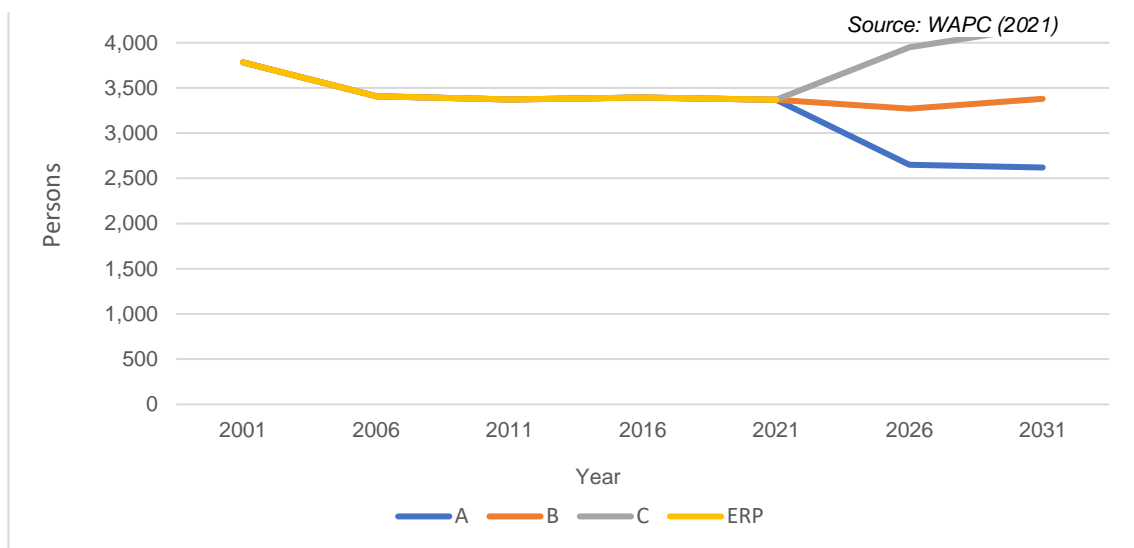
Population

The Shire's population was 3,367 in 2020 (4.6% of people living in the Wheatbelt). Aboriginal and Torres Strait Islander people accounted for 7% of the Shire's population compared to State average of 1.8%.

According to the 2016 Census of Population and Households (Census), the Shire's main population centres (by population) were: Merredin (2,636 persons); Burracoppin (102); Hines Hill (47); and Muntadgin (51) with Rural areas accounting for approximately 45% of people living in the Shire.

Between 2001 and 2021, the population of the Shire decreased by approximately 416 persons (or by 2.1% per annum). Population forecasts published by the WAPC predict the population to increase between 110 ('C' band) and 880 ('E' band) persons by 2031.

Figure 1 - Estimated Resident Population (2001-2020) and population forecasts (2021-2031)



Age cohorts

- children aged 0 to 14 constitute approximately 19.6 per cent of the Shire's population which is comparable to the WA average (19.2%);
- approximately 15.6 per cent of the population is aged 65 years old or over which is slightly higher than the WA average (14%);
- median age of the Shire is 38 which is slightly higher than the WA's figure (36); and
- the Shire's households are 'families' and the average household size is 2.4 persons per dwelling compared to 2.6 for WA.

Economy and Employment

The Shire of Merredin is predominately a rural area with an economy based largely on agriculture (\$84m) (4.4% of the Wheatbelt region).

The key sectors for the Shire's economy at the 2016 Census were 'Agriculture, Forestry and Fishing' (29.2% of exports), 'Transportation and Warehousing' (15.7%), and 'Electricity, Gas, Water and Waste Services' (16.6%). Commercial activities including retail, services and other businesses/administration functions are generally located within the Merredin town centre.

Of the 1,518 persons employed within the Shire, the 'Agriculture, Forestry and Fishing' sector (14.7%) employs the most people followed by 'Education and Training' (12%); 'Health Care and Social Assistance' (10.5%) and 'Retail Trade' (10.7%).

The agricultural sector is expected to remain as a key economic driver and employment generator. The Collgar Wind Farm, which became operational in 2012, is the largest wind farm in Western Australia, and one of the largest in the Australia generating enough electricity to power a small city of 125,000 homes. Other opportunities include tourism within the Merredin townsite related to the Shire's Aboriginal and historic heritage. Commercially deposits of basic raw materials also occur throughout the Shire.

Environment

Clearing to facilitate agricultural activities has resulted in significant reduction in natural vegetation over time. There are, however, three areas of vegetation surrounding the townsite that are protected through reserves. The Shire is actively implementing revegetation programs to manage legacy impacts on the water table caused by agricultural activities. Other key issues such as protection of biodiversity assets, hydrology/flooding and pest/weed control that are being managed by the Shire in cooperation with State government departments such as Department of Water and Environmental Regulation and the Department of Biodiversity, Conservations and Attractions.

Land Supply and Lot Activity

Table 1 provides a breakdown of land area (ha) by zone within the Shire and **Table 2** identifies the amount of land that is developed or undeveloped/unrated.

Table 1: Land area by zone		
Zone	Area (ha)	%
Residential	341.0	0.06
Special residential	30.8	0.01
Rural Residential	30.8	0.18
Town Centre	9.4	0.01

REPORT OF REVIEW BY SHIRE OF MERREDIN

Commercial	9.0	0.002
General Industry	161.7	0.05
Light Industry	63.0	0.02
Special Use	16,141.7	4.98
Townsite	11.6	0.004
Public Purposes/Railway	1,817.5	0.55
Rural	290,825.3	89.63
Parks and Rec/Conservation	14386.6	4.40
Total (ha)	324,448.7	100.00
<i>Source: WAPC (2021)</i>		

Settlement	Zone	Area (ha)	Developed	%	Undeveloped*	%
Burracoppin	General Farming	35.880	15.830	44.1	20.050	55.9
	Light Industry	0.884	0.884	100.0	0.000	0.0
	Townsite	196.882	195.517	99.3	1.365	0.7
Hines Hill	General Farming	60.442	31.438	52.0	29.004	48.0
	Townsite	1.190	0.802	67.4	0.388	32.6
Merredin	Residential	429.601	194.409	45.3	235.192	54.7
	Special Residential	32.388	14.140	43.7	18.248	56.3
	Rural Residential	462.316	186.209	40.3	276.107	59.7
	Commercial	9.486	7.644	80.6	1.842	19.4
	Highway Commercial	12.208	9.520	78.0	2.688	22.0
	Town Centre	9.383	8.789	93.7	0.594	6.3
	Light Industry	62.883	52.152	82.9	10.731	17.1
	General Industry	164.050	164.050	100.0	0.000	0.0
	General Farming	500.848	476.451	95.1	24.397	4.9
	Special Use	5.013	5.013	100.0	0.000	0.0
Muntadjin	General Farming	34.534	32.455	94.0	2.079	6.0
	Townsite	3.806	1.708	44.9	2.098	55.1
Nangeenan	General Farming	196.882	91.488	46.5	105.394	53.5
	Townsite	3.236	2.427	75.0	0.809	25.0
Nukarni	General Farming	16.964	6.241	36.8	10.723	63.2
All Settlements		2238.876	1497.167	66.9	741.709	33.1

Since gazettal of the Scheme (in 2008), 178 lots received conditional approval across the Shire. Most of this activity was for: Residential (52%); Rural Living (14%); Rural (27%) and Non-Residential (7%). Over the same time period, 123 lots received final approval 47% (Residential); 16% (Rural Living); 27% (Rural) and other non-Rural uses (6%) (refer to **Table 3**).

	Res	Rural Living	Ind	Com	Rural	Total
Preliminary	93	25	3	2	48	178
Final	58	22	9	1	33	123

Source: WAPC (2021)

Development Activity

Table 4 outlines building commencements in each year since the Scheme was gazetted.

Table 4: Building Commencements					
Year	No. building commencements	Type of development			
		Dwellings	Outbuildings	Com/Ind	Community Facilities
20/21	43	9	31	3	
19/20	36	13	22	1	
18/19	29	5	20	4	
17/18	76	37	32	7	
16/17	46	12	31	3	
15/16	61	14	41	6	
14/15	48	7	36	5	
13/14	51	16	31	4	
12/13	45	15	27	3	
11/12	40	11	28	1	
Notes: These statistics are based on issued building permits. The dwelling commencements include both new dwellings as well as extensions/alterations to existing dwellings.					
<i>Source: Shire of Merredin (2021)</i>					

Development Assessment Panels

There has only been one DAP Development Approval (DA) within the Shire since 2011. This was determined by the Wheatbelt JDAP on 22 June 2017 for solar farm on Lot 194 Robertson Road and Lot 19444 Bruce Rock – Merredin Road, Merredin.

The Council approved a modification (Form 2) to the DA in March 2018. The facility has been completed and is now operational.

Land supply

Based on historical population trends/forecasts and past lot consumption trends, there is an adequate supply of land zoned for Residential, Special Residential and Rural Residential purposes across the Shire for the next 10-15 years (and beyond this time). It should also be noted that the 2016 Census indicated that 18% of constructed dwellings across the Shire were vacant.

Since the 2016 Census, the situation has changed substantially. Merredin is now mirroring the state-wide shortage of residential rentals (0.67% vacancy rate). The WAPC is formulating policy for short stay accommodation and will prepare a strategy to address accommodation issues generally - insofar as a planning system can help and will make recommendations of any measures that a state-wide policy or Scheme changes can assist.

Whilst the availability of vacant residential land may be adequate, the accommodation supply is still considered unsatisfactory.

There is a shortage of available land for general and light industries in Merredin. In order to maintain Merredin as a strong regional centre, the Scheme review will identify strategies aimed at promoting availability of suitably zoned and serviced land for future industrial development. The Council will also examine the possibility of introducing rural enterprise areas where an operator can work and live on the same property rather than having to occupy two properties.

PART 2 – Analysis of the Local Planning Framework

Overview

The local planning framework addresses **population drivers** by:

- seeking for focus a variety of residential development in the Merredin townsite and surrounding localities (such as: Burracoppin; Hines Hill; and Muntadgin);
- providing residential land and identifying land for future development in the Merredin townsite;
- applying a range of densities (including dual coding) to promote infill development and to maximise use of existing and future infrastructure particularly in the Merredin townsite;
- Facilitating economic development opportunities by attracting more skilled workers and retaining existing population base.

The local planning framework manages important **biodiversity assets** by:

- ensuring development adequately considers and addresses natural constraints (including bushfire and flooding) while protecting biodiversity;
- protecting areas of environmental significance through Special Control Areas;
- protecting public drinking water sources area and water resources through Special Control Areas; and
- balancing opportunities for rural living proposals against biodiversity, conservation, and environmental impacts.

The local planning framework facilitates key **economic drivers** by:

- protecting rural land from fragmentation and land use conflict;
- encouraging flexibility and diversity in the Commercial and Rural zones as a way of promoting tourism;
- identifying opportunities for future, larger-scale development (Industrial Development);
- Protecting land uses, such as the Collgar Windfarm, by applying Special Use zones;
- facilitating opportunities to generate employment by introducing the provision for light industrial uses with a housing component; and
- representing strategic geological resources in the Strategy and providing guidance on extraction of basic raw materials and managing the impacts of these activities have on sensitive land uses.

Local Planning Strategy

The local planning strategy (Strategy) was endorsed by the WAPC in October 2007. The Strategy identified issues affecting the Shire within the land use planning context and defined broad strategic directions/actions, including:

- a) managing growth of settlements across the Shire focussing on Merredin;
- b) facilitating opportunities in key economic sectors, such as: agriculture; tourism; renewable energy; and extraction of basic raw materials;
- c) addressing key land use planning issues such as:
 - management of bushfire risk;
 - use of rural land;
 - protection of water sources; biodiversity assets and landscapes; and

- extraction of basic raw materials.
- d) identification and protection of the Shire's Aboriginal and historic heritage;
- e) ensuring the capacity of movement, community and utility infrastructure is sufficient to accommodate future demand.
- f) investigating the provision of additional aged care and retirement village developments; and
- g) providing opportunities for Rural Living where these can be managed so as not to impact on natural resources or environmental values.

The actions identified in the Strategy refer to the land use framework as it was in 2007 so do not reflect directions, practices and/or guidance relevant in 2022. Further specific directions/actions that relate to the scheme while clear in intent are not directly consistent with the Regulations.

Local Planning Scheme 6

Local Planning Scheme No.6 (Scheme 6) was gazetted on 24 June 2011. Since this time, it has been amended seven times (refer to **Appendix 1** - Summary of amendments to the Scheme).

Of these, Amendment 3 (gazetted in 2016) aligned the Scheme with deemed provisions in the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations) while others have inserted additional model land use terms. Scheme 6 is, however, not consistent with the Regulations as the text:

- does not reflect changes to the deemed provisions published in 2021;
- contains non-model zones (i.e. 'Highway Service', 'General Farming', 'Townsite'), reserves and land use terms/definitions;
- does not align with zone and reserve objectives published in the model provisions for local planning schemes;
- sets out development provisions that do not reflect current policy/guidance;
- does not reflect the model provisions for local planning schemes and maps are not consistent with the WAPC's standards.

Structure plans

Table 6 lists the structure plans prepared under Scheme 6.

Table 6: Structure plans prepared under Scheme 6			
WAPC Ref	Address	Plan type	Date endorsed
SPN/0250	L1335 Whitfield Way Merredin Outline Development Plan	ODP	25/1/2011
<i>Source: WAPC (2021)</i>			

This structure plan area is now

Local Planning Policies

The following local planning policies have been adopted by the Council to support the implementation of Scheme 6:

- | | |
|--------------------------|-----------------------------------------------------|
| LPP 1 Moveable Buildings | Council resolution 21/3/17 - implementation 13/4/17 |
| LPP 3 Carparking | Council resolution 21/3/17 - implementation 13/4/17 |

LPP 4 Landscaping	Council resolution 21/3/17 - implementation 13/4/17
LPP 5 DA delegation	repealed
LPP 6 Rural Residential	Council resolution 21/3/17 - implementation 13/4/17
LPP 7 Cash-in-lieu	Council resolution 21/3/17 - implementation 13/4/17
LPP 8 Signage on reserves	Council resolution 21/3/17 - implementation 13/4/17

PART 3 – Suitability of the Existing Planning Framework

Overview

As mentioned, a Report of Review needs to consider whether the Local Planning Strategy, Scheme and Structure Plans are:

1. satisfactory in their existing form; or
2. should be amended; or
3. should be revoked and/or have a new one prepared.

This section of the report considers these matters in response to the existing planning framework.

Local Planning Strategy

The local planning strategy (Strategy) was endorsed by the WAPC in August 2007 and remains generally fit-for-purpose. The Shire has, however, identified the following updates are required to the document:

- a) align the strategy with the Council's Strategic Community Plan;
- b) review and update information/data relating to:
 - o key drivers (population data/forecasts, key economic/employment initiatives and management of environmental values and natural resources);
 - o current/future land supply in the context of these drivers;
 - o Identification and protection of local Aboriginal and historic heritage; and
- c) identify modifications/updates required to Scheme 6 as a result of contemporary planning policy and practice.

The Regulations (under r.17) provide a process for amending a local planning strategy to include updated information. Updates can be undertaken in the future and are not required prior to amendment of Scheme 6.

Local Planning Scheme

Scheme 6 was gazetted in 2011 and is now due for review. The Scheme was amended in 2017 (Amendment No 5) to insert references to the deemed provisions. Since then, there have been three additional amendments, the last being gazetted in December 2020 to extend the existing industrial area in Merredin townsite.

Following the acceptance of this Report of Review, a new Omnibus amendment will be prepared and presented to the Council. Since the last Amendment there have been several issues that have been identified that may be considered as part of the Omnibus amendment. These may include the following topics;

- Incorporate policy on moveable buildings into the scheme text (creation of new use class 'repurposed buildings' in the zoning table).
- Rezone small rural zoned lots in Burracoppin to Residential R10/R20.

- Review the zoning for the Seventh Day Adventist church in Kitchener Road.
- Review the zoning of 48 Kitchener Road to Special Use – Place of Worship.
- Reconsider development control areas on R Coded land.
- Rezone Karis Medical owned South Merredin Primary School Site to Residential R10/R30 – possible structure plan requirements.
- Convenience Store change to X use in Residential areas.
- Review Municipal Heritage Inventory including identification and protection of local Aboriginal and historic heritage through the Scheme.
- Rezoning of old Throssel Street Playgroup land to Residential.
- Ready Mix batching plant land rezoning from PU Reserve to other more appropriate zoning/special use.
- Rezone 4 Mailo Way and adjacent lots from General Farming to Rural Residential.
- Review zoning of Hunts Dam Reserve for Njaki Njaki camping project.
- Provision of Holiday House as an A use or D use in a residential zone.
- Consider hosted vs un-hosted accommodation.
- Consider rezoning of lots 11 and 12 Abattoir Road – Doepel Marsh proposal.
- Review Single and grouped dwellings in town centre zone.
- Rezone Lot 601 Goldfields Road from General Farming to Light industry.
- Permissibility of renewables generally, and Collgar wind farm extensions.
- Review existing zoning and development restrictions on the Merredin airfield and adjacent properties.

The Regulations prescribe a number of ways to amend a local planning scheme depending on the nature of changes being proposed. In this instance, as the identified modifications include changes to scheme map, zones, land uses, permissibility and/or development standards so a standard amendment is recommended. This type of amendment requires public advertising for a period of 42 days or for a longer period approved by the WAPC,

Structure Plans

The existing Structure Plan identified in the Scheme - previously termed an ODP (Outline Development Plan), is satisfactory in its existing form. However, since this area has now been subdivided there is no need to retain the Structure Plan. A proposal will be presented to the Council to revoke the Structure Plan and rezone the site to Residential R2 in an Omnibus amendment.

Local Development Plans

There are no local development plans that apply in the Scheme area.

PART 4 – Recommendation to WAPC

That Council, pursuant to Regulation 66(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* recommend to the Western Australian Planning Commission that:

1. The local planning strategy is broadly satisfactory in its existing form but would benefit from an amendment pursuant to r.17 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

2. Scheme No. 6 is broadly satisfactory in its existing form but should be amended by an omnibus amendment pursuant to r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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Appendix 1 - Summary of amendments to the Scheme

SHIRE OF MERREDIN LPS 06 – TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED WHEN	BY	DETAILS
Gazetted on 24/06/11 Captured on 05/07/11 by Nick Morris				
1	30/11/12	17/12/12	NM	<p>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.</p>
2	2/8/13	5/8/13	NM	<p>Inserted clause 5.15 “Highway Service zone”</p>
3	26/06/15	07/07/15	NG	<p>Include a new entry within Schedule 2.</p>
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. 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;</p> <p>‘1 Subject to clause 4.13’.</p> <p>Clause 4.13 – deleted paragraph 2 and replaced it with the following – ‘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>

REPORT OF REVIEW BY SHIRE OF MERREDIN

				<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:</p> <p>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	24/12/20	04/01/21	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>