



ORDINARY MEETING OF COUNCIL  
AGENDA

10 NOVEMBER 2009

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**CITY OF GERALDTON-GREENOUGH**  
**ORDINARY MEETING OF COUNCIL**  
**TO BE HELD ON TUESDAY, 10 NOVEMBER 2009 AT 5.30PM**  
**AT CHAMBERS, EDWARD ROAD**

**A G E N D A**

**DISCLAIMER:**

The City of Geraldton-Greenough advises that persons interested in any topics raised in this Agenda should wait for formal written advice from the City before taking any action on an application that is listed for consideration.

**1        DECLARATION OF OPENING**

**2        ATTENDANCE**

Present:

Officers:

Council Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Leave of Absence:

Mayor Ian Carpenter

**3        RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON  
NOTICE**

**4        PUBLIC QUESTION TIME**

**5        APPLICATIONS FOR LEAVE OF ABSENCE**

Mayor Carpenter request for leave of absence for the period 28 December 2009 to 12 January 2010 be approved.

**6 PETITIONS, DEPUTATIONS OR PRESENTATIONS****7 DECLARATIONS OF CONFLICTS OF INTEREST****8 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING  
– as circulated**

RECOMMENDED that the minutes of the ordinary meeting of Council held on 27 October 2009, as previously circulated, be adopted as a true and correct record of proceedings.

## 9 ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION)

DATE	FUNCTION	REPRESENTATIVE
Wednesday 28 October	State NRM Conference	Cr Sewell, CEO Tony Brun
	OP&R Social Impact Assessment Validation workshop	Mayor Carpenter, CEO Tony Brun
Thursday 29 October	State NRM Conference	Cr Sewell, CEO Tony Brun
	ATS Dinner with Chinese Delegation	CEO Tony Brun, Mayor Carpenter
Friday 30 October	2009 Outback Forum (Geraldton - A Midwest Transformation)	Mayor Carpenter, Cr Hall, CEO Tony Brun
Saturday 31 October	Master Builders Association Awards	Cr McIlwaine
Monday 2 November	Midnight Basketball Community Meeting	Mayor Carpenter, CEO Tony Brun
Wednesday 4 November	Draft Waste Strategy	Mayor Carpenter
Thursday 5 November	Meeting with Sarah Clement – Coastal Management	Mayor Carpenter, Andrew Outhwaite
	Signing of Letter Agreement between CGG & Rail Heritage WA	Mayor Carpenter, CEO Tony Brun
Friday 6 November	City of Geraldton-Greenough Governance Essentials for Local Government Workshop (Cr's & Execs)	
Saturday 7 November	Councillors and Executive Training	Mayor Carpenter, All Councillors
	Geraldton-Greenough Crime Prevention Forum	Mayor Carpenter
	38th Annual Geraldton Guardian & Mid West Sports Awards of 2009	Mayor Carpenter
Sunday 8 November	Wiebbe Hayes' Unveiling at Batavia Park	Mayor Carpenter, All Councillors, CEO Tony Brun
Monday 9 November	Council Briefing Session – Council Chambers, Edward Road	All Councillors
Tuesday 10 November	Council Meeting – Council Chambers, Edward Road	All Councillors

**10      REPORTS OF COMMITTEES AND OFFICERS**

**10.1    *Reports of the Chief Executive Officer***

Nil.

## 10.2 Reports of Corporate Services

<b>CS212</b>	<b>BUDGET AMENDMENTS – AUTHORISED EXPENDITURE</b>	
	<b>AGENDA REFERENCE:</b>	<b>09/020066</b>
	<b>AUTHOR:</b>	<b>P Radalj, Manager of Management Accounting</b>
	<b>EXECUTIVE:</b>	<b>H Eaton, Director of Corporate Services</b>
	<b>DATE OF REPORT:</b>	<b>1 November 2009</b>
	<b>FILE REFERENCE:</b>	<b>N/A</b>
	<b>APPLICANT / PROPONENT:</b>	<b>Corporate Services</b>
	<b>ATTACHMENTS:</b>	<b>No</b>

### SUMMARY:

Council is required to consider the following proposed budget amendments and determine whether or not to authorise these proposed amendments.

### BACKGROUND:

The proposed budget amendments have been identified under the following criteria:

- A review of allocations against current and projected actual expenditure and revenue; and
- Provide resources to complete and/or undertake high or newly identified priority projects and or activities.

### Summary:

#### **Changes to Revenue**

**Table 1**

Account	Chart Description	Current Budget	New Budget	Variation
13200803	Licences - Building	510,000	520,000	10,000
4208955	Transfer from Reserves - Governance	1,636,000	1,643,500	7,500
	<b>Total Revenue (increase)</b>			<b>17,500</b>

- \$10,000 increase to budgeted review derived from building licences. Currently, actual revenue generated up to the end of October is 30/% above the budget to date requirement. This increase will zero out the \$10,000 increase (See table 2) in Department Expenses.
- \$7,500 additional transfer for Reserves to fund the relocation costs (refurbishment of old "Coffee Nook" area). These funds being sources from the City Building Maintenance Reserve – current balance not taking into account this additional transfer is \$197,676

**Changes to Expenditure**  
**Table 2**

<b>Account</b>	<b>Chart Description</b>	<b>Current Budget</b>	<b>New Budget</b>	<b>Variation</b>
11208304	Plant & Equipment - Aquarena	130,000	205,000	75,000
13105116	Clipper Around The World	20,000	50,000	30,000
10210312	Meru Building Operations	29,600	19,600	-10,000
10210302	Meru Building Maintenance	2,500	12,500	10,000
74613	Washdown Facility	0	10,500	10,500
10218954	Meru – Transfer to Reserve	236,233	225,733	-10,500
13200102	Building – Department Exp	75,400	85,400	10,000
84624	Depot Development	250,000	200,000	-50,000
34533	Depot Eastward Rd	63,800	103,800	40,000
14238304	Fleet – Plant & Equip	60,000	70,000	10,000
4248204	Land & Buildings – Risk & Governance	0	7,500	7,500
	<b>Total Expenditure (increase)</b>			<b>122,500</b>

- \$75,000 added to Aquarena Plant & Equipment capital expenditure for the urgent replacement of critical systems being the main boiler and the leisure pool UV system that are both failing and beyond repair;
- \$30,000 increase allocation to support the Clipper Around the World event. This increase was noted and presented to Council (13/10/09 – Item CC095) however, the authorisation of this budget amendment was not processed as per statutory requirements;
- Reallocation of \$10,000 within Meru’s operating expenditure budget from Building Operations to Building Maintenance to account for current expenditure profiles. Zero net impact to budget;
- \$10,500 allocation to Meru’s Washdown Facility for replacement of septic trucks washdown bay pumps that had failed. This increase to be offset by a contra decrease in transfers to Meru Reserves;
- \$10,000 added to Building Control Department Expenses to cover an expected increase in the cost of external contractor’s services in relation to housing approvals. This being offset (See – Table 1) by an estimated increase in licensing revenue; and
- \$50,000 redirected from budgeted expenditure for the Depot Development. \$40,000 allocated to the Eastward Rd site as part of a “clean up” of this site and \$10,000 applied to Fleet Services Plant & Equipment for purchase of sea containers that will also be used as part of this “clean up” program.

- \$7,500 to refurbish old “Coffee Nook” site (outside library) for the relocation of the Governance & Risk team. Reserve funded works, no impact to budget bottom line.

**COMMUNITY CONSULTATION:**

There has been no community consultation.

**COUNCILLOR/OFFICER CONSULTATION:**

These proposed budget amendments are being presented through consultation with the Executive Management Team, relevant Line Supervisors and Managers across the organization who have a direct responsibility for the management of budgeted financial resources.

**STATUTORY IMPLICATIONS:**

Section 6.8 of the Local Government Act which requires any expenditure not included in the annual budget to be authorised by absolute majority.

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

The original budget was adopted on the principle of a budgeted zero base brought forward surplus position, the impact of these proposed amendments would reduce the estimated carried forward surplus for June 2010 by \$105,000 to \$299,846.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic & Plan for the Future Outcomes:**

4.1.3.2 Ensure timely and accurate advice is provided in all meeting agendas.

4.2.2.1 Assist in the enhancement and maintenance of financial systems.

4.2.2.3 Preparation and updating of financial management reports.

**Regional Outcomes:**

There are no regional outcome issues.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

There are no economic issues.

**Social:**

There are no social issues.

**Environmental:**

There are no environmental issues.

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**Cultural & Heritage:**

There are no cultural and heritage issues.

**RELEVANT PRECEDENTS:**

The City is required to regularly review its annual budget at least once per annum or preferably more frequently. A review was undertaken in October 2009 for variations.

**DELEGATED AUTHORITY:**

No delegated authority.

**VOTING REQUIREMENTS:**

Absolute Majority is required to AMEND budget allocations.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Absolute Majority by virtue of section 6.8 of the Local Government Act 1995 RESOLVES to PARTIALLY APPROVE the proposed budget amendments as detailed in tables 1 and 2 or only part authorise any unauthorised expenditure contained within the proposed amendments.

**Option 3:**

That Council by Simple Majority RESOLVES to DEFER consideration of this matter.

**CONCLUSION:**

These budget amendments have been proposed based current resource requirements to maintain operations and services and to support program activity.

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority pursuant to Section 6.8 of the Local Government Act 1995 RESOLVES to:

1. ENDORSE the proposed budget amendments as detailed in table 1 and 2 of this report and authorise any unauthorised expenditure contained within the proposed amendments.

### 10.3 Reports of Sustainable Communities

SC120	FINAL ADOPTION OF TOWN PLANNING SCHEME AMENDMENT NO. 53 – “HIGHWAY COMMERCIAL” ZONE, WONTHELLA	
	<b>AGENDA REFERENCE:</b>	<b>09/019816</b>
	<b>AUTHOR:</b>	<b>K Elder, Strategic Planning Officer</b>
	<b>EXECUTIVE:</b>	<b>P Melling, Director of Sustainable Communities</b>
	<b>DATE OF REPORT:</b>	<b>27 October 2009</b>
	<b>FILE REFERENCE:</b>	<b>LP/0114</b>
	<b>APPLICANT / PROPONENT:</b>	<b>Land West</b>
	<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>

#### SUMMARY:

The advertising period has concluded for Town Planning Scheme Amendment No. 53 which proposes to rezone Lots 274, 275 & 278-281 Fourth Street, Wonthella to ‘Highway Commercial’ zone.

The owners of the subject lots are Agostino, Agostina, Anne & Peter Armanasco.

This report recommends final approval of the Amendment and that it be forwarded to the Minister for Planning for final endorsement.

#### BACKGROUND:

The area subject to the rezoning application comprises 6 lots of approximately 1,000m<sup>2</sup> each that contain the following established land uses:

- Lot 274 – residence and storage shed for adjoining business;
- Lot 275 – Armanasco & Son Joinery & Cabinet Work;
- Lots 278-270 – Tradelink and Geraldton Ceramic Centre; and
- Lot 281 – storage yard for adjoining business.

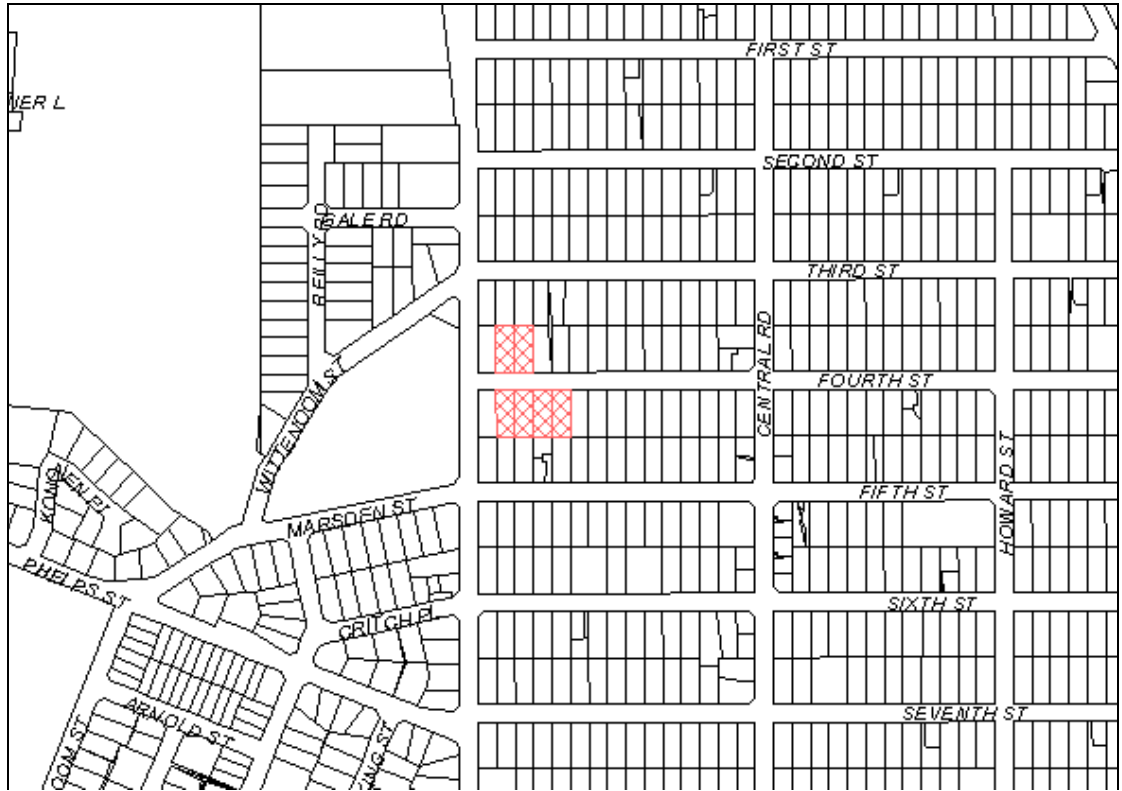
Lots 276 and 277, contain Endrust and a car park respectively, and are also owned by the applicant but are not included within this rezoning application as they are identified as being required for future acquisition for highway widening by Main Roads WA.

Relevant extracts from the Scheme Amendment report are included as Attachment No. SC120A and copies of the full Scheme Amendment document are available to Councillors upon request.

**The Site:**

Lot Size	6,076m <sup>2</sup> total area
Existing Development	Light industrial, commercial and residential
Access and Frontage	Frontage to North West Coastal Hwy & Fourth Street
Existing Services	Water, sewer, power, gas and telecommunications
Topography	Flat
Vegetation	Cleared
Surrounding Land uses	Highway and primary school to the west, residential to the north, east and south

**Locality Plan:**



**COMMUNITY CONSULTATION:**

The Amendment was publicly advertised in accordance with the provisions of the Planning & Development Act 2005 with advertising commencing on 05 August 2009 and concluding on 18 September 2009.

**Submissions:**

As a result of the advertising, a total of 9 submissions were received (4 objections, 3 supporting and 2 indifferent to the application). Listed below is a summation of the comments/concerns raised from the public comment period:

**Support:**

- Businesses are long established in this location. The proposal is formalising the existing development as it is really only a more accurate presentation of the current property usage;

- The proposal will give certainty and security for the business operations and increase opportunities for future redevelopment of the buildings. It will also allow money to be invested into the presentation of the buildings, upkeep of the premises and property areas;
- The existing commercial development is unobtrusive to existing residential uses and the increased controls resulting from the proposed development will further complement this;
- The proposal is consistent with the land uses already development and developing along the highway alignment; and
- Being in the proximity of residential housing the business are set-up in such a manner as to be considerate of the neighbouring residential areas.

Object:

- The type of businesses of concern would be fast food outlets, fish shops and noisy industry i.e. panel beating;
- As this is not an industrial area and already have a hard time due to odour and noise emissions from these buildings. Concerned if the number of businesses was to increase;
- There is enough room in other zones and that such businesses in residential zone is not necessary. Particularly with the adjacent school;
- The major portion of Wonthella is zoned 'residential';
- It is the belief that abundant commercial zoning already exists in close proximity to the suburb to adequately cater for the commercial and business interests of industry; and
- To the expansion of future industrial businesses in this area due to noise and fumes coming from these due to health reasons. The noise in one shed currently goes to 8pm on some nights

Main Roads WA

Main Roads WA plans to upgrade North West Coastal Highway (NWCH) through Wonthella which will require the acquisition of Lots 276 and 277, Lots notably excluded from the rezoning proposal. The anticipated configuration of the upgrade will retain Fourth St as connecting to NWCH but eliminating the right turn out of Fourth St onto NWCH. The anticipated impact of the upgrade includes:

- Truncation required from the north west corner of Lot 277;
  - Truncation required from the south west of Lot 276;
  - Direct access from 275 or 278 to NWCH will not be permitted; and
  - Commercial access from the frontage of Lot 278 to Fourth St would compromise road safety and the current practise of access over adjoining lots should be retained.
-

The parking and access arrangements on Lots 275 and 276 compromise vehicle and pedestrian safety and any alteration to the site needs to seek improvements in this area.

A 'Schedule of Submissions' is included as Attachment No. SC120B and copies of the actual submissions are available to Council upon request.

**COUNCILLOR/OFFICER CONSULTATION:**

The Amendment was previously considered by Council at the meeting held on 9 December 2008 when the rezoning was initiated.

**STATUTORY IMPLICATIONS:**

The following zonings currently apply under the City of Geraldton-Greenough Town Planning Scheme No.3 (Geraldton) for the subject area:

Lot 274	'Residential R12.5/30/40';
Lot 275	'Residential R12.5/30/40' (Additional Use, Light Industry – Joinery); and
Lots 278-281	'Residential R12.5/30/40' (Additional Use, Shop – Homemaker Centre).

Lots 276 and 277 situated between the Amendment area and the existing North West Coastal Highway are zoned 'Primary Distributor Road' under the Scheme. Main Roads WA will need to acquire these lots prior to any future highway widening and as such, despite being owned by the applicant, the lots have not been included within the Amendment.

The proposed 'Highway Commercial' zone is a new zone that would be introduced into the Scheme to establish appropriate forms of commercial development to cater for the demand along the Wonthella strip of the North West Coastal Highway.

Part 5 of the Planning & Development Act 2005 provides for the amendment of a Local Planning Scheme.

**POLICY IMPLICATIONS:**

There are no policy implications relating to this recommendation.

**FINANCIAL AND BUDGET IMPLICATIONS:**

There are no direct financial and budget implications relating to this recommendation as the applicant must pay the costs of the rezoning.

**STRATEGIC & REGIONAL OUTCOMES:**

**Strategic & Plan for the Future Outcomes:**

It is considered that the Amendment will assist in achieving the following from the Plan for the Future:

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Key Result Area – Opportunities for Lifestyle.

Outcome 1.1 – A sustainable, built urban and rural environment.

Strategy 1.1.1 – Develop and implement a strategic planning framework.

**Regional Outcomes:**

**Geraldton Region Plan 1999:**

This plan seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a structure plan for the Greater Geraldton area which identifies the subject land as 'Urban'.

**Geraldton Regional Centre Strategy 2005:**

The subject land is adjacent to 'Precinct 8 – Highway Commercial' and Section 11.2.8 of the Strategy noted:

*"The extent of this precinct along the North-West Coastal Highway is restricted under the strategy to largely recognise sites that are already zoned or developed for commercial activities. However, there is considered to be sufficient under-used land in the precinct to facilitate expansion of service commercial activities, including bulky goods retailing. Additional ribbon retail development along the highway outside the precinct is not encouraged. Instead, such development is promoted in the CBD."*

Table 12 of the Regional Centres Strategy made the following recommendation:

*"Introduce a new 'Highway Commercial' zone into the City's planning scheme whose objectives are in accordance with the regional centre strategy and which comprises all of the land in this precinct ... "*

The brief of this Strategy was to focus on the CBD area and did not include the eastern portion of the North West Coastal Highway, however, given that the uses already exist on-site it is considered that the proposed rezoning is in keeping with the directions of the Strategy.

**Geraldton-Greenough Retail & Commercial Services Strategy (1996):**

This aim of this Strategy was to provide for co-ordinated development of retail and service-commercial floor space. Figure 8 of the Retail Strategy identified the North West Coastal Highway between Eastward and Place Roads as an existing Showroom Retailing Area. Section 5.5 of the Strategy noted that:

*"In the short to medium term, the demand for this land use will continue to focus on the North West Coastal Highway. It is important to provide suitable alternative locations as opportunities become more difficult to establish in this area."*

Section 5.5 also noted that bulk or showroom retailing should be viewed as complementing rather than competing with conventional retailing.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**

**Economic:**

The Amendment will facilitate land for future development for 'Highway Commercial' purposes.

**Social:**

The social issues raised by the community during the advertising period are discussed within the Schedule of Submissions.

**Environmental:**

The EPA advised on 25 March 2008 that the Amendment should not be assessed under Part IV of the Environmental Protection Act.

**Cultural & Heritage:**

The subject land contains no sites listed within the City of Geraldton-Greenough Municipal Inventory of Heritage Places.

**RELEVANT PRECEDENTS:**

Council resolved to finalise Scheme Amendment No. 47 at its meeting on 24 February 2009. This amendment proposed the rezoning of an area of land on the western side of the North West Coastal Highway between Phelps Street and Critch Place to the 'Highway Commercial' zone.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Simple majority is required.

**OPTIONS:**

**Option 1:**

As per the Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority, pursuant to Part 5 of the Planning & Development Act 2005 RESOLVES to:

1. REFUSE to adopt for final approval Scheme Amendment No. 53 to Town Planning Scheme No. 3 (Geraldton); and
2. MAKES the determination on the grounds that the Amendment would create an undesirable precedent and compromise the orderly and proper planning of the locality.

**Option 3:**

That Council by Simple Majority RESOLVES to DEFER the matter.

**CONCLUSION:**

The proposed rezoning addresses a highly visible area of land that is located along North West Coastal Highway and is already utilised by existing commercial businesses. The rezoning is in accordance with the general directions of the Geraldton Regional Centre Strategy and the Geraldton-Greenough Retail and Commercial Services Strategy. It is therefore recommended that the Amendment be given final approval that it be forwarded to the Minister for Planning for final endorsement.

Based on the comments above, Option 2 is not supported and Council is further advised the final decision on the Amendment rests with the Minister for Planning. This can result in the scenario whereby Council may resolve not to give final approval for a rezoning, however the rezoning may still be granted final approval from the WA Planning Commission.

With regard to Option 3, Council is required by the Town Planning Regulations 1967 to forward a decision regarding a Scheme Amendment to the Department of Planning within 42 days of the close of the advertising period.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority, pursuant to Part 5 of the Planning and Development Act 2005 RESOLVES to:

1. DETERMINE the submissions as outlined in the 'Schedule of Submissions';
2. ADOPT for final approval Scheme Amendment No. 53 to the City of Geraldton-Greenough Town Planning Scheme No. 3 (Geraldton);
3. SEEK final approval of the Scheme Amendment from the Minister for Planning; and
4. ADVISE the applicant of Main Roads WA comments and possible future impacts regarding access to the site.

SC121	ADOPTION OF DRAFT WAGGRAKINE RURAL-RESIDENTIAL STRUCTURE PLAN
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<b>AGENDA REFERENCE:</b>	<b>09/019818</b>
<b>AUTHOR:</b>	<b>M Connell, Manager Town Planning Services</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director of Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>28 October 2009</b>
<b>FILE REFERENCE:</b>	<b>LP/0035</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Geraldton-Greenough</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

Staff have prepared a revised draft Structure Plan for the Waggrakine area (included as Attachment No. SC121). The revisions are primarily in response to the recent findings from the Geraldton Regional Flora and Vegetation Survey Project. This report recommends the adoption of the draft Structure Plan for the purpose of seeking public comment.

**BACKGROUND:**

The Waggrakine Rural-Residential Structure Plan (Structure Plan) originated in the mid 1990's out of the increasing number of landowners in the area who made enquiries concerning the potential to subdivide their property.

A public meeting was held on 23 April 1998 at which time it became apparent that a large number of landowners would like to subdivide.

A Landowner survey was conducted in May 1998. 145 submissions were received with 66% supporting further subdivision.

The Landowner survey was repeated in July 1999. 150 questionnaires were returned with 65% supporting further subdivision.

Council at its meeting held on 29 September 1999 resolved to rezone the subject land to 'Rural-Residential' in the new Town Planning Scheme No. 5 and support a minimum lot size of 1 hectare with development controls.

A draft Structure Plan was circulated to all owners on 27 October 2000. 62 submissions were received with 62% supportive of the Plan (subject to minor modifications) and 32% objecting to further subdivision.

Council at its meeting held on 31 January 2001 resolved to adopt the Structure Plan to provide a framework for the subdivision of the Waggrakine area.

A public meeting was then held on 19 February 2001 to answer specific landowner queries and provide information on the future strategic direction for the area.

The WA Planning Commission (WAPC) advised on 7 June 2001 that it did not support the Structure Plan as (inter alia) it was inconsistent with an endorsed Rural Strategy and there were unresolved issues regarding the Geraldton Primary North-South Road Alignment Selection Study.

Council at its meeting held on 31 October 2001 resolved to write to the WAPC seeking acceptance of the Structure Plan as an amendment to the existing Rural Strategy subject to any modifications required as a result of the Geraldton Primary North-South Road Alignment Selection Study.

The WAPC advised on 31 December 2001 that it did not support an amendment to the Local Rural Strategy nor the adoption of the Structure Plan until the proposed Town Planning Scheme No. 5 and the Local Planning Strategy are further advanced.

The eventual outcome of the Geraldton Primary North-South Road Alignment Selection Study was that it would not impact on the Waggrakine area.

Council at its meeting held on 28 July 2004 resolved to write to the WAPC advising that the Structure Plan had been with the (then) Department of Planning & Infrastructure (DPI) for some years and the recent indication that it would be further delayed by the Northern Geraldton District Structure Plan (NGDSP) is unacceptable to Council.

The WAPC advised on 9 August 2004 of other issues that needed to be addressed and that the NGDSP was a separate project.

A draft NGDSP was prepared and the (then) Shire of Greenough redrafted the Structure Plan in accordance with the recommendations from the NGDSP and forwarded it to the WAPC on 14 December 2005.

The WAPC advised on 10 October 2007 that the Structure Plan generally reflected the recommendations of the WAPC through its assessment of the Shire's draft Local Planning Strategy and its endorsement of the draft NGDSP for advertising. However there were some matters that may need to be considered in more detail.

The City of Geraldton-Greenough updated the Structure Plan and submitted it to the WAPC on 5 February 2008.

The DPI advised on 26 May 2009 of further matters that need to be addressed prior to a revised Structure Plan being presented to the WAPC for endorsement. Amongst these were matters regarding native vegetation (as a result of the Geraldton Regional Flora and Vegetation Survey Project) and alternative land use concepts.

Staff have since been working closely with officers from the Department of Planning (in particular from the EnviroPlanning area) which has resulted in the current draft Structure Plan (dated October 2009) presented to Council for adoption.

**Geraldton Regional Flora and Vegetation Survey Project:**

The Western Australian Planning Commission (WAPC) produced the Geraldton Regional Plan in 1999 to provide a regional framework for planning decisions. It was acknowledged by the Environmental Protection Authority (EPA) in its comments on the plan, that a regional native vegetation survey was required for the Geraldton region to provide a regional context for decisions on development proposals that have the potential to impact on remnant vegetation.

The EPA also made specific comment to the WAPC on the Waggrakine area, stating that prior to rezoning for rural-residential development, further studies would need to be completed to ensure remnant vegetation is not affected.

In 2008, the WAPC in partnership with relevant State government agencies and local government commenced the Geraldton Regional Flora and Vegetation Survey Project (GRFVS). The GRFVS has mapped and described vegetation types occurring in the Geraldton region, focusing on areas where significant land use change or development is proposed.

The GRFVS has identified that remnant vegetation in Waggrakine is *regionally significant*, as it is one of the largest remaining intact areas of Banksia/Acacia plant community in the Geraldton region.

**COMMUNITY CONSULTATION:**

There has been extensive community consultation over the previous years (refer to the Background section of this report).

It is proposed that the draft Plan be advertised for a period of 42 days with a newspaper notice. All landowners in the study area will be provided a copy of the draft Structure Plan along with relevant government and public agencies. This consultation method is similar to that required for an amendment to a Town Planning Scheme.

**COUNCILLOR/OFFICER CONSULTATION:**

There has been extensive Councillor/Officer consultation over the previous years (refer to Background section of this report).

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Most recently there has been no Councillor/Officer consultation other than internally between staff from the Town Planning Services and Environmental Health & Sustainability Teams.

In addition preliminary comments were sought from the Department of Planning (EnviroPlanning), the Department of Environment & Conservation and the Department of Regional Development & Lands, which have all indicated their support of the draft Structure Plan.

#### **STATUTORY IMPLICATIONS:**

##### **Current Zoning (Town Planning Scheme No. 4):**

At present the subject land is zoned 'General Farming' under Town Planning Scheme No. 4 (Greenough). The policy statement for this zone is:

*This zone embraces the broadacre farming areas of the Shire. It is intended to protect the economic viability of those areas generally and to preserve the rural character and appearance of the area. The lot sizes shall be at the discretion of Council based on what is locally acceptable as a viable farm unit, or where non-farming use is proposed on the amount of land required for that purpose.*

From the above it is evident that the study area is not consistent with the intent of the 'General Farming' zone and hence the proposed change in zoning under the new draft Local Planning Scheme No. 5.

##### **Proposed Zoning (draft Local Planning Scheme No. 5):**

The subject land is proposed to be zoned 'Rural Residential' in the new Local Planning Scheme No. 5 (Greenough). The objective of the 'Rural Residential' zone is:

*To provide for the use of land for residential purposes in a rural setting for alternative rural-residential lifestyle while preserving the amenity of such areas, ensuring landscape protection and conservation and controlling land use impacts.*

Latest indications from the WAPC are that the draft Local Planning Scheme No. 5 will be presented to the Minister for Planning early in the new year.

#### **POLICY IMPLICATIONS:**

There are no policy implications.

#### **FINANCIAL AND BUDGET IMPLICATIONS:**

The adoption of the policy will assist both officers and the community in setting a priority for the Waggrakine area. The cost to the City at this time is via advertising/document distribution for the consultative process estimated at \$1,000 and is part of the Town Planning department's administration budget.

## STRATEGIC & REGIONAL OUTCOMES:

### Strategic & Plan for the Future Outcomes:

It is considered that the Structure Plan will assist in achieving the following from the Plan for the Future:

- |                |  |
|----------------|--|
| Goal 1         | Opportunities for Lifestyle.   |
| Outcome 1.1    | A sustainable, built urban and rural environment.                                |
| Strategy 1.1.1 | Develop and implement a strategic planning framework.                            |
| Outcome 1.3    | An environmentally sustainable city.   |
| Strategy 1.1.1 | Protect and conserve the biodiversity by enhancing all the natural environments. |

### State Planning Policy 2 Environment and Natural Resources:

The environment and natural resources policy defines the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues within the framework of the State Planning Strategy. The objectives of the policy are to:

- to integrate environment and natural resource management with broader land use planning and decision-making;
- to protect, conserve and enhance the natural environment; and
- to promote and assist in the wise and sustainable use and management of natural resources.

The above objectives provide the context for the policy measures which are set out under various headings, most relevant to the Structure Plan are:

#### 5.1 GENERAL MEASURES

*The implementation of planning decisions can have an impact on the environment and other natural resources. The policy measures recognise the significance of natural resources ...*

*Planning strategies, schemes and decision-making should:*

- (i) *Avoid development that may result in unacceptable environmental damage.*
- (ii) *Actively seek opportunities for improved environmental outcomes including support for development which provides for environmental restoration or enhancement.*
- (iv) *Protect significant natural, indigenous and cultural features, including sites and features significant as habitats and for their floral, cultural, built, archaeological, ethnographic, geological, geomorphological, visual or wilderness values.*

- (x) *Support conservation, protection and management of native remnant vegetation where possible, to enhance soil and land quality, water quality, biodiversity, fauna habitat, landscape, amenity values and ecosystem function.*

#### 5.5 BIODIVERSITY

*There are also a number of statutory and non-statutory mechanisms designed to protect, manage and conserve areas identified as of high State, regional or local biodiversity value for Western Australia.*

*Planning strategies, schemes and decision-making should:*

- (i) *Consider mechanisms to protect areas of high biodiversity and/or conservation value, including:
  - f. *areas formally recognised as having significance for conservation or biodiversity values by the State Government as identified in management plans ... and other relevant plans and strategies;**
- (ii) *Seek to avoid or minimise any adverse impacts, directly or indirectly, on areas of high biodiversity or conservation value as a result of changes in land use or development.*
- (iv) *Safeguard and enhance linkages between terrestrial and aquatic habitats which have become isolated, including the re-establishment of habitat corridors.*
- (v) *Assist the return of areas of high biodiversity conservation value to the public estate or otherwise ensure the protection of high biodiversity conservation values through mechanisms including planning controls or conservation covenants.*
- (vi) *Support the use of management plans to protect areas of high biodiversity conservation value in the long term.*

The Structure Plan responds to findings of a recently undertaken regional vegetation survey and has been prepared to improve environmental outcomes through appropriate subdivision design and management of remnant vegetation.

#### Local Planning Strategy:

The purpose of this document is to identify the likely land uses that will be established and indicate the preferred location for these land uses. The subject land is identified as 'Rural Residential' and section 4.5 states:

*To accommodate future demands for rural residential lots north of Geraldton in the former Shire of Greenough area, land in Waggrakine will be zoned Rural Residential in the Town Planning Scheme. However, the actual minimum lot sizes and subdivision*

*pattern in the Waggrakine area will be set by the Waggrakine Rural Residential Structure Plan, which requires Western Australian Planning Commission endorsement before subdivision, in accordance with it, can be approved.*

**Regional Outcomes:**

**Geraldton Region Plan 1999:**

This plan seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a structure plan for the Greater Geraldton area. The subject land is identified as 'Rural' on the structure plan.

Large tracts of land to north of Waggrakine are indicated as 'Rural-Residential' or 'Potential Rural-Residential' and the Region Plan's designation of the study area as 'Rural' is an anomaly and unreflective of the current land use in the locality.

This has been recognised by the WAPC in their support of the rezoning of the land to 'Rural-Residential' in the draft Local Planning Scheme No. 5.

**Northern Geraldton District Structure Plan (draft):**

The purpose of this study is to provide a district structure plan for northern Geraldton that identifies principles that will guide future development within the study area. It forms a planning framework to guide the coordinated development of liveable and sustainable neighbourhoods. The subject land is identified as 'Future Rural Residential' on the structure plan.

A specific recommendation for the study areas is that the *"Waggrakine Rural Residential Structure Plan needs to be finalised before subdivision can occur. Retention of remnant vegetation, revegetation and presumption against battleaxe lots are planning principles that will be incorporated into that structure plan."*

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**

**Economic:**

One of the objectives of the Structure Plan is to *give conservation, landscape and biodiversity values an economic worth by providing for limited subdivision in exchange for protecting and enhancing remnant vegetation.*

**Social:**

There are no social issues.

**Environmental:**

The purpose of the Structure Plan is to facilitate the orderly and proper planning of the subject land in a manner consistent with

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modern planning and sustainability principles, and the (relevant environmental) objectives are to:

- *Ensure that land use planning is more responsive and effective as a tool for supporting natural resource management in the area.*
- *Identify areas of native vegetation worthy of conservation and protection and achieve a positive biodiversity outcome for such areas.*
- *Support the development of rural residential areas with appropriate lot sizes that promote revegetation and the retention of significant remnant vegetation.*

**Cultural & Heritage:**

There are no cultural & heritage issues.

**RELEVANT PRECEDENTS:**

The Structure Plan has previously considered by Council on several occasions (refer to Background section of this report for details).

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Simple Majority is required.

**OPTIONS:**

**Option 1:**

As per the Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority pursuant to section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to:

1. REFUSE to adopt the draft Waggrakine Rural-Residential Structure Plan (October 2009); and
2. MAKES the determination on the grounds that adoption of the draft Structure Plan would compromise the orderly and proper planning of the locality.

**Option 3:**

That Council by Simple Majority RESOLVES to DEFER the matter.

**CONCLUSION:**

The underlying philosophy behind the Structure Plan design is to facilitate landowners' intentions to subdivide in a relatively simple manner whilst ensuring there is no loss or degradation of regionally significant vegetation.

Given the fragmented nature of the area, and the multiple ownership of land, it is unrealistic to expect that all landowners will group together to coordinate subdivision, especially where such subdivision would likely involve significant financial costs for additional infrastructure such as new roads, and the extension of services such as water and underground power. It is more realistic that the majority of land owners will simply wish to subdivide their landholding utilising existing infrastructure and services such as roads, water and power.

However the Structure Plan is flexible to accommodate further subdivision outside the Conservation Precincts where there is a coordinated approach from landowners and there is no significant impact on remnant vegetation.

The Structure Plan responds to findings of a recently undertaken regional vegetation survey and has been prepared to improve environmental outcomes through appropriate subdivision design and management of remnant vegetation.

The purpose of the Structure Plan is to facilitate the orderly and proper planning of the subject land in a manner consistent with modern planning and sustainability principles, and therefore Option 2 is not supported.

Option 3 is not supported. The new Local Planning Scheme No. 5 is nearing finalisation which will rezone the land to 'Rural Residential' and require a Structure Plan be endorsed prior to subdivision. Given the long history behind the preparation of the Structure Plan (which was commenced over a decade ago) further delays are not recommended.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to section 3.18 of the Local Government Act 1995 (as amended) RESOLVES to:

1. ADOPT the draft Waggrakine Rural-Residential Structure Plan (October 2009) for the purpose of seeking public comment; and
2. GIVE Public Notice to the effect including:
  - a. advertising the draft Structure Plan for a period of 42 days;
  - b. in writing to all affected land holders; and
3. REFER the matter back to Council for final consideration following the public notice period.

SC122	PROPOSED OUTBUILDING – LOT 327 (NO. 21) GALILEE WAY, WOORREE
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<b>AGENDA REFERENCE:</b>	<b>09/019821</b>
<b>AUTHOR:</b>	<b>N Andersen, Assistant Planning Officer</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director of Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>27 October 2009</b>
<b>FILE REFERENCE:</b>	<b>A68572 &amp; TP09/283</b>
<b>APPLICANT / PROPONENT:</b>	<b>Trevor &amp; Rosemary Balchin</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>

**SUMMARY:**

An application has been received for an outbuilding on Lot 327 (No. 21) Galilee Way, Woorree that does not meet the minimum side boundary setback requirements under the Town Planning Scheme No. 4 (Greenough).

The owners of the subject land are Trevor and Rosemary Balchin.

This report recommends approval of the application.

**BACKGROUND:**

The applicant is proposing to construct a 36m<sup>2</sup> colourbond outbuilding with a wall height of 3.0m and an overall height of 3.6m.

There is an existing 70m<sup>2</sup> outbuilding on-site and the total aggregate area is proposed to comprise approximately 106m<sup>2</sup>.

The minimum side setback requirement for the 'Special Rural' zone is 5m. The applicant is seeking a 3m side setback.

The applicant has provided the following information in support of the application:

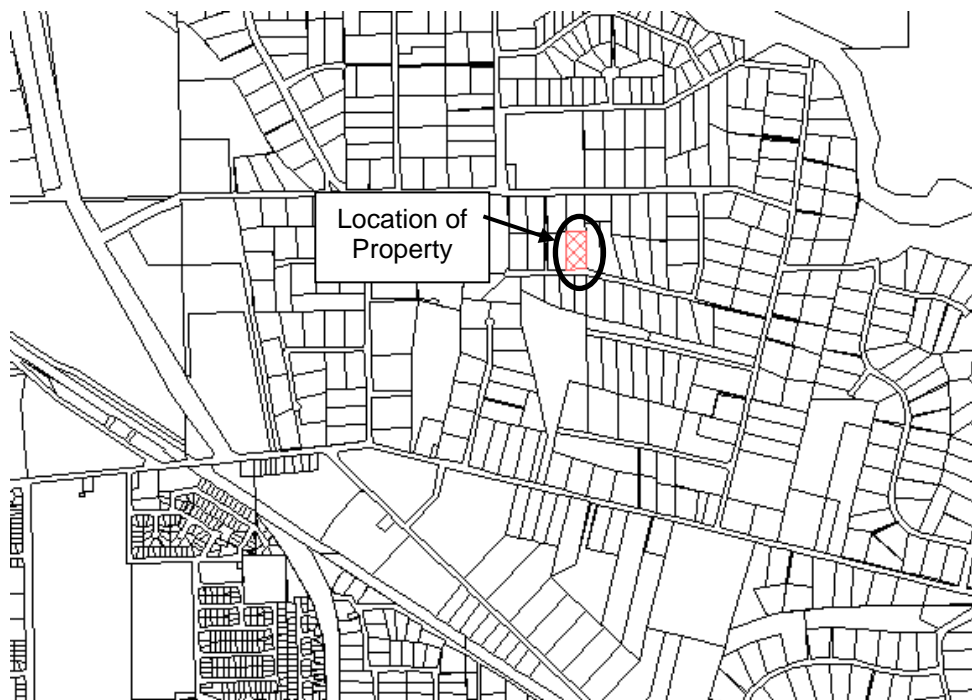
- 1. The proposed outbuilding will be used store horse feed and tackle, vehicles and associated equipment. The proposed position of the outbuilding allows easy access to the existing horse yard.*
- 2. The reduced setback is required to allow sufficient room to turn horse floats and trailers.*
- 3. Access to existing shed and carport is on the western boundary, where the proposed outbuilding is to be located. To construct the proposed outbuilding on the eastern boundary would require the removal of existing trees and vegetation.*

4. Neighbour consent has been submitted in support of the reduced setback for the outbuilding on the western boundary.

**The Site:**

Lot Size	9,678m <sup>2</sup>
Existing Development	Single Residential Dwelling.
Access and Frontage	70m frontage to Galilee Way (sealed).
Topography	Flat.
Vegetation	Well vegetated towards front of lot.
Surrounding Land uses	Rural Residential.

**Locality Plan:**



A copy of the applicant's submitted site plan, elevations and letter justifying the reduced setbacks are included as Attachment No. SC122 A.

**COMMUNITY CONSULTATION:**

The adjoining landowners/occupiers have been consulted and have no objection to the application.

**COUNCILLOR/OFFICER CONSULTATION:**

There has been no Councillor/Officer consultation.

**STATUTORY IMPLICATIONS:**

The subject property is zoned 'Special Rural' under Town Planning Scheme No. 4 (Greenough).

The minimum side boundary setback requirement for 'special rural' zone is 5m. The applicant is seeking a 3m side boundary setback.

Clause 6.8 of the Scheme allows for Council to grant planning consent, by an absolute majority, to a development that does not comply with all requirements of the Scheme as follows:

#### 6.8 RELAXATION OF STANDARDS

*If a development the subject of an application for planning consent does not comply with a standard or requirement prescribed by the Scheme applicable thereto or if the development is not listed among the permitted uses for that zone in the Zoning and Development Table, the Council may if it is satisfied that:*

- (a) if approval were granted, the development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality; and*
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development or the property in, or the inhabitants of, the locality or the likely future development of the locality;*

*by an absolute majority grant planning consent to the development subject to any conditions the Council thinks fit notwithstanding the non-compliance with the Scheme.*

The policy statement for the 'Special Rural' zone states (inter alia):

*It is the intention of Council to provide a variety of opportunities for rural/residential and hobby farm lifestyles. It is also the intention of Council to ensure that the activities undertaken within the areas so zoned, maintain a rural character and the areas as a whole do not have detrimental effect on nearby farming and other land uses.*

In considering the merits of this application it should be noted that the existing vegetation on the eastern side, and an existing horse yard to the north, constrain where an outbuilding can be located.

Additionally the location of the proposed outbuilding is in close proximity to the existing outbuilding and will be screened by existing trees. Therefore it is considered that the amenity of the area would not be compromised. Photos from a site inspection and an aerial outlay indicating the proposed location of the outbuilding are included as Attachment No. SC122 B.

#### **POLICY IMPLICATIONS:**

The outbuilding is fully compliant with the City's Local Planning Policy for 'Outbuildings'.

**FINANCIAL AND BUDGET IMPLICATIONS:**

Nil, however should Council refuse this application and the applicant proceed to exercise their right of appeal a further cost is likely to be imposed on the City through it's involvement in the appeal process.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic & Plan for the Future Outcomes:**

There are no strategic & Plan for the Future outcomes.

**Regional Outcomes:**

There are no regional outcomes.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

There are no economic issues.

**Social:**

There are no social issues.

**Environmental:**

There is substantial existing vegetation on-site which will be preserved as a result of the reduced setback.

**Cultural & Heritage:**

There are no cultural & heritage issues.

**RELEVANT PRECEDENTS:**

Council at its meeting held on 09 December 2008 approved a reduced side setback of 2m for an outbuilding on Lot 242 (No. 28) Tobin Way, Woorree.

Council at its meeting held on 28 July 2009 approved a reduced side and rear setback of 2m for an outbuilding on Lot 41 (No. 6) Hill Creek Road, Moresby.

**DELEGATED AUTHORITY:**

There is no delegated authority as clause 6.8 of the Scheme requires Council to grant planning consent by an absolute majority to a development that does not comply with all requirements of the Scheme, in this case being the reduction of a side boundary setback.

It should be noted that once the City's new Town Planning Scheme No.5 (Greenough) is gazetted applications of this type will be able to be delegated to officers to assess and approve. The Scheme is waiting final approval from the Minister for Planning.

**VOTING REQUIREMENTS:**

Absolute Majority is required if the application is approved. Simple Majority is required if the application is refused.

**OPTIONS:****Option 1:**

As per the Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority, pursuant to clause 6.4 of Town Planning Scheme No. 4 (Greenough) OR clause 7.3 of Town Planning Scheme No. 3 (Geraldton), RESOLVES to:

1. REFUSE planning approval for an outbuilding with a reduced side setback on 327 (No. 21) Galilee Way, Woorree; and
2. MAKES the determination on the grounds that approval of the application would create an undesirable precedent and compromise the orderly and proper planning of the locality.

**Option 3:**

That Council by Simple Majority RESOLVES to DEFER the application.

**CONCLUSION:**

It is considered that the application is consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality.

The City's 'Fire Break & Fire Prevention Order' requires a 3m wide fire break for land zoned 'special rural' and therefore the reduced setback will have no impact on this requirement.

The existing vegetation and location of a horse yard constrains where an outbuilding can be located and the proposed reduced setback will enable the proposed outbuilding to be used in conjunction with the existing outbuilding and horse yard. Therefore it is recommended that approval be given in this instance and Option 2 is not supported.

Option 3 is not supported as it is considered that sufficient information has been provided in order to determine the application. In any event a deferral may trigger an appeal right under Part 14, Division 2 of the Planning & Development Act 2005 which states that the local government is to be taken to have refused an application if it has not given its decision within a period of 60 days after receipt of the application.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority, pursuant to clause 6.4 of Town Planning Scheme No. 4 (Greenough), RESOLVES to:

1. GRANT planning approval for an outbuilding with a reduced side setback on Lot 327 (No. 21) Galilee Way, Woorree; and
2. MAKES the determination subject to conditions as determined by the Manager Town Planning Services.

SC123	FINAL ADOPTION OF OMNIBUS SCHEME AMENDMENT NO. 50 – TOWN PLANNING SCHEME NO. 3 (GERALDTON)
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<b>AGENDA REFERENCE:</b>	<b>09/020007</b>
<b>AUTHOR:</b>	<b>K Elder, Strategic Planning Officer</b>
<b>EXECUTIVE:</b>	<b>P Melling, Director of Sustainable Communities</b>
<b>DATE OF REPORT:</b>	<b>27 October 2009</b>
<b>FILE REFERENCE:</b>	<b>LP/0112</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Geraldton-Greenough</b>
<b>ATTACHMENTS:</b>	<b>Yes (x2)</b>

**SUMMARY:**

The advertising period has concluded for Town Planning Scheme Amendment No. 50 to Town Planning Scheme No. 3 (Geraldton) which proposes to correct a number of zoning anomalies within the Scheme and to also modify Table 1- Zoning Table and Clause 5.4.2 of the Scheme.

This report recommends final approval of the Amendment and that it be forwarded to the Minister for Planning for final endorsement.

**BACKGROUND:**

The various components of the scheme amendment are outlined as follows;

1. Rezoning the portion of Lot 50 Dorothy Street and the portion of Lot 51 Eastern Road, Geraldton, zoned "Industry - Light" to "Residential R12.5/30/40" and amending the Scheme Maps accordingly.

The majority of Lot 50 Dorothy Street and Lot 51 Eastern Road are zoned "Residential R12.5/30/40", however small portions of both lots along the eastern boundaries on the top of the ridge line are currently zoned "Industry - Light", thus creating a dual zoning. The intended zoning for both lots is "Residential R12.5/30/40" which is also the zoning and coding applying to the surrounding residential land in this area.

Both Lots originally comprised Lot 102, however a recent subdivision approval created the two separate Lots for residential purposes. At the time the subdivision approval was granted the City was advised by the WA Planning Commission (WAPC) that:

*"the Commission expects the zoning anomaly which results in the two lots approved under this subdivision and some of the adjacent lots being dual zoned 'Residential R12.5/30/40' and 'Industry - Light' being rectified via a Scheme Amendment."*

Lot 50 Dorothy Street has also received planning approval for the development of nine grouped dwellings and construction of this development has commenced.

The proposal thus appropriately corrects a zoning anomaly.

2. Rezoning the portion of Lots 12, 13, 16, 17 & 18 Baker Street, Geraldton, zoned "Residential R12.5/30/40" to "Industry – Light" and amending the Scheme Maps accordingly.

The majority of Lots 12, 13, 16, 17 & 18 Baker Street are zoned "Industry – Light", however small portions of all lots along the western boundaries of the ridge line are currently zoned "Residential R12.5/30/40", thus creating a dual zoning. The intended zoning for all of these lots is "Industry – Light" which is also the zoning applying to the surrounding industrial land in this area.

As noted in point 1. above the WA Planning Commission requested that the lots having a dual zoning be rectified via a Scheme Amendment.

The subject lots are currently developed for industrial purposes. The proposal thus appropriately corrects a zoning anomaly.

3. Rezoning the portion of Lot 9000 (No. 5) Ord Street and the portion of Lot 201 (No 28) Nichols Street, Beresford, zoned "Community and Public Purposes (Railway)" to "Residential R12.5/30/40" and amending the Scheme Maps accordingly.

The majority of Lot 9000 Ord Street and Lot 201 Nichols Street are zoned "Residential R12.5/30/40", however a small portion of both lots along the northern boundary where it abuts the old railway reserve land is currently zoned "Community and Public Purposes (Railway)", thus creating a dual zoning. The intended zoning for both lots is "Residential R12.5/30/40" which is also the zoning and coding applying to the surrounding residential land in this area.

The anomaly appears to have been created by way of an error on the existing zoning map shown as part of Scheme Amendment No. 30 which incorrectly depicts portions of both lots being zoned "Community and Public Purposes (Railway)".

Both lots contain existing residential dwellings. The proposal thus appropriately corrects a zoning anomaly.

4. Deleting Clauses 5.4.2(a), 5.4.2(b) and 5.4.2(d).

At present, Clause 5.4.2 of the Scheme Text outlines criteria to be taken into consideration where an additional dwelling is

proposed on a lot on which a single house exists and is to remain. The criteria outlined in Clauses 5.4.2(a), 5.4.2(b) and 5.4.2(d) has regard for the following:

- satisfactory means of access to all dwellings must be provided;
- where the additional dwelling is sited at the rear of the lot, such dwelling shall be limited to one storey or 3 metres in wall height, whichever is the lesser, in order to protect the privacy of adjoining lots; and
- opportunity is afforded to owners of adjoining lots to comment on plans for the proposal and the Council will give consideration to any comments or objections so made.

The above Clauses are no longer considered necessary given the Residential Design Codes contains design elements with acceptable development provisions that address vehicular access to all dwellings, building height of dwellings and visual privacy of dwellings. The Residential Design Codes comprehensively addresses these issues and as such unnecessary duplication currently exists.

The Residential Design Codes also contains detailed provisions in regard to neighbour consultation requirements. Therefore Clause 5.4.2(d) is also no longer considered necessary.

It is intended that Clause 5.4.2(c) be retained which states that:

*“any variation permitted by Council from the requirements of the Residential Planning Codes shall be such as to ensure adequate conditions of privacy, private open space and daylighting to all buildings.”*

In addition to the performance criteria of the Residential Design Codes the above will ensure that privacy, private open space and daylighting are not compromised when variations to the Residential Design Codes acceptable development provisions are sought.

5. Amending the Zoning Table to list the Use Classes in alphabetical order.

At present, the Zoning Table lists the use classes according to the category of the use (i.e. commercial, residential, community uses, industrial and special uses).

In order to provide a simple and quicker reference to the use classes contained in the Zoning Table it is proposed to re-

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order the use classes into alphabetical order. This will be useful and more efficient, particularly where there may be uncertainty as to which category the use class may fall into.

6. On the Zoning Table, inserting a new use class being “Community Purpose” and including the use class as P in the City Centre and Local Centre zones, AA in the Central Geraldton, Industry – Light and Industry – Service zones and SA in the Residential zone.

This component introduces a new use class to reflect the Model Scheme Text. By definition, it is a use of a premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit.

Accordingly, this component of the Amendment proposes to allow the use class in various residential, commercial and industrial zones, with the use being at Council’s discretion (AA or SA) where appropriate.

7. In Schedule 1, inserting a definition for Community Purpose.  
At present, there is no definition for Community Purpose in Schedule 1. This component will insert the Model Scheme Text definition of Community Purpose into Schedule 1.

8. On the Zoning Table, inserting a new class being “Holiday Home” and including the use class as AA in the City Centre, Local Centre and Central Geraldton zones and SA in the Residential and Marina zones.

At present, there is no use class for Holiday Home contained in the Zoning Table, although there is a definition for Holiday Home in Schedule 1. This component introduces a new use class to reflect the definition already contained in Schedule 1.

Accordingly, this component of the Amendment proposes to allow the use class in the City Centre, Local Centre, Central Geraldton and Residential zones, with the use being at Council’s discretion (AA or SA) where appropriate.

9. On the Zoning Table deleting the symbol P for the use class “Motor Vehicle – Sales/Service” in the City Centre zone.

It is considered that continuing to allow the use class of Motor Vehicle – Sales/Service, even at Council’s discretion, within the City Centre zone is inappropriate. Given the scale, size and increasing need for potential expansion of this type of use it would be more appropriately located within a zoned industrial area, being the Industry – General, Industry – Light, Industry – Service and Industry – Port zones.

It is noted that the use class is currently allowed in the Industry – General, Industry – Light, Industry – Service and Industry – Port zones, with the use being permitted (P) or at Council’s discretion (AA).

The Zoning Table currently provides for the potential for location of a Motor Vehicle – Sales/Service use within the City Centre zone. It is noted that deleting the P symbol for the use class in this zone renders the use not permitted in this zone, as where no symbol appears in the cross reference of a use class against a zone in the Zoning Table, a use of that class is not permitted in that zone.

10. On the Table 1 Zoning Table, changing “Consulting Rooms Group” to “Consulting Rooms”

This component will replace Consulting Rooms Group as Consulting Rooms in order to bring the definitions in line with the Model Scheme Text.

11. In Schedule 1, replace the definition of “Consulting Rooms Group” with a definition for “Consulting Rooms”.

This component will replace the existing definition of Consulting Rooms Groups to Consulting Rooms as per the Model Scheme Text.

12. In Schedule 1, replacing the definition of “Medical Centre”.

This component will replace the existing definition of Medical Centre with that in the Model Scheme Text.

13. On the Table 1 Zoning Table, including “Laundromat” as an AA use in the Industry – Service zone.

At present the use class of Laundromat is a P use within the Industry – General and Industry – Light zones but is prohibited in the Industry – Service zone. It is considered unnecessarily restrictive given that the use class and zone are deemed compatible.

14. On Table 1 Zoning Table, inserting a new class being “Motor Vehicle Wash” and including the use class as SA in the Central Geraldton zone, P in the Industry – General, Industry – Light and Industry Service zones and AA in the Industry – Port zone.

At present, the use class Motor Vehicle Wash is defined in Schedule 1 but is not listed on the Table 1 Zoning Table. It is proposed that the use class would be most appropriate in the Industry – General, Industry – Light and Industry Service zones would therefore be a P use. This use could be permitted at Council’s discretion (AA) within the Industry – Port zone.

In some cases the use class may appropriate in the Central Geraldton Zone and therefore could be approved at Council's discretion after advertising (SA).

The Amendment was referred to the WAPC for consent to advertise. The WAPC did not support the following modifications and they have since been removed from the amendment document:

- On the Zoning Table, inserting a new use class being "Personal Services" and including the use class as P in the City Centre and Local Centre zones, AA in the Central Geraldton and Marina zones and SA in the Residential zone;
- In Schedule 1, inserting a definition for Personal Services;
- In Schedule 1, modifying the definition of Shop; and
- In Schedule 1, modifying the definition of Consulting Rooms Group.

During the progression of the amendment, staff became aware of further anomalies in the Scheme and forwarded these through to the WAPC. As a result of this, clauses 13 and 14 (above) have been included in the document, based on the WAPC's consent to advertise.

Relevant extracts from the Scheme Amendment report are included as Attachment No. SC123A and copies of the full Scheme Amendment document are available to Councillors upon request.

#### **COMMUNITY CONSULTATION:**

The Amendment was publicly advertised in accordance with the provisions of the Planning & Development Act 2005 with advertising commencing on 02 July 2009 and concluding on 14 August 2009.

#### **Submissions:**

As a result of the advertising, a total of 8 submissions were received (6 in support and 2 objecting to the application).

The objections received during the advertising period were specifically directed to clause 9 which seeks to delete the permissibility of "Motor Vehicle – Sales/Service" in the City Centre zone. Listed below is a summation of the comments/concerns raised:

#### **Object**

- There appears to be no specific nor substantial justification for the deletion of Motor Vehicle – Sales/Service from this zone;
- It is strongly pointed out that the sales premises located upon the corner of Chapman Road and Lewis Street is a small scale operation and is not seeking to expand its size;
- There are only two car sales premises within the designated City Centre zone and both of these premises have been located within this area for many years utilising the same land

area and display space without seeking to expand their size and scale over this time;

- The concerns about any potential rather than any concrete evidence of such increased pressure for additional land area by existing operators or by new car sales yards seeking to locate within this area;
- It is considered that this proposed amendment is contrary to the zone objective by the fact that it will be reducing the variety of viable and active uses within the commercial area;
- The amendment certainly does not encourage a wide range of uses and in fact it further reduces commercial variety by removing such a use within the zone;
- There is no specific mention within the objectives of the City Centre Planning Policy relating to the removal of car sales yards from the City Centre zone;
- To take an ad-hoc approach to removing uses and modifying the nature by which the fringe areas develop and exist ahead of detailed studies and comprehensive understanding is fraught with dangers of losing existing key characteristics of the area which contribute to its function, purpose and vitality;
- The approach by modification to the existing Scheme as outlined within the Amendment is pre-empting outcomes that are unknown without the benefit of detailed study and analysis;
- Consideration needs to be given by the City to undertake further detailed studies to fully understand the dynamics of the fringe CBD areas in order to develop specific strategies and design initiatives that are appropriate to those areas and their future development;
- The removal of the P use for Motor Vehicle –sales/services from within the zoning table will result in the current land use becoming a “Non-conforming Use” under the Town Planning Scheme and the imposition of a non-conforming use and its inherent restrictions will have a detrimental effect upon the value of the business in a commercial sense. This in turn will have impacts on not only potential sale value of the business but also borrowing capacity for commercial operations, insurance over the buildings, etc;
- No compensation is offered by the City with such a dramatic change from a permitted land use to a non-confirming land use;
- Proposed Scheme Amendment will render the Youngs Motors Geraldton a non-conforming use in its current location. Although this will have no immediate effects in current business operations it will restrict any future expansion or significant changes to the business;
- The format of car dealerships has undergone great advances in recent years, incorporating modern and innovative buildings that provide an interesting and articulated street façade;

- Modern vehicle sales and servicing buildings and facilities are state of the art. The design concepts and scale of these buildings fits seamlessly into modern cities that exhibit density, are vibrant and that demand a certain level of activation and interest;
- If motor vehicle sales premises are no longer permitted in the City Centre zone of Geraldton, and they are relocated into industrial areas, there will be no incentive to provide modern attractive facilities such as the examples show above;
- The City Centre zone in Geraldton has the capacity to accommodate an extensive amount of development in comparison to the population of Geraldton. Large-scale businesses such as motor vehicle sales and servicing will therefore be a valid component of the Geraldton city centre for many years to come;
- The City Centre Planning Policy discourages car yards in the City Centre zone. The policy however encourages a mixture of uses; and
- The subject site is noted as a landmark site, suitable for large scale development. The redevelopment of the site into a mixed-use development with ground floor car sales and servicing premises and upper level offices and residential development is considered a realistic future redevelopment option that would better utilise the development potential of the site and would be consistent with the objectives of the City Centre Planning Policy.

A 'Schedule of Submissions' is included as Attachment No. SC123B and copies of the actual submissions are available to Council upon request.

**COUNCILLOR/OFFICER CONSULTATION:**

The Amendment was previously considered by Council at the meeting held on 25 November 2008 when the rezoning was initiated.

**STATUTORY IMPLICATIONS:**

The removal of 'Motor Vehicle – Sales/Services' as a permitted use within the City Centre zone will result in the four existing car dealerships being deemed 'non conforming' uses. Part VI of the Scheme provides controls and requirements for non-conforming use developments which ensures their security.

It is also important to note that the status as a non conforming use does not exclude possible future expansion or redevelopment. Clause 6.2 gives Council the ability to approve alterations or extensions to a non-conforming use. Therefore if an application was made by an existing business to re-develop the site and continue to incorporate the 'Motor Vehicle – Sales/Service' use but in a manner that is consistent in the Scheme and Policy, Council may support it.

Part 5 of the Planning & Development Act 2005 provides for the amendment of a Local Planning Scheme.

**POLICY IMPLICATIONS:**

The City Centre Planning Policy local planning policy was adopted by Council as an interim draft on 24 March 2009.

A Local Planning Policy 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.

The land use objectives of the policy are:

- Support residential living within the city both around the edges and in the upper storeys of buildings;
- Make the Foreshore and its immediate surrounds the heart of the city. Work outwards from this heart horizontally and vertically and encourage residential and commercial development to surround the 'heart';
- Provide flexibility and compatibility in the distribution of land uses throughout the CBD;
- Link retail uses to cultural, leisure and office activities;
- Encourage mixed land uses within each precinct and capitalise on retail opportunities in mixed-use developments;
- Provide continuity in ground level retail uses (i.e. continuous storefronts along important pedestrian connections);
- Create a sense of place and positive setting for pedestrian activity by providing interest for pedestrians at ground level; and
- Encourage land uses that promote movement and activity throughout the CBD and partner the city on ground level design through private/public space design (i.e. improved).

The policy also states that "Car yards" are generally discouraged throughout the city centre.

**FINANCIAL AND BUDGET IMPLICATIONS:**

The adoption of the scheme amendment will clarify a number of areas and therefore simplify process and approvals for City planning staff within these areas.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic & Plan for the Future Outcomes:**

It is considered that the amendment will assist in achieving the following from the Plan for the Future:

Key Result Area – Opportunities for Lifestyle.

Outcome 1.1 – A sustainable, built urban and rural environment.

Strategy 1.1.1 – Develop and implement a strategic planning framework.

**Regional Outcomes:****Geraldton Regional Centre Strategy 2005:**

This Strategy developed a long-term strategic plan to secure the viability and attraction of the Geraldton Regional Centre as the primary commercial, community and tourist focus for the Mid West region.

The Strategy stated that:

*In order to achieve the preferred strategy for the study area and the vision for the CBD it will be necessary for various amendments to the Town Planning Scheme and policies.*

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

The economic issues raised by the community during the advertising period are discussed within the Schedule of Submissions.

**Social:**

There are no social issues.

**Environmental:**

The EPA advised on 22 December 2008 that the Amendment should not be assessed under Part IV of the Environmental Protection Act.

**Cultural & Heritage:**

The Department of Indigenous Affairs has advised that there are no Aboriginal heritage sites located within the subject area / upon the subject land.

Two of the four existing businesses are located on land that contains sites listed within the City of Geraldton-Greenough Municipal Inventory.

Drennan O'Malley Motors at the corner of Chapman Road and Lewis Street, is partially located upon 6 Lewis Street, which is listed (place 268) on the Municipal Inventory as follows:

*Management Category 3: Significant as an Individual Building or Place.*

*Retain and conserve if possible: endeavour to conserve the significance of the place through provisions of the Town Planning Scheme with encouragement to the owner to conserve the place. Photographically record the place prior to any major redevelopment or demolition.*

However on 14 October 2008 Council supported an application to demolish the existing building on site, and replace it with a concrete paved area to facilitate the extension of the car yard immediately adjacent.

Youngs Motors on the corner of Cathedral and Lester Avenue is also partially located upon 145 Marine Terrace, which is listed (place 286) on the Municipal Inventory as follows:

*Management Category 2: Maximum Incentives under Town Planning Scheme.*

*High level protection appropriate: provide maximum protection under the Town Planning Scheme with encouragement to the owner to conserve the significance of the place. Prepare a floor plan and photographically record the place prior to any development.*

**RELEVANT PRECEDENTS:**

The author is not aware of any relevant precedent set by previous Council or Executive, however it should not be construed that there are no relevant precedents.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Simple majority is required.

**OPTIONS:**

**Option 1:**

As per the Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority, pursuant to Part 5 of the Planning & Development Act 2005 RESOLVES to:

1. REFUSE to adopt for final approval Scheme Amendment No. 50 to Town Planning Scheme No. 3 (Geraldton); and

2. MAKES the determination on the grounds that the Amendment would create an undesirable precedent and compromise the orderly and proper planning of the locality.

**Option 3:**

That Council by Simple Majority, pursuant to Part 5 of the Planning and Development Act 2005 RESOLVES to:

1. DETERMINE the submissions as outlined in the 'Schedule of Submissions';
2. ADOPT for final approval Scheme Amendment No. 50 to the City of Geraldton-Greenough Town Planning Scheme No. 3 (Geraldton) with the following variations:
  - a. changes as determined by Council; and
3. SEEK final approval of the Scheme Amendment from the Minister for Planning.

**Option 4:**

That Council by Simple Majority RESOLVES to DEFER the application.

**CONCLUSION:**

It is considered that the removal of 'Motor Vehicle – Sales/Service' as a permitted use within the 'City Centre' zone will ensure that land use conflict and pressure does not occur as more residential and civic components move into this area. It is the City's vision to create a vibrant, healthy and liveable city centre for its community and as a result the increasing pressure experienced by some existing uses for expansion cannot be met. The status of a 'non-conforming use' for the existing 'Motor Vehicle – Sales/Service' businesses provides security for their continuation and the possibility for well managed and designed redevelopment opportunities.

Other amendments proposed are necessary in order for the Scheme to be up-to-date and reflect modern, contemporary planning principles.

Based on the comments above, Option 2 is not supported and Council is further advised the final decision on the Amendment rests with the Minister for Planning. This can result in the scenario whereby Council may resolve not to give final approval for a rezoning, however the rezoning may still be granted final approval from the WA Planning Commission.

With regard to Option 4, Council is required by the Town Planning Regulations 1967 to forward a decision regarding a Scheme Amendment to the Department of Planning within 42 days of the close of the advertising period.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority, pursuant to Part 5 of the Planning and Development Act 2005 RESOLVES to:

1. DETERMINE the submissions as outlined in the 'Schedule of Submissions';
2. ADOPT for final approval Scheme Amendment No. 50 to the City of Geraldton-Greenough Town Planning Scheme No. 3 (Geraldton); and
3. SEEK final approval of the Scheme Amendment from the Minister for Planning.

### 10.4 Reports of Creative Communities

CC117	BUSH FIRE ADVISORY COMMITTEE MINUTES AND APPOINTMENT OF BUSH FIRE CONTROL OFFICERS
	<p><b>AGENDA REFERENCE:</b> 09/020110</p> <p><b>AUTHOR:</b> K Seidl, Manager Community Law and Safety</p> <p><b>EXECUTIVE:</b> A Selvey, Director of Creative Communities</p> <p><b>DATE OF REPORT:</b> 23 October 2009</p> <p><b>FILE REFERENCE:</b></p> <p><b>APPLICANT / PROPONENT:</b></p> <p><b>ATTACHMENTS:</b> Yes (x1)</p>

#### SUMMARY:

To provide Council the opportunity to review and endorse the minutes of the Bushfire Advisory Committee 8 October 2009 and to appoint the Chief, Deputy and other bush fire control officers.

#### BACKGROUND:

The City of Geraldton-Greenough has an appointed Bush Fire Advisory Committee which makes recommendations to Council on matters of Bush Fire. The Committee meets bi-annually and Council are provided the minutes to endorse and further to review and then appoint the Office of Chief and Deputy Chief Bush Fire Control Officers.

At their meeting of the 8 of October 2009, the Bush Fire Advisory Committee endorsed the recommendation of positions of Chief and Deputy Chief Bush Fire Control Officers, Bush Fire Control Officers and Permit Issuing Officers (minutes of meeting are attached).

#### COMMUNITY CONSULTATION:

The Bush Fire Advisory Committee is made up of volunteers from the community as well as heads of community emergency agencies.

#### COUNCILLOR/OFFICER CONSULTATION:

Cr John Sewell was present at the Bush Fire Advisory Committee on the 8 October 2009. Officer consultation has occurred with the following Officers:

- Director Creative Communities
- Manager Governance and Risk
- Manager Organisational Resources and Strategy
- Community Fire Manager
- Coordinator Ranger Staff

**STATUTORY IMPLICATIONS:**

The Bush Fires Act 1954 Part V s.67 (1) allows for a local government to appoint persons as a Bush Fire Advisory Committee for the purpose of advising the local government regarding all matters relating to preventing, controlling and extinguishing of bush fires, the planning of the layout of fire breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind, as, or a different kind from, those specified in the subsection.

The Bush Fires Act 1954 Part V s.67 (4) (c) states that a committee appointed under this section is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

The Bush Fires Act 1954 Part IV Division 1 s.38 (1) states a local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the provisions of this Act, and of those officers shall subject to section 38A appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

The budgeted cost estimates in the provision of a Community Fire Manager (CFM) for this financial year is \$127,792. Based on the Memorandum of Understanding (MOU) signed between the City of Geraldton-Greenough and FESA the net budgeted cost of a CFM to the City amounts to \$64,792 in 2009/10.

The net ESL operating grant (FESA) provided to the City to support the operations of the Bush Fire Brigade in 2009/10 is \$57,025. This funding is provided to the City on a quarterly basis.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic & Plan for the Future Outcomes:**

Provide a Safe and Secure City of Geraldton-Greenough.

**Regional Outcomes:**

There are no regional outcomes.

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## **ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**

### **Economic:**

There are no economic issues.

### **Social:**

In providing for a safe and secure community the appointment of the positions of Bush Fire Control Officers add to the acknowledgement from the community that the City of Geraldton-Greenough has an effective structure for response to bush fire.

### **Environmental:**

There are no environmental issues.

### **Cultural & Heritage:**

There are no cultural or heritage issues.

## **RELEVANT PRECEDENTS:**

At the Ordinary meeting of Council on 27 October 2009, Agenda Item CC104 Bush Fire Advisory Committee, Council resolved to:

1. *RE-ESTABLISH the Bush Fire Advisory Committee;*
2. *APPOINT as Member of the Committee:*
  - a. *Cr E J Sewell;*
  - b. *Cr G L Bylund;*
  - c. *Cr G Martin as a proxy;*
  - d. *City of Geraldton-Greenough staff:*
    - *Manager Community Law & Safety;*
    - *Coordinator Ranger Staff*
    - *Ranger as nominated by the Manager Community Law & Safety;*
  - e. *External Members of the Committee:*
    - *Andrew Darbyshire - Community Fire Manager, Chief Bushfire Control Officer – Chair - City of Geraldton-Greenough/FESA;*
    - *Deputy Chair, Deputy Chief Bush Fire Control Officer - City of Geraldton-Greenough;*
    - *Craig Wing Deputy Chief Bush Fire Control Officer;*
    - *Rich Maslen, Deputy Chief Bush Fire Control Officer;*
    - *Regional Fire Coordinator, DEC Geraldton;*
    - *Geraldton District Manager, DEC Geraldton;*
    - *FESA DMFS South/North, FESA;*
    - *FESA CFM Pastoral, FESA;*
  - f. *Fire Control Officers:*
    - *John Oliver Walkaway;*
    - *Daniel Treasure, Moonyoonooka;*
    - *Trevor Brandy, Cape Burney;*
    - *Warren Treasure, Moonyoonooka;*
    - *Len Hamersley Walkaway;*

- *Kevin White Cape, Burney;*
  - *Trevor Barwick, Cape Burney;*
  - *Tom Burges, Cape Burney;*
  - *Michael Marsh, Waggrakine;*
  - *Ian Grant, East Chapman;*
  - *Bruce Garratt, Walkaway;*
  - *Garry Criddle, Defence Base;*
3. *SET the Terms of Reference of the Bush Fire Advisory Committee to act as an advisory body to Council on matters of Bush Fire;*
  4. *APPOINT Manager Community Law and Safety or his delegate as the Executive Support and Coordinator of the Committee; and*
  5. *DEFINE the tenure of the Committee as expiring on the 22 October 2011 or as determined by Council; and*
  6. *HOLD meetings biannually.*

**DELEGATED AUTHORITY:**

Positions of Fire Control Officer are appointed by Local Government and the functions of the said positions are carried out as per the Bush Fires Act 1954 Part IV Division 1 s.38 (1).

**VOTING REQUIREMENTS:**

Simple Majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority pursuant to the Bush Fires Act 1954 Part V s.67 and the Bush Fires Act Part IV Division 1 s.38 RESOLVES to DEFER the matter.

**Option 3:**

There are no other alternative options.

**CONCLUSION:**

The Bushfire Advisory Committee of the City of Geraldton-Greenough is in place to advise Council on matters relating to bush fire. The local government must appoint Bush Fire Control Officers including the positions of Chief and Deputy Chief Bush Fire Control Officers. It is because of this that there is no cause to provide a third option. The recommendations made by the Bushfire Advisory Committee are sound and the leadership to the Deputies and other Bush Fire Control Officers by the City Community Fire Manager is capable of ensuring an effective structure for the response to bush fires within the City of Geraldton-Greenough.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to the Bush Fires Act 1954 Part V s.67 and the Bush Fires Act Part IV Division 1 s.38 RESOLVES to:

1. RECEIVE the minutes of the Bush Fire Advisory Committee;
2. APPOINT the following persons as Bush Fire Control Officers:
  - a. Andrew Darbyshire as Chief Bush Fire Control Officer and Fire Weather Officer;
  - b. Rich Maslen as Deputy Chief Bush Fire Control Officer and Fire Weather Officer (All Areas);
  - c. Craig Wing as Deputy Chief Bush Fire Control Officer and Fire Weather Officer (Metro Only);
  - d. Warren Treasure as Deputy Chief Bush Fire Control Officer and Fire Weather Officer (North) Agricultural;
  - e. John Oliver as Deputy Chief Bush Fire Control Officer and Fire Weather Officer (South) Agricultural; and
3. APPOINT all other Bush Fire Control Officers and Permit issuing officers as per the minutes of the Bush Fire Advisory Committee 8 October 2009.

CC118	CSRFF (COMMUNITY SPORTING AND RECREATION FACILITIES FUND)
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<b>AGENDA REFERENCE:</b>	<b>09/020221</b>
<b>AUTHOR:</b>	<b>R Thompson Sport and Recreation Club Development Officer</b>
<b>EXECUTIVE:</b>	<b>A Selvey, Director of Creative Communities</b>
<b>DATE OF REPORT:</b>	<b>30 October 2009</b>
<b>FILE REFERENCE:</b>	<b>GS/004</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Geraldton-Greenough</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

To provide Council with an opportunity to renew and endorse the CSRFF application.

This year the City of Geraldton-Greenough only received/put forward the one application for assessment and ranking.

**BACKGROUND:**

Funding is provided by the State Government through the Community Sporting and Recreation Facilities Fund (CSRFF) to assist sporting groups improve their facilities.

The fund is administered through the Department of Sport and Recreation (DSR) and organisations must discuss their projects in depth with the local representative before submitting applications.

Under the adopted Memorandum of Understanding between DSR and City of Geraldton-Greenough officers meet to consider and rank the applications.

In the majority of CSRFF applications, grants are offered on the basis of 1/3 funding from the sporting body, DSR and local government. The total state pool for CSRFF grants has increased to \$20 million per annum distributed across nine department regions from this year.

Application process:

- October -Local Governments assess and determine status of applications
- November – DSR considers applications on a regional basis
- February/March –
  - CSRFF Advisory Committee considers applications and makes recommendations.
  - Hon Minister considers and gives approvals
  - Applicants advised

For successful applications funding will be available in the 2010/11 financial year. Council will be required to confirm support for the project beginning in the 2010/11 budget. The City of Geraldton-Greenough's *Ten Year Sporting Facilities Master Plan 2005/06 to 2014/15* (copy attached) is used as a basis for reviewing the priority of the projects.

Criteria used to assess and prioritise applications included:

- Priority in the 10 Year Plan
- Priority within the Eighth Street Master Plan
- Whether applications addressed all requirements
- Fixed capital, not maintenance items
- Applicants ability to afford their one third contribution
- Extent of liaison with their State bodies
- Safety issues effecting players
- Application of life cycle costing for major projects

Projects for consideration:

### 1. Eadon-Clarke Sporting Complex Redevelopment

This project has been recognised in the *Ten Year Sporting Facilities Master Plan 2005/06 to 2014/15* and is also based on the recommendations put forward in ABV's *Eadon-Clarke Reserve Sport and Recreation Facilities Master Plan* (June 2008) and in collaboration with the Eadon-Clarke Management Committee.

This project is to be staged over two years with the majority of the funding being required in the 2010/2011 year. It is anticipated that the funding from the Dept of Sport and Recreation will match the project performance measures (please see the "Project Delivery" section in the attached CSRFF application)

2009/2010 CSRFF PROJECT FUNDING APPLICATIONS – RANKINGS							
Rank	Applicant	Project Cost (Exc GST)	Voluntary Labour and Donated Materials	Club Association Contribution	Other Funding Sources*	CSRFF	City of Geraldton-Greenough
1	City of Geraldton-Greenough – Eadon-Clarke Sporting Complex Redevelopment	\$3,393,573	\$50,000	\$50,000	\$500,000	\$1,696,786	\$1,096,787
TOTALS		\$3,393,573	\$50,000	\$50,000	\$500,000	\$1,696,786	\$1,096,787

\*Other funding sources refers to Royalties for Regions funding which will be known in March 2010.

Based on receiving the 50% Development Bonus funding, a total of \$1,096,787 needs to be considered for allocation over the 2010/11 and 2011/12 Council budgets for the development at Eadon-Clarke Sporting Complex to proceed.

This figure is subject to change should the amount of funding from other sources not be fully available. The maximum contribution required from the City of Geraldton-Greenough as a “worst case scenario” (only 1/3 of CSRFF and unsuccessful Royalties for Regions grant) is \$2,162,382 which comprises of:

Voluntary Labour and Donated Materials	\$50,000
Club Association Contribution	\$50,000
CSRFF	\$1,131,191
City of Geraldton-Greenough	<u>\$2,162,382</u>

These figures are based on best estimate as the amount of funding received is at the discretion of the funding bodies. However, should the City of Geraldton-Greenough be unsuccessful in obtaining CSRFF funding, then it is recommended that the project be delayed for 12 months until a subsequent successful application is submitted.

#### **COMMUNITY CONSULTATION:**

Consultation for the Eadon-Clarke Sporting Complex Redevelopment was first undertaken as part of the *Eadon-Clarke Reserve Sport and Recreation Facilities Master Plan* in 2008 and has continued throughout the planning process with the stakeholders of the Management Committee. These stakeholders include:

- Batavia United Football Club;
- Brigades Football Club;
- Geraldton Regional Junior Cricket Board;
- Geraldton Junior Soccer Association;
- Great Northern Junior Football League;
- Spalding Olympic Football Club;
- Geraldton Touch Association; and
- Wanderers Cricket Club.

In addition, the City of Geraldton Greenough officers have worked closely with the local office of the Department of Sport and Recreation to ensure the standards and requirements of all users of recreational facilities have been met.

**COUNCILLOR/OFFICER CONSULTATION:**

Discussions have been held with staff within the Finance Department, Community Development, Assets and Parks & Gardens as to the feasibility of and the ability of Council to this project. These officers include:

- Neil Bennett – Manager Community Services;
- Paul Radalj – Manager Management Accounting;
- Kim Trotter – Parks Coordinator;
- Yvonne Lovedee – Community Development Officer;
- Mick Prosser – Manager Parks and Gardens;
- Andrea Selvey – Director Creative Communities; and
- Syd Jerram – Director Sustainable Communities.

**STATUTORY IMPLICATIONS:**

There are no statutory implications.

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

Under the City of Geraldton-Greenough's *Plan for the Future* document, there have been the following amounts set aside for the project applied for:

Eadon-Clarke: 2009/2010 - \$414,425 (to be carried forward for the 2010/2011 year)

2010/2011 -	\$376,250
2011/2012 -	<u>\$321,368</u>
<b>Total</b>	<b>\$1,112,043</b>

The City is proposing in the main to fund this \$1.1m from Public Open Space Funds held in trust (\$414,425) and from various related Cash Reserves (\$600,000).

Also, there is an additional amount of \$300,000 that may be able to be funded from the Infrastructure & Planning Dept budget under New/Upgrade capital expenditure for the car park construction portion of project. The City will actively pursue additional grant funding from the Royalties for Regions program and via the Commonwealth's Regional and Local Community Infrastructure Program. If successful, this would reduce the City's financial commitment to the project based on the success of the CSRFF application.

A detailed lifecycle costing for the facility is currently being prepared and will be submitted at a later point in time.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic & Plan for the Future Outcomes:**

The City of Geraldton-Greenough's Plan for the Future goals and objectives that support contribution by the Council for the projects include:

- 1.2.4 Providing accessible, active and passive recreational areas;
- 5.2.2 Renew community infrastructure to a condition to meet community needs;
- 6.3.1 Support the development of sporting clubs and groups;
- 6.4.2 Development of Eadon-Clarke as the main northern suburbs sporting facility;
- 6.4.6 Prioritise and implement the recommendations of the Sporting and Recreation Facilities 10 Year Master Plan;
- 6.4.10 Develop and maintain recreation facilities with high end community appeal;
- 6.7.11 In partnership with other key stakeholders, identify current gaps and future needs in our social infrastructure that supports a rapidly growing community;

**Regional Outcomes:**

As a major sporting reserve that can accommodate a variety of sports ranging from football to soccer, touch rugby to cricket, Eadon-Clarke plays a very important part in not only increasing the well being and development of local senior and junior sports participants, but also can host events of a regional nature given it's size and the proposed redevelopments that are to occur in the future.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

The redevelopment of Eadon-Clarke will enable the expanding population to participate in active recreation as is expected from Local Government Authorities. Also, by having a high quality, large recreational area, it will enable large scale events to be held in Geraldton that may have bypassed the City previously. These events will attract a significant amount of visitors that will inturn help the local economy.

**Social:**

This project is family orientated and will provide avenues for the development of health and well being.

**Environmental:**

The Eadon-Clarke development will improve the water efficiency of the reserve and also decrease the environmental problems caused by water wastage and salinity.

**Cultural & Heritage:**

All three projects are focused on bringing community together in all inclusive activities.

**RELEVANT PRECEDENTS:**

Previous Council support for the *Ten Year Sporting Facilities Master Plan 2005/06 to 2014/15*, *Eadon-Clarke Reserve Sport and Recreation Facilities Master Plan* and the *Eighth Street Sporting Precinct Master Plan*.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Absolute majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Absolute Majority pursuant to s6.8 of the Local Government Act 1995 (as amended) RESOLVES to CONSIDER the project for the 2010/11 budget.

**Option 3:**

That Council by Absolute Majority pursuant to s6.8 of the Local Government Act 1995 (as amended) RESOLVES to NOT proceed with the Eadon-Clarke Sporting Complex redevelopment.

**CONCLUSION:**

The development of Eadon-Clarke Sporting Complex will enhance the health and well being of the community, not only from an organised sporting activity point of view, but also for the overall population seeking open space for any physical recreation.

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority pursuant to s6.8 of the Local Government Act 1995 (as amended) RESOLVES to

1. ADOPT the following CSRFF grant application and be submitted to the Department of Sport and Recreation for consideration:
  - a. redevelopment of the Eadon-Clarke Sporting Complex at a cost of \$1,096,787 over the 2010/11 and 2011/12 years to enable multiple sporting groups and the general community to use the facilities all year round and at the highest standard possible.

**10.5 Reports of Community Infrastructure**

Nil.

## 10.6 Reports of Commercial Enterprises

<b>CE78</b>	<b>DISPOSAL OF LOT 1872 BRAND HIGHWAY, GREENOUGH</b>	
	<b>AGENDA REFERENCE:</b>	<b>09/020188</b>
	<b>AUTHOR:</b>	<b>S Shilling, Land and Leases Officer</b>
	<b>EXECUTIVE:</b>	<b>B Davis, Director of Commercial Enterprises</b>
	<b>DATE OF REPORT:</b>	<b>22 October 2009</b>
	<b>FILE REFERENCE:</b>	<b>A63842</b>
	<b>APPLICANT / PROPONENT:</b>	<b>City of Geraldton-Greenough</b>
	<b>ATTACHMENTS:</b>	<b>Yes (x1) 2x Confidential</b>

### SUMMARY:

Disposal of freehold land owned by the City of Geraldton-Greenough not required for any purpose and surplus to its requirements by way of public auction.

### BACKGROUND:

As part of the City land rationalisation study that is being conducted by the Land and Property Services team Lot 1872 Brand Highway, Greenough has been identified as surplus to the City requirements and may be sold.

This property is zoned general farming.

This property was previously offered for sale by tender by the Shire of Greenough in September 2006. Several tenders were received but none reached the reserve price of \$100,000, so the sale did not eventuate.

A valuation was obtained from Russell Coupe & Associates on 8 July 2009. The block has no power or water service and no access road.

A letter was sent to both of the adjoining owners on 10 July 2009 to enquire if they had an interest in purchasing the property. Both responded with offers well under the valuation received.

### COMMUNITY CONSULTATION:

There has been no community consultation on this matter.

### COUNCILLOR/OFFICER CONSULTATION:

Land Rationalisation Committee

### STATUTORY IMPLICATIONS:

*Local Government Act 1995 (as amended)* Disposing of Property  
Section 3.58 (1):

(1) *In this section –*

*“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

*“property” includes the whole or any part of the interest of a local government in property, but does not include money.*

and Section 3.58(2):

*Except as stated in this section, a local government can only dispose of property to –*

*a) The highest bidder at a public auction; or*

*b) The person who at a public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

The disposal consideration will go to the City's land acquisition reserve.

**STRATEGIC & REGIONAL OUTCOMES:**

**Strategic & Plan for the Future Outcomes:**

Goal 1 - Opportunities for Lifestyle

Outcome 1.1 A sustainable, built urban and rural environment.

**Regional Outcomes:**

There are no regional outcomes.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**

**Economic:**

There are no economic issues.

**Social:**

There are no social issues.

**Environmental:**

There are no environmental issues, the block is cleared and has previously been cropped.

**Cultural & Heritage:**

The block is located in the historical Greenough precinct.

**RELEVANT PRECEDENTS:**

The City has current precedents of disposing of City freehold land by public auction.

**DELEGATED AUTHORITY:**

There is no existing delegated authority on this proposal.

**VOTING REQUIREMENTS:**

Simple majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority pursuant to Section 3.58 (2) (a) of the Local Government Act 1995 (as amended) RESOLVES to REJECT the proposal to dispose of Lot 1872 Brand Highway, Greenough by public auction.

**Option 3:**

That Council by Simple Majority RESOLVES to DEFER consideration of this matter.

**CONCLUSION:**

The approval of the Executive recommendation will allow for the realisation of property not required by the City into cash reserves for implementation of strategies and outcomes that are contained within the Plan for the Future.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to Section 3.58 (2) (a) of the Local Government Act 1995 (as amended) RESOLVES to:

1. DISPOSE of Lot 1872 Brand Highway, Greenough by public auction;
2. DELEGATE authority to the Chief Executive Officer to set the reserve price; and
3. ALLOCATE proceeds from the sale to the Land Acquisition Reserve.

CE79	REQUEST FOR TENDER 10/910 GERALDTON AIRPORT SECURITY ALTERATIONS AND ADDITIONS
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<b>AGENDA REFERENCE:</b>	<b>09/020191</b>
<b>AUTHOR:</b>	<b>P Crewe, Project Engineer and B Urquhart, Airport Manager</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director Commercial Enterprises</b>
<b>DATE OF REPORT:</b>	<b>29 October 2009</b>
<b>FILE REFERENCE:</b>	<b>CM/0078</b>
<b>APPLICANT / PROPONENT:</b>	<b>Yes</b>
<b>ATTACHMENTS:</b>	<b>Yes (Confidential)</b>

**SUMMARY:**

Tender approval for supply and installation Geraldton Airport Security Upgrade Alteration and Additions.

**BACKGROUND:**

Upgrading of security within the Greenough Terminal will facilitate the introduction of Jet Regular Passenger Services (RPT) to Federal Government certified standards.

The project is two fold, the first stage being purchase of and provision for installation of security hardware. The second stage is design and construction of structural changes and additions to the Greenough Terminal to accommodate the security hardware, baggage distribution system and secure lounge facility. Eastman Poletti and Sherwood have been engaged as Architects to facilitate the second stage of the project.

Tenders were advertised from 26<sup>th</sup> September 2009 -20<sup>th</sup> October 2009. Tenders for this work closed on 20<sup>th</sup> October 2009 and were assessed by the Eastman Poletti Sherwood and the Airport Security Upgrade Committee. Details of the tenders and assessments of each are included in the Confidential Briefing Note.

**COMMUNITY CONSULTATION:**

Since the introduction of Federal Government Legislation regulating security for RPT Jet Services, there has been ongoing consultation with stakeholders including the Midwest Chamber of Commerce and Industry and the community through all forms of press media and the City of Geraldton-Greenough Plan for the Future relating to introduction of jet services to Geraldton Airport.

**COUNCILLOR/OFFICER CONSULTATION:**

The 2009/10 Budget adopted by Council had an allocation of \$3m for the security upgrade project this was subsequently reduced to \$2.7m via the interim budget review amendments authorized by Council on 13<sup>th</sup> October 2009. The 2009/10 Schedule of Fees and Charges

increased the RPT passenger landing fee charge by \$1.50 to \$18.00 per adult to fund the security upgrade.  
The Regional Aerodrome Development / Royalties for Regions grant funding must be acquitted by May 2010.

At the meeting of Council held 25 August 2009 the following was resolved.

*That Council by Simple Majority pursuant to s3.57 of the Local Government Act 1995 (as amended) RESOLVES to:*

1. *ACCEPT Rapiscan Systems Australia Pty Ltd as the successful tender party for RFT 23 0809 being the supply, installation and maintenance of Rapiscan Security Equipment at the Greenough Terminal in accordance with the submitted schedule of unit prices;*
2. *APPROVE the award of the contract subject to the successful appointment of a building contractor and the confirmation of the total project; and*
3. *INCLUDE in these minutes the pricing schedule of the successful tender.*

**STATUTORY IMPLICATIONS:**

Tenders are to be accepted by the Council by virtue of Section 3.57 of the Local Government Act 1995.

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

The total project final budget subject to acceptance of the recommended builder tender by Council is \$2,748,602 which includes a sum of \$50,000 for Fabrication Alterations (Contingencies). The State Government has committed \$1,101,633 from the City's original application. An application for a further contribution of \$272,668 has been requested from the State Government.

The City's budget expenditure for the project is currently \$2.7m (amended 13/10/09 – interim budget review) and is being funded as follows:

- Grant funded \$1.1m;
- Internal loan \$1.2m; and
- Airport cash reserves \$400,000.

Based on final tender costs of \$2,748,602 the new proposed funding breakdown would be:

- Grant funds - \$1,101,633;
- Internal loan funds - \$1,200,000; and
- Airport cash reserves - \$446,969.

If the City is successful with the additional funding application of \$272,668, the amount required from Cash Reserves would be reduced to \$174,281.

Within the original budget, part of the Royalties for Regions funding (\$1.7m) via the Country Local Government Fund was to be applied to the Office Accommodation Project. As this project is now scheduled not to be undertaken in 2009/10 and in addition, the Royalties for Regions funding must be expended by the end of this financial year, it is proposed to redirect these funds (\$1.2m) to the Airport Security Upgrade Project via an internal loan from the City to the Airport. In the original 2009/10 adopted budget, a provision was made to loan \$1.5m externally based on project expenditure of \$3m.

An internal loan is not reflected within borrowing/debt ratios and as such, by not externally borrowing as originally proposed for this project, the City's future borrowing capacity is improved by a reduction in budgeted debt ratios.

Previously Council resolved to proceed with stage one of the project subject to the successful appointment of a building contractor.

## **STRATEGIC & REGIONAL OUTCOMES:**

### **Strategic & Plan for the Future Outcomes:**

The installation of the security system will enable RPT Jets to service Geraldton. This fits with the Plan for the Future outcome 3.1.1.1 "Develop the Geraldton Airport and associated infrastructure and services to meet future social and economic needs of the region"

### **Regional Outcomes:**

The security installation will provide for introduction of RPT jet services to the Midwest enhancing air transportation opportunities for business and tourism into the region.

## **ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**

### **Economic:**

The security upgrade system will provide Geraldton Airport with the ability to expand business and explore opportunities for expansion of air network routes to destination other than those presently catered for supporting the community, businesses and tourists.

### **Social:**

The security upgrade system will provide the potential for a wider range of air services to the community and increase visitation numbers to Geraldton.

**Environmental:**

Whilst there will be no direct effect on the environment from an Airport operators position, larger less frequent aircraft should have less impact than current.

**Cultural & Heritage:**

There are no cultural and heritage impacts.

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Absolute majority required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority pursuant to s3.57 of the Local Government Act 1995 (as amended) RESOLVES to REFUSE this tender in preference for calling another tender. This option will necessitate the Tender process be carried out again with no likely improvement to the City's position.

**Option 3:**

That Council by Simple Majority pursuant to s3.57 of the Local Government Act 1995 (as amended) RESOLVES to DEFER the decision pending further consultation. This option will result in the lengthening of construction time frames, and may result in the loss of the funding secured from the State Government.

**CONCLUSION:**

Council has been provided with documentation pertaining to the tender selection for the security equipment upgrade and installation. The tender assessment panel reviewed all tenders and determined that the recommended provider based on product and price is Crothers Construction Pty Ltd.

The project needs to commence at the earliest practicable opportunity to ensure that there is no requirement for financial year carry-over of State funding.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority pursuant to s3.57 of the Local Government Act 1995 (as amended) RESOLVES to:

1. ACCEPT Crothers Construction Pty Ltd as the successful tender party for RFT 10/910 being Geraldton Airport Security alterations and additions, in accordance with the submitted schedule of unit prices;
2. APPROVE the award of the contract to Crothers Construction Pty;
3. INCLUDE in these minutes the pricing schedule of the successful tender;
4. AUTHORISE transfer from the Airport Cash Reserves of up to \$446,969 subject to the amount of additional funding which may be provided by the State Government;
5. NOTE that the amount required from Airport Cash Reserves may be reduced to \$174,281 should the State Government provide the full additional \$272,668 which has been requested;
6. ENDORSE the provision of an internal loan to the Airport in the amount of \$1.2m based on WA Treasury's prevailing borrowing rate at the time the loan is executed;
7. AUTHORISE immediate commencement of the project; and
8. RECORD the Tender amount in the Minutes.

CE80	PROPOSED DEVELOPMENT CONCEPT: RESERVE 30043, OLIVE STREET
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<b>AGENDA REFERENCE:</b>	<b>09/013903</b>
<b>AUTHOR:</b>	<b>B Robartson, Manager Land and Property Services</b>
<b>EXECUTIVE:</b>	<b>B Davis, Director of Commercial Enterprises</b>
<b>DATE OF REPORT:</b>	<b>2 November 2009</b>
<b>FILE REFERENCE:</b>	<b>R30043</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Geraldton Greenough</b>
<b>ATTACHMENTS:</b>	<b>Yes</b>

**SUMMARY:**

A report to confirm Council's support to agree in principle to adopt the concept plan as presented by Greg Rowe and Associates for development of Reserve 30043, Olive Street, Mahomets Flats and delegating authority to the Chief Executive Officer to commence community engagement and project planning.

**BACKGROUND:**

As a result of the Land & Property Services team undertaking potential land development projects, the City engaged local urban design master planners, Greg Rowe and Associates to prepare draft development options for Reserve 30043, Olive Street, Mahomets Flats.

A presentation to Council on the 13 July 2009 by Greg Rowe and Associates of the proposed development option has been made.

To enable this development to progress further Council is required to approve in principle adoption of the concept plan, and approve the rezoning process that includes rezoning portion of the Reserve from public open space to residential, conditional to Western Australian Planning Commission approval.

The City has received in principle approval from the Department of Regional Development and Lands (DRDL) to acquire portion of the Reserve 30043 Olive Street, Geraldton in freehold title from the state to enable construction and development of a new residential subdivision, but with the inner area of approximately 3.0067ha proposed to be left vested and managed for public recreation, in this case as a wetlands area by the diversion of the north and south drainage pipes.

This reserve is currently vested in the City of Geraldton Greenough as a class C reserve for public recreation purposes and comprises approximately 8.1153ha.

The Reserve was created under Section 20A of the Town Planning and Development Act and as such is subject to certain conditions with disposal. The City is required to pay 5% of the unimproved market value (as advised by the Valuer General) plus the statutory fees of valuation and transfer.

DRDL also require that the entire net proceeds from sale of the subdivision of land proposed to be acquired from Reserve 30043 are set aside in trust for the purposes of developing recreation and sporting fields in the near vicinity.

Officers have also met with the Green family and have received in principle support for this development and in doing so have acknowledged their original gift of land and confirmed the City's desire to comply with the objects and intentions expressed in an agreement made on the 1 May 1961 and that of DRDL with the intent of land being developed as an open grassed area for sporting playing fields.

However, Reserve 30043 is not suitable for open grass sporting fields, due to water issues and planning of needs for future residential development.

The Geraldton-Greenough Sporting Facilities Master Plan makes provision for development of facilities to meet anticipated community needs, and assessments in recent years have identified sporting field needs in areas away from the Olive Street locality that will service the needs of the growing Geraldton-Greenough community.

The funds generated from the sale of land will enable the City to meet commitments on development of playing fields for the community in a timelier manner, hopefully proceeding during the final stages of the proposed land sales of the subdivision from the current Olive Street reserve.

Further, the City intends to erect an appropriate memorial plaque to the late Leonard T Green, at Reserve 30043, once the wetlands reserve has been developed.

The City's proposal to DRDL to acquire the land was based on the City meeting all costs, including the following:

- Geotechnical investigation report and surveys
- Remediation costs for current site contamination
- Rezoning and pre planning and advertising costs
- Subdivision costs
- Development and construction costs;
- Any other costs incidental to the sub-division; and

- Developing a public recreational area based on the proposed wetlands concept.

A preliminary investigation report and conceptual development proposal is attached for information and understanding of the proposed development works.

The estimated subdivision and works budget estimate is \$5.2 million commencing in 2010/11.

#### **COMMUNITY CONSULTATION:**

City officers have met with members of the Green family and have received in principle support to the development proposals for this reserve.

Following Council's approval for the development concept, public advertising and community consultation is required that would also include WA Planning Commission comment.

#### **COUNCILLOR/OFFICER CONSULTATION:**

A full presentation to Councillors and officers was made on the 13 July 2009 by Greg Rowe and Associates on development concepts for Reserve 30043, Olive Street, Mahomets Flats.

#### **STATUTORY IMPLICATIONS:**

*Local Government Act 1995 (as amended) Disposing of Property*  
Section 3.58 (1):

*(2) In this section –*

*“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

*“property” includes the whole or any part of the interest of a local government in property, but does not include money.*

*(2) Except as stated in this section, a local government can only dispose of property to –*

*c) The highest bidder at a public auction; or*

*d) The person who at a public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

*(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*

*(a) it gives local public notice of the proposed disposition –*

*(i) describing the property concerned;*

*(ii) giving details of the proposed disposition;*  
*and*

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- (iii) *inviting submissions to be made to the local government before a date to be specified in the notice , being a date not less than 2 weeks after the notice is first given;*
- (b) *'it considers any submissions made to it before the date specified in the notice before agreeing to the disposal'.*

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

An amount of \$75,000 is budgeted for planning and rezoning costs for the year 2009/10. Further unbudgeted costs will be incurred that will amount to 5% of the unimproved value of the excised land that will be purchased by the City.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic & Plan for the Future Outcomes:**

Goal 1 - Opportunities for Lifestyle

Outcome 1.1 A sustainable, built urban and rural environment.

**Regional Outcomes:**

There are no regional outcomes.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

The City expects to generate substantial net revenues from the sale of the subdivided residential lots that will fund a future developed recreational reserve south of the City centre.

**Social:**

Social amenity will be improved from residential development and public open space enhancements.

**Environmental:**

There are no environmental issues.

**Cultural & Heritage:**

There are no cultural and heritage issues.

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**DELEGATED AUTHORITY:**

There is no existing delegated authority on this proposal.

**VOTING REQUIREMENTS:**

Simple majority required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

**Option 2:**

That Council by Simple Majority **DECLINES** to **ADOPT** the concept plan as presented by Greg Rowe and Associates for development of Reserve 30043, Olive Street, Mahomets Flats.

**Option 3:**

That Council by Simple Majority **RESOLVES** to **DEFER** consideration of this matter.

**CONCLUSION:**

Support for the Executive recommendation would enable the City to progress the development of Reserve 30043 and commence planning and rezoning amendments leading to formal subdivision and disposal of properties and development of a wetlands area for recreational purposes.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority, pursuant to Section 3.58 of the Local Government Act 1995 (as amended) **RESOLVES** to:

1. **AGREE** "in principle" to adopt the draft concept plan as presented by Greg Rowe and Associates for the potential development of Reserve 30043 Olive Street, Mahomets Flats;
2. **AFFIRM** its commitment to the Green family that the entire net proceeds from sale of the sub-division of land proposed to be acquired from Reserve 30043 are set aside for the purposes of developing district scale recreation and sporting facilities for the southern suburbs in the Verita Road vicinity concurrently to the land development, should it occur.
3. **UNDERTAKE** extensive public consultation and seek community input on the:
  - a. proposed Business Plan;
  - b. concepts for the proposed major land development and land sale;
  - c. concepts and proposal for zoning changes;
  - d. use of net funds to develop district scale recreation and sporting facilities for the southern suburbs; and
4. **REFER** back to Council, subject to the consultative and business planning processes, to finally determine whether to proceed with formally initiating planning, rezoning, subdivision and land sale activities.

### 10.7 *Reports to be Received*

<b>REPORTS TO BE RECEIVED</b>
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<b>AGENDA REFERENCE:</b>	<b>09/020232</b>
<b>AUTHOR:</b>	<b>A Brun, Chief Executive Officer</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>No</b>
<b>FILE REFERENCE:</b>	<b>GO/00028</b>
<b>DATE OF REPORT:</b>	<b>3 November 2009</b>

**BACKGROUND:**

Information and items for noting or receiving (i.e. periodic reports, minutes of other meetings) are to be included in an appendix attached to the Council agenda.

**ADMINISTRATIVE COMMENT:**

The following reports are attached in the Appendix to this agenda:-

CS213	Financial Statements to Sept 2009
CC119	Geraldton-Greenough Australia Day Celebration Minute
CC120	Report A - Community Grants Committee 071009
CC120	Report B - Community Grants 2009-2010 - Round 5
SCDA029	Delegate Approvals & Subdivision Applications

**CONSULTATION:**

Not applicable.

**STATUTORY ENVIRONMENT:**

Not applicable.

**VOTING REQUIREMENTS:**

Simple majority is required.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority receive the appended reports attached to this agenda.

- 11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
  
- 12 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
  
- 13 URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING**
  
- 14 CLOSURE**

**APPENDIX 1 – REPORTS TO BE RECEIVED**

Refer to Attachments provided.