



City of
Greater Geraldton
a vibrant future



CITY OF GREATER GERALDTON

Local Planning Scheme No. 1

Amendment No. 4

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

CITY OF GREATER GERALDTON LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 4

RESOLVED that the Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Rezoning the following:
 - Lots 688-698 and Lots 714-722 Swordfish Vista;
 - Lots 723-731, Lots 734-736 and Lots 778-780 Sail Boulevard;
 - Lots 738-739, Lots 773-774, Lots 788-791 Bridge Street;
 - Lots 781-784 and Lot 799 Outrigger Esplanade;
 - Lots 740-748, Lots 765-767 and Lots 775-777 Corbia Street;
 - Lots 760-761 and Lots 763-764 Driftwood Road;
 - Lots 762, Lots 768-772, Lots 785-787 and Lots 794-798 Forecastle Street; and
 - Lot 792 Tidal Parade, Sunset Beachfrom 'Urban Development' zone to 'Residential R20'.
2. Rezoning the newly created road reserves of:
 - Barracuda Chase;
 - Driftwood Road;
 - Bridge Street;
 - Cobia Street;
 - Forecastle Street;
 - Tidal Parade
 - Corallina Quays;
 - Gunwhale Vista; and
 - Stern Wayfrom 'Urban Development' zone to 'Residential R20'.
3. Rezoning Lot 732 (Reserve 52244) Sail Boulevard and Lot 733 (Reserve 52416) Cobia Street, Sunset Beach from 'Urban Development' zone to 'Public Open Space' local scheme reserve.
4. Rezoning a portion of the newly created road reserve of Cobia Street from 'Urban Development' zone to 'Public Open Space' local scheme reserve.
5. Updating the scheme maps accordingly.

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

1. The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission,
2. The amendment would have a minimal impact on land in the scheme area that is not the subject of the amendment,
3. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and

4. The amendment in not a complex or basic amendment.

Dated this _____ day of _____ 2017.

CHIEF EXECUTIVE OFFICER

PLANNING AND DEVELOPMENT ACT 2005

CITY OF GREATER GERALDTON LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 4

The City of Greater Geraldton, under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* hereby amends the above Local Planning Scheme by:

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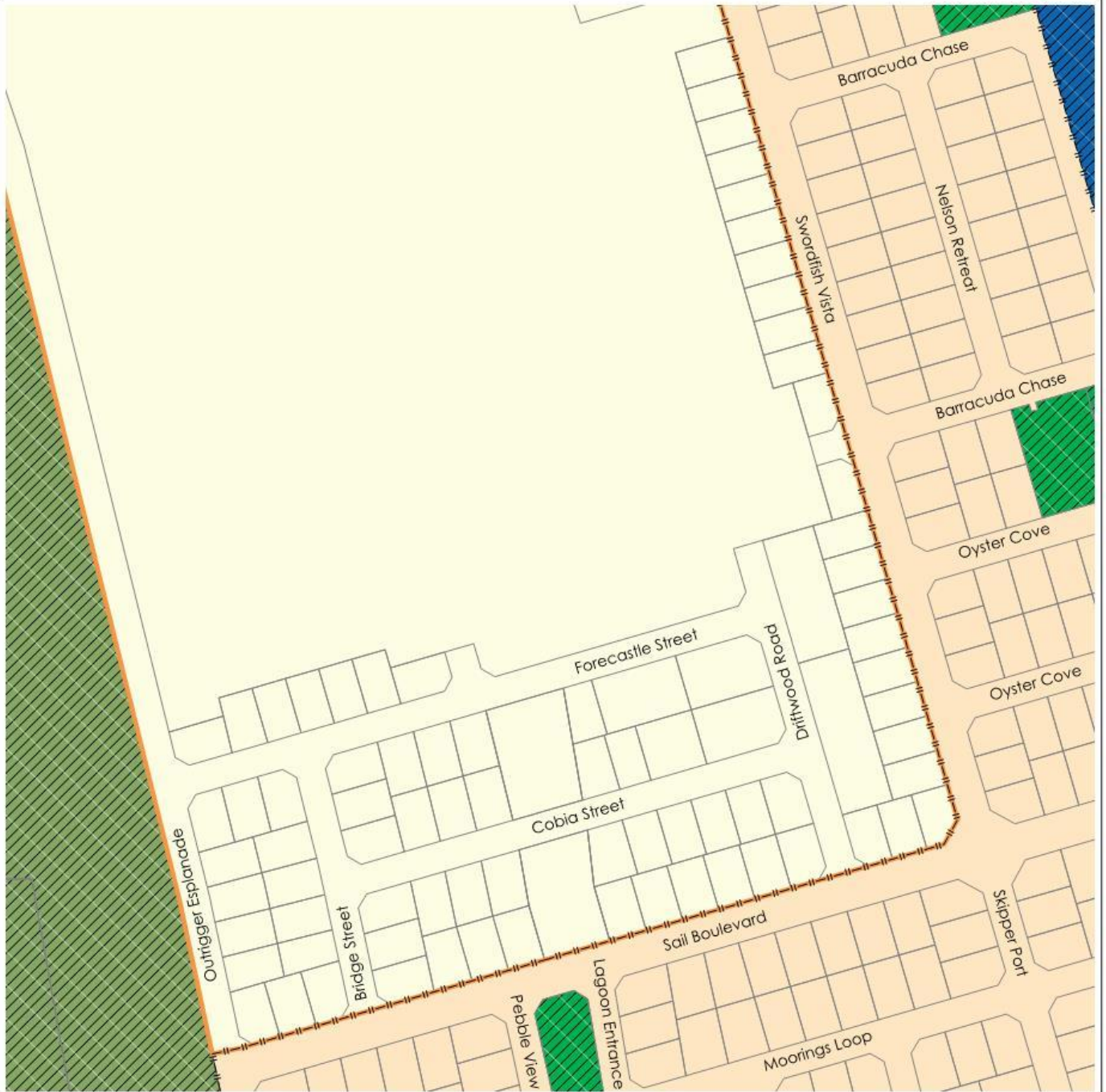
ADOPTION

Adopted by resolution of the Council of the City of Greater Geraldton at the ordinary meeting of the Council held on the

_____ day of _____ 2017.

MAYOR

CHIEF EXECUTIVE OFFICER



SUNSET BEACH STRUCTURE PLAN DEVELOPMENT UPDATE
Existing Zoning


LOCAL SCHEME RESERVES

-  Public Open Space
-  Foreshore
-  District Distributor Road

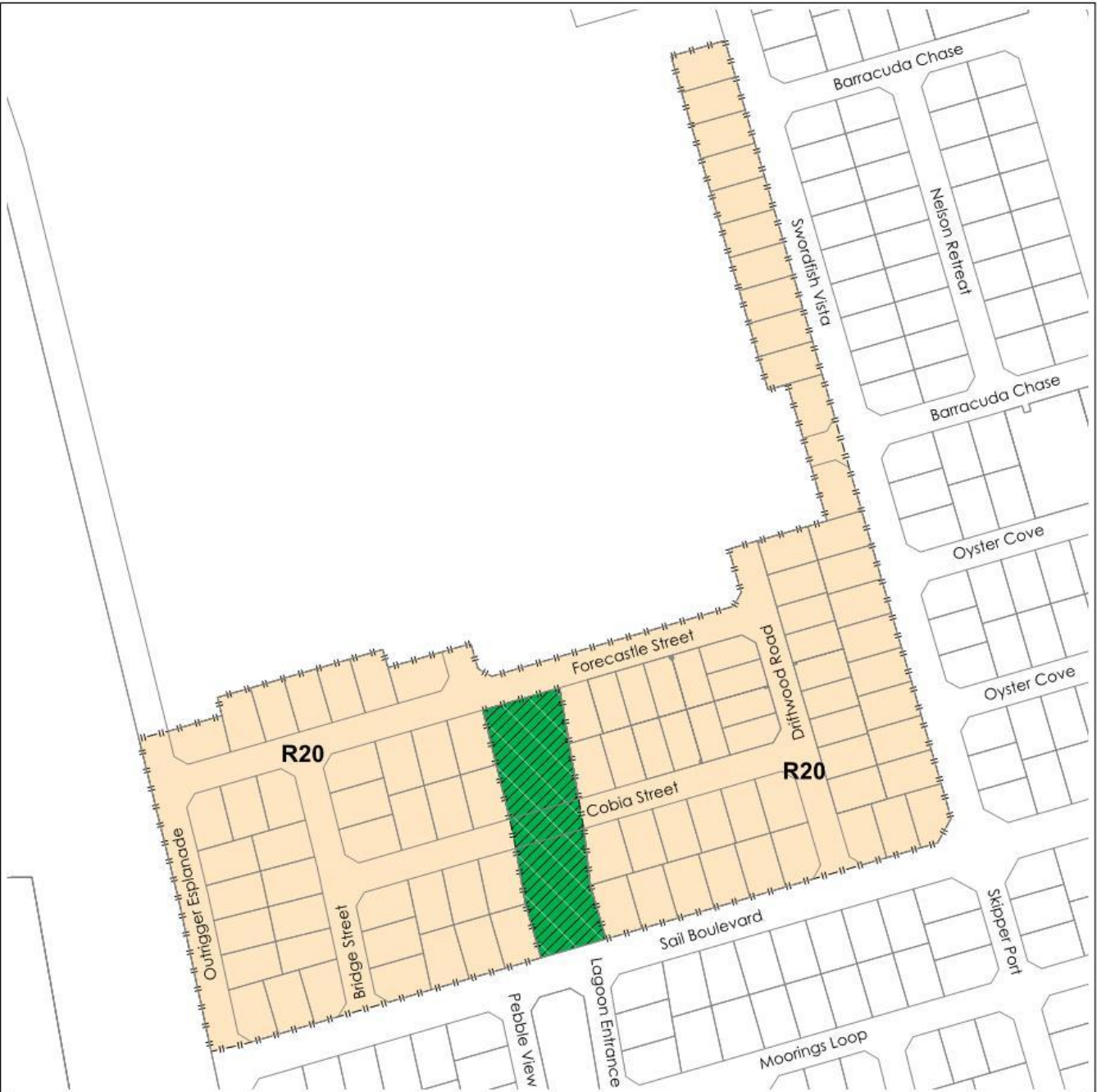
ZONES

-  Residential
-  Urban Development

OTHER

-  R-Codes





SUNSET BEACH STRUCTURE PLAN DEVELOPMENT UPDATE
Proposed Zoning


LOCAL SCHEME RESERVES

 Public Open Space

ZONES

 Residential

OTHER

 R-Codes



FINAL APPROVAL

Adopted for Final Approval by Resolution of the City of Greater Geraldton at the ordinary meeting of the Council held on the

_____ day of _____ 2017.

and the Common Seal of the City of Greater Geraldton was hereunto affixed by the authority of a resolution of the Council in the presence of:



MAYOR

CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

DELEGATED UNDER S.16
OF THE PD ACT 2005

Date

Final Approval Granted

MINISTER FOR PLANNING

Date

SCHEME AMENDMENT REPORT

1.0 INTRODUCTION

This amendment proposes to amend the City of Greater Geraldton Local Planning Scheme No. 1 (LPS 1) by rezoning numerous lots created in accordance with the previously endorsed Sunset Beach Structure Plan. These constructed lots are proposed to be rezoned from 'Urban Development' to 'Residential R20' and 'Public Open Space'.

2.0 LAND DESCRIPTION

The subject area is located in Sunset Beach, approximately 7km north of the Geraldton city centre and covers an area of approximately 7.5ha (see Figure 1). The area comprises of 83 existing residential lots with two public open space reserves (see Figure 2). The development has occurred in accordance with the previously endorsed Sunset Beach Structure Plan which has now been revoked.

The subject area is bordered by existing 'Residential R20' development to the south and east and the dedicated foreshore reserve to the west.

3.0 SUNSET BEACH STRUCTURE PLAN (REVOKED)

The Sunset Beach Structure Plan (see Figure 3) was endorsed by the Western Australian Planning Commission (WAPC) on 02 November 2007. At that time the coastal setback proposed by the Structure Plan complied with the (then current) WAPC *State Planning Policy No. 2.6 State Coastal Planning Policy* (SPP 2.6) which was published in 2003.

The structure plan has been implemented in a staged approach and approximately 50% is developed to date. The coastal setback area was also ceded to the Crown as a Foreshore Reserve.

The original subdivision approval has since expired and a new subdivision application was lodged in December 2015 to subdivide the undeveloped northern portion of the structure plan area. SPP 2.6 was updated in 2013 and the new subdivision application was assessed in accordance with its revised requirements. The revised SPP 2.6 increased the necessary coastal setback and the subdivision was therefore found to be inconsistent. Given this, the City advised that it did not support the subdivision without a new coastal setback analysis being conducted to demonstrate compliance with the policy. This subdivision application is now under review by the State Administrative Tribunal.

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* the WA Planning Commission is able to revoke its approval of a structure plan if it,

Considers that the structure plan cannot be effectively implemented because of a legislative change or a change in a State planning policy.

As a result of this, on 09 May 2017 the WAPC resolved to revoke the Sunset Beach Structure Plan.

4.0 PLANNING FRAMEWORK

a) Planning and Development (Local Planning Scheme) Regulations 2015

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* an approved structure plan is a document to which planning decision-makers are to give due regard to when making decisions on the subdivision and development of land within the structure plan area.

Although structure plans do not have the statutory force and effect of a scheme, the decision-maker is to consider and apply the requirements of the structure plan when assessing applications within the structure plan area.

In order to have the statutory force and effect of a scheme, an approved structure plan is to be incorporated or 'normalised' into a scheme, via a scheme amendment or as part of a scheme review.

Essentially incorporating (or 'normalising') a structure plan into a planning scheme simply involves rezoning the lots created to reflect what they were shown as in the structure plan. In this case the structure plan showed residential lots and public open space and the rezoning will simply reflect that on the scheme maps.

b) City of Greater Geraldton Local Planning Strategy 2015

The Strategy represents the land use planning response to the City's strategic community vision. The Strategy takes a long-term view based on an aspirational population of 100,000 with the expectation that it would be subject to periodical review and update.

As the City continues to move forward, the Strategy will set out the framework and direction the City will take to achieve the best possible regional outcomes, while creating a lifestyle which will make Greater Geraldton the natural choice to live, work and play. The Strategy will guide long-term land use planning and provide the rationale for land use and development controls.

The subject site has been identified as 'Urban' within the Strategy.

The strategy identifies a number of strategies and actions for coastal areas, with a specific action being to:

Ensure land use decision making is based on the best available science regarding coastal processes and the need for adequate setbacks.

Given this specific action, the City did not support the proposed subdivision application.

c) City of Greater Geraldton Local Planning Scheme No. 1

The subject area is currently zoned 'Urban Development' under Local Planning Scheme No. 1 which has the following objectives;

- “(a) identify areas that require comprehensive planning in order to provide for the coordination of subdivision, land use and development.*
- “(b) provide a basis for more detailed structure planning in accordance with the provisions of this Scheme.”*

Rezoning the two reserves to 'Public Open Space' local scheme reserve is consistent with the following objective of the Scheme:

“To set aside areas for public open space and provide for a range of active and passive recreational uses.

Rezoning the 83 lots to the 'Residential' zone is consistent with the following objectives of the Scheme:

- “(b) provide for a range of housing and a choice of residential densities within the Geraldton urban area to meet the needs of the community..*

- (c) *facilitate and encourage high quality design, built form and streetscapes throughout residential areas. .”*

5.0 AMENDMENT JUSTIFICATION

The *Planning and Development (Local Planning Schemes) Regulations 2015* clearly outlines a general administrative requirement for structure plans to be normalised into a local planning scheme following development.

With the revoking of the Sunset Beach Structure Plan the subject area will remain zoned as 'Urban Development' and there will be no statutory planning framework to guide decisions on the subdivision and development of the existing residential lots. In the absence of an endorsed structure plan, formalising the zones, reserves and residential density code of the subject area on the scheme maps is necessary to allow for a formal statutory planning framework to enable decision to be made on subdivision and development.

A residential density code of 'R20' has been selected given that the surrounding and adjacent areas of Sunset Beach are also zoned 'R20'. This includes areas previously developed in accordance with the Sunset Beach Structure Plan.

The undeveloped parts of the structure plan (being Lots 518, 9508 and 9509) will retain their current 'Urban Development' zone and therefore require a new structure plan to be prepared and endorsed prior to the City considering recommending further subdivision or development (see Figure 4).

6.0 CONCLUSION

It is considered that the proposed amendment is well justified and the rezoning of the subject area is supported given:

- The proposed zones and reserves are consistent with the local planning framework,
- It will ensure that the scheme maps reflect what the lots were originally developed for in accordance with the now revoked Sunset Beach Structure Plan; and
- It will provide the necessary statutory planning framework following the revoking of the Sunset Beach Structure Plan.

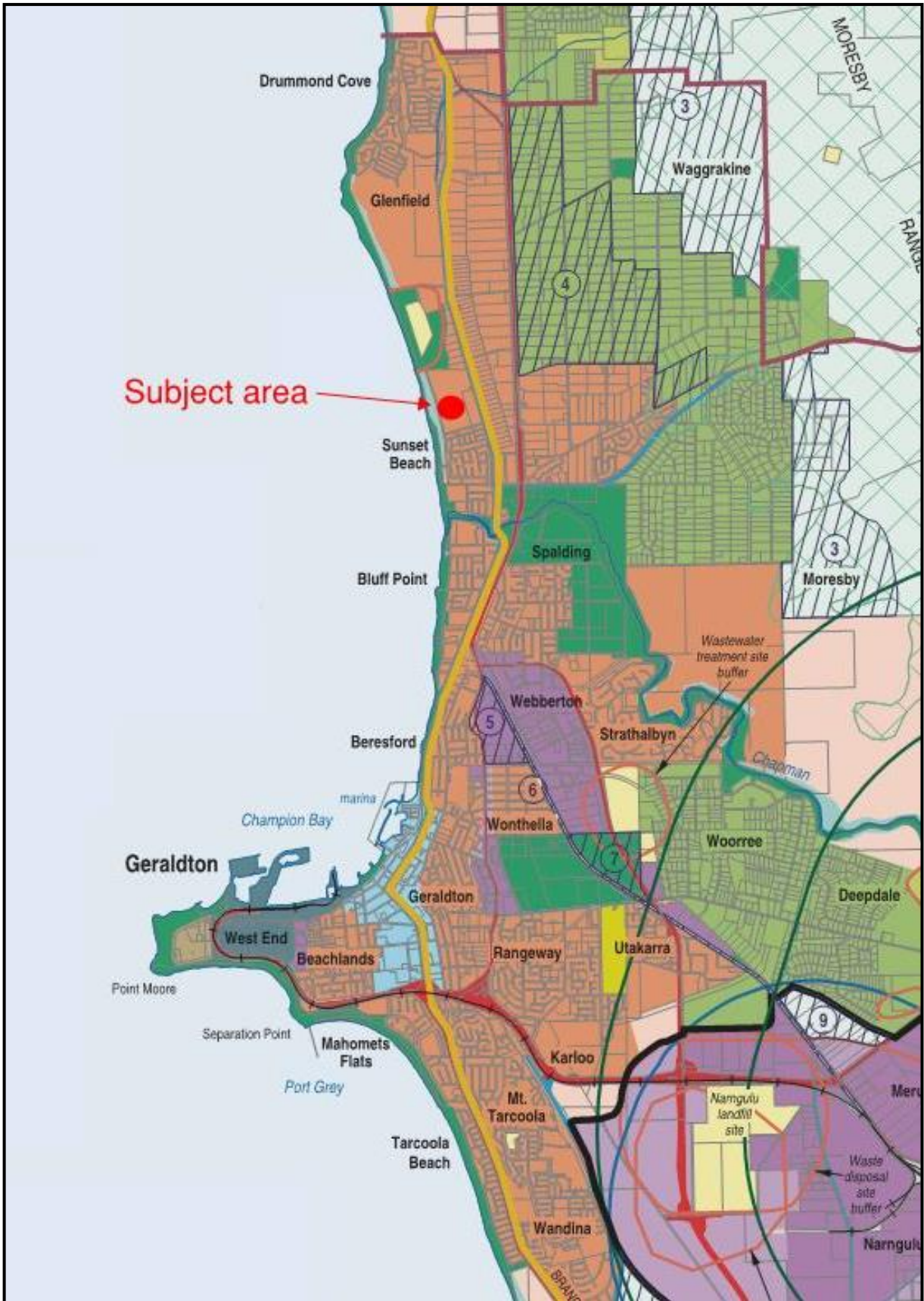
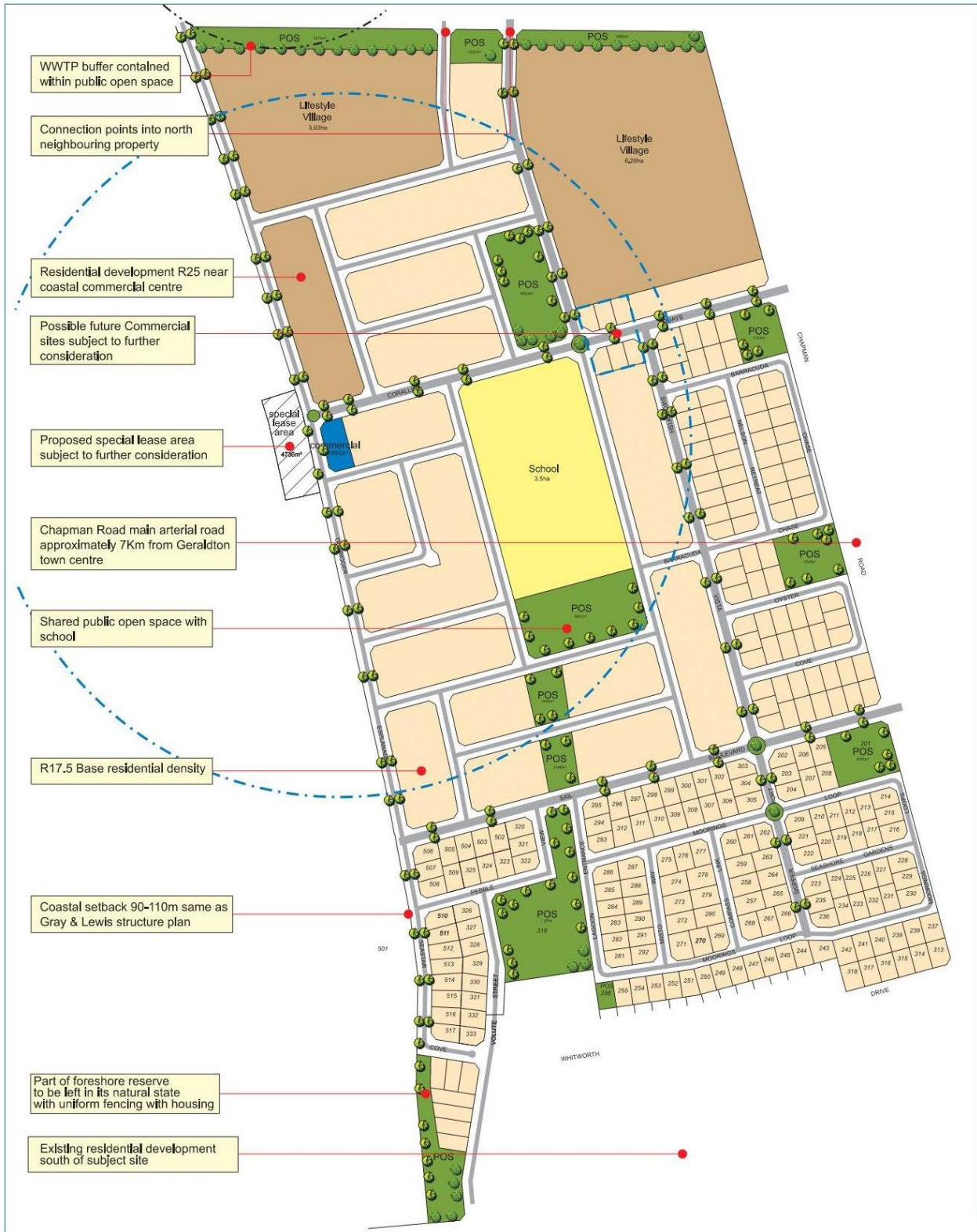


Figure 1 - Location Plan



Figure 2 - Cadastral and Aerial Plan of subject area



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 Date: 15 May 2007
 Drawn By: SJF
 Checked by: JEP
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 All dimensions and areas are subject to survey. This plan is subject to approval and should not be reproduced without the permission of WHELANS.
 This CAD/BIM system designed for the client and the data has been output from OLS/SCD and is based on MGA 94 Datum, 2005. It is assumed that accuracy of the data and the data of all files.

- Special Lease area
- 400m Radius from Commercial centres
- Land to be rezoned for future medium density housing



**FINAL STRUCTURE PLAN
 SUNSET BEACH
 GERALDTON**

123 Seabrook Beach Road, Mount Hawthorn WA 6016
 PO Box 99, MOUNT HAWTHORN WA 6016
 T 08 9442 1511 F 08 9444 3901
 E whelans@whelans.com.au W www.whelans.com.au

Figure 3 - Sunset Beach Structure Plan (revoked)

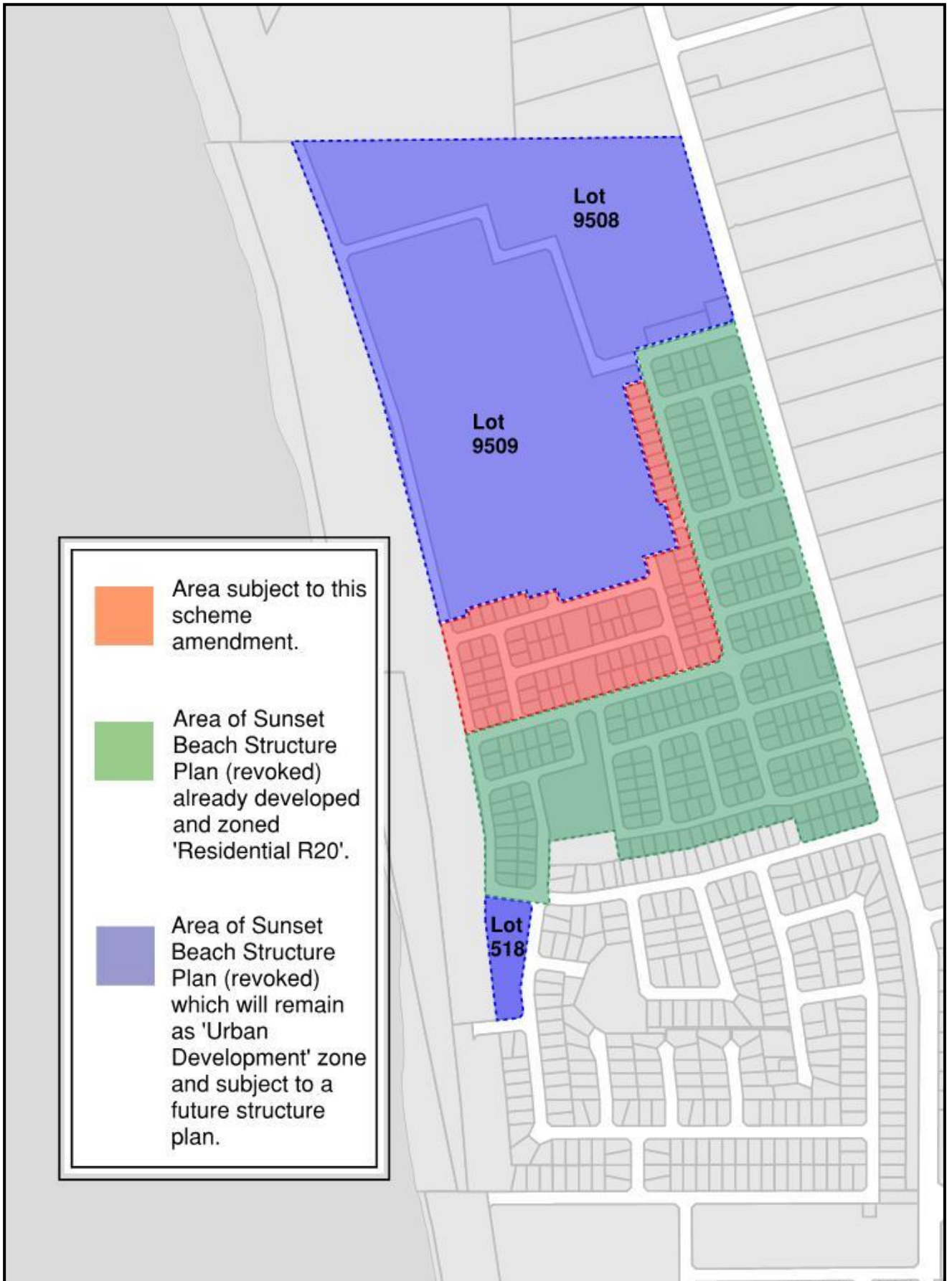


Figure 4 - Subject area in the context of the Sunset Beach Structure Plan (revoked)