



City of
Greater Geraldton
a vibrant future



CITY OF GREATER GERALDTON

Local Planning Scheme No. 1

Amendment No. 3

Basic omnibus amendment proposing a number of minor modifications to correct various administrative errors, clarify clauses and normalise structure planned areas.

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

**CITY OF GREATER GERALDTON
LOCAL PLANNING SCHEME No. 1**

AMENDMENT No. 3

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

1. Amending Table 4 within Clause 3.3.2 as follows;

Minimum setback Secondary street / side boundary	Variable or as per R-Codes where adjoining Residential zone
Minimum setback Rear boundary / other	Variable or as per R-Codes where adjoining Residential zone

2. Amending Table 8 and 9 within Clauses 3.8.2 and 3.9.2 as follows;

Minimum setback Secondary street / side boundary	5 metres (one side), Nil other or as per R-Codes where adjoining Residential zone
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3. Amending Clause 3.10.1(a) to include the word 'with' so that it reads as follows;

Provide opportunities for a range of limited rural and related ancillary pursuits where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.

4. Amending Clause 3.10.2.5 so that it reads as follows;

At development stage, the local government may apply a condition of development approval requiring revegetation in accordance with an approved local development plan.

5. Amending the formatting of the 'Trade Supplies' definition within Part 6.2 to (a) (b) (c) (d).

6. Amending Schedule 5 so that it correctly states 'Regional Centre Zone'.

7. Amending Schedule 5 to include a second 'Note' as follows;

Note: The parking ratio for the Regional Centre Zone only applies where the development has a works component that proposes an increase in the floor area, and only applies to that increased floor area. It is not applicable where the development is for a use that has no works component or a development where the works component does not increase the floor area.

8. Rezoning the following:

- a Portion of Lot 9502, Lots 5-8, Lots 26-34 and Lot 207 Glenfield Beach Drive,
 - Lots 9-12 and Lots 22-25 Aqua Rise; and
 - Lots 13-16, Lot 35-42, Lot 204, Lot 206 Poseidon Way, Glenfield from 'Urban Development' zone to 'Residential R25'.
9. Rezoning the newly created road reserves of:
- Aqua Rise,
 - Poseidon Way; and
 - a portion of Glenfield Beach Drive
- from 'Urban Development' zone to 'Residential R25'.
10. Rezoning Lot 205 Poseidon Way, Glenfield from 'Urban Development' zone to 'Public Open Space' local scheme reserve.
11. Rezoning the following:
- Lots 91-95 and Lots 108-111 1Webber Road,
 - Lots 14-29 Protea Avenue,
 - Lot 100 Zephyr Lane,
 - Lot 47, Lots 75-86, Lots 96-99 and Lots 101-106 Lobelia Way,
 - Lots 40-46 and Lots 49-50 Isopogon View,
 - Lot 48, Lots 51-52, Lots 55-74 and Lots 87-90 Wisteria Parade,
 - Lots 112-113 Phaeton Road; and
 - Lot 114 Windlass Avenue, Moresby
- from 'Urban Development' zone to 'Residential R5'.
12. Rezoning the newly created road reserves of:
- Webber Road,
 - Phaeton Road,
 - Windlass Avenue,
 - Wisteria Parade,
 - Mountain Road,
 - Isopogon View,
 - Lobelia Way,
 - Zephyr Lane; and
 - Protea Avenue
- from 'Urban Development' zone to 'Residential R5'.
13. Rezoning Lots 116 and 117 Fairfax Drive, Moresby (Reserve 51615) from 'Urban Development' zone to 'Public Open Space' local scheme reserve.
14. Rezoning Lot 485 on Deposited Plan 77050 (Reserve 51686) from the 'Residential R5' zone to the 'Public Open Space' local scheme reserve.
15. Rezoning Lot 486 on Deposited Plan 77050 from 'Rural Residential', 'Residential R5' and 'Residential R2.5' to the 'Foreshore' local scheme reserve.
16. Rezoning a portion of the newly created road reserve of Dorset Drive from 'Rural Residential and 'Residential R2.5' to the 'Public Open Space' local scheme reserve.
17. Amending the R2.5 R-Code boundary to exclude Lots 485 and 486 on Deposited Plan 77050 and a portion of Dorset Drive. Amend the R5 R-Code boundary to exclude Lot 486 on Deposited Plan 77050.

18. Updating the scheme maps accordingly.

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

1. The amendment is to correct an administrative error,
2. The amendment is to ensure consistency with another provision of the local planning scheme; and
3. The amendment is consistent with a structure plan that has been approved under the scheme for the land to which the amendment related and the scheme currently includes zones of all types that are outlined in the structure plans.

Dated this _____ day of _____ 2017.

CHIEF EXECUTIVE OFFICER

PLANNING AND DEVELOPMENT ACT 2005

**CITY OF GREATER GERALDTON
LOCAL PLANNING SCHEME No. 1**

AMENDMENT No. 3

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:

1. Amending Table 4 within Clause 3.3.2 as follows;

Minimum setback Secondary street / side boundary	Variable or as per R-Codes where adjoining Residential zone
Minimum setback Rear boundary / other	Variable or as per R-Codes where adjoining Residential zone

2. Amending Table 8 and 9 within Clauses 3.8.2 and 3.9.2 as follows;

Minimum setback Secondary street / side boundary	5 metres (one side), Nil other or as per R-Codes where adjoining Residential zone
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3. Amending Clause 3.10.1(a) to include the word 'with' so that it reads as follows;

Provide opportunities for a range of limited rural and related ancillary pursuits where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.

4. Amending Clause 3.10.2.5 so that it reads as follows;

At development stage, the local government may apply a condition of development approval requiring revegetation in accordance with an approved local development plan.

5. Amending the formatting of the 'Trade Supplies' definition within Part 6.2 to (a) (b) (c) (d).

6. Amending Schedule 5 so that it correctly states 'Regional Centre Zone'.

7. Amending Schedule 5 to include a second 'Note' as follows;

Note: The parking ratio for the Regional Centre Zone only applies where the development has a works component that proposes an increase in the floor area, and only applies to that increased floor area. It is not applicable where the development is for a use that has no works component or a development where the works component does not increase the floor area.

8. Rezoning the following:

- a Portion of Lot 9502, Lots 5-8, Lots 26-34 and Lot 207 Glenfield

- Beach Drive,
 - Lots 9-12 and Lots 22-25 Aqua Rise; and
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 - Lot 100 Zephyr Lane,
 - Lot 47, Lots 75-86, Lots 96-99 and Lots 101-106 Lobelia Way,
 - Lots 40-46 and Lots 49-50 Isopogon View,
 - Lot 48, Lots 51-52, Lots 55-74 and Lots 87-90 Wisteria Parade,
 - Lots 112-113 Phaeton Road; and
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 - Zephyr Lane; and
 - Protea Avenue from 'Urban Development' zone to 'Residential R5'.
13. Rezoning Lots 116 and 117 Fairfax Drive, Moresby (Reserve 51615) from 'Urban Development' zone to 'Public Open Space' local scheme reserve.
14. Rezoning Lot 485 on Deposited Plan 77050 (Reserve 51686) from the 'Residential R5' zone to the 'Public Open Space' local scheme reserve.
15. Rezoning Lot 486 on Deposited Plan 77050 from 'Rural Residential', 'Residential R5' and 'Residential R2.5' to the 'Foreshore' local scheme reserve.
16. Rezoning a portion of the newly created road reserve of Dorset Drive from 'Rural Residential and 'Residential R2.5' to the 'Public Open Space' local scheme reserve.
17. Amending the R2.5 R-Code boundary to exclude Lots 485 and 486 on Deposited Plan 77050 and a portion of Dorset Drive. Amend the R5 R-Code boundary to exclude Lot 486 on Deposited Plan 77050.
18. Updating the scheme maps accordingly.

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

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

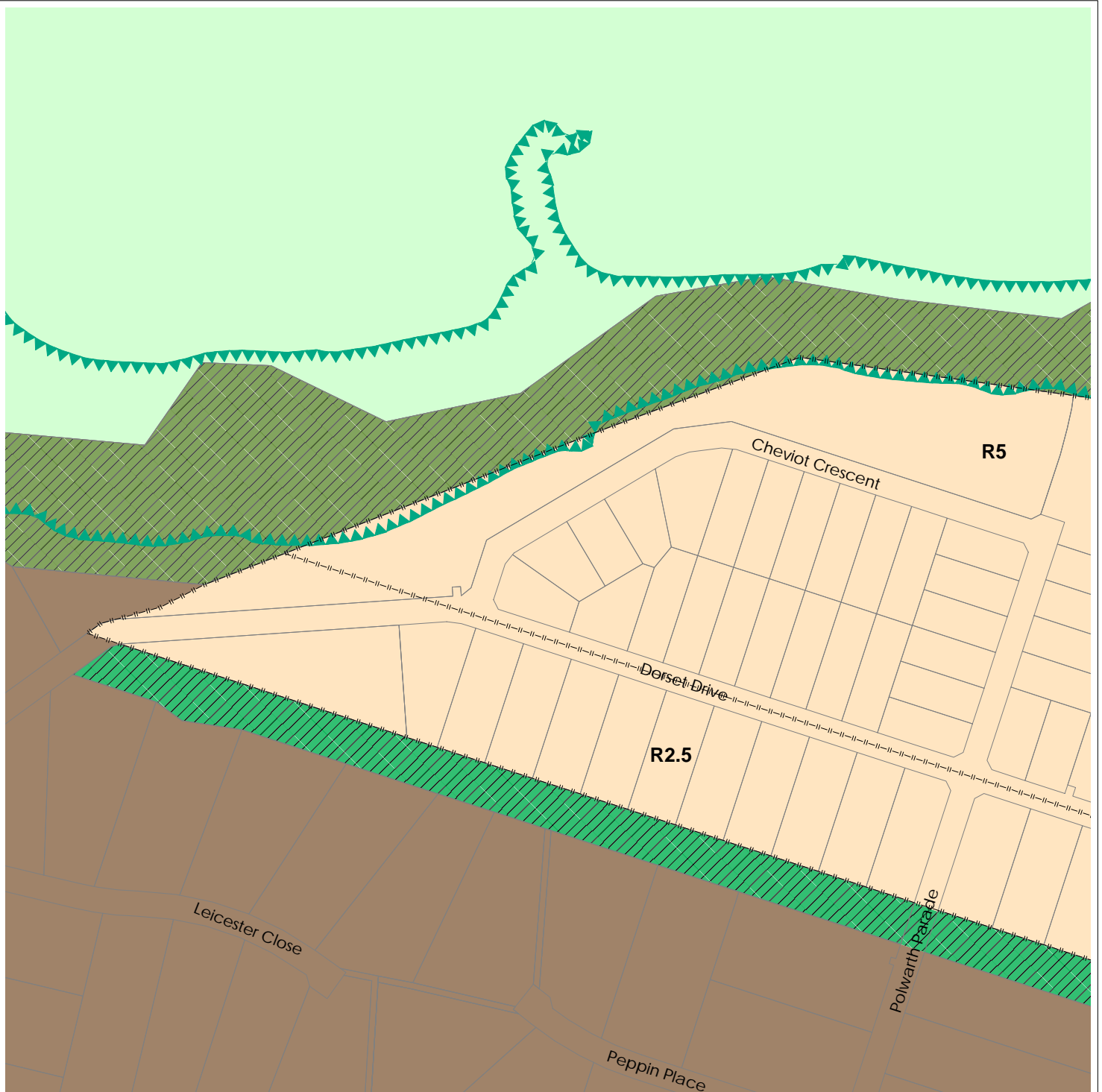
DELEGATED UNDER S.16
OF THE PD ACT 2005

Date

Final Approval Granted



MINISTER FOR PLANNING

Date






DEEPPDALE ESTATE STRUCTURE PLAN
Existing Zoning



LOCAL SCHEME RESERVES

-  Public Open Space
-  Foreshore

ZONES

-  Residential
-  Rural Residential
-  Rural

OTHER



-  R20 R-Codes
-  SCA6 Flood Prone






DEEPDALE ESTATE STRUCTURE PLAN
Proposed Zoning

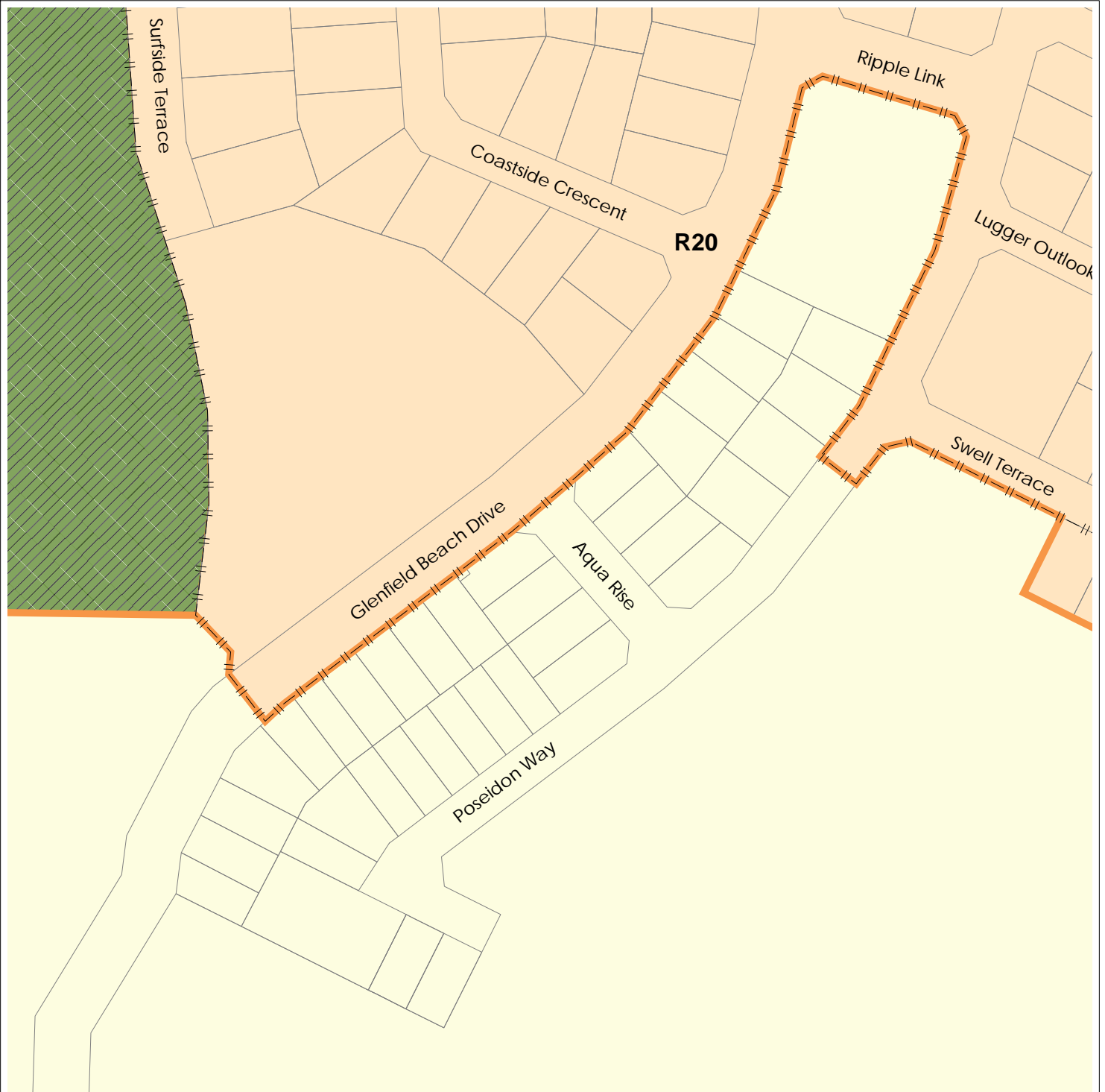
LOCAL SCHEME RESERVES

-  Public Open Space
-  Foreshore

OTHER

-  R20 R-Codes





GLENFIELD BEACH STRUCTURE PLAN
Existing Zoning

LOCAL SCHEME RESERVES


 Public Open Space

ZONES

 Residential

 Urban Development

OTHER

 R-Codes






GLENFIELD BEACH STRUCTURE PLAN
Proposed Zoning


LOCAL SCHEME RESERVES

 Public Open Space

ZONES

 Residential

OTHER

 R-Codes





WOORREE NEW TOWN (GERALDTON HEIGHTS) STRUCTURE PLAN
Existing Zoning

ZONES



Rural Residential



Urban Development





WOORREE NEW TOWN (GERALDTON HEIGHTS) STRUCTURE PLAN
Proposed Zoning


LOCAL SCHEME RESERVES

 Public Open Space

ZONES

 Residential

OTHER

 R-Codes



SCHEME AMENDMENT REPORT

1. INTRODUCTION

The City of Greater Geraldton Local Planning Scheme No. 1 (“the Scheme”) was gazetted on 11 December 2015. Amendment No. 3 to the Scheme proposes a number of minor modifications to correct various administrative errors and to clarify clauses within the scheme. The amendment also proposes to update the scheme maps to include the recent development of a number of structure planned areas.

2. JUSTIFICATION FOR PROPOSED MODIFICATIONS

2.1. Table 4 within Clause 3.3.2

At present the minimum setback for secondary street/ side boundary and rear boundary /other only states that it is ‘as per R-Codes’ where adjoining Residential zone’. There is no provision within the site and development requirements table for setback requirements where development within the Commercial zone is not adjoining the Residential zone.

The amendment proposes to include the words ‘Variable or’ in Table 4 as follows;

Minimum setback Secondary street / side boundary	Variable or as per R-Codes where adjoining Residential zone
Minimum setback Rear boundary / other	Variable or as per R-Codes where adjoining Residential zone

This modification will correct an administrative error and will ensure that there is provision in the scheme for minimum setbacks where development does not adjoin the Residential zone. The wording used for setbacks is also consistent with the minimum setback requirements for the ‘Service Commercial’ zone in Clause 3.5.2.

2.2. Table 8 within Clause 3.8.2 and Table 9 within Clause 3.9.2

Tables 8 and 9 within the Scheme outline the site and development requirements within the General Industry and Light Industry zones. At present, the table states that the minimum secondary street/side boundary setback is ‘5m (one side) or as per R-Codes where adjoining Residential zone’. It is however silent on the minimum setback to the other side.

The amendment proposes to includes the words ‘,Nil other’ in Tables 8 and 9 as follows;

Minimum setback Secondary street / side boundary	5 metres (one side), Nil other or as per R-Codes where adjoining Residential zone
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This modification will correct an administrative error and will clarify the minimum allowable setback for the second side setback.

2.3. Clause 3.10.1(a)

Amend Clause 3.10.1(a) to include the word ‘with’ so that it reads as follows:

*Provide opportunities for a range of limited rural and related ancillary pursuits where those activities will be consistent **with** the amenity of the locality and the*

conservation and landscape attributes of the land.

This will rectify an administrative error.

2.4. Clause 3.10.2.5

Clause 3.10.2.5 currently reads as

At development stage, and subject to completion of a local development plan in accordance with clause 3.10.2.4, the local government may apply a condition of development approval requiring revegetation in accordance with the approved local development plan.

It is proposed to delete the wording 'and subject to completion of a local development plan in accordance with clause 3.10.2.4' so that clause 3.10.2.5 reads as follows;

At development stage, the local government may apply a condition of development approval requiring revegetation in accordance with an approved local development plan.

Currently the inclusion of 'and subject to completion of a local development plan in accordance with clause 3.10.2.4' prevents the City from applying a condition for revegetation where a prior subdivision has not occurred. However, there are specific situations where revegetation of the site in association with the development of land would be considered appropriate despite the land not being subdivided prior. For example, a revegetation condition as part of a development application for a proposed 'Winery' on a lot within the Waggrakine Rural Residential Structure Plan area which is also located within a strategic biodiversity linkage specified in the Local Biodiversity Strategy would be considered advantageous given that land management plans and works in association with the development would already be required.

The modification to the wording of Clause 3.10.2.5 would allow the City to exercise discretion with regard to requesting a revegetation condition as part of a development application where revegetation of the site is considered strategically important in accordance with other approved documents.

2.5. Part 6.2 - Definition of 'trade supplies'

Amend the formatting within the 'trade supplies' definition to change the bullet points from (d) (e) (f) (g) to (a) (b) (c) (d).

This will rectify an administrative error.

2.6. Schedule 5 – Parking Requirements

Amend 'Centre Zone' in the table to read 'Regional Centre Zone'.

This will rectify an administrative error.

2.7. Schedule 5 – Parking Requirements

Include a second 'Note' at the bottom of Schedule 5 as follows:

Note: The parking ratio for the Regional Centre Zone only applies where the development has a works component that proposes an increase in the floor area, and only applies to that increased floor area. It is not applicable where the development is for a use that has no works component or a development where the works component does not increase the floor area.

As per Clause 1.4 of LPS No 1, notes printed in italics do not form part of the scheme and the inclusion of this note does not change the requirements of Schedule 5. The note merely seeks to assist in the interpretation and application of Schedule 5 within the Regional Centre zone which is consistent with the previous Scheme No. 3 (Geraldton) which included Clause 5.7.6 which stated;

Where development of a site is the redevelopment, restoration or refurbishing of an existing building, and does not involve a change of use or an increase in the number of persons employed on site, or a material increase in the intensity of site use, the requirements of Table 3 or clause 5.75 shall apply only to the floor area which is in excess of that existing at the time of application for planning consent.

2.8. Normalising developed structure planned areas

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. This is proposed for a number of structure planned areas listed below.

2.8.1. Glenfield Beach Structure Plan

The Glenfield Beach Structure Plan was endorsed on 17 February 2016 and subsequent subdivision and development has occurred in accordance with the approved structure plan.

The amendment proposes to rezone the newly created residential lots and road reserves to 'Residential R25' and Lot 205 Poseidon Way, Glenfield to 'Public Open Space' local scheme reserve in accordance with the structure plan.

2.8.2. Woorree New Town Structure Plan (Geraldton Heights)

The Woorree New Town Structure Plan was endorsed on 8 March 2010 and subsequent subdivision and development has occurred in accordance with the approved structure plan.

The amendment proposed to rezone the newly created residential lots and road reserves to 'Residential R5' and Reserve 51615 to 'Public Open Space' local scheme reserve in accordance with the approved structure plan.

2.8.3. Deepdale Estate Structure Plan

The Deepdale Estate Structure Plan was endorsed on 28 August 2012 and subsequent subdivision and development has occurred in accordance with the approved structure plan.

The area covered by the structure plan is already zoned 'Residential R2.5' and

'Residential R5', however the newly created Reserve 51686 needs to be appropriately rezoned 'Foreshore' and 'Public Open Space' local scheme reserve and the R-Coding removed.

3. CONCLUSION

It is considered that the proposed amendment is well justified and the rezoning of the affected areas is supported given

- The modifications are to correct administrative errors, anomalies or to ensure consistency across the scheme.
- The proposed rezonings are consistent with endorsed structure plans and proposed zones are all included within the scheme.