



CITY OF GREATER GERALDTON

Local Planning Scheme No. 1

Amendment No.20

‘Rural Residential’ to ‘Public Purposes’

351 (Lot 277) Eighth Street, Woorree

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

CITY OF GREATER GERALDTON LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 20

RESOLVED that the City of Greater Geraldton pursuant to Section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

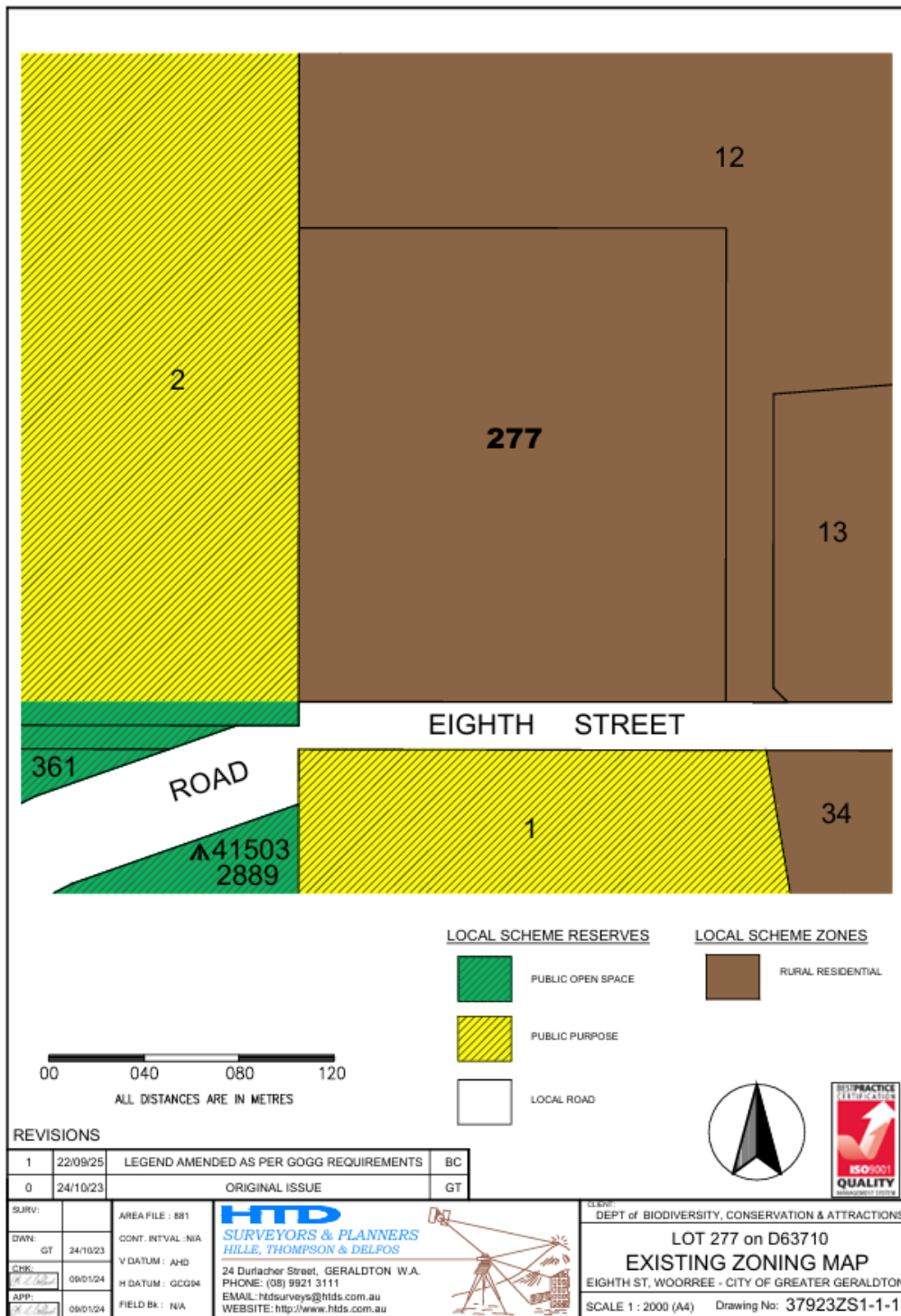
1. Rezoning 351 (Lot 277) Eighth Street, Woorree from 'Rural Residential' to 'Public Purposes'; and
2. Modify the Scheme Map accordingly.

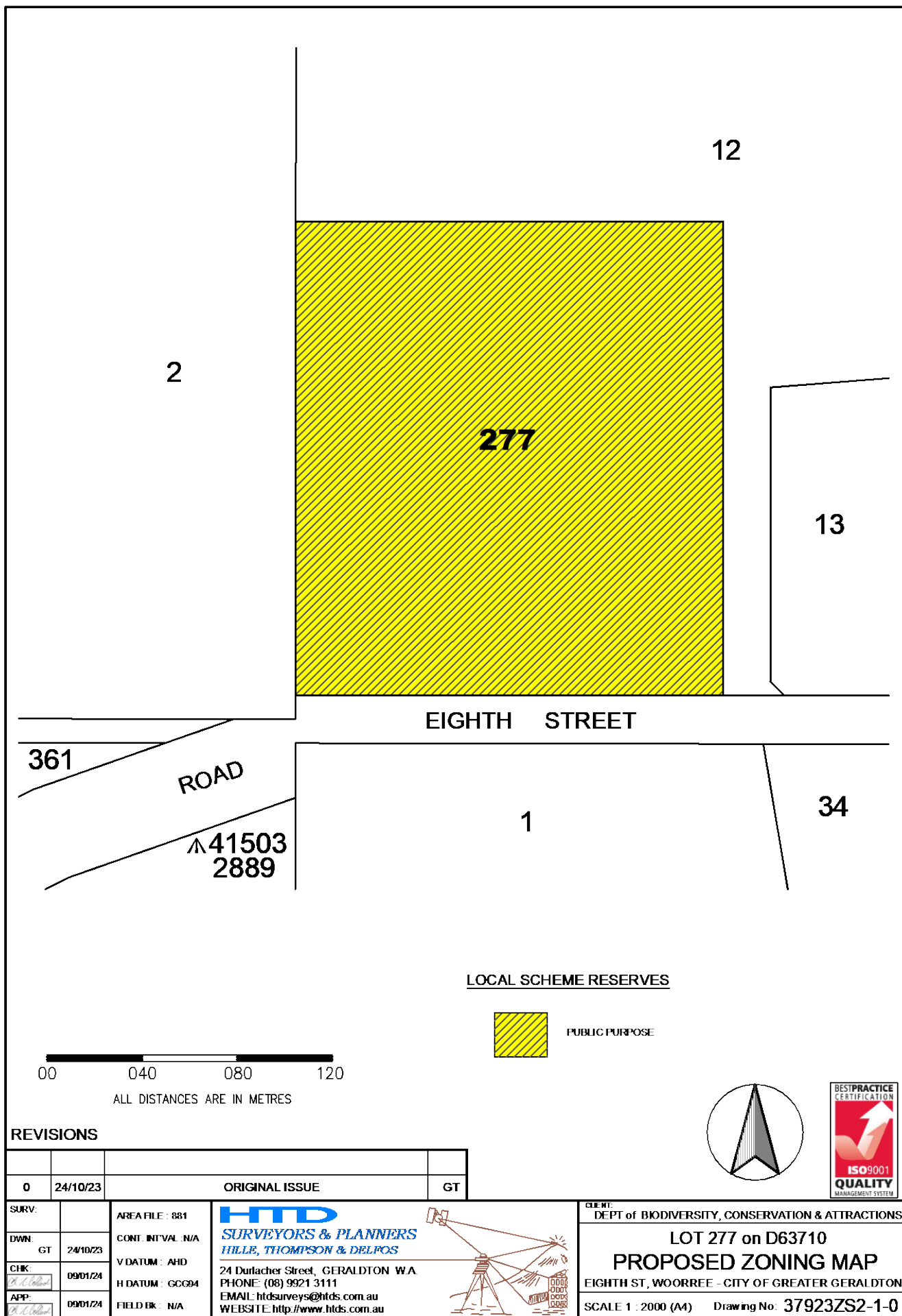
The amendment is defined as complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:

1. The amendment is not identified within a local planning strategy for the scheme area that has been endorsed by the Commission.

Dated this _____ day of _____ 2024.

CHIEF EXECUTIVE OFFICER





2023 SCHEME AMENDMENT

CITY OF GREATER GERALDTON
LOCAL PLANNING SCHEME NO.1

DATE :

18 April 2024

VERSION :

3

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SCHEME AMENDMENT REPORT

LOCAL GOVERNMENT: CITY OF GREATER GERALDTON

TYPE OF SCHEME: DISTRICT ZONING SCHEME

TOWN PLANNING SCHEME: LOCAL PLANNING SCHEME No.1

AMENDMENT NO: 20

PROPOSAL: REZONE 352 (LOT 277) EIGHTH STREET, WOORREE FROM
'RURAL RESIDENTIAL' TO 'PUBLIC PURPOSES'

TYPE: COMPLEX

Revision History

Version	Date	Author	Description of Change
1	9/1/2024	Kathryn Jackson	Initial Scheme Report
2	22/1/2024	Kathryn Jackson	Submission to Local Government
3	18/4/2024	Kathryn Jackson	Amendments based on local government feedback

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1 AMENDMENT INTRODUCTION

This scheme amendment report has been prepared to support modifications to the City of Greater Geraldton Local Planning Scheme No.1 (the 'Scheme'). The proposal seeks to amend the Scheme by rezoning 351 (Lot 277) Eighth Street, Woorree from 'Rural Residential' to 'Public Purposes' in line with the zonings of the directly adjoining wastewater treatment plant to the west and the Western Power substation and associated infrastructure to the south.

The Department of Biodiversity, Conservation & Attractions (DBCA) have acquired the property and the former power depot with built assets upon it. This proposal seeks to amend the zoning of the land to better reflect the existing on-ground development and land uses. The proposed amendment will also prevent the development of incompatible land uses within the nominal 500m buffer of the existing operating wastewater treatment plant which is a Water Corporation asset.

This report sets out the strategic planning context for the Scheme Amendment and is considered to adequately demonstrate the suitability and capability of the site for rezoning.

2 DESCRIPTION OF AMENDMENT AREA

2.1 REGIONAL LOCATION

The amendment is located in the municipality of the City of Greater Geraldton within the Mid-West region of Western Australia.

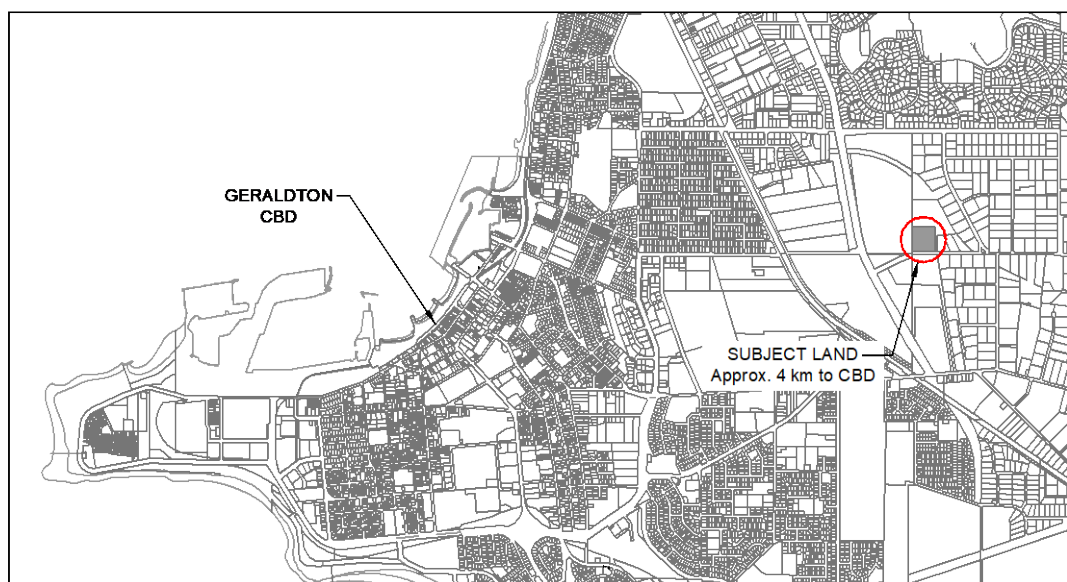
2.2 LOCAL LOCATION

The amendment area is located on the border of the Woorree and Wonthella localities in the Geraldton urban area.

The amendment area is bordered by the following:

- Lot 2 (Diagram 57545) Eighth Street to the west which is a 31.9774ha property that contains a Water Corporation wastewater treatment facility consisting of several infiltration ponds;
- Lot 12 (Diagram 69516) Eighth Street to the north and east which is a vacant 6.8847ha property owned by the Water Corporation. It can be inferred that the purchase of this land by the Water Corporation is an attempt to protect its asset and prevent the introduction of incompatible uses such as single houses within its buffer;
- Lot 1 (Diagram 31435) Eighth Street to the south which is a 6.7317ha property that contains the Western Power Geraldton Depot, lots to the east of this site are currently vacant.
- Rural Residential Land exists and is occupied to the east of the property which is occupied by residential properties. However, land uses to the west and south of the property are more compatible with the current use of the land as a depot for DBCA. As outlined above the site has been used for these or other purposes since the 1980's whilst rural residential development has occurred in its surrounds. The designation to 'Public Purpose' will reflect the current operations of a State Government entity being DBCA in line with the designated zoning of 'Public Purpose' to the Western Power Substation site and the Water Corporation's Wastewater Treatment Plant.
- To the west of the wastewater treatment plant land is zoned 'Light Industry' under LPS1. Land to the north is zoned 'Residential R5' and is also occupied.
- To the south of the existing Wastewater Treatment Plant and the west of the Western Power substation facility the land is zoned 'Public Open Space'. These zonings protect the operations of both the Water Corporation and Western Power assets by not introducing incompatible land uses within land use buffers such as permanent residences.
- A high voltage power line also runs through the east of the site that requires buffers. No development other than an existing dam occurs below the power line.
- Overhead power lines also run along the front of the property and along the western boundary.

Figure 1: Location Plan of 351 (Lot 277) Eighth Street, Wooree



KEY PLAN - SCALE 1 : 50000



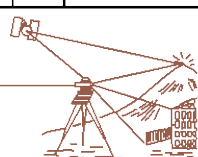
LOCATION PLAN - SCALE 1 : 2500

REVISIONS

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	09/01/24	
APP:		H DATUM : GCG94
	09/01/24	
		FIELD BK : NA

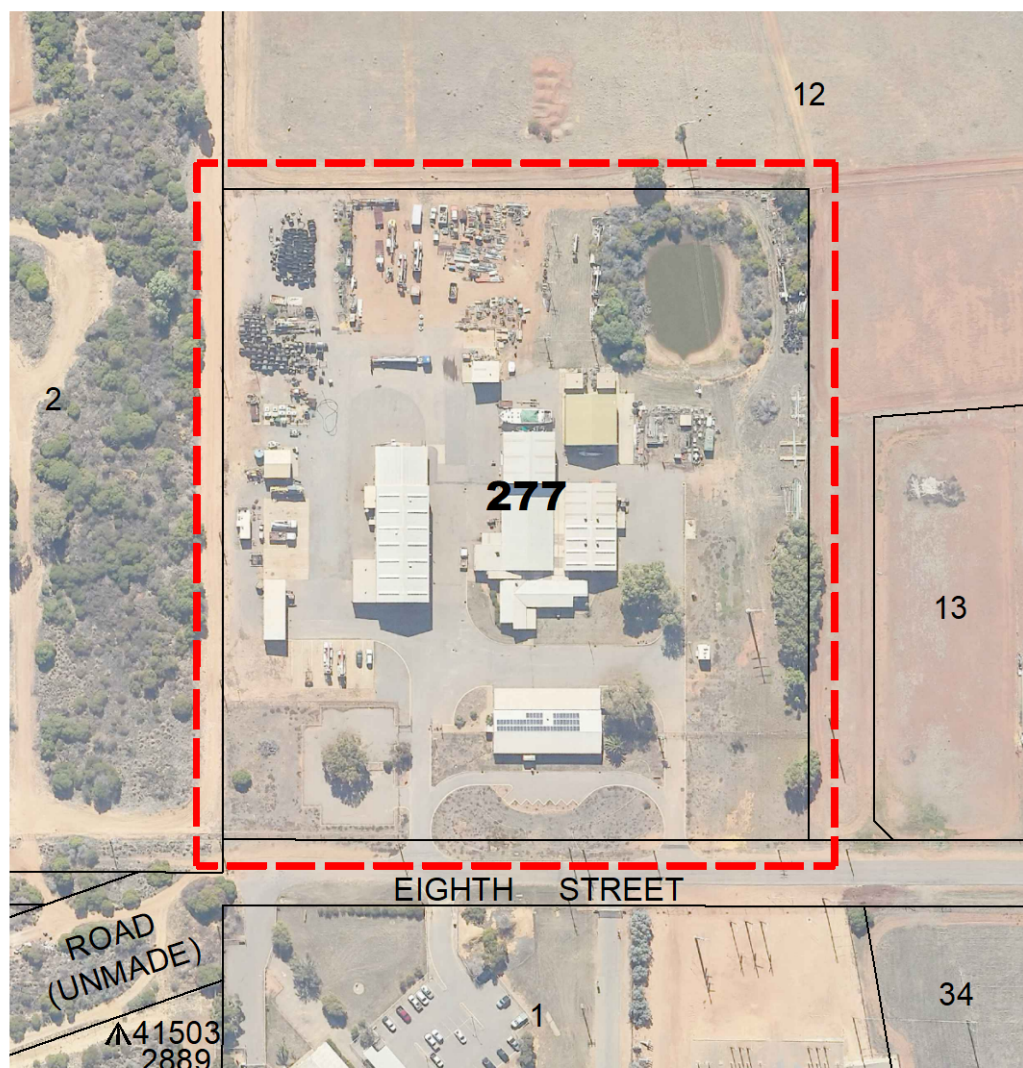
HTD
SURVEYORS & PLANNERS
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 PHONE: (08) 9921 3111
 EMAIL: hidsurveys@hids.com.au
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CLIENT:
 DEPT of BIODIVERSITY, CONSERVATION & ATTRACTIONS
LOT 277 on D63710
LOCATION PLAN
 EIGHTH ST, WOORREE - CITY OF GREATER GERALDTON
 SCALE: AS SHOWN (A4) Drawing No: 37923MS1-1-0



Figure 2: Aerial Photograph of 351 (Lot 277) Eighth Street, Wooree



AERIAL PHOTO SOURCED FROM LANDGATE - CAPTURED MAY 2023

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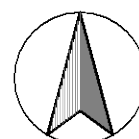
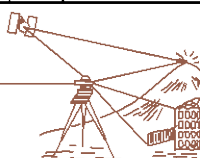
ALL DISTANCES ARE IN METRES

--- SUBJECT LAND

REVISIONS

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SURV.		AREA FILE: 881	HTD SURVEYORS & PLANNERS HILLE, THOMPSON & DELPOS
DRAWN:	GT	CONT. INTVAL: N/A	24 Durlacher Street, GERALDTON W.A. PHONE: (08) 9921 3111 EMAIL: htdsurveys@htds.com.au WEBSITE: http://www.htds.com.au
CHK:	09/01/24	VDATUM: AHD	
APP:	09/01/24	HDATUM: GCG94	
		FIELD BK: N/A	



CLIENT:	DEPT of BIODIVERSITY, CONSERVATION & ATTRACTIONS
	LOT 277 on D63710
	AERIAL PHOTOGRAPHY
	EIGHTH ST, WOORREE - CITY OF GREATER GERALDTON
SCALE 1: 2000 (A4)	Drawing No: 37923MS3-1-0

2.3 CADASTRAL INFORMATION

The Scheme Amendment Area is 351 (Lot 277, Diagram 63710) Eighth Street, Woorree which is a 3.5991ha property

2.4 EXISTING LAND USES, IMPROVEMENTS & ACCESS

Lot 277 has an 180m frontage to Eighth Street on its southern boundary which is formed to a sealed standard. The property contains workshops, storage sheds, administration office, car parking areas, open storage areas, wash down areas, loading ramps, internal vehicle and drainage network. The Detail Survey provided as **Attachment 1** illustrates the existing on-ground improvements.

Lot 277 has been used for depot purposes associated with both public and private power suppliers since the 1980's with its most recent owner, prior to purchase by the Department of Biodiversity, Conservation & Attractions on 29 September 2023, being Oracle Energy.

All existing buildings and improvements will remain on site, and no further development is proposed.

Figure 3: 2010 view of 351 (Lot 277) Eighth Street, Woorree illustrating Oracle Energy depot and office operations (source Google)



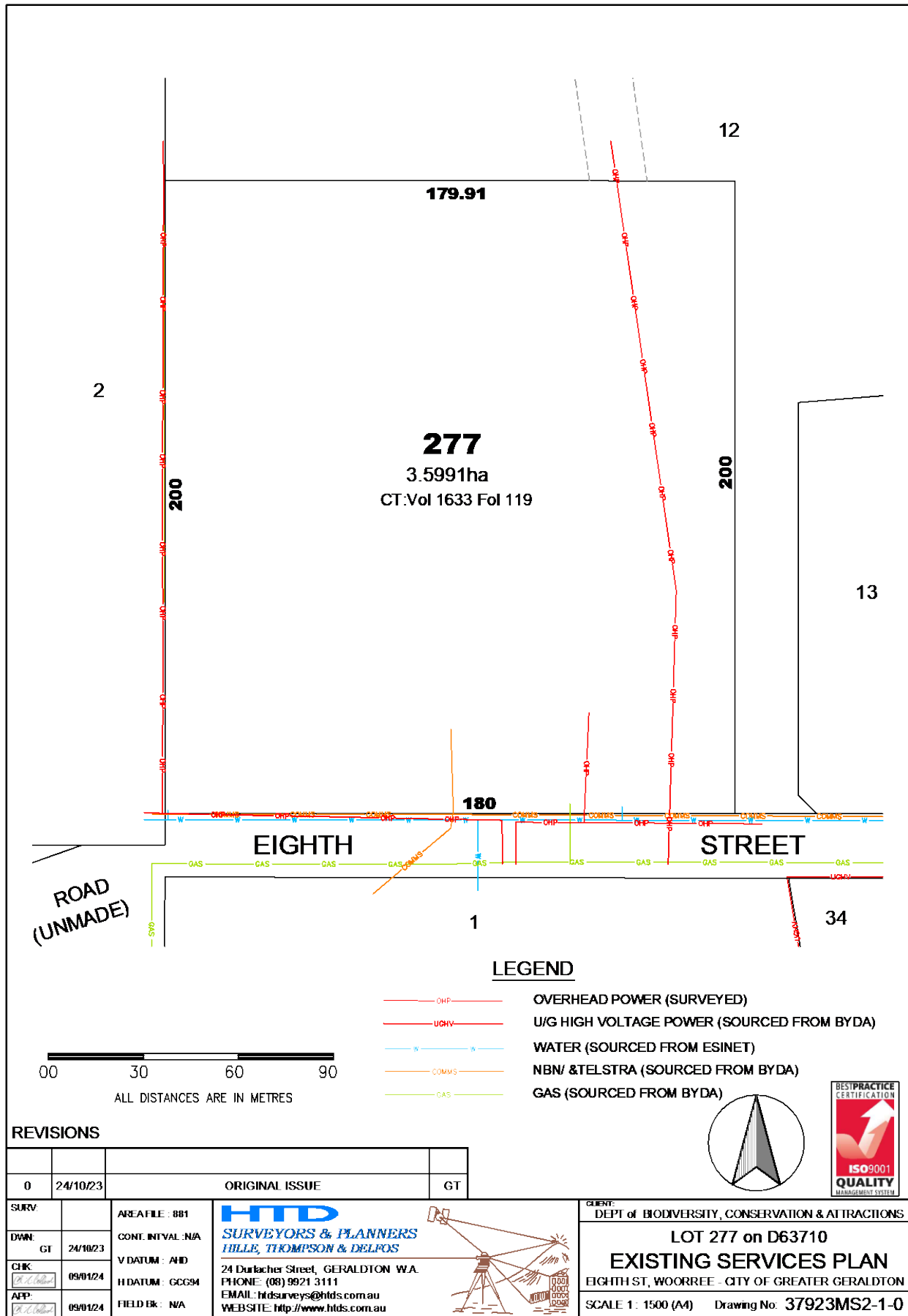
2.5 INFRASTRUCTURE AND SERVICING

The subject lot has access to reticulated scheme water, mains power and the telecommunication network.

Overhead transmission lines traverse the eastern portion of the lot.

The proposed scheme amendment does not propose any changes to the servicing of this property.

Figure 4: Existing services plan



3 SITE CONSIDERATION

This section provides a general overview of the site characteristics of the Scheme Amendment Area and demonstrates that there are no significant constraints that would prevent the rezoning application from being supported.

3.1 FLORA AND VEGETATION

Lot 277 is a flat, cleared and developed block that does not contain vegetation other than managed plantings previously installed for landscaping purposes. The site is not identified in any Local Biodiversity Plan or other strategic vegetation study.

3.2 FAUNA

The site contains no fauna.

3.3 STORMWATER MANAGEMENT

The existing development upon the site is serviced by a long established stormwater drainage network with a stormwater sump in the north-east corner of the property. An onsite inspection has confirmed that there are no existing drainage issues upon the land.

In the event that the landowner was to contemplate further development upon the site then stormwater management would be addressed at the Development Application stage when further detail regarding the proposed development would be known, and able to be designed for, to ensure all stormwater continues to be appropriately contained and treated as necessary upon the site.

3.4 ACID SULPHATE SOILS

A review of the Department of Water and Environmental Regulation online Acid Sulphate Soils database confirms no known risk across the site or surrounds.

3.5 CONTAMINATED SITES

Lot 277 is not listed as a contaminated site on the Department of Water and Environmental Regulation's Contaminated Sites Register.

[Find a known contaminated site | Western Australian Government \(www.wa.gov.au\)](http://www.wa.gov.au)

3.6 BUSHFIRE PRONE AREAS

Lot 277 is not within a designated Bushfire Prone Area on the Department of Fire & Emergency Services State Map of Bushfire Prone Areas.

[Map of Bush Fire Prone Areas \(slip.wa.gov.au\)](http://slip.wa.gov.au)

3.7 HERITAGE – ABORIGINAL

Lot 277 does not contain a registered Aboriginal site on the Department of Planning, Lands & Heritage Aboriginal Cultural Heritage Inquiry System.

[Aboriginal Cultural Heritage Inquiry System \(dplh.wa.gov.au\)](http://dplh.wa.gov.au)

3.8 HERITAGE – EUROPEAN

Lot 277 is not listed as a place of State or Local Heritage significance.

3.9 TRANSPORT IMPACT

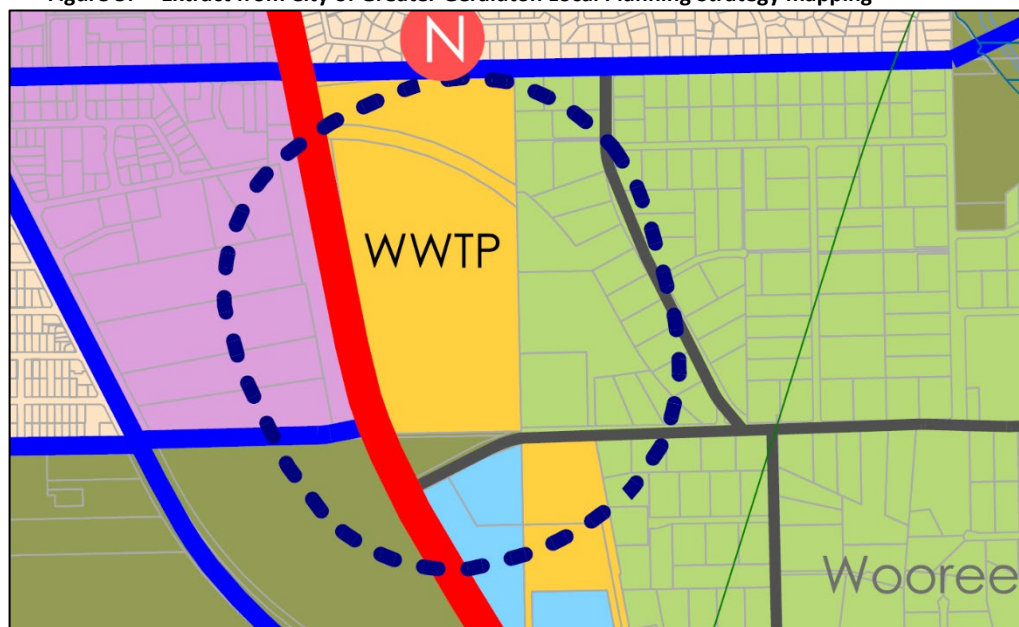
This proposed rezoning seeks to amend the Local Planning Scheme to reflect the State Government's ownership of the depot site following its purchase by the Department of Biodiversity, Conservation & Attractions.

No change to the use of the land is proposed that would result in an increased number of vehicle trips is anticipated, indeed the site's use as Department of Biodiversity, Conservation & Attraction's integrated regional operations centre has resulted in a decrease in the number and type of vehicle trips in comparison to the site's previous usage as a depot for the storage of significant power supply infrastructure and maintenance of power maintenance and supply fleet.

The current road network has provided for vehicle movements to the north via Jenark and Place Roads to reach the North West Coastal Highway, and to the south via Eighth Street and Woorree Lane to reach Horwood Road. However, the future construction of Webberton Road would create the potential for vehicles from the DBCA and Western Power depots to head westwards to access the wider road network.

3.10 Buffers

Figure 5: Extract from City of Greater Geraldton Local Planning Strategy mapping



Information has been received from the Water Corporation in relation to appropriate buffers for the wastewater treatment plant. It should be noted that under the Environmental Protection Agencies Guidance Note No.3 that a nominal buffer of 500m around a wastewater treatment plant is required. The site falls within this buffer and the use of the site for rural residential purposes would introduce an incompatible use on the site. The current use of the site as offices or a non-habitable building and a yard is a far more suitable use within this buffer than a residential property.

As already outlined within this report the Water Corporation have purchased the land surrounding the site being Lot 12 which is an indication that they wish to protect the land within the buffer surrounding the wastewater treatment plant from incompatible sensitive uses.

High voltage transmission lines also occur on the property with guidance provided by Western Power in relation to residential land provided in the following link [Transmission line easement: landowner obligations](#). As a transmission line runs through the site these setbacks will need to be met and as shown in aerial photography the area below the transmission line remains relatively clear apart from a dam.

The Western Power switching yard to the south of the site also generates noise which would have a significant impact on any proposed residential development.

The imposition of these buffers over the site and the location of the switching yard render the site unsuitable for any potential residential development. This in turn means that the site's current use as offices and a yard which has been there for a significant period of time is a far more suitable use over the site.

4 PLANNING FRAMEWORK

4.1 LOCAL PLANNING STRATEGY

The Strategy represents the land use planning response to the City's strategic community vision based on an aspirational population of 100,000. The Strategy will guide long-term land use planning and provide the rationale for land use and development controls.

The Strategy identifies Lot 277 as being 'Rural Residential'.

However, the Strategy also depicts Lot 277 as being within the Wastewater Treatment Plant Buffer area. Advice from the Water Corporation identifies that a nominal buffer of 500m is required under the Environmental Protection Act Guidance Statement No.3 Separation Distances between Industrial and Sensitive Land Uses. The water Corporation has provided further information in relation to Land Use Compatibility in relation to odour buffers and indicates that uses such as 'Home Occupation' and 'Rural Pursuit/Hobby Farm' are 'X' uses within an odour buffer which the site sits wholly within. The land use Compatibility table can be found via the following link [Land-use-compatibility-table.pdf](#).

This Scheme Amendment, to rezone Lot 277 from 'Rural Residential' to 'Public Purposes', would provide an outcome that is better aligned with the Local Planning Strategy's identification of a buffer area and would not introduce an incompatible use within the buffer.

The City of Geraldton Local Planning Scheme identifies a 'Single House' as being a 'P' (i.e. permitted) use for the 'Rural Residential' zone and the rezoning of the land to 'Public Purposes' would remove the potential for encroachment of sensitive premises such as dwellings and granny flats towards the wastewater treatment plant.

Further, the *Planning and Development (Local Planning Schemes) Regulations 2015* establishes that the objectives for the 'Rural Residential' zone are as follows:

- “• To provide for lot sizes in the range of 1 ha to 4 ha.
- To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.
- To set aside areas for the retention of vegetation and landform or other features which distinguish the land.”

The 1ha minimum lot size allowed for under the 'Rural Residential' zone would mean, if allowed to continue, that the 3.5991ha Lot 277 would have statutory ability to be subdivided into 3 lots, that would allow for 3 'Single Houses' (these being P uses). This would bring further permanent residence encroachment towards the Water Corporation facility.

On this basis the rezoning of Lot 277 to 'Public Purposes' would be consistent with the Local Planning Strategy's identification of a buffer area for the Wastewater Treatment Plant to the west.

Section 4.9 (page 27) of the Local Planning Strategy lists the following relevant strategies and actions:

Strategies	Actions
1 Ensure that appropriate buffers are identified to avoid conflict between industry and/or essential infrastructure and sensitive land uses.	3 Identify buffers for Wonthella and Cape Burney Waste Water Treatment Plants in the Strategy. 4 Allow for compatible uses in buffer areas.

4.2 LOCAL PLANNING SCHEME NO.1

The City of Greater Geraldton Local Planning Scheme No.1 (the 'Scheme') controls and regulates the development and use of land in the greater Geraldton area.

351 (Lot 277) Eighth Street is presently zoned 'Rural Residential' under the Scheme.

This zoning does not reflect the historic on-ground built form upon Lot 277 and its development history and longstanding operations.

To this point the local government has addressed the depot operations that have taken place upon Lot 277 which include car park, commercial vehicle parking, office, transport depot and warehouse/storage as non-conforming uses under the Local Planning Scheme.

Figure 6: Extract from City of Greater Geraldton Local Planning Scheme mapping



Table 1 of the Scheme lists the following objective for the 'Public Purposes' zone:

"To provide for a range of essential physical and community infrastructure, services and facilities."

The rezoning of Lot 277 to 'Public Purposes' would more accurately reflect the on-ground historic built form upon Lot 277 and its current ownership by the State Government's Department of Biodiversity, Conservation & Attractions. The rezoning will also prevent incompatible land uses to encroach within the wastewater treatment plant buffer.

5 SUPPORT FOR AMENDMENT

5.1 FORMALISATION OF EXISTING ACTIVITY

The subject property has operated for several decades as a depot site and the rezoning of the land away from 'Rural Residential' will formalise the existing on-ground reality.

The proposed rezoning to 'Public Purposes' would not alter the existing built form or land use rather align them with a more appropriate designation than 'Rural Residential'.

5.2 COMPLEMENTARY TO LOCAL PLANNING STRATEGY

The amendment aligns with the strategic planning vision established by the City of Greater Geraldton's Local Planning Strategy which identifies Lot 277 as being within a Wastewater Treatment Plant Buffer area.

The rezoning of the land away from 'Rural Residential' will remove the permissibility of habitable dwellings to be developed upon the land along with removing the ability for the property to be subdivided into 3 x 1ha 'Rural Residential'. The rezoning will thereby prevent further encroachment and densification of habitable dwellings in immediate vicinity of the neighbouring wastewater treatment plant.

The rezoning to 'Public Purposes' will recognise formally the State Government's purchase of Lot 277 and further prevent future incompatible private development upon the land.

5.3 SUFFICIENT LAND ZONED RURAL RESIDENTIAL FOR GROWTH

The rezoning of Lot 277 will not significantly impact the availability of rural residential land in the greater Geraldton area with numerous estates offering this form of housing choice.

5.4 RATIONALISATION OF FACILITIES

The Department of Biodiversity, Conservation & Attractions currently operates from 2 premises that are inadequate for purpose, one in the Geraldton CBD and the other in Wonthella. This arrangement is not ideal in terms of both efficiency and developing a unified team environment particularly in the context of an expanding Aboriginal workforce through DBCA's Aboriginal Ranger Program and the establishment of joint management of conservation estate with Traditional Owner groups. The unifying of the DBCA operations will enable it to improve on the delivery of its tasks in managing its - conservation reserves and undertaking activities associated with nature conservation, cultural heritage protection, nature-based tourism and fire mitigation and suppression.

5.5 VISUAL & AMENITY IMPROVEMENT

The subject property has long been used for the maintenance of electricity generation machinery, equipment and associated large vehicles, and the open-air storage of large

power infrastructure. These activities are not part of the Department of Biodiversity, Conservation & Attractions operations and as a result the site will improve in visual appearance and the number of vehicle movements (and the size of these vehicles) will be reduced.

The subject site is surrounded by cleared land (Lot 12) that although zoned 'Rural Residential' under the City's LPS1 has been purchased by the Water Corporation with the assumption being that the land is restricted from development to ensure that incompatible development does not occur within the nominated buffer.

The nearest house from the building on the site is approximately 150m with some trees within both the site and the site to the east of the property. The presence of transmission lines limits the opportunities for planting within the area, given clearances that are required. These transmission lines could be argued have more of a visual impact on the nearest house and the rural residential surrounds than the existing development that is contained on the site.

The Western Power substation to the south of the site along with associated infrastructure also has a significant impact on the visual amenity of the area. It would seem unlikely that the construction of an individual house located across the road from the substation and next to the wastewater treatment plant would form a suitable form of development.

The ongoing maintenance of the site by DBCA with possible opportunities for upgraded landscaping over the site provides an opportunity for improvements in the visual amenity of the area.

5.6 SUITABILITY OF LOCATION

The subject property immediately borders land to the south and west that is home to public utility services, and the rezoning of Lot 277 to 'Public Purposes' would not only reflect the on-ground built form and activity upon the subject property but match the zonings that are in place immediately to the south and west.

It is also noted that the adjoining property to the north and east is also owned by the Water Corporation and the 'Public Purposes' zoning would be consistent with this neighbouring ownership.

6 SUMMARY

The proposed rezoning of 351 (Lot 277) Eighth Street, Woorree to 'Public Purposes' would formalise the long-existing land use upon the property.

This Scheme Amendment does not seek to change the existing depot nature of the site but rather ensure the Local Planning Scheme accurately reflects the on-ground reality.

The rezoning is consistent with the wider planning framework and the removal of the 'Rural Residential' will remove incompatibility issues with the neighbouring waste water treatment plant.

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

CITY OF GREATER GERALDTON LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 20

RESOLVED that the City of Greater Geraldton pursuant to Section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Rezoning 351 (Lot 277) Eighth Street, Woorree from 'Rural Residential' to 'Public Purposes'; and
2. Modify the Scheme Map accordingly.

The amendment is defined as complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:

- 1 The amendment is not identified within a local planning strategy for the scheme area that has been endorsed by the Commission.

COUNCIL ADOPTION

This Complex Amendment was adopted and is recommended for approval by resolution of the Council of the City of Greater Geraldton at the Ordinary Meeting of the Council held on the _____ day of _____ 20____.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

.....
DELEGATED UNDER S.16 OF THE
PLANNING & DEVELOPMENT ACT 2005

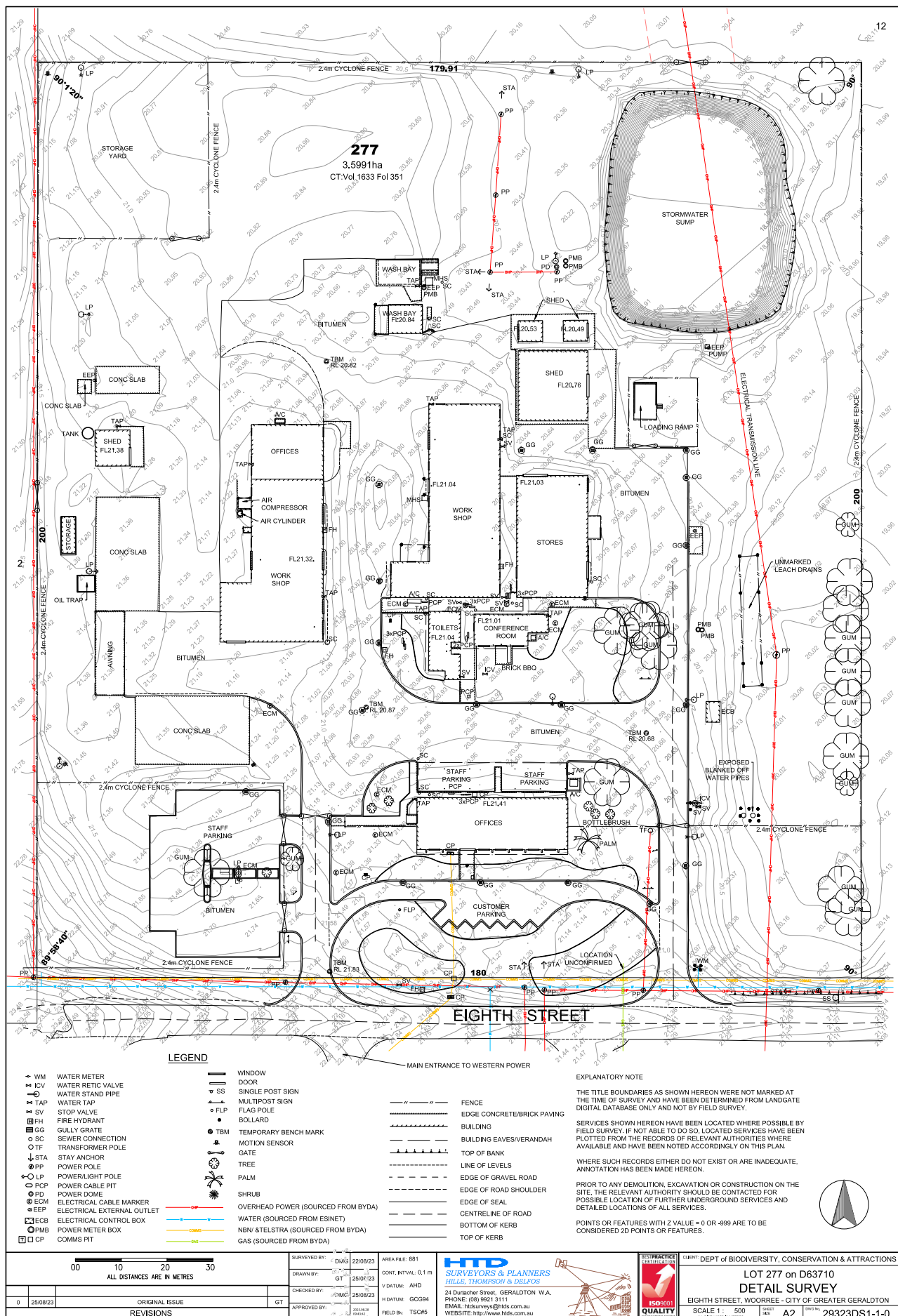
DATE

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE

ATTACHMENT 1 – Detail Survey



ATTACHMENT 2 – City of Greater Geraldton & DBCA supporting correspondence



Department of Biodiversity,
Conservation and Attractions



PARKS AND
WILDLIFE
SERVICE

*We're working for
Western Australia.*

Your ref:
Our ref: RMB
Enquiries: Rhonda Tarchini
Phone: 9964 0906
Email: rhonda.tarchini@dbca.wa.gov.au

Mr. Phil Melling
Director Development Services
City of Greater Geraldton
PO Box 101
GERALDTON WA 6530

Dear Phil

Exchange of letters regarding 351 Eighth St Woorree

Thank you for meeting with myself, Sue Hancock (Regional Leader, Parks and Visitor Services) and Craig Poletti (Consultant) on 10th October 2022 to discuss the Department of Biodiversity, Conservation and Attractions (DBCA) possible purchase of 351 Eighth St Woorree to become the Midwest Regional Operations Centre, for the Parks and Wildlife Service.

DBCA is experiencing unprecedented growth in operations mainly due to the State's Plan for Our Parks (PfOP) initiative which will result in a doubling of DBCA staff and operations in the Midwest Region. PfOP will provide employment for many people including Aboriginal people across the region. The current CBD and Wonthella locations are inadequate to accommodate the growth. Therefore, DBCA seeks to create a new integrated Regional Operations Centre that will co-locate the depot, operations and staff at 351 Eighth, St Woorree.

I am writing seeking your confirmation that the City of Greater Geraldton (CGG) is supportive of DBCA's proposal. Also, that the current use is under an 'approved non-conforming use right' which would transfer to DBCA, providing DBCA does not make structural changes or additions in the short term. In the long term CGG would be supportive of rezoning the lot to the former 'Public Purpose', but this could not occur until the property is owned by DBCA.

Yours sincerely

Rhonda Tarchini
Regional Business Manager
Midwest Region
24 November 2022

Midwest Region
PO Box 72, Geraldton WA 6530
Phone: (08) 9964 0906. Email: rhonda.tarchini@dbca.wa.gov.au
Web: pws.dbca.wa.gov.au

Our Ref: D-23-025561
Your Ref: RMB
File Ref: A68100
Enquiries: Moana Wilson

24 February 2023

Department of Biodiversity, Conservation and Attractions
Parks and Wildlife Service
c/- Rhonda Tarchini
PO Box 72
Geraldton WA 6530

rhonda.tarchini@dbca.wa.gov.au

Dear Rhonda,

PURCHASE OF LOT 277 (351) EIGHTH STREET, WOORREE

As discussed the City of Greater Geraldton advises that:

351 (Lot 277) Eighth Street, Woorree is zoned "Rural Residential" under the City's Local Planning Scheme No.1.

The site was originally constructed for use by a Government Agency as a Depot and was later sold to a private owner.

The private landowner continued to use the site as a depot, in which several activities and purposes took place:

- ☐ Parking for vehicles,
- ☐ Workshops used for the maintenance of vehicles (including trucks and equipment);
- ☐ Materials Storage; and
- ☐ Offices and staff facilities.

It is acknowledged that the current zoning is inappropriate for this use. It is also noted that the site would unlikely be suited to a "Rural Residential" use given its proximity to power lines and being only just over 100 metres from Water Corp's wastewater disposal site at Wonthella.

Given the above uses, the City advises that Clause 3.19 "Non-conforming Uses" of Local Planning Scheme No. 1 would apply in these circumstances.

The uses outlined within your letter of 24 November 2022 would fit within the non-conforming use requirements.

As discussed, there are specific requirements under Clause 3.20 of the Local Planning Scheme that could apply relating to extensions of the use / buildings or similar that will need to be considered.

The relevant Local Planning Scheme Clauses are attached for reference.

At officer level the City would be supportive of a rezoning to rectify this anomaly potentially into some form of Public Purpose Reserve.

My apologies for the delay in responding on this matter and the City wishes you well with your future relocation to this site.

Yours sincerely



Phil Melling
DIRECTOR DEVELOPMENT SERVICES

Enc. Local Planning Scheme No.1 – Clauses 3.19 & 3.20

3.19 Non-conforming uses

3.19.1 Unless specifically provided, this Scheme does not prevent:

- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
- (b) the carrying out of any development on that land if:
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.

3.19.2 Clause 3.19.1 does not apply if:

- (a) the non-conforming use of the land is discontinued; and
- (b) a period of 6 months, or longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.

3.19.3 Clause 3.19.1 does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government:

- (a) purchases the land; or
- (b) pays compensation to the owner of the land in relation to the non-conforming use.

3.20 Changes to non-conforming use

3.20.1 A person must not, without development approval:

- (a) alter or extend a non-conforming use of land; or
- (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
- (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
- (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.

3.20.2 An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.

3.20.3 A local government may only grant development approval for a change of use of land referred to in clause 3.20.1(d) if, in the opinion of the local government the proposed use:

- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
- (b) is closer to the intended purpose of the zone in which the land is situated.

3.21 Register of non-conforming uses

3.21.1 The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.



Department of Biodiversity,
Conservation and Attractions



Your ref: D-23-025561
Our ref: RMB
Enquiries: Rhonda Tarchini
Phone: (08) 9964 0901
Email: Rhonda.tarchini@dbca.wa.gov.au

City of Greater Geraldton
Director Development Services
c/- Phil Melling
PO Box 101
GERALDTON WA 6531

Dear Phil,

LOT 277 (351) EIGHTH STREET, WOORREE – MIDWEST REGIONAL OPERATIONS CENTRE

Further to your letter of 24 February 2023 (attached), I am writing to provide an update on the status of Lot 277 (351) Eighth Street Woorree.

The Department of Biodiversity, Conservation and Attractions (DBCA) has purchased the property, now referred to as DBCA's Midwest Regional Operations Centre, and the settlement date was 2 October 2023. The property is already being occupied by some DBCA operational/field staff and for the storage of vehicles and operational equipment including fire management appliances.

Zoning

Consistent with your previous advice on the zoning of this lot under the City's Local Planning Scheme No. 1, on 3 October 2023, DBCA engaged HTD Surveyors and Planners to facilitate the amendment of the zoning from Rural Residential to Public Purposes. HTD will prepare Scheme Amendment Documents to submit to the City of Greater Geraldton as part of a request to initiate the amendment process.

HTD has advised that the Scheme Amendment process is likely to take 9 to 18 months to complete, dependent on the responses of the various agencies involved.

Proposed and Public Works

In October 2023, DBCA engaged EPS Architects to plan and coordinate the staged upgrading of property infrastructure. Stage 1 is to upgrade and refurbish the existing administration building and a tender for these works closes on 30 January 2024. Stage 2 will be to establish an operations and training centre within an existing building and these works are expected to commence late 2024.

DBCA considers that the above works are public works as defined in the *Public Works Act 1902* and as such, can be undertaken without obtaining development approval.

Midwest Region: 1st Floor, The Foreshore Centre, 201 Foreshore Drive, Geraldton
Phone: (08) 9964 0901 Fax: (08) 9964 0977
Postal Address: PO Box 72, Geraldton, Western Australia 6531
www.dbca.wa.gov.au

Section 6 of the *Planning and Development Act 2005* addresses public works with the key points being:

1. nothing in the *Planning and Development Act 2005* interferes with the right of the Government of the State to undertake public works;
2. public works should have regard for the purpose and intent of any planning scheme that has effect in the locality; and
3. the responsible authority is to be consulted at the time when a proposal for any public work is being formulated to ensure that the public work will comply with the planning scheme.

DBCA considers that these requirements for public works have been adequately addressed.

Any building permits or other permits or approvals required will be obtained by the building contractor/s.

Should you require any further information in regard to this matter, please let me know.

Yours sincerely



Rhonda Tarchini
Regional Business Manager
Midwest Region

4 January 2024

[Double click here to enter Header/Footer area] [Type in your division or region name here]
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