



ORDINARY MEETING OF COUNCIL

AGENDA

27 NOVEMBER 2012

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CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 27 NOVEMBER 2012 AT 5.30PM
CHAMBERS, CATHEDRAL AVENUE

A G E N D A

DISCLAIMER:

The Chairman advises that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) and Council's Standing Orders Local Laws establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The City of Greater Geraldton expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

1 ACKNOWLEDGEMENT OF COUNTRY

2 DECLARATION OF OPENING

3 ATTENDANCE

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

T Brun, Chief Executive Officer

A Selvey, Director of Creative Communities

Leave of Absence:

Mayor I Carpenter

Cr P Fiorenza

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr Colin Dymond, colin@bncentral.com.au

Question

Based upon the current design for the new car park behind the library what is the net increase in car parking spaces?

Response

The Deputy Mayor advised that the current design is not yet completed.

Question

It is stated in the item regarding the SGIO car park that the building of the new car park behind the library will offset the loss of bays from the sale of the car park?

Response

Acquisition of the Beaurepaires site was strategic, creating land capacity for future development (with private sector participation) of a commercial multi-deck car parking facility, on that site and potentially also the library carpark area, with ground floor commercial shopfront development, and possibly including some in-city residential development on top floors above the car parking decks. A development such as this has been successfully undertaken in Cairns. Timing of such a development is dependent on actual demand for parking. In that context, the current development of the car parking area on the Beaurepaires site is an interim development only. Future deck parking, when justified by actual demand for parking in the CBD, will more than offset any loss of parking associated with the SGIO car park. The market will determine timing.

Question

If my memory is correct the reason why the council first purchase th car park from the state government so to secure the long term car parking requirements for the city. As I understand our car parking requirements in the CBD have not decreased, or does a new study refute this?

Response

The Deputy Mayor advised that no new studies have been undertaken.

Question

How is it possible that this proposal will offset the carparking requirements when the net increase in bays is for only 1 after a loss of 99 bays?

Response

See response above.

Question

I would contend that the City would achieve higher revenue for the site if it were patrolled correctly and infringement notices issues for non-payers as I understand this is not currently the case.

Response

Patrolling and issue of infringement notices does in fact occur but, as is the case with all City car parks, full time patrolling attendance is not justified on cost/benefit grounds. More frequent patrols might produce a marginal increase in revenues but still inadequate to cover the carrying costs of the car park, noting that its acquisition was loan-funded, and that its revenue stream is inadequate to cover loan servicing commitments.

5 PUBLIC QUESTION TIME

Questions provided in writing prior to the meeting or at the meeting will receive a formal response.

6 APPLICATIONS FOR LEAVE OF ABSENCE**Existing Approved Leave**

Councillor	From	To (inclusive)
Mayor I Carpenter	12 November	29 November 2012
Cr P Fiorenza	25 November	2 December 2012

7 PETITIONS, DEPUTATIONS OR PRESENTATIONS**8 DECLARATIONS OF CONFLICTS OF INTEREST****9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – as circulated**

RECOMMENDED that the minutes of the ordinary meeting of Council of the City of Greater Geraldton held on 23 October 2012 as previously circulated, be adopted as a true and correct record of proceedings.

10 ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION)

*Events attended by the Mayor, Acting Mayor and Deputy Mayor
Mayor I Carpenter on leave of Absence 12 November to 29 November
2012*

DATE	FUNCTION	REPRESENTATIVE
24 October 2012	Regional Cities Workshop	Mayor Ian Carpenter
25 October 2012	WA Museum Geraldton Advisory Committee Meeting	Mayor Ian Carpenter
26 October 2012	Relay for Life	Mayor Ian Carpenter
	Regular Meeting with Hon Brian Ellis MLC and Mr Ian Blayney MLA	Mayor Ian Carpenter
31 October 2012	Official Launch of the Mid West Industry Road Safety Alliance	Mayor Ian Carpenter
	Greater Geraldton Economic Alliance	Mayor Ian Carpenter
	Hon Liza Harvey, Minister for Police, Road Safety and Commissioner Karl O'Callaghan	Mayor Ian Carpenter
	Police Community Forum	Mayor Ian Carpenter
1 November 2012	Meeting with Richard Clarke & David Hoeggan from Snowy Hydro	Mayor Ian Carpenter
	Citizenship Ceremony	Mayor Ian Carpenter
6 November 2012	WA Regional Capitals Alliance	Mayor Ian Carpenter
7 November 2012	Regional Centres Future Forum	Mayor Ian Carpenter
9 November 2012	Official Opening of Chrysalis House Women's Refuge 2012 Extensions	Mayor Ian Carpenter
	Swearing in of Cr R deTrafford	Mayor Ian Carpenter
12 November 2012	Mayor's Mystery Bus Tour	Acting Mayor Neil Bennett
15 November 2012	National Broadband Network (NBN) First Fibre Haul in Western Australia	Acting Mayor Neil Bennett
16 November 2012	Greenough River Solar Farm - Presentation of framed photograph	Acting Mayor Neil Bennett
16 November 2012	Official Launch of Mulga Mail	Acting Mayor Neil Bennett
20 November 2012	Agenda Forum	Deputy Mayor Cr Neil McIlwaine
22 November 2012	Citizenship Ceremony	Deputy Mayor Cr Neil McIlwaine
24 November 2012	Shire of Chapman Valley Presidential Dinner	Deputy Mayor Cr Neil McIlwaine
27 November 2012	Ordinary Meeting of Council	Deputy Mayor Cr Neil McIlwaine

11 PETITIONS, DEPUTATIONS OR PRESENTATIONS
Nil.

12 SIGNIFICANT STRATEGIC MATTERS

TF033	ADOPTION OF GERALDTON AIRPORT MASTER PLAN
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AGENDA REFERENCE:	D-12-60949
AUTHOR:	B Davis, Director Treasury and Finance
EXECUTIVE:	B Davis, Director Treasury and Finance
DATE OF REPORT:	15 November 2012
FILE REFERENCE:	TT0023
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (1)

SUMMARY:

This report seeks formal adoption by Council of the Geraldton Airport Master Plan 2012-2030.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Geraldton Airport is owned and operated by the City of Greater Geraldton. In 2010-11 the City initiated a process to review and update the Geraldton Airport Master Plan, previously issued in 2007, in the light of significant regional economic development activities, strong population growth forecasts, and deregulation of the airport.

In September 2011, following its adoption by Council for the purposes of stakeholder and community consultation, a draft proposed new Master Plan was advertised calling for stakeholder and broader community submissions. The process and outcomes from the aviation stakeholder and community consultation process are set out in the Community Consultation section of this report.

Following the stakeholder and community consultation process, and resolution of associated strategic Master Planning issues, the revised proposed Master Plan was effectively ready for submission to Council for adoption. However, that step was deferred, due to initiation by the State Government of a process to formulate a first-ever State Aviation Strategy, by end 2012. The deferral decision was taken having regard to the scope of issues to be examined, per the formal terms of reference of the steering committee, and specific matters explored in the State Aviation Strategy Issues Paper.

State Aviation Strategy Process

In late 2011, the Government announced formation of a high level steering committee to oversee that process, with the WA Department of Transport (DoT) having carriage of the associated functions, assisted by consultants (GHD). The steering committee first met in early 2012. An Issues Paper was released for public comment in April 2012. The City made a comprehensive submission with copies provided to Councillors.

DoT subsequently toured the State in August-September 2012, arranging presentation and stakeholder consultation sessions in regional centres, including Geraldton. The City made a comprehensive presentation at the Geraldton consultation session, covering the strategic development of Geraldton Airport – as envisaged in the master planning process – and addressing specific issues raised in the Issues Paper.

In late September, DoT subsequently released an 'early-draft' outline of strategy and policy responses for a State Aviation Strategy, for consultation with airlines. A copy was provided informally to the City and the City made a further submission to DoT, with the City reserving its rights to make formal submissions as and when DoT formally releases proposed policies/strategies for community consultation, prior to a final version being framed and put to the Government for consideration.

Nothing proposed in the preliminary DoT findings as provided to the City has significant influence on strategic infrastructure development planning for Geraldton Airport. Aviation activity forecasts (aircraft and passenger movements) are the basis for strategic master planning for Code 4E airport capability in the medium term. That planning has not changed.

As at end October 2012, it is understood that the Department is likely to issue a draft proposed strategy for community consultation and submissions in early 2013. With State Parliament rising in November, the Christmas/New Year period, the State Election due in March 2013, and with Caretaker conventions applying before the election, it is unlikely that a State Government will formally adopt a State Aviation Strategy earlier than mid-2013.

A copy of the proposed final draft Master Plan was provided to the Department of Transport on 2 November, with advice that the plan would be considered for formal adoption by the Council at its November ordinary meeting, seeking their comments. As at agenda report preparation time, no feedback had been received from the department.

Need to Avoid Further Delays

Deferral of formal adoption of the proposed master plan until mid-2013 is seen as contrary to City interests.

The 2007 master plan edition, currently published, includes airport infrastructure configuration as envisaged in earlier times, with Obstacle Limitation Surfaces (OLS) and Noise Exposure forecast contours reflecting 2005 aviation activity forecasts. The OLS and noise forecast contours are the mechanisms utilised by the current Local Planning Policy that covers land use and building controls over land in the vicinity of the airport. Aviation activity at Geraldton Airport has changed significantly since 2005, in terms of aircraft types operating through the airport, aircraft movements, and RPT passenger movements. For example – two RPT airlines now operate between Perth and Geraldton with 100 seat jets and 75 seat turboprops and a third RPT service operates to Ports north of Geraldton, this has added to the activity mix, and growth in passenger movements of 29% in 2011-12 compared to 2010-11.

Further, strategic planning has led to design of a substantially different aviation infrastructure configuration, to accommodate larger jet aircraft operations, based on forecasts of future aviation activity.

The OLS and noise exposure forecasts from 2011-12 master-planning for ultimate future development of the Geraldton Airport out to and beyond 2030 are essential mechanisms to be applied in planning control over land uses and building developments in the vicinity of the airport, to future-proof continuing viability of the airport as essential regional infrastructure. Application of these control mechanisms should prevent incompatible land uses, and in particular should prevent intrusion of built structures into critical airspace.

Currently, developers and builders are guided in their development of land use and building proposals by the OLS and noise exposure forecast contours from 2005, as published in the 2007 edition of the master plan. There is serious risk that viability of future operations of the airport could be impaired by any developments permitted on the basis of 2005 OLS and noise forecast contours, as opposed to the updated ultimate airport design OLS and noise forecast contours.

Adoption of the new Master Plan will enable initiation of necessary processes to incorporate the new ultimate airport design OLS and noise exposure forecast contours into the City's formal planning and building control instruments, and this should be done at the earliest practical opportunity.

Revision of the 2011 Draft Master Plan

The September 2011 draft master plan has been revised to reflect resolution of strategic master planning issues that arose from the stakeholder and community consultation process.

Airport operational or commercial tenancy matters raised by some stakeholders during the consultation process were not strategic in nature, were not airport master planning matters, did not give rise to changes to the master plan, and were addressed at operational level.

The most significant master planning issue from the resident aviation stakeholder perspective relates to future retention of gravel secondary runway 08/26. That is now assured in the proposed new master plan, with future operation of that runway to be monitored in the normal course of public airport monitoring by the Office of Airspace management in CASA.

The draft master plan was also revised to reflect engineering considerations arising from the detailed construction design process for the planned Code 4E runway, including consideration of future-proofing features (such as Code 4F runway/taxiway centreline separations) deemed necessary and desirable in the context of future whole-of-network requirements identified in the State Aviation Strategy Issues Paper.

The originally envisaged new Code 4E runway of at least 2600M length is now planned for development to 2700M for forecast medium term needs, with centreline separation from old runway 03/21 (to become a parallel taxiway) to Code 4F rather than Code 4E standard. This enables the *option* of staged construction development of the runway, starting at least to 2600M, and extension to 2700M if/when the requirement for A380 alternate-port landings emerges – or the option of going straight to a 2700M build, if cost/benefit considerations and finance timing make that feasible.

Ultimate development potential, subject to land tenure, reflects maximum possible 3500M runway development, within the physical topography to the north and south. That maximum possible runway configuration determines OLS and noise forecast contours for land use and building planning control purposes. Note that the difference in OLS and Noise forecast contours between 2600M and 3500M runway development is all north-south, with no differences east-west. For ultimate potential development, the OLS extends a relatively slight distance further to the north, over zoned farmland, and to the south over the ocean. It is the strategic 30 to 50 year view of likely future requirements that determines ultimate development potential and it is that view that defines what must be protected, via land use and building control mechanisms based on OLS and noise exposure forecasts, for future viability of the airport as essential regional infrastructure.

COMMUNITY CONSULTATION:

A draft proposed Geraldton Airport Master Plan was adopted by Council for the purposes of stakeholder and community consultation, and advertised in September 2011 inviting submissions. Digital copies of the draft plan were made available on the City website, and hardcopies were provided on request. Hardcopies were provided directly to aviation stakeholders resident at the airport. Digital copies were provided directly to Skywest and QantasLink.

No adverse feedback was received from the general community. From the separate community consultation processes associated with the 2029 project, the City is aware of strong general community support for development of the airport for larger jet operations, development to support tourism growth, and the desire of the community in future to be able to fly to Pilbara destinations, the east coast, or to South East Asia, without first needing to fly to Perth.

A number of submissions were received from Aviation stakeholders, raising issues of concern. These matters were discussed at a meeting with the Airport User Group, attended by Councillors, the CEO, Executives and the Airport Manager. Issues that arose from submissions and the subsequent stakeholder consultation process and their resolutions include:

- Retention of gravel runway 08/26.
 - Resolution: assured in the proposed master plan;
- Alternative accommodation for Mid West Aero Club, and their relocation from the Airservices building.

- Resolution: Council approved a long term peppercorn lease of an airport lot for future development of club facilities by the Club, and they will use the old powerhouse building as an interim clubhouse, with their departure from the Airservices building now likely within the 2012-13 fiscal year;
- Alternative arrangements for Geraldton Air Charter (GAC - W Mann), necessary because of constraints on using the main Apron area adjacent to the Brearley terminal building, due to new RPT apron security arrangements imposed by the Office of Transport Security (OTS).
 - Resolution: Council approved lease of a new lot for GAC, in the northern general aviation (GA) area, enabling them to erect a new office and terminal building. The City constructed a new GA apron area to enable operations from the new site. Relocation by GAC has been completed and they have been operating from their new site for some months.
- Ensuring availability of new apron areas for GA, to achieve the objective of removing all small aircraft (codes 1 and 2 up to 5700kg MTOW) from the main RPT apron.
 - Resolution: Including a State RADS grant of \$350,000 the City 2012-13 Budget provides \$700,000 for construction of a new apron area, west of the Airservices equipment compound. Planning also envisages an extension of taxiway Bravo to connect to taxiway Alpha, so that smaller aircraft types can enter and exit the GA apron and hangar areas without needing to enter the primary RPT apron.

Minor issues raised in the consultation process (not strategic Master Planning issues) have been addressed as Operational matters.

Copies of the revised master plan were provided to aviation stakeholders, including the commercial and private operators resident at the airport, and airlines operating through the airport, at start November, seeking any final submissions by 15th November 2012.

The Mid West Aero Club Inc., (MWAC) referred the final draft of the Master Plan to their meeting of 11 November 2012 and subsequently advised the City by letter as follows:

“Most agreed the concerns of the initial draft document have been addressed, and as it is a plan for the future there are no major issues that concern our members, except to keep the Club as an important communication and safety contact point for pilots. The Committee thanks the City for the opportunity for feedback and would only be too happy to assist in the future. We look forward to monitoring actual growth and development with respect to the plan.”

Feedback from stakeholders received after the Council agenda report preparation deadline will be provided to Councillors via separate Briefing Note.

COUNCILLOR CONSULTATION:

Councillors were consulted prior to adoption of the draft master plan in September 2011 for the purposes of seeking stakeholder and community submissions. Councillors were further briefed on submissions received, and invited to participate in a subsequent meeting with the Airport User Group for discussion of issues raised. The Mayor and several Councillors participated.

STATUTORY IMPLICATIONS:

The Geraldton Airport operates under the auspices of Commonwealth legislation and a comprehensive regulatory framework covering all aspects of civil aviation. The proposed Master Plan reflects Airport requirements set out in CASA Manual of Standards Part 139 (MOS139). The City is not obliged under Federal law to either produce an airport master plan or have it approved by Federal agencies. However, the City undertakes airport master planning in accordance with aviation industry standards, conventions and practices.

POLICY IMPLICATIONS:

Adoption of the Geraldton Airport Master Plan 2012-2030 will enable initiation of amendments to the City's Local Planning Policy: Geraldton Airport Buffer. This matter will come to Council at a later date.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no current budget implications arising from adoption of the Master Plan, as all related matters were included in the 2012-13 Budget.

Consideration of capital funding requirements for new airport infrastructure will be included in the 10 year Long Term Financial Plan to be framed by Council and required to be in place (for all Local Governments) by July 2013. Community consultation arrangements under the new Local Government Integrated Planning Framework, associated with the 10 Year Financial Plan, will apply.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

Goal 2:	Opportunities for Prosperity.
Outcome 2.1:	A diverse, sustainable economic and employment base.
Strategy 2.1.4:	Establish Greater Geraldton as a service and population base for FIFO operations
Outcome 2.2	Greater Geraldton as a leading regional and rural destination.

Strategy 2.2.2 Promote tourism and investment opportunities including cultural tourism.

Regional Outcomes:

The Geraldton Airport Master Plan incorporates strategic airport infrastructure envisaged necessary, based on City and regional economic development and population forecasts to 2030. The master plan has been framed in the context of information gathered from community consultation associated with the *2029 Sustainable Future City* project, and it is informed by and reflects regional economic development and population analysis and low-case and high-case forecasting work from the Mid West Invest-ability Study commissioned by the City in conjunction with the Mid West Development Commission.

The Geraldton Airport is the aviation hub for the Mid West region. It is essential regional infrastructure, supporting and enabling:

- social inclusion and connectivity,
- mail services,
- access to and delivery of government services including health, welfare support, special needs and education services,
- business travel,
- access to and delivery of commercial services,
- air freight,
- Royal Flying Doctor Service operations,
- FESA aviation support during emergency events,
- Mineral resources industry workforce transport,
- Export of professional and technical services from Geraldton to the Pilbara and Kimberley regions,
- Tourism.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

Geraldton Airport is the aviation hub for the Mid West region. It is a deregulated airport for the purposes of intrastate regular public transport services, and RPT services are currently provided through the airport by Skywest, QantasLink and Skippers. The airport is also home base for a number of commercial General Aviation operators, including Shine Aviation, Geraldton Air Charter and Kelmac Aviation.

Social:

Airports are essential in Regional Australia to enable and support social connectivity, enhance social inclusion, and enable and support access to and delivery of services, including the Royal Flying Doctor Service, and emergency services operations. Mid West region residents without local access to specialist services for example for cancer or heart treatment, access services in Perth with State Government financial assistance, including air travel. Even though Geraldton is only 4 to 4.5 driving hours from

Perth, for journeys to other destinations the option of air travel to networked connections is a key element of liveability of the Mid West and the City.

Environmental:

Geraldton Airport has existed as an aerodrome since well before WW2, served as a RAAF base during WW2, and has subsequently been in continuous operation as a civil aviation airport. Adverse impact of aircraft noise on urban areas can develop as an environmental issue where airport owners/operators fail to pursue best practices in relation to future-proofing of the airport, as essential public infrastructure, by preventing encroachment of incompatible development. Australian Standard AS2021-2000 "Acoustics, Aircraft Noise Intrusion, Building Siting and Construction" provides the necessary mechanism for determining compatibility of types of development in the vicinity of airports. This is formally invoked via the City's Local Planning Policy: Geraldton Airport Buffer Zone. That Local Planning Policy will require amendment if the proposed new Master Plan is adopted by Council.

Culture & Heritage:

There are no cultural or heritage impacts. The Master Plan recognises heritage associated with operation of the airport as a RAAF base during WWII.

RELEVANT PRECEDENTS:

The City previously adopted the 2007 edition of the airport master plan.

DELEGATED AUTHORITY:

There is no delegated authority.

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 5.20 of the Local Government Act 1995 RESOLVES to:

1. NOT adopt of the Geraldton Airport Master Plan 2012-2030;
2. MAKES the determination based on the following reason:
 - a. To be determined by Council

Option 3:

That Council by Simple Majority pursuant to section 5.20 of the Local Government Act 1995 RESOLVES to:

1. DEFER the adoption of the Geraldton Airport Master Plan 2012-2030;
2. MAKES the determination based on the following reason:

- a. To be determined by Council.

CONCLUSION:

The proposed Geraldton Airport Master Plan 2012-2030 establishes clear directions for strategic development of the airport to meet aviation and associated needs forecast to 2030 and elements in the airport configuration design position it for further development in subsequent years. To future-proof the airport, Obstacle Limitation Surfaces (OLS) and aircraft noise exposure forecasts based on ultimate possible future development have been prepared, and adoption of the Master Plan will enable these mechanisms to be applied in land use and building controls to protect the airport against encroachment from incompatible development on land in the vicinity of the airport. The Master Plan reflects the requirements of CASA standards for aerodromes, and the proposed plan reflects input from aviation stakeholders.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 5.20 of the Local Government Act 1995 RESOLVES to:

1. ADOPT the Geraldton Airport Master Plan 2012-2030.

SC069	PROPOSED LOCAL PLANNING SCHEME AMENDMENT – DEVELOPMENT REZONING, KARLOO (LOT 21 SCOTT ROAD)
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AGENDA REFERENCE:	D-12-60116
AUTHOR:	K Elder, City Strategic Planner
EXECUTIVE:	P Melling, Director Sustainable Communities / City Planner
DATE OF REPORT:	22 October 2012
FILE REFERENCE:	LP/15/0013
APPLICANT / PROPONENT:	Roberts Day/ Estates Development Company
ATTACHMENTS:	Yes

SUMMARY:

An application has been received to initiate a scheme amendment to rezone Lot 21 Scott Road, Karloo from 'Rural' to the 'Development' zone.

This report recommends that Council initiate the scheme amendment.

PROponent:

The proponent is Roberts Day on behalf of the proprietor Estates Development Company (Wandina Pty Ltd).

BACKGROUND:

Lot 21 is located approximately 4.5km south east of the Geraldton CBD and has a total size area of 76ha. The site abuts land owned by the Department of Housing to the north and land owned by the City to the south (being the site of the future Southern Districts Sports Precinct). Lot 21 is bounded to the west by the proposed Verita Road alignment and to the east by Lot 800, which is also owned by the Estates Development Company, and is the site of the proposed Geraldton North-South Highway.

The land is vacant with a reasonable amount of remanent vegetation located over the northern half of the site. Onsite topography ranges in elevation from 25m to 35m AHD. The site contains a central ridgeline along a north-south orientation.

The proposal is to rezone Lot 21 from its current zoning of 'Rural' to 'Development'.

An indicative concept plan has been prepared to demonstrate how the site might be developed in the future, following preparation of a structure plan. The plan also includes the surrounding landholdings to demonstrate that the areas can be well connected and the current allocation of land uses has due regard to the buffers which affect the site. Land outside of these buffers are to be developed for residential purposes and larger lots are proposed adjoining the future service commercial and mixed business areas to the south and the light industry areas to the east.

The proposed layout of land uses over the site means that Lot 21 will act as a transitional area which separates the residential estates of Wandina and

Karlool to the north and west from the General Industrial uses within the Narngulu Industrial Estate located on their eastern periphery.

Extracts from the scheme amendment document, which includes the indicative concept plan, is included as Attachment SC069.

COMMUNITY CONSULTATION:

Should Council initiate the scheme amendment, it is required to be publicly advertised in accordance with the requirements of the Planning and Development Act 2005.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

The subject property is currently zoned 'Rural'. The primary intent behind the amendment is to allow the area to be developed for a mix of transitional land uses. These proposed land uses include 'Mixed Business', 'Service Commercial', 'Light Industry', 'Recreation and 'Residential'.

The proposed 'Development' zone will require the subject land to be progressively developed in accordance with an endorsed structure plan as per clause 5.17 of Local Planning Scheme No. 5 (Greenough). It is during the process of structure planning that more detailed design will be undertaken including the placement of strategic road connections, the location of land uses and the selection of residential densities.

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

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 4: Opportunities for Sustainability.

Outcome 4.1: Vibrant and sustainable urban and rural development.

Strategy 4.1.4: Develop, apply and regulate effective planning schemes, building regulations and policies.

Regional Outcomes:**Geraldton Region Plan (1999) and Greater Geraldton Structure Plan Update 2011:**

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 'future urban' and 'future industrial and service commercial' on the structure plan.

Narngulu Industrial Area Strategic Land Use Directions (2010):

This study reviews the current strategic planning framework for the Narngulu industrial area and to provide direction for future planning and development. A portion of the subject land is located within 'Precinct A' of the plan and is identified as 'future light industry/service commercial/mixed business', and 'future light industry' on the strategic land use directions plan.

Draft Commercial and Activity Centres Strategy:

The draft Strategy looks to provide a more detailed strategic planning framework for managing future growth in commercial activity centres. The area of the subject land within the Narngulu Industrial Estate buffer but outside of the Narngulu Waste Disposal site buffer is identified within the 'Highway Commercial' precinct.

Karloo - Wandina Project

The City's Karloo - Wandina Project will facilitate road and infrastructure access to the site enabling earlier development than would have previously been possible.

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

The amendment will potentially facilitate the development of a range of uses which includes 'Service Commercial', 'Mixed Business', 'Light Industry', 'Recreation', and 'Residential'.

Social:

There are no social issues.

Environmental:

The subject lots contain an array of vegetation and the applicant has completed an environmental survey which includes reference to the Geraldton Regional Flora and Vegetation Survey. The outcome of the survey indicates that there are areas of good to very good vegetation condition across the site. The development of a structure plan will provide further details as to the future design and retention of vegetation.

As part of the scheme amendment process, prior to public advertising, the Environmental Protection Authority is required to assess the amendment under Part IV of the Environmental Protection Act.

The majority of the site, apart from the south western corner is located within the Narngulu Industrial Estate Buffer. The north eastern portion of the site is located within the Narngulu Waste Water Treatment Buffer while the entire site is located within the modelled 38 dB noise contour.

Cultural & Heritage:

According to the Department of Indigenous Affairs Inquiry System, no Indigenous Heritage Sites were identified as being located within the subject area.

RELEVANT PRECEDENTS:

Council at its meeting held on 14 September 2011 gave final approval to Amendment No. 4 to Local Planning Scheme No. 5 (Greenough). This amendment rezoned a large portion of land to the north of the current site to 'Development' zone. The Minister for Planning granted final approval to the amendment on 13 January 2012.

Council at its meeting held 28 September 2012 resolved to initiate Amendment No. 12 to Local Planning Scheme No. 5 (Greenough). This amendment rezoned the portion of land to the south of the site to the 'Development' zone.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:

Option 1:

As per 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 initiate an amendment to Local Planning Scheme No. 5 (Greenough) which proposes to rezone Lot 21 Scott Road, Karloo to the 'Development' zone; and
2. MAKES the determination on the grounds that:
 - a. To be determined by Council.

Option 3:

That Council by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995, RESOLVES to:

1. DEFER the initiation of an amendment to Local Planning Scheme No. 5 (Greenough) which proposes to rezone Lot 21 Scott Road, Karloo to the 'Development' zone; and

2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

The strategic intent for the site has already been demonstrated through numerous strategic documents including the draft Commercial Activity Centres Strategy, the Greater Geraldton Structure Plan Update 2011 and the Narngulu Industrial Area Strategic Land Uses Directions plan. The requirement for a Structure Plan to be endorsed prior to further development within the broader area will assist in addressing any issues via a holistic approach, particularly in regards to future road alignments and connections, and the placement of land uses within the parameters of the buffers.

Option 2 is not supported as the amendment is generally consistent with the regional planning direction and local planning policy framework as it applies to the area.

There is considered sufficient information for Council to determine the matter and therefore Option 3 is not supported.

EXECUTIVE RECOMMENDATION:

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

1. AMEND Local Planning Scheme No. 5 (Greenough) by rezoning Lot 21 Scott Road, Karloo to the 'Development' zone; and
2. PROCEED with advertising the scheme amendment in accordance with the requirements of the Planning & Development Act 2005.

SC070	PROPOSED LOCAL PLANNING SCHEME AMENDMENT – DEVELOPMENT REZONING, KARLOO (LOTS 23 & 800 MOLONEY STREET)
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AGENDA REFERENCE:	D-12-60117
AUTHOR:	K Elder, City Strategic Planner
EXECUTIVE:	P Melling, Director Sustainable Communities / City Planner
DATE OF REPORT:	23 October 2012
FILE REFERENCE:	LP/15/0014
APPLICANT / PROPONENT:	Roberts Day/ Estates Development Company
ATTACHMENTS:	Yes

SUMMARY:

An application has been received to initiate a scheme amendment to rezone Lots 23 and 800 Moloney Street, Karloo from 'Residential R12.5' and 'Rural' to the 'Development' zone.

This report recommends that Council initiate the scheme amendment.

PROPONENT:

The proponent is Roberts Day on behalf of the proprietor of Lot 800 Estates Development Company (Wandina Pty Ltd).

BACKGROUND:

Lots 23 and 800 are located approximately 4km south east of the Geraldton CBD and comprises of a total land area of 141ha.

The land to the north and west of the northern portion of Lot 800 is zoned 'Residential' with approved Local Structure Plans and have already been partially developed for residential purposes. The properties are bounded to the east by the Geraldton North-South Highway alignment. To the south west of the site is located Lot 9 Verita Road, the site of the future Southern Districts Sports Precinct. The subject site is located both north and south of the Southern Transport Corridor alignment.

The northern portion of Lot 800 is zoned 'Residential R12.5' with the two southern portions of Lot 800 and Lot 23 being zoned 'Rural'. Lot 23 was previously planned to be used for the Ross Ariti Road alignment. The proposal is to rezone Lots 23 and 800 Moloney Street, Karloo from their current zonings to 'Development' zone.

The site is vacant land however is covered almost entirely with remanent vegetation except for in the south eastern corner where it has been previously cleared following previous rural pursuits. Onsite topography ranges in elevation from 20m to 40m AHD. A ridgeline is present running north south through the site, with the highest point at the centre.

An indicative concept plan has been prepared to demonstrate how the site might be developed in the future, following preparation of a structure plan.

The plan also includes the surrounding landholdings to demonstrate that the areas can be well connected particularly into areas which have been previously structure planned or are undertaking preliminary structure planning.

The allocation of land uses has due regard to the buffers which affect the site. Land outside of these buffers are to be developed for residential purposes and will comprise of a range of densities to allow for the creation of variety of lot types and housing product. Larger lots are proposed adjoining the proposed Light Industry area and the proposed Geraldton North-South Highway to act as a transition area.

The proposed layout of land uses and lot sizes over the site means that Lots 23 and 800 will act as a transitional area which separates the residential area of Karloo to the north from strategic transport alignments and the General Industrial uses within the Narngulu Industrial Estate located to its south.

Extracts from the scheme amendment document, which includes the indicative concept plan, is included as Attachment SC070.

COMMUNITY CONSULTATION:

Should Council initiate the scheme amendment, it is required to be publicly advertised in accordance with the requirements of the Planning and Development Act 2005.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

The subject properties are currently zoned 'Residential R12.5' and 'Rural'. The primary intent behind the amendment is to allow the area to be developed for a mix of transitional land uses. These proposed land uses include 'Residential', 'Recreation', and 'Light Industry'.

The proposed 'Development' zone will require the subject land to be progressively developed in accordance with an endorsed structure plan as per clause 5.17 of Local Planning Scheme No. 5 (Greenough). It is during the process of structure planning that more detailed design will be undertaken including the placement of strategic road connections, the location of land uses and the selection of residential densities.

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

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

Goal 4: Opportunities for Sustainability.

Outcome 4.1: Vibrant and sustainable urban and rural development.

Strategy 4.1.4: Develop, apply and regulate effective planning schemes, building regulations and policies.

Regional Outcomes:**Geraldton Region Plan (1999) and Greater Geraldton Structure Plan Update 2011:**

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 'urban', 'future urban' and 'future industrial and service commercial' on the structure plan.

Narngulu Industrial Area Strategic Land Use Directions (2010):

This study reviews the current strategic planning framework for the Narngulu industrial area and to provide direction for future planning and development. The southern portion of the subject land is located within 'Precinct A' of the plan and is identified as 'future light industry' on the strategic land use directions plan.

Karloo - Wandina Project

The City's Karloo - Wandina Project will facilitate road and infrastructure access to the site enabling earlier development than would have previously been possible.

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

The amendment will potentially facilitate the development of a range of uses which includes 'Light Industry', 'Recreation', and 'Residential'.

Social:

There are no social issues.

Environmental:

The subject lots contain an array of vegetation and the applicant has completed an environmental survey which includes reference to the Geraldton Regional Flora and Vegetation Survey. The outcome of the survey indicates that there are areas of good to very good vegetation condition across the site. The development of a structure plan will provide further details as to the future design and retention of vegetation.

As part of the scheme amendment process, prior to public advertising, the Environmental Protection Authority is required to assess the amendment under Part IV of the Environmental Protection Act.

The southern portion of the site is located within the Narngulu Industrial Estate Buffer, the Narngulu Waste Disposal Facility Buffer, the Narngulu Wastewater Treatment Buffer and within the modelled 38 dB noise contour.

Cultural & Heritage:

According to the Department of Indigenous Affairs Inquiry System no registered sites were identified within the landholdings. However, three Indigenous Heritage Sites were identified as being located within the vicinity of the site.

The scheme amendment will be forwarded to the Department of Indigenous Affairs during the public advertising period for their comment.

RELEVANT PRECEDENTS:

Council at its meeting held on 14 September 2011 gave final approval to Amendment No. 4 to Local Planning Scheme No. 5 (Greenough). This amendment rezoned a large portion of land to the east of Lots 23 and 800 to 'Development' zone. The Minister for Planning granted final approval to the amendment on 13 January 2012.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:

Option 1:

As per 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 initiate an amendment to Local Planning Scheme No. 5 (Greenough) which proposes to rezone Lots 23 and 800 Moloney Street, Karloo to the 'Development' zone; and
2. MAKES the determination on the grounds that:
 - a. To be determined by Council.

Option 3:

That Council by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995, RESOLVES to:

1. DEFER the initiation of an amendment to Local Planning Scheme No. 5 (Greenough) which proposes to rezone Lots 23 and 800 Moloney Street, Karloo to the 'Development' zone; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

The strategic intent for the site has already been demonstrated through numerous strategic documents including the Greater Geraldton Structure Plan Update 2011 and the Narngulu Industrial Area Strategic Land Uses Directions plan.

The requirement for a Structure Plan to be endorsed prior to further development within the broader area will assist in addressing any issues via a holistic approach, particularly in regards to future road alignments and connections, and the placement of land uses within the parameters of the buffers.

Option 2 is not supported as the amendment is generally consistent with the regional planning direction and local planning policy framework as it applies to the area.

There is considered sufficient information for Council to determine the matter and therefore Option 3 is not supported.

EXECUTIVE RECOMMENDATION:

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

1. AMEND Local Planning Scheme No. 5 (Greenough) by rezoning Lots 23 and 800 Moloney Street, Karloo to the 'Development' zone; and
2. PROCEED with advertising the scheme amendment in accordance with the requirements of the Planning & Development Act 2005.

13 AUDIT AND RISK MANAGEMENT
Nil.

14 STRATEGIC & POLICY MATTERS

SC066	CONTROL OF VEHICLES (OFF ROAD AREAS) ACT AUTHORISED OFFICERS
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AGENDA REFERENCE:	D-12-59200
AUTHOR:	J Clarke, Coordinator Ranger Staff
EXECUTIVE:	P Melling, Director Sustainable Communities / City Planner
DATE OF REPORT:	01 November 2012
FILE REFERENCE:	LE/7/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

This report seeks a Council resolution to appoint authorised persons for the enforcement of the Control of Vehicles (Off-road Areas) Act 1978.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

On 1 November 2012 Kim Jeffrey commenced employment as a City of Greater Geraldton Ranger. The City of Greater Geraldton engages casual rangers from time to time to assist with operational requirements and those casual appointees are also listed. All City of Greater Geraldton Rangers carry out functions of the Control of Vehicles (Off Road Areas) Act 1978.

Section 38(3) of the Control of Vehicles (Off-road Areas) Act 1978 states that a Local Government shall in writing, appoint persons to exercise on behalf of the Local Government the powers conferred on an authorised person by the Act.

This item is presented to Council to ensure that all officers who carry out functions of the Control of Vehicles (Off Road Areas) Act 1978 are duly authorised.

COMMUNITY CONSULTATION:

There has been no community consultation.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

Section 38(3) of the Control of Vehicles (Off-road Areas) 1978 states that a Local Government may, by resolution, appoint employees of the Local Government to be an authorised officer for the purposes of the Act in respect to the whole of its district or part thereof as defined in the appointment.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budget implications.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

- Goal 1: Opportunities for lifestyle.
- Outcome 2: A safe, secure and supportive community.
- Strategy 1.3.3: Support effective community safety and crime prevention.

Regional Outcomes:

There are no regional outcomes.

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

There are no economic issues.

Social:

It is important that Council has officers that are appropriately authorised under the Control of Vehicles (Off-Road Areas) Act 1978 to ensure a safe community.

Environmental:

Some users of Off Road vehicles cause considerable damage to the environment. The application of this law deters behaviours such as this that impacts on the environment.

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There are no delegated authority.

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 3.18 of the Local Government Act 1995 RESOLVES to:

1. NOT appoint Authorised Officers; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

That Council by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995 RESOLVES to:

1. DEFER the appointment of Authorised Officers; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

It is recommended that Council staff are duly authorised under the Control of Vehicles (Off-Road Areas) Act 1978.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority as per Section 38 (1) (3) of the Control of Vehicles (Off-Road Areas) Act 1978 RESOLVES to:

1. APPOINT the following persons as authorised officers for the period of their employment at the City of Greater Geraldton:
 - a. Kim Jeffrey;
 - b. Craig Lupton; and
 - c. Mary Geyer.

SC067 DOG ACT AUTHORISED OFFICERS

AGENDA REFERENCE:	D-12-59322
AUTHOR:	J Clarke, Coordinator Ranger Staff
EXECUTIVE:	P Melling, Director of Sustainable Communities / City Planner
DATE OF REPORT:	02 November 2012
FILE REFERENCE:	LE/7/0001
APPLICANT / PROPONENT:	City Of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

This report seeks a Council approval to appoint an authorised person under the Dog Act 1976.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

On 1 November 2012 Kim Jeffrey commenced employment as a City of Greater Geraldton Ranger. The City of Greater Geraldton also engages casual rangers from time to time to assist with operational requirements and those appointees are listed accordingly. All City of Greater Geraldton Rangers carry out functions of the Dog Act.

As per the Dog Act 1976 (as amended) Customer Service staff of both the Civic Centre and the Mullewa office, issue dog registrations for the City of Greater Geraldton.

This item is presented to Council to ensure that all officers who carry out functions of the Dog Act 1976 (as amended) are duly authorised.

COMMUNITY CONSULTATION:

There has been no community consultation.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

Section 29(1) of the Dog Act 1976 stipulates that a Local Government shall, in writing, appoint persons to exercise on behalf of the Local Government the powers conferred on an authorised person by the Act.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial implications.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

- Goal 1: Opportunities for lifestyle.
- Outcome 2: A safe, secure and supportive community.
- Strategy 1.3.1: Support effective community emergency services and animal management.

Regional Outcomes:

There are no regional outcomes.

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

There are no economic issues.

Social:

There are no social implications.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural or heritage or issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

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 3.18 of the *Local Government Act 1995* RESOLVES to:

1. NOT appoint Authorised Officers; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

That Council by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995 RESOLVES to:

1. DEFER the appointment of Authorised Officers; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

It is recommended that Council staff are duly authorised under the Dog Act 1976.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority as per Section 29 (1) of the Dog Act 1976 RESOLVES to:

1. APPOINT the following persons as an authorised officers for the period of their employment at the City of Greater Geraldton:
 - a. Kim Jeffrey;
 - b. Craig Lupton;
 - c. Mary Geyer;
 - d. Lara Brownley;
2. APPOINT the following persons as authorised officers for Dog Registration purposes for the period of their employment at the City of Greater Geraldton:
 - a. Hayley Milovitch;
 - b. Peta Bennett; and
 - c. Kirsty Harper.

SC068	FINAL APPROVAL OF LOCAL PLANNING SCHEME AMENDMENT – ‘CHILD CARE PREMISES’ ADDITIONAL USE, GLENFIELD
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AGENDA REFERENCE:	D-12-60115
AUTHOR:	K Elder, City Strategic Planner
EXECUTIVE:	P Melling, Director of Sustainable Communities / City Planner
DATE OF REPORT:	05 November 2012
FILE REFERENCE:	LP/15/0005
APPLICANT / PROPONENT:	Dynamic Planning and Developments
ATTACHMENTS:	Yes (x2)

SUMMARY:

The advertising period has concluded for Scheme Amendment No. 8 which proposes to amend the current ‘Special Use – SU2’ zoning of Lot 55 Chapman Road, Glenfield to include the use ‘Child Care Premises’ as a use which requires advertising (an ‘A’ use).

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

PROponent:

The proponent is Dynamic Planning and Developments on behalf of the owner ASDC Pty Ltd.

BACKGROUND:

The subject land is located approximately 9 kilometres north of the Geraldton City Centre. It is provided efficient access to the local road network and Geraldton City Centre via Chapman Road and the North West Coastal Highway, both of which are located within close proximity of the site.

The subject land has frontage to Chapman Road and is currently vacant. The environment of the subject land and the majority of its surrounding hinterland can generally be described as vegetated coastal dune.

The subject land is located within proximity of the Sunset Water Corporation Wastewater Treatment Plant (WWTP). A portion of the subject site falls within the buffer of the WWTP, however this is not anticipated to affect the proposed amendment as the future of the WWTP in its current location is anticipated to be short term, given its likely relocation to the proposed Oakajee Industrial Area to the north.

The amendment seeks to amend the text provisions of Local Planning Scheme No. 5 (Greenough) contained within Schedule 4 that are applicable to the portion of the subject site zoned ‘Special Use – SU2’ to include a ‘Child Care Premises’ use class as an advertising ‘A’ use.

The amendment is intended to facilitate the future commercial development of a ‘Child Care Premises’ on the subject site, subject to separate application and approval, in line with the future ‘District Centre’ development earmarked

for the subject site's general location and as a means to service the needs of the planned residential population surrounding the site.

Extracts from the Amendment document are included as Attachment No. SC068A and a full copy of the amendment document is available to Council upon request.

COMMUNITY CONSULTATION:

The Amendment was publicly advertised in accordance with the provision of the Planning and Development Act 2005.

The advertising period commenced on 06 September 2012 and concluded on 19 October 2012 and involved the following:

1. All landowners within an 100m radius of the subject land were written to and provided with an excerpt of the amendment document;
2. A public notice appeared in the Midwest Times on 06 September 2012;
3. One sign was placed on-site;
4. The Amendment details were available on the City's website;
5. The Amendment was publicly displayed at the Civic Centre; and
6. The Amendment was referred to the following agencies;
 - ATCO Gas Australia
 - Department of Education
 - Department of Environment and Conservation
 - Department of Health
 - Department of Indigenous Affairs
 - Department of Water
 - FESA
 - Mains Road WA
 - Public Transport Authority
 - Telstra
 - Waggrakine/Glenfield Progress Association
 - Water Corporation
 - Western Power

Submissions:

As a result of advertising a total of 6 submissions were received.

The Water Corporation, Department of Environment and Conservation and Department of Health all raised issues due to a child care premises use being classed as a sensitive land use and its close proximity to the Waste Water Treatment Plant (WWTP), with a portion of Lot 55 within the WWTP buffer. All Departments requested that appropriate consideration be made to this issue to ensure that impacts do not occur into the future.

The Water Corporation was particularly concerned that their newly modelled buffer, which is larger than the buffer shown on the Greater Geraldton

Structure Plan Update 2011 will be compromised. However they are also aware due to the fact that this remodelled buffer has not been formally adopted, that their approach is advice only.

A 'Schedule of Submissions' is included as Attachment No. SC068B and copies of the actual submission are available to Council upon request.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

The subject land is currently zoned 'Special Use – SU2' under Local Planning Scheme No. 5 (Greenough). Special use zones apply to special categories of land use, which do not comfortably sit within any other zone in the Scheme. For Special Use zones the Scheme states:

- 4.7.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.*

For the subject land the special uses are currently as follows:

No.	Description of land	Special use	Conditions
SU2	Glenfield Service Trade Area shown on Scheme Map 2/12 and 3/12 as SU2	The following uses are listed as "D" uses: <ul style="list-style-type: none"> • Motor Vehicle, Boat and Caravan sales; • Showroom; • Telecommunications Infrastructure; • Trade Display; and • Industry Service. The following uses are listed as "A" uses: <ul style="list-style-type: none"> • Industrial Light; • Motor Vehicle Repairs; and • Warehouse. 	Prior to any further subdivision or approval of any development on the land a structure plan in accordance with the provisions of Part 4.8 of the Scheme shall be prepared and endorsed.

The inclusion of 'Child Care Premises' within the SU2 table as an advertising or 'A' use means that the City is bound to the provisions of Local Planning Scheme No. 5 (Greenough) which states that:

"A" means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.

This requires that any application for a child care premises would require formal referral to relevant government agencies (such as the Water Corporation, the Department of Environment and Conservation and the Department of Health) and that any issues raised from that referral process could be taken into consideration. It would also allow the local government the flexibility to potentially refuse an application if such issues cannot be suitably addressed.

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

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 1:	Opportunities for Lifestyle.
Outcome 1.1:	Accessible health, family, youth, aged and disability support services.
Strategy 1.1.3:	Provide child-care and family support services.
Goal 4:	Opportunities for Sustainability.
Outcome 4.1:	Vibrant and sustainable urban and rural development.
Strategy 4.1.4:	Develop, apply and regulate effective planning schemes, building regulations and policies.

Regional Outcomes:

Interim Commercial Activity Centres Strategy 2011:

This Strategy provides an interim broad regional planning framework to coordinate the location and development of shopping and associated commercial activities. The subject land is within close proximity to the "Proposed District Centre' Area".

As such a Child Care Premises on the subject land would be ideally located to benefit from, and compliment, the future 'District Centre' development, as well as service the existing and future planned residential population within the surrounding hinterland.

Draft Commercial and Activity Centres Strategy:

The draft Strategy looks to provide a more detailed strategic planning framework for managing future growth in commercial activity centres. The subject land is identified as near the Glenfield Beach proposed District Centre indicative area.

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

A detailed market potential investigation has been prepared to provide an assessment of the market scope for a child care centre at the subject land.

The key findings of the investigation are summarised as follows:

- The predominant family structure in the Glenfield catchment is couples with dependent children, which is the type of household most likely to require paid child care services;
- Demand analysis indicates that there is currently a demand for some 55 child care premises within the Glenfield catchment, increasing to 68 premises in 2016 and around 80 premises in 2021;
- The above demand is not currently being met within the Glenfield catchment, with the existing child care premises all located beyond the catchment, within the Geraldton urban area to the south. The closest existing facility is situated more than 5km from the Glenfield site; and
- There is sufficient demand for a child care premises to be developed at Glenfield, particularly given the expected growth in the market, and as such a centre with a licence for around 50-55 child care places would be supported at Glenfield over the medium term.

Environmental:

An environmental assessment report has been prepared consisting primarily of a desktop review of all available information relating to the environmental values and attributes associated with the subject site.

Key outcomes and findings of the environmental assessment are as follows:

- The majority of the site has 'no known risk' of Acid Sulfate Soils (ASS) within 3m of the ground surface, however the eastern portion of the site is mapped as having 'high to moderate risk' of ASS;
- ASS can be managed through the subdivision process, when detailed site information is available on the location and extent of excavation below the natural ground surface;
- The site contains no surface water features;
- The majority of the site contains remnant vegetation except areas that have been cleared for vehicle tracks, however the vegetation condition within the site is likely to be 'Degraded' based on the presence of invasive weed species;
- No wetlands are mapped as occurring within the site;

- A wastewater treatment facility is located adjacent to the western boundary of the site, however it is understood that this facility is likely to be decommissioned and relocated to the Oakajee Industrial Area in the medium term, so will only pose a constraint to sensitive uses in the short term; and
- No indigenous or non-indigenous heritage sites were identified.

The Environmental Protection Authority considered that the Amendment should not be assessed under Part IV of the Environmental Protection Act. However it did offer advice on the land use conflict due to the close proximity to the Water Corporation Waste Water Treatment Plant and within the existing buffer to the facility. The EPA stated:

A childcare facility is considered a sensitive land use under EPA Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses. The EPA recommends that adequate buffer distances are maintained between sensitive land uses and WWTP's based on site specific studies.

The EPA considers that the resolution of potential land use conflicts is a key planning issues, that planning authorities are best positioned to resolve, having regard for local planning directions, and knowledge of the results of accredited technical studies on the advice of appropriate government agencies.

The Water Corporation, Department of Environment and Conservation and the Department of Health all raised concerns due to a child care premises being deemed a sensitive land use and the close proximity to the WWTP.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

Council initiated the Scheme Amendment at its Council Meeting held 26 June 2012.

Council at its meeting held 25 September 2012 resolved to give final approval to a scheme amendment over Lots 9000, 1001, 5805 & 404 Chapman Road, Glenfield to rezone the land to the 'Development'.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:

Option 1:

As per Executive Recommendation in this report.

Option 2:

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

1. REFUSE to adopt for final approval Scheme Amendment No. 8 to Local Planning Scheme No. 5 (Greenough); and
2. MAKES the determination on the grounds that:
 - a. To be determined by Council.

Option 3:

That Council by Simple Majority, pursuant to clause 3.18 of the Local Government Act 1995, RESOLVES to:

1. DEFER the final approval of Scheme Amendment No. 8 to Local Planning Scheme No. 5 (Greenough); and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

Given the subject land is within close proximity to a future northern district centre, a Child Care Premises on the subject land would be ideally located to benefit from, and compliment, the future 'District Centre' development, as well as service the existing and future planned residential population within the surrounding hinterland.

Demand analysis indicates that there is currently a demand for some 55 child care premises within the Glenfield catchment and this demand is not currently being met. There is sufficient demand for a child care premises to be developed at Glenfield, particularly given the expected growth in the market, and as such a centre with a licence for around 50-55 child care places would be supported at Glenfield over the medium term.

A number of authorities raised concern with the amendment due to Lot 55 being located adjacent to a WWTP, particularly due to deeming these uses as incompatible. However, there exists the possibility that the WWTP may be decommissioned and relocated to Oakajee at some point in the future. Given this possible scenario, combined with including 'Child Care Premises' as an advertising or 'A' which allows Council flexibility to determine any future application, it is not considered appropriate to outright restrict this development at a scheme amendment stage. There are sufficient controls in place for the City to determine each application on its merits.

Overall it is unlikely that the development of the site will result in significant environmental impacts, and given that the Waste Water Treatment Facility is likely to be decommissioned and relocated to the Oakajee Industrial Area in the medium term, Option 2 is not supported.

There is considered sufficient information for Council to determine the matter and therefore Option 3 is not supported.

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 Submission';
2. ADOPT for final approval Scheme Amendment No. 8 to Local Planning Scheme No. 5 (Greenough); and
3. SEEK final approval of the Scheme Amendment from the Minister for Planning.

SC071	PROPOSED TOWN PLANNING SCHEME AMENDMENT – RESIDENTIAL REZONING, BLUFF POINT (LOT 3029 KEMPTON STREET)
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AGENDA REFERENCE:	D-12-60118
AUTHOR:	K Elder, City Strategic Planner
EXECUTIVE:	P Melling, Director Sustainable Communities / City Planner
DATE OF REPORT:	12 October 2012
FILE REFERENCE:	LP/7/0034
APPLICANT / PROPONENT:	Greg Rowe and Associates/City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

An application has been received to initiate a scheme amendment to rezone Lot 3029 Kempton Street, Bluff Point from 'Landscape and Coastal Protection' to 'Residential R25' and 'Recreation' zone.

This report recommends that Council initiate the scheme amendment.

PROPONENT:

The proponent is Greg Rowe and Associates acting on behalf of the City of Greater Geraldton.

BACKGROUND:

Lot 3029 Kempton Street forms a portion of Reserve 20127, which is a "C" Class Reserve and contains a Management Order in favour of the City for "Recreation".

The City has been liaising with the Department of Regional Development and Lands to acquire the subject land in freehold title from the State as part of a land exchange for City owned freehold Lots 1, 2 and 3 Kempton Street and Lots 45 and 46 Fredrick Street.

Lots 1 and 2 Kempton Street are currently used as a gravel car park while Lot 3 is an undeveloped coastal strip. Lots 45 and 46 Fredrick Street are proposed to be added to Lots 40 to 44 and Lot 47 Fredrick Street. Lots 40 to 44 and 47 were owned by the Poor Sisters of Nazareth but were surrendered to the Crown to cover public open space requirements for a previous subdivision application. The surrender came with the condition that the lots were to be retained as natural bushland and that Frederick Street be closed and that no future developed be approved from these lots. It is envisaged that Lots 45 and 46 will be similarly protected as natural bushland.

During the planning process for the development of Lot 3029 Kempton Street it was also considered that Reserve 43831 St Georges Close which is vested in the City for the purposes of a drainage sump and comprises a total land area of 1,371m² may be remediated and developed for residential purposes. This will be possible by redirecting the stormwater drainage to the Public

Open Space (POS) area which is proposed for the northern portion of Lot 3029.

The Concept Plan

The Concept Plan proposes a total of 18 residential lots and an area of POS, which proposes to incorporate the relocation of drainage from Reserve 43481 which will allow the decommissioning of the drainage sump and its development into a residential lot in accordance with its current zoning. The 18 residential lots have a proposed density coding of R25 and range in size from 320m² to 404m². Nine lots will have frontage to Kempton Street with the other 9 lots accessed via a loop road which will abut the western boundary of the Bluff Point Primary School oval. A POS area of 2,330m² is proposed which will be designed to facilitate drainage and will offer opportunities for active and passive recreation.

Accordingly, the amendment to the scheme has been designed to accord with this Concept Plan with respect to the establishment of two proposed zonings over Lot 3029; "Residential R25" and "Recreation".

Council resolved at the meeting held 25 September 2012 to adopt the Concept Plan and progress with the necessary scheme amendment process.

The site:

Lot 3029 comprises of an area of 1.22ha and is bound by Kempton Street to the west, developed residential lots to the north and south and the Bluff Point Primary School to the east. The subject land is vacant and has been partially cleared however still contains scattered remnant vegetation. The topographical contours suggest that the land is relatively flat, ranging from 4.4m to 6.7m AHD with the lowest point being in the south eastern corner.

Relevant extracts from the scheme amendment report are included as Attachment No. SC071.

COMMUNITY CONSULTATION:

In accordance with Section 3.58 (2) (b) of the Local Government Act 1995, public notice was given advising of the City's intention to dispose of the property. Five submissions were received at the conclusion of advertising, 2 objecting to the disposal and development and 3 with no objection.

Should Council initiate the scheme amendment, it is required to be publicly advertised in accordance with the requirements of the Planning and Development Act 2005.

COUNCILLOR CONSULTATION:

Council has previously been consulted with regard to the disposal of Lot 3029 and the adoption of the Concept Plan.

STATUTORY IMPLICATIONS:

The subject property is currently zoned 'Landscape and Coastal Protection' local scheme reserve under Town Planning Scheme No. 3 (Geraldton). The

subject land has low recreational value given its condition, as it contains mostly destroyed remnant vegetation and is dissected by Kempton Street from the coastal reserve.

The primary intent behind the amendment is to rezone the land to allow for residential development. The Scheme lists the objectives of the 'Residential' zone, being:

To ensure that the City's residential areas develop in a manner which provides a range of choice in housing with protection of residential amenity, achieves efficiency in provision of services and accessibility, and enhances townscape values generally.

It is considered that the Amendment will fully comply with the objectives of the "Residential" zone, by:

- Continuing the residential pattern of surrounding residential lots but allow for increased housing choice through a lightly higher residential density;
- Utilising existing services and accessibility to achieve efficiency; and
- Enhancing townscape values by creating a POS area that will not only assist in better Urban Water Management, but increase residential amenity.

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

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

The proposed budget for 2012-13 incorporates the establishment of a credit facility that will be used to fund the various stages of the development. Revenue generated from the subdivision and land sale activities will be used initially to service and finally, extinguish the credit facility debt.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

Goal 1:	Opportunities for Lifestyle.
Outcome 1.2:	A healthy community through sport, recreation and leisure opportunities.
Strategy 1.2.1	Provide accessible active and passive recreational spaces.
Strategy 1.2.2	Provide attractive, well planned and multi-use public open space.
Goal 4:	Opportunities for Sustainability.

Outcome 4.1: Vibrant and sustainable urban and rural development.

Strategy 4.1.1 Lead the development of innovative, strategic and sustainable urban, rural and regional planning.

Regional Outcomes:

Geraldton Region Plan (1999) and Greater Geraldton Structure Plan Update 2011:

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 “regional park, recreation and conservation” on the structure plan.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

The City expects to generate substantial net revenues from the sale of the residential lots that will help funding future infrastructure projects.

Social:

The development will provide a variation in housing choice and increase the residential amenity through public open space and urban water management enhancements.

Environmental:

The subject land contains portions of remnant vegetation. A desktop review of the Geraldton Regional Flora and Vegetation Survey and the Geraldton Natural Areas Bushland Condition Assessment has been undertaken and did not reveal any vegetation of significance.

As part of the scheme amendment process, prior to public advertising, the Environmental Protection Authority is required to assess the amendment under Part IV of the Environmental Protection Act.

Cultural & Heritage:

According to the Department of Indigenous Affairs Inquiry System, no Indigenous Heritage Sites were identified as being located within the subject area.

RELEVANT PRECEDENTS:

Council has previously considered the Kempton Street development at meetings held on 8 December 2009 and 25 September 2012.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:**Option 1:**

As per 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 initiate an amendment to Town Planning Scheme No. 3 (Geraldton) which proposes to rezone Lot 3029 Kempton Street, Bluff Point to the 'Residential R25' and 'Recreation' zone;
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

That Council by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995, RESOLVES to:

1. DEFER the initiation of the amendment to Town Planning Scheme No. 3 (Geraldton) which proposes to rezone Lot 3029 Kempton Street, Bluff Point to the 'Residential R25' and 'Recreation' zone;
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

It is considered that the Amendment will facilitate vibrant infill development in an underutilised area and lead to improved environmental outcomes with respect to urban water management.

Option 2 is not supported as the Amendment will facilitate the residential and recreational development in accordance with the Concept Plan that has previously been endorsed by Council.

There is considered sufficient information for Council to determine the matter and therefore Option 3 is not supported.

EXECUTIVE RECOMMENDATION:

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

1. AMEND Town Planning Scheme No. 3 (Geraldton) by rezoning Lot 3029 Kempton Street, Bluff Point to the 'Residential R25' and 'Recreation' zone; and
2. PROCEED with advertising the scheme amendment in accordance with the requirements of the Planning and Development Act 2005.

SC072	PROPOSED LOCAL PLANNING SCHEME AMENDMENT – HIGHWAY COMMERCIAL REZONING, WOORREE
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AGENDA REFERENCE:	D-12-60119
AUTHOR:	K Elder, City Strategic Planner
EXECUTIVE:	P Melling, Director Sustainable Communities / City Planner
DATE OF REPORT:	15 October 2012
FILE REFERENCE:	LP/15/0007
APPLICANT / PROPONENT:	Michael Fitzgerald
ATTACHMENTS:	Yes

SUMMARY:

An application has been received to initiate a scheme amendment to rezone Lot 207 Horwood Road, Woorree from 'Rural Residential' to 'Highway Commercial' zone and 'major road' local scheme reserve.

This report recommends that Council initiate the scheme amendment.

PROPONENT:

The proponent is Michael Fitzgerald on behalf of the landowners Michael Fitzgerald, Luca Naldoni, and Melinda and Philip Sorgiovanni.

BACKGROUND:

Lot 207 is located on the northern side of Horwood Road, between the alignment of the former railway line and the reserve for the proposed Geraldton North-South Highway (GNSH). The land to the north-west of the site is a recreation reserve managed by the City and to the north-east, on the opposite side of the GNSH alignment is the site of the proposed Geraldton Business Park which is zoned 'Highway Commercial'.

Lot 207 is irregular in shape with a land area of 8,875m². The site has a 62m frontage to Horwood Road and a 180m frontage to the proposed GNSH alignment. The site is currently vacant with no remnant vegetation.

It is proposed, that due to the size and shape of the site, that any future development would be limited to small scale, low intensity uses which can take advantage of the exposure to the GNSH and proximity to the larger regional road network.

The Geraldton North South Highway Alignment Definition Study, commissioned by Main Roads in 2009, proposes an at-grade intersection at Horwood Road to facilitate access to and from the GNSH. Land near the intersection was originally reserved to accommodate a roundabout, however it is now proposed to construct a signalised intersection. A small portion of the site is required for earthworks associated with a left-turn entry lane from Horwood Road. The proposed zoning of the site reflects this necessity.

Relevant extracts from the scheme amendment report are included as Attachment No. SC072.

COMMUNITY CONSULTATION:

Should Council initiate the scheme amendment, it is required to be publicly advertised in accordance with the requirements of the Planning and Development Act 2005.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

Lot 207 Horwood Road is zoned 'Rural Residential' under Local Planning Scheme No. 5 (Greenough). The amendment proposes to rezone the land to 'Highway Commercial' and the 'major road' local scheme reserve.

Within Local Planning Scheme No. 5 (Greenough) the objective of the 'Highway Commercial' zone is:

To provide for service commercial development including large format retailing in locations with regard for relevant strategies and policies adopted by the Local Government, and in consultation with Main Roads WA.

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

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications.

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

Key Result Area 1: Opportunities for Lifestyle.

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

Strategy 1.12: Develop and implement a strategic planning framework.

Regional Outcomes:**State Planning Strategy:**

The State Planning Strategy (1996) identified the following vision for the Mid-West Region:

in the next 33 years the region will continue to grow and diversify its economic base in the areas of agriculture, mineral development, downstream processing of commodities and tourism.

It further states that Geraldton will develop as the largest regional centre north of Perth, offering a wide range of facilities and attractions.

It is considered that this amendment will facilitate commercial expansion to help service the Geraldton region's growing population and expanding economy.

Geraldton Region Plan 1999 & Greater Geraldton Structure Plan Update 2011:

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 living' and 'development investigation area' on the structure plan.

The structure plan states that:

It is acknowledged that in the City's recently adopted Interim Commercial Activity Centres Strategy that a portion of this development investigation area is identified for highway commercial development.

Any proposal to intensify land use within the development investigation area will required the resolution of issues regarding possible site contamination and proposed and future road access. Access issues involving the proposed Geraldton North South Highway, the alignment of which bisects the area will require consideration from Main Roads WA.

City of Greater Geraldton Interim Commercial Activity Centres Strategy:

This Strategy provides an interim broad regional planning framework to coordinate the location and development of shopping and associated commercial activities. The subject land is within the "Highway Commercial Area".

Draft Commercial and Activity Centres Strategy:

The draft Strategy looks to provide a more detailed strategic planning framework for managing future growth in commercial activity centres. The subject land is identified within the Geraldton Business Park 'Highway Commercial' precinct.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

This amendment will facilitate commercial expansion to help service the Geraldton region's growing population and expanding economy.

Social:

There are no social issues.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural & heritage issues.

RELEVANT PRECEDENTS:

Council at its meeting held on 23 December 2008 resolved to give final approval to Scheme Amendment No. 134 to Town Planning Scheme No. 4 (Greenough) which proposed a rezoning of Lots 2 and 206 Horwood Road, Woorree to 'Highway Commercial', 'Important Regional Road' and 'Public Utility'.

Council at its meeting held 23 October 2012 resolved to adopt the Commercial Activity Centres Strategy as a draft.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. REFUSE to initiate an amendment to Local Planning Scheme No. 5 (Greenough) which proposes to rezone Lot 207 Horwood Road, Woorree to the 'Highway Commercial' zone and 'Major Road' local scheme reserve;
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

That Council by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995, RESOLVES to:

1. DEFER the initiation of the amendment to Local Planning Scheme No. 5 (Greenough) which proposes to rezone Lot 207 Horwood Road, Woorree to the 'Highway Commercial' zone and 'Major Road' local scheme reserve;
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

It is considered that the amendment is consistent with the overall strategic planning framework and direction for commercial activity in Geraldton. It is consistent with the specific direction prescribed in the Interim Commercial Activity Centres Strategy and draft Commercial Activity Centre Strategy which shows the land as Highway Commercial.

Issues involving the proposed alignment of the Geraldton North South Highway and the location of the intersection which bisects the area has already been resolved with the assistance of Main Road WA.

Option 2 is not supported as the amendment is generally consistent with the regional planning direction and local planning framework as it applies to the area.

There is considered sufficient information for Council to determine the matter and therefore Option 3 is not supported.

EXECUTIVE RECOMMENDATION:

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

1. AMEND Local Planning Scheme No. 5 (Greenough) by rezoning Lot 207 Horwood Road, Woorree to the 'Highway Commercial' zone and 'Major Road' local scheme reserve; and
2. PROCEED with advertising the scheme amendment in accordance with the requirements of the Planning & Development Act 2005.

SC073	PROPOSED TOWN PLANNING SCHEME AMENDMENT – 'RECREATION ACTIVE' ADDITIONAL USE, RIFLE RANGE ROAD RANGEWAY
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AGENDA REFERENCE:	D-12-60122
AUTHOR:	M Thomson, Planning Officer
EXECUTIVE:	P Melling, Director Sustainable Communities / City Planner
DATE OF REPORT:	30 October 2012
FILE REFERENCE:	LP/7/0035
APPLICANT / PROPONENT:	Land West Urban and Rural Planning Consultants
ATTACHMENTS:	Yes

SUMMARY:

An application has been received to initiate a scheme amendment to amend the current 'Additional Use – A44' zoning of Lots 49 and 50 Rifle Range Road, Rangeway to replace the additional use 'Recreation – Squash Centre' with 'Recreation – Active'.

This report recommends that Council initiate the amendment.

PROPONENT:

The proponent is Land West Urban and Rural Planning Consultants on behalf of the owner NEDYSA Pty. Ltd. / Scott Davis.

BACKGROUND:

The subject land is located approximately 2 kilometres west of the Geraldton City Centre. It is serviced by an existing sealed road network, with access to both Rifle Range Road and Carter Street. Eastward Road to the north of the subject land provides a strategic link between Horwood Road at Utakarra through to North West Coastal Highway and Johnston Street to the west and Pass Street in the north. Rifle Range Road provides a link between the greater Rangeway suburb and other suburbs to the south through to Pass Street which connects to the Wonthella Sporting Precinct. There is a public transport bus stop opposite the subject land on the west side of Rifle Range Road and an existing pedestrian path along the Rifle Range Road frontage of the subject lot.

The subject land contains an existing building which extends over two freehold title lots. The site is located within a street block that contains residential zoned land, and within the immediate vicinity of other land uses, those including a local shop to the north and a primary school opposite. To the north-west of the site is an established light industrial area and to the north is the Wonthella Sporting precinct encompassing many regional facilities. The conversion and reuse of the site for an alternative recreation use, acknowledges the suitability of the existing infrastructure, and the locational attributes use and accessibility of the site.

The amendment seeks to amend the text provisions of Town Planning Scheme No. 3 (Geraldton) contained within Schedule 2 from the additional use of 'Recreation – Squash Centre' to 'Recreation – Active'.

The amendment is intended to facilitate the future commercial development of a 'Dance Studio' on the subject site, subject to a separate application and approval for change of use.

Relevant extracts from the scheme amendment report are included as Attachment No. SC073.

COMMUNITY CONSULTATION:

Should Council initiate a scheme amendment, it is required to be publicly advertised in accordance with the requirements of the Planning and Development Act 2005.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

The subject land is currently zoned 'Residential' with an Additional Use (A44) under Town Planning Scheme No. 3 (Geraldton) as follows:

No.	SITE	USES
A44	Lots (No. 5) 49 & 50 Rifle Range Road, Rangeway	Recreation – Squash Centre

Additional uses are in addition to the other uses permitted in the zone.

The primary intent behind the amendment is to facilitate the reuse of the old "Orana Squash Centre" for a dance studio. In order to achieve this it is proposed to replace the current additional use with 'Recreation – Active' which is defined in the Scheme as:

***Recreation – Active:** means land and buildings used for recreation which are not normally open to the public without charge and includes such used as public tennis courts, squash courts, indoor cricket pitches, bowling alleys and like uses.*

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

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

Goal 4: Opportunities for Sustainability.

Outcome 4.1: Vibrant and sustainable urban and rural development.

Strategy 4.1.4: Develop, apply and regulate effective planning schemes, building regulations and policies.

Regional Outcomes:

The proposed zoning is consistent with the 'Urban' designation in the Geraldton Region Plan. The site has historically been used for active recreation uses for approximately 40 years. The proposed amendment simply modifies the approved use to a definition which is more appropriate and provides some flexibility with uses undertaken on site.

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

The proposed amendment will help facilitate a vibrant and diverse neighbourhood that meets both local and regional needs. It will also ensure the redevelopment of existing facilities which represents a sustainable use of resources and infrastructure. The occupancy of the building will help reduce crime activity and vandalism of a vacant building.

Environmental:

As part of the scheme amendment process, prior to public advertising, the Environmental Protection Authority is required to assess the amendment under Part IV of the Environmental Protection Act.

Cultural & Heritage:

There are no cultural and heritage issues.

RELEVANT PRECEDENTS:

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

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

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

1. REFUSE to initiate an amendment to Town Planning Scheme No. 3 (Geraldton) which proposes to amend the additional use of Lots 49 and 50 Rifle Range Road, Rangeway from 'Recreation – Squash Centre' to 'Recreation – Active'; and
2. MAKES the determination on the grounds that:
 - a. To be determined by Councillors.

Option 3:

That Council by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995, RESOLVES to:

1. DEFER the initiation of an amendment to Town Planning Scheme No. 3 (Geraldton) which proposes to amend the additional use of Lots 49 and 50 Rifle Range Road, Rangeway from 'Recreation – Squash Centre' to 'Recreation – Active'; and
2. MAKES the determination on the grounds that:
 - a. To be determined by Councillors.

CONCLUSION:

The proposed text amendment to the Scheme will simply facilitate a textural change of the current additional use to enable the reuse of a currently vacant building. The overall intended use of the subject site will not alter from the initial 'recreation' use; however, it will incorporate a greater degree of flexibility with the proposed use of 'Recreation – Active'.

Option 2 is not supported as the development will ensure the sustainable reuse of existing built form and service infrastructure. It will lead to improvement in the physical appearance of the building and its surrounds and the reuse of a building which has been vacant for some time. This will require improvements and maintenance which will improve the aesthetic value of the development. Consistent activity and use may also reduce the opportunity for indiscriminate anti-social behaviour.

There is considered sufficient information for Council to determine the matter and therefore Option 3 is not supported.

EXECUTIVE RECOMMENDATION:

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

1. AMEND Town Planning Scheme No. 3 (Geraldton) by amending the additional use of Lots 49 and 50 Rifle Range Road, Rangeway from 'Recreation – Squash Centre' to 'Recreation – Active'; and
2. PROCEED with advertising the scheme amendment in accordance with the requirements of the Planning and Development Act 2005.

SC074	FINAL ADOPTION OF TOWN PLANNING SCHEME AMENDMENT & OUTLINE DEVELOPMENT PLAN - RESORT DEVELOPMENT REZONING, CAPE BURNEY
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AGENDA REFERENCE:	D-12-60123
AUTHOR:	R Ireland, Strategic Planning Officer & M Connell, Manager Urban and Regional Development
EXECUTIVE:	P Melling, Director Sustainable Communities / City Planner
DATE OF REPORT:	30 October 2012
FILE REFERENCE:	LP/16/0003 & LP/12/0007
APPLICANT / PROPONENT:	Greg Rowe & Associates
ATTACHMENTS:	Yes (x2)

SUMMARY:

The advertising period has concluded for Scheme Amendment No. 6 to Town Planning Scheme No. 1A (Greenough River Resort) which proposes to rezone Lot 200 Greenough River Road, Cape Burney from 'Resort Development – Restricted Uses', 'Residential R20' and 'Parks and Recreation' to 'Resort Development' and 'Parks and Recreation'. The advertising for the Outline Development Plan (ODP) was run concurrently which will facilitate the development in the mixed use precinct.

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

PROPONENT:

The proponent is Greg Rowe and Associates on behalf of the City of Greater Geraldton.

BACKGROUND:

Council initiated the Amendment at its meeting held on 27 March 2012. The Amendment and ODP were advertised simultaneously.

The subject land lies along the northern bank of the Greenough River, to the northeast of the river mouth. It has a total area of 7.7188 hectares and is bisected by Greenough River Road, which connects to an established visitor car park to the west. Three smaller roads (Gaskin Drive, Rowing Club Point and Murray Road) are also present on the subject land. The subject land currently contains 23 leasehold cottages and a building utilised as a base for the Greenough River Rowing Club. Various structures (i.e. ablution block, barbeque, playground equipment) are also present on the portions of the subject land abutting the Greenough River.

The subject land was acquired by the former Shire of Greenough in 1962 and is under the freehold ownership of the City of Greater Geraldton. The leases for the 23 leasehold cottages are due to expire on 30 June 2019. The former Shire of Greenough at its meeting held 25 January 2006 resolved to offer lessees the option to purchase the current lease.

The former Shire of Greenough advertised in February 2007 for expressions of interest to either project manage the development, or purchase outright the land with a requirement to develop the leasehold blocks in accordance with Council's agreed terms offered to the leaseholders.

Council at its meeting held on 19 April 2007 resolved to dispose of Lot 200 to Bayform Holdings. After a long period of negotiations, the arrangement with Bayform Holdings was terminated.

To uphold the former Shire's commitment to freehold the leasehold lots on Gaskin Drive, the City engaged Greg Rowe and Associates to prepare a scope of works, subdivision concept plan and feasibility study for the development of the land.

The concept plan was endorsed by Council at its meeting held 25 August 2009 and Council further resolved to (inter alia):

“Delegate authority to the Chief Executive Officer to commence detailed planning to facilitate the rezoning and necessary subdivision applications;”

The Scheme Amendment and ODP will facilitate the development of the area for a range of residential, tourism, commercial and recreational uses and is generally in accordance with the subdivision concept plan.

In general, the ODP proposes 29 residential lots ranging in size from 621m² to 1,128m² along the northern boundary of the subject site. Twelve of the lots are currently developed with leasehold cottages and the six additional lots will extend the existing development pattern to the west.

The ODP proposes residential development to a R40-R60 density coding which will allow for development of townhouses, grouped or multiple dwellings. It is envisaged that some of these dwellings may serve as short-stay accommodation should additional tourist accommodation be required in the locality.

It is proposed that the commercial site with frontage to the Greenough River will support a Local Centre comprising of café/restaurants and small retail and office tenancies. There are two dedicated tourism lots fronting the Greenough River which require Detailed Area Plans (DAP's) to be undertaken prior to development.

The ODP provides a total of 8,651m² of Public Open Space (POS), which represents 34% of the residential area which is well in access of the minimum 10% POS requirements. The POS will be developed for a range of active and passive recreation, conservation and drainage purposes to provide a high level of functionality and amenity.

The ODP proposes improved road legibility and increased traffic management though the realignment of Greenough River Road to the current location of

Gaskin Drive. This will provide direct access to the subject site from Brand Highway.

Extracts from the Amendment document & ODP are included as Attachment No. SC074A.

COMMUNITY CONSULTATION:

The Amendment and ODP were publicly advertised in accordance with the provision of the Planning and Development Act 2005.

The Advertising period commenced 15 June 2012 and concluded 27 July 2012. However, late submissions were received up until 4 September 2012.

Advertising involved the following:

1. All landowners in the Cape Burney locality were written to and provided with an excerpt of the Amendment document and a copy of the ODP;
2. A public notice appeared in the Geraldton Guardian on 15 June 2012 and the Midwest Times on 26 July 2012;
3. Two signs were placed on-site at various locations;
4. The Amendment and ODP details were available on the City's website;
5. The Amendment and ODP were publicly displayed at the Civic Centre;
6. The Amendment and ODP were advertised in the City's 'Your View' publication;
7. The Amendment and ODP were referred to the following agencies:
 - Department of Environment and Conservation
 - Department of Planning (Tourism)
 - Department of Water
 - Mains Road WA
 - FESA
 - Western Power
 - Department of Planning and Infrastructure
 - Water Corporation
 - NACC
 - Midwest Chamber of Commerce
 - Department of Indigenous Affairs
 - Midwest Development Commission
 - Department of Education
 - Heritage Council of WA
 - Telstra
 - Department of Health
 - ATCO Gas Australia
 - Public Transport Authority
 - Cape Burney Progress Association

Submissions:

As a result of advertising a total of 33 submissions were received (7 in support, 10 with no objection and 16 objecting to the Amendment). Listed below is a summation of the main comments/concerns raised from the public comment period:

Impact on the 'feel' of the area

Many submissions reflected similar concerns regarding the impact of higher density development on the lifestyle currently experienced in the area. Descriptors such as 'quiet', 'natural', 'bushland' and 'country feel' were used to describe the area. Many objections revolved around a concern that the proposed development was in conflict with this and did not adequately reflect the inherent nature of the area and what residents and users valued.

Many submitters repeated desires that the area be left in as natural state as possible and should be used purely for foreshore and recreational pursuits, or at most including community orientated infrastructure such as grassed amphitheatres. There were repeated concerns about this land being taken from the community.

Increased Density

Seven submissions opposed any 5 storey tourism development in the locality stating that the density is too high and would be detrimental to the current appeal of the area. Some submitters considered that 2 or 3 storeys would sufficient.

There were repeated concerns over the proposed density of some of the residential development, particularly the 'townhouse' and possible 2 storey residences.

Greenough River Resort

Five submitters raised concern due to the abandoned housing development south of Greenough River Road and the empty Greenough River Resort. It was suggested that as the original resort has not been successfully redeveloped, there is not the demand to warrant similar development in the area. Some submitters suggested that until the land had been dealt with, any land close to the beach or river should be left as is. There was also concerns raised over the environmental impact these abandoned developments had and concerns that this type of mismanagement would be extended into the new development area.

Greenough River

Four submissions expressed concern over the condition of the Greenough River including; the appearance of dead fish along the foreshore, the current river health and the rising river level and potential for flooding. Concerns were also raised that the location and scale of the development is way out of proportion to the amount of useable river foreshore space available.

Five submitters also raised concern over the impacts increased boating, fishing, 4WD use and swimming will have on the river wildlife and migratory birds.

One submitter considers that hydrological modelling should be conducted prior to construction of the jetty in the river.

Traffic and Safety

Concerns were raised regarding the impact of traffic generated by the increased development, including increased noise, associated safety issues, and concern over speeds. There were repeated concerns regarding the realignment of Greenough River Road into Gaskin Drive and the impact of existing Gaskin Drive residents due to the decrease in distance to existing homes.

There was also concern over the safety of off road bikes on gazetted roads and along the foreshore. One submitter considers it appropriate that a traffic Impact Assessment be completed to support any further subdivision.

Power and Deep Sewage

Three submitters requested that all sites be connected to the deep sewage and underground power while one submitter suggested that this was not necessary.

One submitter expressed concern that the power could not cope, while another voiced concern over the extra demand on power lines causing more gamma radiation and health problems.

Environmental Impact

A number of submitters expressed concern over the increased vehicles (particularly quad and motor bikes), boats and jet ski's in the area and their impact on the foreshore with regard to erosion of the river bank and increased pollution.

There was some scepticism that the economic gain of the City was taking precedence over maintaining the health and enjoyment of the natural environment. One submitter mentioned that the Shire does not maintain the area well and landowners have to clean up the rubbish left by beach users.

Previous freeholding attempts

Many submitters conveyed frustration due to the delay in freeholding the parcels on Gaskin Drive. Concerns were raised that the development went against previous commitments made by the local government to residents with regard to the area being kept for recreation.

A number of submissions conveyed the idea that due to the number of times the local government had attempted to deal with this area, combined with the delay meant that residents aren't being listened to or fully informed of the development.

Water Corporation

The Water Corporation raised concern with some of the existing infrastructure in the area and noted that in a previous planning review it was identified that a mains extension was required in order to serve the development due to insufficient pressure. Additional headwork charges will also be associated in proportion to the increase in zoning.

There was also concern that the river may become predominantly tidal and further studies would be required as there is more risk from sea level rise and storm surge than there is from the river rising.

A 'Schedule of Submissions' is included as Attachment No. SC074B and copies of the actual submissions are available to Council upon request. The schedule of submissions addresses the concerns raised by submitters.

COUNCILLOR CONSULTATION:

A full presentation to Councillors and officers was made on the 13 July 2009 on the development concept for the site. Briefing Notes have been distributed to Councillors on 4 May 2008, 10 February 2010 and 6 March 2012.

STATUTORY IMPLICATIONS:

The subject land currently contains a mixture of zonings under Town Planning Scheme No. 1A (Greenough River Resort) being:

- 'Residential' with a Residential Design Codes density coding of 'R20' (existing leasehold cottages and land immediately to the west along the northern boundary);
- 'Resort Development – R1' over the western portion of the subject land; and
- 'Parks and Recreation' Local Scheme Reserve over the balance of the subject land.

The Amendment proposes to rezone the land to 'Resort Development', and 'Parks and Recreation' Local Scheme Reserve. The primary intent behind the Amendment is to facilitate the development of portions of the subject land for tourism, residential, commercial, and recreational use to assist in facilitating the development of a tourist-orientated node along the Greenough River, while meeting the growing demand for short-stay accommodation and capitalising on the site's location for residential housing and recreational attributes.

The proposed 'Resort Development' zone will require the land be developed in accordance with the ODP as per clause 6.1 of the Scheme. The Scheme also sets out the requirements in terms of the details required for the ODP's advertising requirements and the approval process.

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

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

An amount of \$22,790 has been paid this year for final planning and rezoning costs. The subdivision and works budget is estimated at \$8,610,479 over three years.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

Goal 4: Opportunities for Sustainability.

Outcome 4.1: Vibrant and sustainable urban and rural development.

Strategy 4.1.4: Develop, apply and regulate effective planning schemes, building regulations and policies.

Outcome 4.3: Environmental sustainability.

Strategy 4.3.3: Protect biodiversity and provide landscape management through effective conservation and rehabilitation.

Regional Outcomes:**Geraldton Region Plan (1999) and Greater Geraldton Structure Plan 2011:**

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 urban on the structure plan.

Geraldton-Greenough Coastal Strategy & Foreshore Management Plan:

This Strategy guides decision making in relation to the management, protection and planning of foreshore and coastal areas. The management priority for the area is maintaining bushland linkage between the foreshore and inland area areas and river.

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

The amendment will potentially facilitate the development of a range of uses which includes retail, community facilities, short-stay accommodation and residential housing.

Social:

The amendment and ODP will facilitate freeholding of the existing lease cottages.

Environmental:

A flora and fauna survey was undertaken over the subject land. Development in accordance with the Concept Plan will result in the clearing of vegetation, however the vegetation is of low conservation value as it is in poor condition and well represented throughout the Region. There were no Threatened Ecological Communities present on or adjacent to the subject land. A desktop assessment indicated that a number of migratory birds were recorded as potentially occurring within the subject land, however only to fly over the land as it does not contain optimal habitat. All habitats within the subject land are considered to be in poor condition as they are severely impacted by weed invasion, grazing by feral fauna (rabbits) as well as disturbance from residential and recreational purposes.

A coastal setback analysis was undertaken and resulted in a setback distance of 150m. The setback area encroaches approximately 12m into the north west section and 43m into the south west section of the land. All this land is proposed to become part of the coastal reserve and will remain good value as a habitat linkage. To ensure no new development falls within the coastal setback, the Outline Development Plan was amended to accord with the findings of the analysis. The portion of the subject land which falls within the recommended setback distance is proposed to be classified as 'Parks and Recreation' and will be undeveloped.

An analysis was also undertaken to determine potential flooding issues with the Greenough River. This analysis took into consideration topography, foreshore stability, 100 year flood levels, storm surge and sea level rise. The analysis concluded that the subject land is more at risk from inundation from storm surge than river flooding and this would only affect a small section of the south west corner of the land which is proposed for beach access and therefore considered suitable and appropriate.

The Environmental Protection Authority considered that the Amendment should not be assessed under Part IV of the Environmental Protection Act.

Cultural & Heritage:

Two aboriginal sites have previously been recorded within or close to the subject land, Greenough Rover (Site Number 24761) and Greenough River Well (Site Number 1067). There are a further 19 Aboriginal sites registered with the Department of Indigenous Affairs within a 5km radius of the subject land.

All three native title claimant groups gave approval for the proposed development of the subject land to proceed although the condition that the historic well site is preserved and that access for Aboriginal people is allowed in the area.

The Greenough River is listed as an 'Indicative Place' on the Register of the National Estate. The subject land is separated from the Greenough River by Crown Reserve 20995 which will remain as a buffer between the river and the subject land.

RELEVANT PRECEDENTS:

Council initiated the Scheme Amendment at its Council Meeting held 27 March 2012.

Council has previously considered the development of Lot 200 Greenough River Road, Cape Burney at meetings held on 29 June 2005, 25 January 2006, 19 April 2007 and 25 August 2009.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:**PART A**

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

1. REFUSE to adopt for final approval Scheme Amendment No. 6 to Town Planning Scheme No. 1A (Greenough River Resort); and
2. MAKES the determination on the grounds that:
 - a. To be determine by Council.

PART B

That Council by Simple Majority, pursuant to clause 6.1 of Town Planning Scheme No.1A (Greenough River Resort), RESOLVES to:

1. REFUSE to adopt the Outline Development Plan; and
2. MAKES the determination on the grounds that:
 - a. To be determine by Council.

Option 3:

That Council by Simple Majority, pursuant to Section 3.18 of the Local Government Act 1995, RESOLVES to:

1. DEFER the final approval Scheme Amendment No.6 and Outline Development Plan to Town Planning Scheme No. 1A (Greenough River Resort); and
2. MAKES the determination on the grounds that:
 - a. To be determined by Council.

CONCLUSION:

It is considered that the Amendment and Outline Development Plan are consistent with the Greater Geraldton Structure Plan 2011, relevant Town Planning Scheme, and the commitment set by former Council resolutions to freehold the current leasehold lots.

The rezoning will enable the development of portions of the subject land for tourism, residential, commercial, and recreational uses. It will assist in facilitating the development of a tourist-orientated node along the Greenough River, while meeting the growing demand for short-stay accommodation and capitalising on the site's location for residential housing and recreational attributes.

Whilst it is acknowledged that the development will have an impact on some existing residents, the strategic intent for the area has already been demonstrated through the Greater Geraldton Structure Plan Update 2011. Substantial areas of the Cape Burney locality have been earmarked for urban development for a number of years and with this eventual development there will be increase in density and height in line with contemporary planning and development.

It is recognized that there is dissatisfaction with the increase in height, however multiple storey developments are appealing in areas located with high amenity and tourism value such as the Greenough River, the coastal foreshore, overlooking POS or close to recreation nodes. The mixture of lot sizes and heights provided within the ODP creates greater choice and diversity for prospective purchasers and provides varied housing stock within the locality which is in accordance with the requirements of the *Liveable Neighbourhoods* guidelines.

The proposal will increase public amenity through the provision of 1.54 hectares for Public Open Space, new recreational facilities, and the upgrade of current infrastructure. The design also increases the management of the river foreshore through revitalisation and revegetation of degraded areas which represents a significant benefit to the wider community.

Option 2 is not supported as Council has given its support for development of the land and the rezoning is required in order to progress that development. The amendment and development in accord with the ODP is generally consistent with the regional planning direction and local planning policy framework as it applies to the area.

There is considered sufficient information for Council to determine the matter and therefore Option 3 is not supported.

EXECUTIVE RECOMMENDATION:**PART A**

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 Submission';
2. ADOPT for final approval Scheme Amendment No. 6 to Town Planning Scheme No. 1A (Greenough River Resort); and
3. SEEK final approval of the Scheme Amendment from the Minister for Planning.

PART B

That Council by Simple Majority, pursuant to clause 6.1 of Town Planning Scheme No.1A (Greenough River Resort), RESOLVES to:

1. ADOPT the Outline Development Plan, subject to the modifications as outlined in the 'Schedule of Submissions'; and
2. FORWARD the Outline Development Plan to the WA Planning Commission for its endorsement.

SC075	ADOPTION OF DRAFT LOCAL PLANNING POLICY, GERALDTON – FROM A LOCAL TO GLOBAL REGIONAL CITY
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AGENDA REFERENCE:	D-12-60124
AUTHOR:	M Connell, Manager Urban & Regional Development
EXECUTIVE:	P Melling, Director Sustainable Communities / City Planner
DATE OF REPORT:	24 October 2012
FILE REFERENCE:	LP/8/0001
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes

SUMMARY:

The Curtin University Sustainability Policy (CUSP) Institute has produced the 'Geraldton – From a Local to Global Regional City' paper that sets out a road map for a journey that looks 50 years into the future of Geraldton. It is proposed to endorse the paper via the City's Town Planning Scheme mechanisms as a local planning policy.

This report recommends the adoption of the draft policy for the purpose of public advertising. The draft policy is attached as Attachment No. SC075.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

CUSP is an internationally recognised leader in research in sustainability. It has over time produced a series of landmark papers and reports which have been critical in stimulating public debate and policy consideration by Governments. In 2009, then in partnership with Parsons Brinkerhoff, CUSP released a major paper on 'Pilbara Cities'. This document provided a high level policy direction setting for the Government which was at that time developing the Pilbara Cities concept. In discussions between the Chief Executive Officer and representatives of CUSP the opportunity arose to have CUSP deliver a similar paper for Geraldton.

Geraldton is at the start of a substantial economic growth process driven by mining, trade and science that will draw the Geraldton region into the global economy. The people of the region want to embrace this economic opportunity and become a truly global city, but to do so in a way that retains the local and regional appearance, culture and character.

Over the next 50 years Geraldton will undergo a transformation – from being a small regional city dedicated to harvesting the land and the ocean, into a truly diverse, exciting and interesting city supported by many different economic and community activities.

Based on a series of public engagement processes and interviews with key people, the 'Geraldton – From a Local to Global Regional City' Discussion

Paper describes what will be needed to match the global economic development drivers with a broadening of the economic base, a deepening of the social and cultural commitment to being a liveable city, and a strengthening of the environmental features that the region holds so dearly.

The vision is:

That in 50 years the city will have achieved a far more diverse economic base, resulting in the growth of efficient and productive local service industries supporting mining, trade, science, education and arts related commerce. Local people will be employed in a diverse range of work opportunities. Ultimately this broader economic approach will help reduce local and regional cost structures and promote nationally and internationally aligned growth and market competitiveness.

But many features of life will remain. Geraldton will still sit between the Indian Ocean and the Moresby Ranges, offering similar types of recreational pursuits to those available today. Fifty years of hard work will overcome the inequalities between Aboriginal people and the other people of the city. People will still be able to move easily around the city and enjoy its amenities. Food will still be produced close to, or within, the well-planned and structured city. Added to this will be a reversal of ecological damage and a regeneration of the natural environment. Geraldton will have broken its dependency on fossil fuels and will be a model of how a regional city underwent this transition.

The city will become an economic, cultural and social hub in its own right – a global city – but will still be the place people recognise as Geraldton.

COMMUNITY CONSULTATION:

The preparation of the paper has taken into consideration the extensive community consultation that has occurred as part of the *2029 and Beyond* project.

Policies are required to be advertised for a period of 21 days with a notice in a newspaper for 2 consecutive weeks.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation.

STATUTORY IMPLICATIONS:

Clause 2.2 of Local Planning Scheme No. 2 (Mullewa), Town Planning Scheme No. 3 (Geraldton) and Local Planning Scheme No. 5 (Greenough) provides for the power to make policies in respect of any matter related to the planning and development of the Scheme area.

POLICY IMPLICATIONS:

Local Planning Policies are guidelines used to assist the Local Government in making decisions under the Scheme.

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.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budget implications.

The research and report was funded by CUSP at no cost to the City. The City did contribute \$8,000, through the Strategic Initiatives budget towards printing costs for the book and also for the launch by Minister Crean, which coincided with his announcement of \$4.9m funding for the West End project.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

It is considered that the 'Geraldton – From a Local to Global Regional City' paper will assist the City in the delivery of all the stated Goals, Outcomes and Strategies in the Strategic Community Plan.

Regional Outcomes:

The authors of the document are optimistic that Geraldton will create a new city – region within 50 years that will be considered one of the world's success stories as an international city – region with a strong local identity.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

The paper identifies four big issues facing the city – region, as follows:

Economic:

An economically adaptive city – changing and diversifying its economic base to take advantage of global trends.

Social:

A liveable city – where people want to live and spend time.

Environmental:

A carbon-neutral city – powered by renewables and repairing the world.

Cultural & Heritage:

A growing city, increasing its population, but still retaining its essence.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority pursuant to clause 2.2 of Local Planning Scheme No. 2 (Mullewa), Town Planning Scheme No. 3 (Geraldton) and Local Planning Scheme No. 5 (Greenough) RESOLVES to:

1. NOT ADOPT the 'Geraldton – From a Local to Global Regional City' Local Planning Policy; and
2. MAKES the determination on the grounds that:
 - a. To be determined by Councillors.

Option 3:

That Council by Simple Majority pursuant to Section 3.18 of the Local Government Act 1995 RESOLVES to:

1. DEFER the adoption of the 'Geraldton – From a Local to Global Regional City' Local Planning Policy; and
2. MAKES the determination on the grounds that:
 - a. To be determined by Councillors.

CONCLUSION:

The document has been developed to give an overview of Geraldton's potential as it enters an intense period of growth. Creating the vision will depend on how strongly the people of the region hold to the values and work towards the vision. The authors of the document are optimistic that Geraldton will create a new city – region within 50 years that will be considered one of the world's success stories as an international city – region with a strong local identity.

Option 2 is not supported as turning the vision into a reality over the next 50 years will take intelligence, commitment, effort and leadership. It will require the community and the City of Greater Geraldton to continue to recognise and strengthen the values of a visionary, civilised and civic minded community.

There is considered sufficient information for Council to determine the matter and therefore Option 3 is not supported.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to clause 2.2 of Local Planning Scheme No. 2 (Mullewa), Town Planning Scheme No. 3 (Geraldton) and Local Planning Scheme No. 5 (Greenough) RESOLVES to:

1. ADOPT the 'Geraldton – From a Local to Global Regional City' Local Planning Policy as a draft and advertise it for a period of 21 days;

2. ADOPT for final approval the 'Geraldton – From a Local to Global Regional City' Local Planning Policy should no objections be received during the advertising period; and
3. REQUIRE a further report to Council should there be any objections received during the advertising period.

SC076 CLAUSE 2.6 PARKING AND PARKING FACILITIES LOCAL LAW	
AGENDA REFERENCE:	D-12-60874
AUTHOR:	K Seidl, Manager Community Law and Safety
EXECUTIVE:	P Melling, Director Sustainable Communities / City Planner
DATE OF REPORT:	8 November 2012
FILE REFERENCE:	LE/6/0004
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

Advice has been received from the Joint Standing Committee on Delegated Legislation that Clause 2.6 City of Greater Geraldton Parking and Parking Facilities Local Law is unenforceable. This item proposes the repeal of Clause 2.6.

PROponent:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Following amalgamation, the City of Greater Geraldton has been reviewing local laws and implementing a new suite of local laws specific to the City of Greater Geraldton. The City of Greater Geraldton Parking and Parking Facilities Local Law was published in the Western Australian Government Gazette on the 4 September 2012.

Clause 2.6 of the City of Greater Geraldton Parking and Parking Facilities Local Law states:

2.6 Removal of vehicles

A person shall not remove a vehicle which has been parked in a parking station until he or she pays the appropriate fee.

Part of the process for the adoption of Local Laws, requires the Joint Standing Committee on Delegated Legislation consider any legislation proposed. The Joint Standing Committee on Delegated Legislation has since reviewed the Local Law and sent correspondence to the City highlighting a preliminary view of the Committee in relation to clause 2.6.

The Committee has a preliminary view that clause 2.6 is unenforceable because the authorised person cannot interfere with another person's private property (that is, the car) when the owner decides to "remove" the car by driving it away without paying. Clause 4.8 of the Local Law does provide for impounding a vehicle and is consistent with the Local Government Act 1995 although could not be used to physically prevent a person leaving with their own car.

Clause 4.8 of the City of Greater Geraldton Parking and Parking Facilities Local Law states:

4.8 Impounding of vehicles

The impounding of vehicles and other goods shall be carried out in accordance with sections 3.37 to 3.48 of the Act and regulation 29 of the Local Government (Functions and General) Regulations 1996.

Practically the removal of the clause will not have an effect on Council Parking Operations. City officers have undertaken a review of the clause (and its deletion) and believe that other clauses within the Local Law allow for matters of non-payment of parking fines to be effectively dealt with.

COMMUNITY CONSULTATION:

There has been no community consultation in relation to this report.

COUNCILLOR CONSULTATION:

There has been no Councillor consultation in relation to this report.

STATUTORY IMPLICATIONS:

Section 3.16 of the Local Government Act 1995 relates to reviewing, repealing or amending local laws.

The Department of Local Government Guidelines, Guideline No 16 outlines the process required to undertake an amendment to a local law.

“5.5 Any other changes to the published law, however small, must be made by way of a new proposed amendment local law, requiring fresh and full compliance with all of the steps of the process in s3.12 of the Act.”

5.7 Amending (s3.12 of the Act), Repealing (s3.12 of the Act), or Reviewing (s3.16 of the Act). Some local governments are not aware that when amending or repealing a local law, this needs to be done in accordance with s3.12 of the Act, which is the same procedure for ‘making’ a local law. This is because amendment or repeal local laws are new local laws themselves and must follow the full statutory process to be made within power.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

Costs relating to the Local Laws have been attributed to the amalgamation budget. The amendments to this Local Law will be advertised and published in the Government Gazette.

STRATEGIC & REGIONAL OUTCOMES:**Strategic Community Plan Outcomes:**

Goal 5:	Leading the Opportunities
Outcome 5.1:	Leadership and good governance
Strategy 5.1.3:	Implement business, governance, legislative and compliance frameworks

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.

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

The City of Greater Geraldton Parking and Parking Facilities Local Law 2012 was adopted by Council on the 26 June 2012.

The City of Greater Geraldton Parking and Parking Facilities Local Law 2012 was published in the Western Australian Government Gazette on the 4 September 2012.

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 Simple Majority pursuant to Section 3.16 of the Local Government Act 1995 RESOLVES to:

1. DEFER the repeal of clause 2.6 of the City of Greater Geraldton Parking and Parking Facilities Local Law 2012; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

CONCLUSION:

The Joint Standing Committee on Delegated Legislation has reviewed the Western Australian Government Gazette published City of Greater Geraldton Parking and Parking Facilities Local Law. The Committee has a preliminary view that Clause 2.6 is not enforceable. It will not affect Council Parking Operations by removing the Clause. Option one makes recommendation that this clause is repealed and not enforced during the period leading up to the repeal. Option two allows for a deferral.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 3.16 of the Local Government Act 1995 RESOLVES to:

1. REPEAL clause 2.6 of the City of Greater Geraldton Parking and Parking Facilities Local Law 2012; and
2. NOT ENFORCE clause 2.6 of the City of Greater Geraldton Parking and Parking Facilities Local Law 2012 during the period leading up to the repeal.

15 OPERATIONAL MATTERS

TF034	COUNTRY LOCAL GOVERNMENT FUND - PROJECT ALLOCATIONS
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AGENDA REFERENCE:	D-12-06461
AUTHOR:	P Radalj, Manager of Management Accounting
EXECUTIVE:	B Davis, Director Treasury and Finance
DATE OF REPORT:	8 November 2012
FILE REFERENCE:	GS/1/0007
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

The purpose of this report is to seek Council approval of the 2012-13 Country Local Government Fund (CLGF) direct allocation of funds (\$1,260,546) to the following projects as per the guidelines set by the Department of Regional Development and Lands who administer this funding program:

1. Rail Carriage Display Shed - \$275,000
2. Masonic Lodge Building Upgrade (Mullewa) - \$92,926
3. Minnenooka Road Upgrade - \$500,000
4. Mullewa Drive Trails - \$267,620
5. Mullewa Sewerage System Upgrade - \$125,000

PROPONENT:

The Proponent is The City of Greater Geraldton

BACKGROUND:

The Country Local Government Fund is a Royalties for Regions initiative that provides both direct and regional component funding allocations to all Western Australia Councils.

As part of the funding guidelines, the former City of Geraldton-Greenough and Shire of Mullewa were required in 2010-11 to submit a detailed 5-year Forward Capital Plan to the Department of Regional Development and Lands (these plans are required to be reviewed annually). Within these plans both the City and the Shire were required to detail the specific projects that the yearly allocation of Country Local Government Funds would be applied to and any changes to these allocations would only be accepted by the Department subject to Council approval. In the original 5-year plans submitted, the allocations for 2012-13 were as follows:

Former City of Geraldton-Greenough:

- Multi-Use Facility (Foreshore) - \$824,858

The proposed Multi-Use Facility is now part of the West End Recreation and Entertainment Precinct Revitalisation Project and as such comes under a new funding structure in relation to both internal and external sources of funds that no longer includes the CLGF allocation.

Former Shire of Mullewa:

- Mullewa Townscape Project - \$63,207
- Mullewa Drive Trails - \$155,255
- Masonic Lodge (Mullewa) - \$59,746.

Of the original projects submitted under the previous Shire of Mullewa only the Mullewa Townscape Project has been removed as it is still progressing through a concept/scope project planning phase.

COMMUNITY CONSULTATION:

There has been no community consultation.

COUNCILLOR CONSULTATION:

The nominated projects all form part of the Capital Expenditure Budget adopted by Council for the financial year 2012-13 Budget.

STATUTORY IMPLICATIONS:

There are no statutory implications.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial and budgetary impacts. The recommendations simply adjust grant allocations within the Capital program already endorsed by Council and included in the 2012-13 Budget adopted by Council. This report to Council is only required because DRDL requires a Council resolution covering any changes in forward capital programs previously provided in relation to CLGF allocations.

STRATEGIC & REGIONAL OUTCOMES:Strategic Community Plan Outcomes:

Goal 4: Opportunities for Sustainability

Outcome 4.4: Infrastructure that meets community growth needs and aspirations

Strategy 4.4.1: Maintain efficient asset management by moving towards full asset renewal funding including depreciation

Strategy 4.4.3: Effectively plan and prioritise investment in capital expenditure to ensure an appropriate balance across economic, environmental, social, recreational and cultural assets

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.

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

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 5.20 of the Local Government Act 1995 RESOLVES to:

1. NOT APPROVE the recommended allocation of the 2012-13 direct component of the Country Local Government Fund to the following nominated projects:
 - a. Rail Carriage Display Shed - \$275,000;
 - b. Masonic Lodge Building Upgrade (Mullewa) - \$92,976;
 - c. Minnenooka Road Upgrade - \$500,000;
 - d. Mullewa Drive Trails - \$267,620;
 - e. Mullewa Sewerage System Upgrade - \$125,000; and
2. MAKES the determination based on the following reason:
 - a. To be determined by Council.

Option 3:

That Council by Simple Majority Pursuant to Section 5.20 of the Local Government Act 1995 RESOLVES to:

1. DEFER allocation of the 2012-13 direct component of the Country Local Government Fund;
2. MAKES the determination based on the following reason:

- a. To be determined by Council.

CONCLUSION:

The recommended allocations meet the following criteria:

- Major projects that are already incorporated in City of Greater Geraldton Forward Capital Plan;
- The Projects are already included in the Capital Expenditure Budget for 2012-13 adopted by Council;
- The projects meet the funding guidelines as set by the Department of Regional Development and Lands;
- Projects are scheduled to either have commenced or be completed by 30 June 2013.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority Pursuant to Section 5.20 of the Local Government Act 1995 RESOLVES to:

1. APPROVE the allocation of the 2012-13 Direct component of the Country Local Government Fund to the following nominated projects:
 - a. Rail Carriage Display Shed - \$275,000;
 - b. Masonic Lodge Building Upgrade (Mullewa) - \$92,976;
 - c. Minnenooka Road Upgrade - \$500,000;
 - d. Mullewa Drive Trails - \$267,620; and
 - e. Mullewa Sewerage System Upgrade - \$125,000.

CC085	MEMBERSHIP OF GERALDTON REGIONAL ART GALLERY MANAGEMENT COMMITTEE
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AGENDA REFERENCE:	D-12-61394
AUTHOR:	C Budhan, Managers Arts, Culture & Events
EXECUTIVE:	A Selvey, Director Creative Communities
DATE OF REPORT:	25 October 2012
FILE REFERENCE:	GO/6/0014
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x1)

SUMMARY:

The purpose of this report is to seek a Council resolution on the addition of two community member positions and appointment of three community Members to the Geraldton Regional Art Gallery Management Committee.

PROPONENT:

The proponent is the Geraldton Regional Art Gallery Management Committee.

BACKGROUND:

The Geraldton Regional Art Gallery Management Committee, an advisory committee of Council, was established on 22 November 2011 (CS033). The Committee includes two Councillors (Deputy Mayor Neil McIlwaine and Cr Neil Bennett), two representatives of Art Gallery WA, and one Community Member. Council and Gallery staff members attend the meetings as required.

COUNCIL DECISION

MOVED CR BRICK, SECONDED CR MIDDLETON

That the Council by Absolute Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to:

1. RE-ESTABLISH the representation on the Greater Geraldton Regional Art Gallery Management Committee;
2. APPOINT the following delegates to the Greater Geraldton Regional Art Gallery Management Committee:
 - a. Councillor N Bennett
 - b. Councillor N McIlwaine
 - c. Councillor T Thomas proxy
 - d. Re-appoint External members which are:

Jo Bunker	Community Member
Brian Stewart	Art Gallery WA
Julie Sproule	Art Gallery WA

External Members named will be replaced with a 'Nominee From' should they step down as a Member.
3. SET the Terms of Reference of the Greater Geraldton Regional Art Gallery Management Committee to be:
 - a. to support and promote the Geraldton Regional Art Gallery's vision and mission statements. These are:
 - i. To be a leading regional art gallery in Western Australia and a centre of artistic excellence accessible to all in the Region; and
 - ii. To enrich people's lives by providing a diverse high quality visual arts program that is vibrant, thought-provoking and relevant to the people of the region and its visitors.
 - b. through the Geraldton Regional Art Management Committee, ensure that the strategic and operational plans of the Geraldton Regional Art

- Gallery align with its key stakeholders and consider the expectations of relevant regional communities;
- c. to provide for the safety and well-being of the staff of the Geraldton Regional Art Gallery including visitors and contractors;
 4. DEFINE Council delegations as Nil;
 5. APPOINT the Chief Executive Officer or his delegate as the City of Greater Geraldton support staff;
 6. DEFINE the appointment of delegates as expiring on the 15 October 2013 or as determined by Council; and
 7. ATTEND meetings as required.

The Geraldton Regional Art Gallery Management Committee's community member position is currently vacant. At the Committee's June meeting, three applications for the position were considered. The Committee unanimously supported the appointment of all three applicants on the grounds that further community representation and a broader range of expertise is important for the Committee's purposes.

The Committee resolved to recommend the appointment of all three applicants to Council, the applicants being Anthea da Silva, Gary Martin, and Nichola Smith. This report brings the Committee's recommendation before Council.

COMMUNITY CONSULTATION:

The Committee currently includes one Community Member position. This report seeks Council resolution on the addition of two Community Member positions for a total of three, thereby increasing community representation.

COUNCILLOR CONSULTATION:

The Committee includes two Councillors (Deputy Mayor Neil Mcilwaine and Cr Neil Bennett).

STATUTORY IMPLICATIONS:

There are no statutory Implications.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budgetary implications.

STRATEGIC & REGIONAL OUTCOMES:

Strategic Community Plan Outcomes:

- | | |
|-----------------|---|
| Goal 3: | Opportunities for Creativity |
| Outcome 3.1: | A community that embraces and celebrates diversity. |
| Strategy 3.1.2: | Develop and promote services, facilities, events and activities that supports our cultural diversity. |

Regional Outcomes:

As the Geraldton Regional Art Gallery serves the entire Mid West region, the benefits outlined in this report are of region-wide effect.

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

There are no economic issues.

Social:

There are no social issues.

Environmental:

There are no environmental issues.

Cultural & Heritage:

Greater community representation on the Committee may result in greater alignment of the Gallery's management with the community's desired arts, creative and cultural outcomes.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

There is no delegated authority.

VOTING REQUIREMENTS:

Simple Majority is required.

OPTIONS:**Option 1:**

As per Executive Recommendation in this report.

Option 2:

That Council by Simple Majority, under Section 5.8 of the Local Government Act 1995, RESOLVES to:

1. DECLINE to add two new Community Member positions to the Geraldton Regional Art Gallery Management Committee; and
2. REFERS this matter back to the Geraldton Regional Art Gallery Management Committee for their recommendation of their preferred candidate for the current vacancy for a Community Member;
3. MAKES the determination based on the following reason:
 - a. to be determined by Council.

Option 3:

That Council by Simple Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to:

1. DEFER consideration of adding two new Community Member positions to the Geraldton Regional Art Gallery Management Committee; and
2. REFERS this matter back to the Geraldton Regional Art Gallery Management Committee for their recommendation of their preferred candidate for the current vacancy for a Community Member;
3. MAKES the determination based on the following reason:
 - a. to be determined by Council

CONCLUSION:

The Geraldton Regional Art Gallery Management Committee is an established Committee of Council. The Committee unanimously supports the addition of two Community Member positions and the appointment of Anthea da Silva, Gary Martin, and Nichola Smith on the grounds that further community representation and a broader range of expertise is important for the Committee's purposes.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority under Section 5.8 of the Local Government Act 1995 RESOLVES to:

1. ADD two new Community Member positions to the Geraldton Regional Art Gallery Management Committee, resulting in a total of three vacant Community Member positions;
2. APPOINT to the three vacant Community Member positions on the Geraldton Regional Art Gallery Management Committee:
 - a. Anthea da Silva;
 - b. Gary Martin; and
 - c. Nichola Smith.

14.1 Reports to be Received

REPORTS TO BE RECEIVED	
AGENDA REFERENCE:	D-12-62292
AUTHOR:	A Brun, Chief Executive Officer
DISCLOSURE OF INTEREST:	No
FILE REFERENCE:	GO/6/0002
DATE OF REPORT:	15 November 2012

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.

Any reports received under this Agenda are considered received only. Any recommendations or proposals contained within the "Reports (including Minutes) to be Received" are not approved or endorsed by Council in any way. Any outcomes or recommendations requiring Council approval must be presented separately to Council as a Report for consideration at an Ordinary Meeting of Council.

ADMINISTRATIVE COMMENT:

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

<i>Reports of Sustainable Communities</i>	
SCDD069	Delegated Determinations
<i>Reports of Creative Communities</i>	
CC086	Geraldton Regional Art Gallery Committee Minutes
CC087	Senior Advisory Committee Minutes 17 October 2012
<i>Reports of Treasury and Finance</i>	
TF035	Statement of Financial Activity Period ending 31 October 2012
TF036	Confidential Report – List of Accounts paid under delegation

CONSULTATION:

Not applicable.

STATUTORY ENVIRONMENT:

Not applicable.

VOTING REQUIREMENTS:

Simple majority is required.

EXECUTIVE RECOMMENDATION:

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

PART A

That Council by Simple Majority pursuant to Section 22.(2) of the Local Government Act 1995 RESOLVES to

1. RECEIVE the following appended reports:
 - a. Reports – Department of Creative Communities
 - i. CC085 Geraldton Regional Art Gallery Committee Minutes
 - ii. CC086 Senior Advisory Committee Minutes 17 October 2012

PART B

That Council by Simple Majority, pursuant to Sections 5.13 and 34 of the Local Government (Financial Management) Regulations 1996 RESOLVES to:

1. RECEIVE the following appended reports:
 - a. Reports – Department of Treasury and Finance;
 - i. TF035 Statement of Financial Activity period ending 31 October 2012
 - ii. TF036 Confidential Report – List of Accounts paid under delegation
 - a. Reports – Department of Sustainable Communities; and
 - i. SCDD069 Delegated Determinations

16 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

18 URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING

19 CLOSURE

APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED

Attachments and Reports to be Received are available on the City of Greater Geraldton website at: <http://cgg.wa.gov.au/meeting/ordinary-meeting-council-27-november-2012>