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CITY OF GERALDTON
ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 29 MAY 2007 AT 7.00PM

MINUTES

DISCLAIMER:

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

1 **DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 7.00pm.

2 **ATTENDANCE**

Present:

Commissioner Jeff Carr (Chairperson)
Commissioner Malcolm Smith (Deputy Chairperson)
Commissioner Jan Grimoldby

Officers:

G P Brennan, Chief Executive Officer
H L Eaton, Director of Corporate Services
P C Melling, Director of Development Services
G E Shoemark, Director of Technical Services
R M Gorbunow, Director of Business and Community Services
C Ware, Executive Support Personal Assistant

Apologies:

Nil.

Leave of Absence:

Nil.

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

Nil.

4 **PUBLIC QUESTION TIME**

Nil.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6 PETITIONS, DEPUTATIONS OR PRESENTATIONS

Nil.

**7 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING
– as circulated**

RECOMMENDED that the minutes of the ordinary meeting of Council held on 15 May 2007, as previously circulated, be adopted as a true and correct record of proceedings.

COUNCIL DECISION:

**MOVED COMMISSIONER GRIMOLDBY, SECONDED
COMMISSIONER SMITH**

**That the minutes of the ordinary meeting of Council held on
15 May 2007, as previously circulated, be adopted as a true and
correct record of proceedings.**

CARRIED

8 ANNOUNCEMENTS BY THE CHAIR (WITHOUT DISCUSSION)

DATE	FUNCTION	REPRESENTATIVE
Wed 16 May	Attended Geraldton Greenough Regional Council Meeting	Commissioners Carr, Smith and Grimoldby
	Met with Bruce Semple re: Geraldton Yacht Club	Commissioner Carr
	Met with community member re: planning issues	Commissioner Carr
Tues 22 May	Community Safety and Crime Prevention Committee Meeting – Reception Room	Commissioner Smith
SUPPLEMENTARY ANNOUNCEMENTS		
Wed 16 May	Attended QEII Management Committee meeting at QEII Centre	Commissioners Carr and Smith
Fri 25 May	Attended Geraldton Economic Alliance meeting	Commissioners Carr and Smith
	Attended State Government / City of Geraldton Memorandum of Understanding Meeting	Commissioner Carr
Sun 27 May	Attended and opened Museum Exhibition 'Right Wrongs Write Yes' – Geraldton Museum	Commissioner Carr Commissioner Smith
Mon 28 May	Attended Northern Country Zone of WALGA teleconference meeting	Commissioner Carr

9 REPORTS OF DIRECTORATES AND OFFICERS

9.1. Reports of the Chief Executive Officer

CEO01	CIVIC CENTRE BUILDING RENOVATIONS
AGENDA REFERENCE:	07/04407
AUTHOR:	G Brennan, Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	21 May 2007

SYNOPSIS:

A report outlining the results of the expression of interest process for alteration works to the City of Geraldton Civic Centre building and the next steps to commence the project.

BACKGROUND:

Prior to the Commissioners commencing, expressions of interest were invited by statewide advertising from experienced builders with the capacity to undertake the building renovations to the Civic Centre building necessary to accommodate additional staff post 1 July 2007.

One expression of interest was received, that being one of Geraldton's largest construction firms Crothers Construction Pty Ltd. This firm has been awarded several Master Building Association Awards including multi million dollar projects undertaken in regional areas including several within Geraldton.

At its meeting held on 15 May 2007 the City of Geraldton resolved to invite tenders to undertake this work. The invitation of expressions of interest enables amongst other things, the Council to "short list" acceptable tenderers to obviate the need for statewide notice otherwise required for calling of tenders.

COMMENT:

Regulation 23(3) of the Local Government (Functions and General) Regulations states amongst other things that the "the local government is to decide which if any of those expressing an interest are from persons who it thinks would be capable of satisfactorily supplying the good or services".

The recommendation is for Council to decide that Crothers Construction Pty Ltd is capable of supplying the goods and services envisaged for the civic centre building modifications to accommodate the additional staff and improved customer service planned by the previous elected Councils. Regulation 14(2) then enables the Chief Executive Officer to give notice of the invitation to invite tenders for the works to this company.

Council has engaged the services of Architects Eastman Poletti and Sherwood to oversee the space planning project including costings.

The Architects have recommended trades and material rates are negotiated throughout each stage of the project enabling tighter control and saving on extensive specification preparations. This approach is supported by the CEO.

Crothers Construction has extensive experience in multi million dollar building projects including:

Nazareth House (Aged Care) refurbishment
Midwest Regional College of TAFE – refurbishments and alterations
Centro Stirling shopping complex redevelopment
Centro Northgate Shopping Centre additions
Department of CALM – office fit-out
Legal Aid WA – office fit-out
Geraldton Grammar School – office and teaching area additions
Humfrey Land Developments – office expansion
Bhagwan Shipping – office fit-out
Greenough Regional Prison – cell and kitchen upgrades

The company is quality assured and has demonstrated it has the essential insurances in place. Officers are advised the company can proceed with the works within the next few weeks pending a decision of Council. It is envisaged the firm will project manage other sub contractors where specialised goods and services are required.

CONSULTATION:

State wide advertising was conducted for the invitation to express an interest in carrying out the renovations to the Civic Centre building

STATUTORY ENVIRONMENT:

Local Government (Functions and General) Regulations 1996

POLICY IMPLICATIONS:

Not applicable.

FINANCIAL IMPLICATIONS:

The estimated costs of materials and services for the building component and the electrical, mechanical and security components will be funded in part by the State funds to assist the merger process, by drawing on reserves set aside for civic building upgrade with the balance of funds to be identified in the 2007/08 budget process.

STRATEGIC IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Absolute majority required.

OFFICER'S RECOMMENDATION:

That:

- i Council determines under Regulation 23(3) of the Local Government (Functions and General) Regulations 1996, that Crothers Construction Pty Ltd is capable of satisfactorily supplying the goods and services envisaged for the civic centre building modifications.
- ii The CEO is delegated the authority to accept a tender from Crothers Construction Pty Ltd based on hourly rate for labour and cost of materials recommended by Architects Eastman Poletti and Sherwood.

COUNCIL DECISION:**MOVED COMMISSIONER SMITH, SECONDED COMMISSIONER GRIMOLDBY****That the Officer's Recommendation pertaining to this item be adopted.****CARRIED BY ABSOLUTE MAJORITY**

9.2. Reports of Business and Community Services

BCS01	ASSIGNMENT OF CONTRACTS
AGENDA REFERENCE:	07/04376
AUTHOR:	Richard Gorbunow, Director of Business & Community Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	21 May 2007
SITE VISIT REQUESTED:	No

SYNOPSIS:

Continuing of the (3) existing contracts which are in place between the Geraldton Greenough Regional Council and (3) contractors for the operation of different aspects of the Geraldton Greenough Regional Waste facility at Meru.

BACKGROUND:

The Geraldton Greenough Regional Council (GGRC) is to wind up on 30 June 2007 and together with the City of Geraldton and the Shire of Greenough, is desirous of continuing the 3 contracts.

COMMENT:

Legal advice was sought from Woodhouse Legal and their advice was that "once the Commissioners have been appointed to the GGRC, the Council should meet and resolve to agree to assignment of the (3) contracts".

At the May 2007 GGRC meeting, Commissioners were appointed to the GGRC and the following was resolved;

"That the Geraldton Greenough Regional Council agrees to assign the following 3 contracts to the City of Geraldton and the Shire of Greenough, and the Chairman and the Chief Executive Officer are authorised to affix the common seal to the deed of assignment prepared by the Geraldton Greenough Regional Council's solicitors;

- (i) Contract dated June 2003 entitled "Contract for the Operation and Maintenance of the Geraldton Greenough Regional Waste Facility at Meru";
- (ii) Contract dated August 2006 entitled "Contract for the Meru Waste Disposal Facility Green Waste Processing Services"; and
- (iii) Contract dated August 2006 entitled "Contract for the Meru Waste Disposal Facility On-Site Recycling Operations".

The (3) contractors have been advised of this procedure and that a deed of assignment will be prepared for their signature following the completion of the resolutions from the City of Geraldton and the Shire of Greenough.

CONSULTATION:

Community consultation was not required in relation to this report.

STATUTORY ENVIRONMENT:

Pursuant to section 5.10 and 3.63 of the Local Government Act 1995 and the Geraldton Greenough Regional Council Establishment Agreement Part 9. The GGRC Establishment Agreement Section 9.3 and 9.4 refer to the Division of Assets and Liabilities being transferred to the participants if the GGRC is to be wound up.

POLICY IMPLICATION:

Council has no policy relevant to this report.

FINANCIAL IMPLICATION:

The financial implication of (3) existing contracts between the GGRC and its contracts, legal fees will apply. Allowance has been made in the budget to cover legal costs associated with preparing the 3 deeds of assignment.

STRATEGIC IMPLICATION:

Waste Management practices in Western Australia are controlled by the Environment Protection Act, 1986 and the Health Act 1991.

Administration of the Environment Protection Act involves the Environmental Protection Authority, which develops policies, undertakes investigations and makes environmental assessments relevant to the Act and regulations issued under the Act. It provides executive support to the Authority. The powers relating to the waste management provisions of the Health Act have been delegated to the Department of Environmental Protection. The waste management activities of the Department of Environmental Protection are undertaken by its Waste Management division. It is responsible for assisting the Authority with the development of waste related policies. It regulates waste management and waste disposal and treatment facilities, and is responsible for the provision of strategic waste management facilities for liquid and hazardous wastes.

The State Government is committed to reducing its waste per capita as a means of conserving resources and energy and reducing the State's dependence on land fill disposal. The integrative key action is to move towards zero waste.

VOTING REQUIREMENTS:

Absolute Majority required

OFFICER RECOMMENDATION:

That the City of Geraldton agrees to assign the following 3 contracts to the City of Geraldton-Greenough, and the Chairman and the Chief Executive Officer are authorised to affix the common seal to the deed of assignment prepared by the Geraldton Greenough Regional Council Solicitors:

- (i) Contract dated June 2003 entitled "Contract for the Operation and Maintenance of the Geraldton Greenough Regional Waste Facility at Meru";
- (ii) Contract dated August 2006 entitled "Contract for the Meru Waste Disposal Facility Green Waste Processing Services"; and
- (iii) Contract dated August 2006 entitled "Contract for the Meru Waste Disposal Facility On-Site Recycling Operations".

COUNCIL DECISION:

**MOVED COMMISSIONER GRIMOLDBY, SECONDED
COMMISSIONER SMITH**

**That the Business and Community Services Officer's
Recommendation pertaining to this item be adopted.**

CARRIED BY ABSOLUTE MAJORITY

9.3. Reports of Corporate Services

GF542	CITY OF GERALDTON-GREENOUGH CREST
AGENDA REFERENCE:	07/04280
AUTHOR:	Henry Eaton, Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	18 May 2007
SITE VISIT REQUESTED:	No

BACKGROUND:

A committee was formed in April to proceed down the path of developing a new crest for the City of Geraldton Greenough. The committee have requested funding assistance from both the City of Geraldton and the Shire of Greenough on providing prize money towards short listed applicants.

COMMENT:

The request is not an item that has been specifically identified through the Shire of Greenough's normal budget assessment. It is proposed that the \$4,000 required as prize money could be funded separately from within discretionary items contained within both City and Shire budgets **or** alternatively can come out of the structural reform budget which would be considered a more suitable source of funds. The State Government has provided both the City and Shire funds to assist towards the amalgamation process. This pool of money amounts to \$1.3m (plus GST) of which a budget has been set aside towards funding the identity of the new local government.

Submissions were to be open to schools and educational facilities as well as the general public to develop a new crest for the City of Geraldton Greenough.

Correspondence received from Concept Marketing and the terms and conditions of entry were attached with the agenda papers.

CONSULTATION:

The community will be involved in this process of identifying a unique crest for their new local government authority.

STATUTORY ENVIRONMENT:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Although there has been no specific allocation towards this project. Funding can be sourced from the structural reform budget allocation provided by the State Government for corporate identity. An amount of \$4,000 has been requested.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple majority required.

OFFICER'S RECOMMENDATION:

That Council authorise the allocation of \$4,000 from within the Structural Reform Budget, as provided by the State Government, to assist by way of prize money to applicants who have been short listed for their submission towards supplying a suitable Crest design for the new City of Geraldton Greenough.

COUNCIL DECISION:

MOVED COMMISSIONER SMITH, SECONDED COMMISSIONER GRIMOLDBY

That the Corporate Services Officer's recommendation pertaining to this item be adopted.

CARRIED

9.4. Reports of Technical Services

EIS407	REVIEW OF MEMORANDUM OF UNDERSTANDING WITH GERALDTON PORT AUTHORITY
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AGENDA REFERENCE:	07/04367
AUTHOR:	Geoff Shoemark, Director Technical Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	21 May 2007
SITE INSPECTION	

SYNOPSIS:

Outcomes of the recent Geraldton Port Authority and City of Geraldton Liaison Committee, resolved a number of proposed amendments for consideration by Council for inclusion into the Memorandum of Understanding with the Geraldton Port Authority. A copy of the minutes from the April 2007 have been circulated for Commissioners information

BACKGROUND:

In March 2003 after extensive negotiations a Memorandum of Understanding Document was agreed between the Geraldton Port Authority and City of Geraldton relating to a number of areas of common interest including:

- Statement of Intent
- Principles of Consultation
- Major Projects
- Commitments to the Geraldton Foreshore Project
- Eastern Breakwater / Town Beach

A copy of the document has been circularised to Commissioners.

Since late in 2006 City and Port Officers with consultation through the Geraldton Port Authority and City of Geraldton Port Liaison Committee have been endeavouring to obtain agreement on a number of detailed planning and construction issues within the Port Precinct associated with the development of the Foreshore Redevelopment and CBD Revitalisation Project.

A recent meeting of the Port Liaison Committee held in April 2007 finally resolved a number of agreed principles for inclusion as an addendum to the Geraldton Port Authority / City of Geraldton Memorandum of Understanding.

COMMENT:

Details of the proposed addendum clauses are listed in the officer's recommendation, with explanation of negotiations contained within

the April minutes of the Port Liaison Committee. The Clauses related to the following:

- i. Shepherds Park Lease –
Establishes conditions for the City of Geraldton use of Shepherds Park for installation of various infrastructure features associated with the Foreshore Redevelopment Project.

A copy of the staged development plan for Shepherds Park was attached with the agenda papers, with funding for these works to be agreed by the Geraldton Port Authority.

- ii. Eastern Breakwater:
Establishment of agreements relating to;
 - Lease arrangements
 - Boardwalk construction assistance
 - Fishing / Viewing Platform construction assistance
- iii. Reserve Transfers:
Agreement for land transfer for;
 - Boat ramp car park extension
 - Use of Geraldton Port Authority reserve adjacent to car park
 - Francis Street extension
 - Groyne reserve vesting's and maintenance arrangements

Details of the proposed future reserve vestings were shown in the attached plan with the agenda papers.

CONSULTATION:

Extensive consultation between City and Port Officers plus elected Council and Board Members has occurred over the past 6 months to reach this final agreed position on the aforementioned issues.

STATUTORY ENVIRONMENT:

The Memorandum of Understanding forms a mutually binding agreement between the City of Geraldton and Geraldton Port Authority.

The original Memorandum of Understanding was also formally adopted by the Minister for the Environment as part of the Geraldton Port Authority Port Enhancement Statutory Environmental Commitment to assist with the development of the Foreshore Redevelopment Project.

POLICY IMPLICATIONS:

There are no policy implications

FINANCIAL IMPLICATIONS:

The conditions proposed within the Memorandum of Understanding addendum have no major financial implications on the City of Geraldton outside of current funding available within the Foreshore Redevelopment Project.

STRATEGIC IMPLICATIONS:

Within the City of Geraldton strategic plan KRA4 Places for People, Direction 1 refers to "Accessible Foreshore Redevelopment" and KRA6 Connected Leadership, Direction 4 refers to "Service Delivery through Partnerships and Collaboration"

The updating of the Geraldton Port Authority / City of Geraldton Memorandum of Understanding is critical in ensuring proactive and timely developments of Foreshore areas adjacent to the port precinct.

VOTING REQUIREMENTS:

Absolute Majority required for modification of the Memorandum of Understanding agreement with the Geraldton Port Authority.

OFFICER'S RECOMMENDATION:

Recommended that Council endorse the following amended clauses for inclusion into the City of Geraldton and Geraldton Port Authority Memorandum of Understanding.

- i. Shepherd's Park Lease
 - a) That GPA lease to COG that part of Shepherds Park occupied by the storage tanks and reticulation pumping station. GPA to survey the lease area and present draft lease to COG.
 - b) COG to assume responsibility for mowing Shepherds Park.
 - c) The GPA bore licence to transfer to COG. (This bore will be used by COG to supplement water supply to the water storage tanks).
 - d) A power meter be installed to capture power used by the COG for pumping water from the bore to their tanks.
 - e) COG to supply water for reticulation of Shepherds Park subject to GPA upgrading reticulation in a manner consistent with COG storage tank system.
 - f) A staged concept development plan be developed by the COG for Shepherds Park and the undeveloped area between Ian Bogle Road and the boat ramp car park. Implementation of the plan is subject to GPA Board approval.
 - g) The pipeline linking the water tanks with the Foreshore will use a path adjacent to the CBH access road to the north of Shepherds Park.

-
- h) GPA will make Shepheards Park available to the City of Geraldton (conditions to be agreed) for use as overflow grass car parking for Foreshore related and community events. When Francis St is constructed provision is made for expansion of the car park with access off Ian Bogle Road. The cul-de-sac construction is to form part of the City's works.
- ii. Eastern Breakwater Lease
- a) GPA to lease to COG that section of the Eastern Breakwater identified and agreed by GPA and COG in the MOU as for use by the public.
 - b) Peppercorn Lease to be developed by GPA with a term of 21 years and an option for a further 21 years
 - c) Clause to be included to secure GPA access to the lease area for maintenance of services.
 - d) The lease to include a provision giving COG the power to sublease.
- iii. Boardwalk
- a) GPA and COG to fund and manage the design of the board walk jointly in proportion to the length of board walk that GPA is required to fund and construct and the length of boardwalk that COG intends to fund and construct.
 - b) Under the scope of works to the Eastern Breakwater GPA was required to ensure that the boundary fence line adjacent to the rail corridor must be no closer than 20 metres from the eastern top edge of the breakwater. The section of boardwalk that GPA will fund will correspond to that area where the width between the boundary fence line and the eastern top edge of the breakwater is less than 20 metres.
- iv. Fishing / Viewing Platform
- a) COG to fund and manage design of the fishing / viewing platform and bridge and be responsible for procurement of piles.
 - b) GPA will work with COG to provide an acceptable viewing platform in accordance with its MOU commitment
 - c) GPA will cooperate with COG to perform the piling works associated with the fishing / viewing platform subject to GPA's equipment being able to undertake the risk
- v. Hard Stand Car Parking
- a) GPA approves the boundary of the planned hardstand car park which serves the boat ramp located to the north of GPA's administration building was shown in the attached diagram attached to the agenda papers

- vi. Undeveloped Reserve
- a) GPA agrees to the COG expanding the hardstand car parking (one bay deep for the length of the site) subject to the need for this extension being demonstrated to the satisfaction of the GPA Board.
- vii. Groynes
- a) That ownership of the Groynes developed as part of the Foreshore redevelopment be vested to the COG. Ownership to extend 5 metres along the seabed from the base of the rock batter supporting these Groynes.
 - b) GPA will maintain the groynes in accordance with its COG / GPA MOU commitment.
- viii. Marine Terrace / Francis St Roundabout
- a) GPA's Francis Street car parking to remain in place however if traffic safety concerns about the car parks are raised then the parties agree to undertake a joint assessment and to manage the area by mutual agreement.
 - b) The area taken up by the existing Francis Street car parks to be incorporated as part of the road reserve on the understanding that this parking in some form would remain as visitor parking for the Geraldton Port Authority.

COUNCIL DECISION:

**MOVED COMMISSIONER GRIMOLDBY, SECONDED
COMMISSIONER SMITH**

That the Technical Services Officer's recommendation pertaining to this item be adopted.

CARRIED BY ABSOLUTE MAJORITY

Note 1: Commissioner Carr declared an impartiality interest in item EIS407 as he is a member of the Geraldton Port Authority Board. Commissioner Carr left the Council meeting at 7.03pm prior to debate and voting and returned to the Council meeting immediately following debate and voting at 7.04pm.

Note 2: In the absence of Commissioner Carr, Commissioner Smith, Deputy Chairperson, presided over Item EIS407.

EIS406	CONSIDERATION OF TREE REMOVALS WITHIN MAYHILL QUAYS FORESHORE PEDESTRIAN ACCESSWAY
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AGENDA REFERENCE:	07/04365
AUTHOR:	Geoff Shoemark, Director Technical Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	21 May 2007
SITE INSPECTION:	Yes

SYNOPSIS:

Further to investigations into the recent removal of trees located on the eastern side of Mayhill Quays pedestrian access way, it is now recommended that the remaining Casuarina trees be removed on the adjacent western side to remove the potential risk of tree root damage to the adjoining private fence and buildings

BACKGROUND:

In February 2007 within report EIS363 Council resolved to "authorise the Parks Manager to remove two Casuarina trees from the eastern side of the public access way between 22 and 23 Mayhill Quays, Geraldton. A copy of the report was attached to the agenda papers.

Since this decision these trees were removed which revealed a number of tree roots had penetrated the private retaining wall cavity resulting in the possible cause of cracking in the limestone retaining wall and minor internal cracking to the adjoining residence. These building damage issues are separately being assessed by a structural and soils engineer.

As a result of the tree root issues, the neighbour on the western side of the access way was approached by City staff recommending the similar type trees adjacent to her property should also be removed to reduce any potential further structure damage to private property.

The resident has now written to the City requesting these trees also be removed (a copy of which was attached to the agenda papers).

The item is referred to Commissioners for consideration as other requests for Casuarina tree removals in the neighbouring public park fronting residential properties have been denied.

COMMENT:

Based on the knowledge of the extent of tree roots effects on the property on the eastern side of the access way it is recommended that the Casuarina trees on the adjacent western side also be removed. Also that trees not be replanted in this access way and the public garden bed area be lowered below the buildings drainage systems, with replanting of low maintenance native type shrubs in consultation with the adjoining land owner.

Also based on consistency with the previous Council resolution, additional suitable trees to be planted within the nearby public parks to compensate for the tree loss from the access way.

CONSULTATION:

Consultation has occurred with the relevant resident who's property adjoins the western side of the pedestrian access way.

STATUTORY ENVIRONMENT:

The trees are not listed as classified trees on the City of Geraldton Town Planning Scheme.

POLICY IMPLICATIONS:

Street Tree Removals

3. Under special circumstances owner/occupier requests may be considered by Council

FINANCIAL IMPLICATIONS:

The cost to remove the Casuarina trees and replant the adjoining access way verge can be accommodated within the Parks recurrent maintenance budget.

STRATEGIC IMPLICATIONS:

Within the City of Geraldton Strategic Plan - KRA4 – Places for People, Direction 5 refers to Attractive and functional areas.

Removal of these trees will greatly reduce the future potential of structural damage to the adjoining private fence and buildings

VOTING REQUIREMENTS:

Simple majority required.

OFFICER'S RECOMMENDATION:

That Council authorise the Parks Manager to remove the five Casuarina trees from the western side of the public access way linking Stanford Cove and the Foreshore, and rehabilitate the verge with native shrubs in consultation with adjoining land owners.

COUNCIL DECISION:

MOVED COMMISSIONER SMITH, SECONDED COMMISSIONER GRIMOLDBY

That the Technical Services Officer's recommendation pertaining to this item be adopted.

CARRIED

Note: The Commissioners undertook a site inspection and agreed with the Officer's Recommendation.

9.5. Reports of Development Services

DELEGATE APPROVALS

TP FILE	APPLICANT	SUBJECT/PROPERTY	PROPOSED USE
91/019	Jacque Stewart	Lot 16 (17) Quarry Street, Geraldton	Renewal of Permit - Family Day Care
06/063	Coleen Chinnery	Lot 24 (530) Chapman Road, Bluff Point	Renewal of Permit - Family Day Care
91/066	B Willock	Lot 621 (239) Eighth Street, Wonthella	Renewal of Permit – Family Day Care
02/058	Eastman Poletti Sherwood	Lot 40 (148) Chapman Road, Geraldton	Renewal of Permit – Proposed Office and Service Industry
05/035	Brad & Sue Watson	Lot 12 (30A) Kojarra Street, Spalding	Renewal of Permit – Computer Repairs
06/059	Neil and Meagan Plummer	Lot 1 (11) Hadda Way, Mahomets	Renewal of Permit – Proposed Additions to existing dwelling
07/021	Gavin Donne	Lot 26 (5) Crawford Street, Webberton	Proposed – warehouse additions
07/045	WA Country Builders	Lot 424 (249) Sixth Street, Wonthella	Proposed Additional Grouped Dwelling
07/063	Claudia Mansfield	Lot 14 (20) Elizabeth Street, Geraldton	Proposed Home Occupation – Family Day Care
07/069	David Court	Lot 101 (179) North West Coastal Highway, Geraldton	Alterations to existing showroom
07/070	Rikki Stuart	Lot 30 (4) Guara Drive Sunset Beach	Proposed Home Occupation Dog Grooming
07/075	Anthony Earle	Lot 89 (63A) McAleer Drive, Mahomets	Proposed Patio for existing group dwelling
07/076	Anthony Earle	Lot 89 (63B) McAleer Drive, Mahomets	Proposed Patio for existing grouped dwelling
07/081	Paul Connolly	Lot 31 (28) Mabel Street, Beresford	Proposed Additional Grouped Dwellings
07/082	Peter Teakle & Co	Lot 148 (25) Bradford Street, Wonthella	Proposed service industry, Showroom and office for Wests Glazing
07/084	Shoreline Outdoor World	Lot 82 (23) Box Street, Webberton	Proposed demolition of existing shed and new general Industrial shed

07/086	Warren Kalazich	Lot 103 Charles Street, Bluff Point	Proposed Retaining wall
07/087	Sunset Design and Drafting	Lot 13 (45) Wittenoom Street, Wonthella	Proposed-outbuilding for storage of caravan
07/089	Prestige Sheepskins	Lot102 (181) North West Coastal Highway, Wonthella	Proposed temporary trading
07/090	Bruce Renner	Lot 13 (38) Crowtheron Street, Bluff Point	Proposed Demolition of existing residence
07/091	Batavia Timber and Salvage	Lot 3046 (320) Chapman Road, Geraldton	Proposed Demolition of existing single residential dwelling and sheds
07/097	M J Grima	Lot 549 (5) Shepherds Close, Mt Tarcoola	Proposed Additions (veranda and deck area)
07/098	Catherine Piota	Lot 114 (4) Clematis Street, Rangeway	Proposed Home Occupation (Audio Visual)
07/103	Shane Mezger	Lot 573 (262) Seventh St Wonthella	Proposed Patio for existing grouped dwelling
07/105	Batavia Timber and Salvage	Lot 46 (29) Houston Street, Spalding	Proposed - Demolition of existing house and shed

DELEGATE APPROVALS BY PLANNING & SUSTAINABLE COMMITTEE ON MONDAY, 16 APRIL 2007

TP FILE	APPLICANT	SUBJECT/PROPERTY	PROPOSED USE
07/049	Tan Dung Nguyen	Lot 35 (Shop 9) Marine Tce, Geraldton	Proposed Fish N Chips Takeaway
07/051	P & S Kenyon	Lot 27 (18) Crowtheron St, Bluff Point	Proposed outbuilding
07/053	Steve Power	Lot 453 (208) Sixth Street Wonthella	Proposed outbuilding
07/055	C & C Halden	Lot 195 (18) Whitworth Drive, Sunset Beach	Proposed outbuilding

COUNCIL DECISION:

MOVED COMMISSIONER GRIMOLDBY, SECONDED COMMISSIONER SMITH

The Schedule of delegated approvals be received and endorsed.

CARRIED

PSD616	PROPOSED GARAGE FOR EXISTING INDUSTRIAL BUSINESS ON LOT 56 (No 29) BOYD STREET (CNR ANDERSON STREET), WEBBERTON
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AGENDA REFERENCE:	07/04281
LOCATION/ADDRESS:	Lot 56 (No 29) Boyd Street (cnr Anderson Street), Webberton
NAME OF APPLICANT:	Starstate Investments
OWNER:	Rankin Park Pty Ltd
FILE REFERENCE:	TP07/078
ZONING:	Industry General
AUTHOR:	N Browne, Acting Coordinator of Planning
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 May 2007
SITE INSPECTION:	No

SYNOPSIS:

An application has been received to construct an additional shed, being a garage, on the above property. The applicant is seeking approval for a reduced front setback to the garage. Recommended that the application be supported subject to the imposition of relevant conditions.

BACKGROUND:

The premises is occupied by 'Verlindens Electrical Services'. Approval was originally granted in November 1996 for the existing industrial shed and 'Verlindens Electrical Services' have occupied the premises since this time.

Plans of the proposal were attached with the agenda papers.

COMMENT:

The proposed garage will comprise an area of 125.9m² and will be constructed of colorbond walls with a zincalume roof. The front of the garage will have six individual roller doors and is proposed to park six vehicles.

The applicant has advised that the proposed garage is for the parking of vehicles only and it actually replaces an existing parking area of five car bays. The difference now being that these car bays will be enclosed rather than out in the open.

The applicant is seeking approval for a reduced front setback to the proposed garage from Boyd Street.

CONSULTATION:

Not applicable.

STATUTORY ENVIRONMENT:

The subject property is zoned Industry General under the City's Town Planning Scheme No. 3. The proposal complies with the requirements of the Industry General zone except for the setback to Boyd Street. Under the Scheme a 15 metre front setback is required. The applicant is proposing a setback of 4.82 metres at the closest point, however this increases to 6 metres at the furthest point.

The existing setback to Anderson Street is 7.5 metres. It is noted that the subject lot has an irregular shape and is not a typical square or rectangular shaped industrial lot. It is recognised that the irregular shape of the lot does make it difficult to position buildings.

The applicant has advised that the garage is for the parking of vehicles only and the Town Planning Scheme allows the front setback area to be used for carparking. The applicant wishes to replace the existing carparking with secured carparking as there are occasions when vehicles are left on the premises overnight. Furthermore they wish to protect vehicles from the weather elements.

Clause 4.10.3(iv) of Town Planning Scheme No. 3 does give Council the discretion to vary the setback requirement to a minimum of 4.5 metres as it states "where a lot has frontage to more than one street, Council will determine to which street frontage the requirements of subclauses (i.), (ii.) and (iii.) apply, and may permit a variation of these requirements, but a reduced setback shall not be less than 4.5 metres."

The proposal complies in this regard with the proposed setback being 4.82 metres to Boyd Street at its closest point.

It is noted that the reduced setback is only to a 7 metre wall length and as such is considered minor in comparison to the overall length of the boundary, being 45 metres.

Furthermore as the property is a corner lot having two street frontages it is considered that this contributes to providing an open streetscape and as such the impact of the proposed location of the garage is considered minimal.

POLICY IMPLICATIONS:

Not applicable.

FINANCIAL IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple majority required.

OFFICER'S RECOMMENDATION:

That the application to construct a garage for the existing industrial business on Lot 56 (No 29) Boyd Street, Webberton, be granted approval subject to compliance with the following:

- i. Standard Conditions TG11, T14, H5, H6, B5, B13, B14, B17, B18, TG6, TG8, TG12(b), TG13, TG14, TG15 & TG16;
- ii. The garage is only permitted to be used for the parking of vehicles.

FOOTNOTE:

1. Compliance is required with the Building Code of Australia.
2. In regard to condition (ii.) it is noted that this condition has been imposed to ensure that the existing carparking area remains as carparking as per the original approval.

COUNCIL DECISION:**EN BLOC MOTION****MOVED COMMISSIONER SMITH, SECONDED COMMISSIONER GRIMOLDBY**

That the Development Services Officer's recommendation pertaining to this item be adopted.

CARRIED

PSD617	PROPOSED ADDITIONAL GROUPED DWELLING ON LOT 44 (No 13) HEMSLEY PLACE, BLUFF POINT
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AGENDA REFERENCE:	07/04283
LOCATION/ADDRESS:	Lot 44 (No 13) Hemsley Place, Bluff Point
NAME OF APPLICANT:	WA Country Builders
OWNER:	K R & V M Toomath
FILE REFERENCE:	TP07/074 & HEM/13
ZONING:	Residential R12.5/30/40
AUTHOR:	N Browne, Acting Coordinator of Planning
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 May 2007
SITE INSPECTION:	No

SYNOPSIS:

An application has been received to construct an additional grouped dwelling on the above property. Recommended that the application be supported subject to the imposition of relevant conditions.

BACKGROUND:

The subject property comprises an area of 910m² and has a 29.59 metre frontage to Hemsley Place.

The property presently contains a single residential dwelling which has vehicular access on the northern side of the property.

Plans of the proposal were attached to the agenda papers.

COMMENT:

The additional grouped dwelling is proposed to be located at the rear of the property behind the existing single residential dwelling. The additional grouped dwelling will have vehicular access from a separate driveway which is proposed to be located to the north of the existing driveway. The existing driveway will continue to provide access to the existing residence.

The additional grouped dwelling is proposed to be single storey and will be four bedrooms with two bathrooms. The dwelling is proposed to comprise an area of approximately 180m² (including the carport and storeroom). The dwelling has it's own double carport, storeroom and private yard.

The proposed dwelling will be constructed of brick with a colorbond roof at a 25 degree pitch.

A storeroom is also proposed to be provided for the existing residence which is a requirement of the Residential Design Codes.

CONSULTATION:

The proposal was advertised in accordance with Clause 7.2 of Town Planning Scheme No. 3. At the close of the advertising period six submissions had been received, three of which had no objection to the proposal, however two of the submitters requested that the fence along the rear boundary be increased in height from 1.5 metres to 1.8 metres. The remaining three submissions objected to the proposal for the following reasons:

- i. To close to common boundary so will overlook leaving occupants on abutting property with no privacy.
- ii. The present occupants make enough noise when entertaining and an increase in permanent occupants may exacerbate this.
- iii. The development may devalue surrounding homes.
- iv. There will be more traffic and a transit type of tenant. Bluff Point is an area of permanent owner housing and as such renters aren't wanted in the street.
- v. Concern regarding whether these residences are owner/occupier or rental. It is a quiet street and rentals sometimes attract people who do not care for or maintain their rental property.
- vi. Is the driveway leading to the rear dwelling going to be paved or concreted or will it be left to be a track.
- vii. There is already one duplex rental in the street, though this is relatively well maintained.

One of the objectors also indicated that if the proposal was supported then they would like to see the height of the fence along the southern side boundary increased from the existing 1.6 metres.

In regard to point (i.) above it is noted that the proposal complies with the acceptable development requirements of Clause 3.8.1 Visual Privacy of the Residential Design Codes in that the floor level is not more than 0.5 metres above natural ground level and as such the required setbacks are achieved. However in order to maximise privacy for the abutting property owner it is recommended that a condition be imposed requiring that the height of the common side boundary fence be raised to 1.8 metres. Given the same concern was raised regarding the rear boundary fence this could also be conditioned so as to increase the fence height to the standard 1.8 metre height.

In regard to point (ii.) above it is noted that under the Residential Design Codes there is no assessment standard or criteria by which

new developments have to comply with in regards to noise. The minimisation of noise between properties is not a design element of the Codes. Residential zoning does place some restrictions on noise limiting the types of activities permitted to those that don't create excessive amounts of noise.

Point (iii.) above regarding the devaluation of properties is outside the realm of matters Council can give consideration to.

In regard to the concern of more traffic in point (iv.) the City's Technical Services Department have advised that they believe the proposal is acceptable in terms of traffic volume and safety and as such would not have a detrimental impact.

In regard to points (iv.) and (v.) the concern of transit type tenants and that rentals sometimes attract people who do not care for or maintain their rental property is considered a matter of opinion and is also outside the realm of matters Council can give consideration to.

In regard to point (vi.) above there are standard conditions that would be imposed on the planning approval to ensure that the driveway leading to the rear dwelling is installed in an all weather finish surface (being concrete, bitumen or brick paving) and drained to the City's drainage requirements.

In regard to point (vii.) above, given the zoning of the subject property (Residential R12.5/30/40) and the lot size of the subject property two grouped dwellings are allowable under the City's Town Planning Scheme No. 3. This is regardless of whether there are already existing duplexes in the same street.

STATUTORY ENVIRONMENT:

The subject property is zoned Residential R12.5/30/40 under the City's Town Planning Scheme No. 3.

The proposal complies with the requirements of the Residential Design Codes (ie setbacks, open space, private open space provisions, storeroom provisions and carparking).

Clause 3.5.4 A4.4 of the Residential Design Codes requires that "driveways are designed for vehicles to enter the street in forward gear where:

- the driveway serves three or more dwellings; or
- the distance from a car space to street alignment is 15 metres or more; or
- the public street to which is connects is designated as a Primary Distributor, District Distributor or Integrated Arterial road."

In regard to this application the only above criteria applicable is the second dot point. The actual distance from the carport of the

proposed dwelling to the street alignment ranges from 15 metres to 16.8 metres (ie given the angle of the front boundary). It is therefore slightly over the 15 metre minimum distance. The applicant has requested approval in accordance with the applicable performance criteria, being Clause 3.5.4 P4 Vehicular Access which states “vehicular access provided so as to minimise the number of crossovers, to be safe in use and not detract from the streetscape.”

The City’s Technical Services Department have advised that the proposal meets the performance criteria in that if a vehicle reverses from the site it will not be unsafe taking into account that:

- i. The subject lot is located at the end of a cul-de-sac on a minor local access road.
- ii. The nearest point of the carport is only 15 metres from the street alignment.

Given that the dwelling is proposed to be constructed at the rear of the property, behind the existing residential dwelling there is not considered to be any impact on the streetscape.

Given the above the application is deemed to meet the performance criteria for vehicular access.

The City’s Technical Departments have no objection to the proposal subject to the imposition of relevant conditions.

POLICY IMPLICATIONS:

Not applicable.

FINANCIAL IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

Key Result Area 4 Places for People

Direction 6: A Built Environment to Meet the Needs of People.

VOTING REQUIREMENTS:

Simple majority required.

OFFICER'S RECOMMENDATION:

That the application to construct an additional grouped dwelling on Lot 44 (No 13) Hemsley Place, Bluff Point, be granted approval subject to compliance with the following:

- i. Standard Conditions TG11, T2, T3, T8, T13, T14, H1, H5, H6, B14, B15, B17, B18, TG2, TG6, TG8, TG12(a), TG13, TG14, TG15 & TG16;
- ii. The wall between storeroom 1 and storeroom 2 is required to go full height to underside of roof and is to meet the fire resistance level required for fire separation;
- iii. The fence height along the common rear boundary (abutting Lot 41 Harrison Street) and common southern side boundary (abutting Lot 31 Harrison Street) is required to be increased to 1.8 metres.

FOOTNOTES:

1. Compliance is required with the Building Code of Australia;
2. Condition (iii.) was imposed in order to alleviate concerns raised in regard to the privacy of abutting properties. It is also considered that this may help in ameliorating noise concerns. Fencing is required to be built in accordance with the Dividing Fences Act 1961.

COUNCIL DECISION:**EN BLOC MOTION****MOVED COMMISSIONER SMITH, SECONDED COMMISSIONER GRIMOLDBY**

That the Development Services Officer's recommendation pertaining to this item be adopted.

CARRIED

PSD618 PROPOSED CLOSURE OF PORTION OF PUBLIC RIGHT OF WAY BETWEEN LOT 526 (No 13) CONWAY STREET AND LOT 311 (No 14) JOSE STREET, BEACHLANDS

AGENDA REFERENCE: 07/04282
NAME OF APPLICANT: Murray James-Wallace
FILE REFERENCE: RC67 & CON
AUTHOR: N Browne, Acting Coordinator of Planning
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 16 May 2007
SITE INSPECTION: No

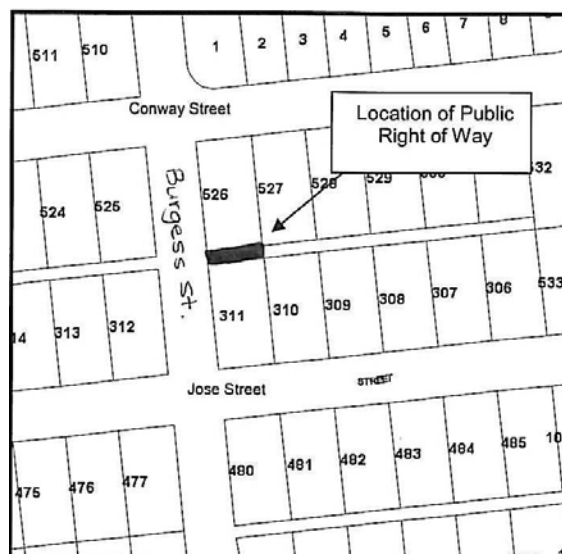
SYNOPSIS:

An application has been received to close a portion of the public right of way between Lot 526 (No 13) Conway Street and Lot 311 (No 14) Jose Street, Beachlands. Advertising has been undertaken and given the nature of objections received during the advertising period it is recommended that Council not support the closure of the portion of the public right of way between Lot 526 (No 13) Conway Street and Lot 311 (No 14) Jose Street, Beachlands.

BACKGROUND:

Council, at it's meeting held on 27 February 2007, resolved that pursuant to Section 58 of the Land Administration Act 1997 (as amended) the City Planning Department initiate closure proceedings of portion of the public right of way between Lot 526 (No 13) Conway Street and Lot 311 (No 14) Jose Street, Beachlands. Specifically the compilation of a closure report and advertising in accordance with Planning Bulletin 57.

The location plan is shown below:



COMMENT:

The public right of way is not formally constructed and runs between Conway Street and Jose Street with access being from Burgess Street. It is approximately 5 metres in width.

The applicant has advised that he would like to purchase the portion of the right of way immediately abutting his property and is aware that this would effectively cause the closure of the right of way in that access from Burgess Street would no longer exist.

The applicant has requested closure of the portion of the right of way abutting his property for the following reasons:

- i. The land is not currently used.
- ii. The land would enable the applicant to make greater improvements to his property.
- iii. The right of way can be a security risk for thieves to escape from a backyard;
- iv. There is often long, untended grass and building materials that may pose a fire hazard.
- v. The right of way is not a thoroughfare and can occasionally be unsightly.

CONSULTATION:

In accordance with Councils resolution advertising of the proposed closure has been undertaken. At the close of the advertising period letters were received from Alinta Gas, Main Roads WA, Telstra, Western Power and the Water Corporation all advising of no objections to the proposed closure.

In addition to the above a total of five submissions were received from surrounding residents. Two of the submissions had no objection to the proposed closure whilst the remaining three submissions objected to the proposed closure. A summary of their objections are as follows:

- i. The public right of way is utilised on a frequent basis by residences to access their back yards. There is concern that many of the houses could be potentially affected by the closure, as front access points will need to be altered to allow for cars, trailers and building equipment, which could be at great expense.
- ii. The submitter has owned their property for five years and have not had any security issues related to the public right of way, nor in Jose Street itself. To infer the closure of the right of way will reduce the perceived security risk is considered unfounded.
- iii. The submitter bought their property six years ago and one of the main selling points for them was the rear access that the property had via the right of way. The properties are quite old and as such were designed for rear access. If the right of way

were to be closed they would have no way of accessing their back yard for storage of a boat, removing garden waste or maintenance of a windmill.

One of the submissions that advised of no objection to the proposed closure also advised that should the purchase of land adjacent to their property was not available then they would prefer that the right of way remain open.

STATUTORY ENVIRONMENT:

In accordance with the Western Australian Planning Commission's Planning Bulletin 57 a Closure Report was compiled and made available during the advertising period.

In summary the Closure Report found that the closure of the right of way will not impact on pedestrian access to any of the identified services and facilities given that the right of way is currently unconstructed and does not lead anywhere (ie it is a dead end).

The request was referred to the City's Technical Departments for comment and there was no objection in principle to the request to close the public right of way, however it was noted that in reality the only way the closure could be effective is to undertake a total closure of the public right of way with the affected abutting property owners agreeing to acquire the portion of the public right of way that abuts their respective properties.

If only the end portion of the public right of way (ie that portion immediately abutting Burgess Street) was closed it would mean the remaining portion of the right of way will become 'land locked' and unusable.

During the advertising period views were sought from the affected property owners abutting the right of way as to whether they also may be interested in purchasing the portion of the public way of way that abuts their respective properties. Out of a total of 11 properties that abut the right of way only one property owner responded indicating that they would be interested in purchasing the portion of the public right of way that abuts their property.

Given the above and the nature of objections received during the advertising period it is recommended that Council not support the closure of the public right of way.

POLICY IMPLICATIONS:

Not applicable.

FINANCIAL IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple majority required.

OFFICER'S RECOMMENDATION:

That the applicant be advised that Council does not support the proposed closure of the public right of way between Lot 526 (No 13) Conway Street and Lot 311 (No 14) Jose Street, Beachlands, given the nature of objections received during the advertising period, in particular the concern with the loss of access to the rear of abutting properties and closure would also result in the remaining portion of the right of way becoming 'land locked' and unusable given that it cannot be disposed of.

COUNCIL DECISION:**EN BLOC MOTION**

MOVED COMMISSIONER SMITH, SECONDED COMMISSIONER GRIMOLDBY

That the Development Services Officer's recommendation pertaining to this item be adopted.

CARRIED

PSD619	TOWN PLANNING SCHEME No. 3 AMENDMENT No 39 – LOT 2185 ALEXANDER STREET AND LOT 1 MOLONEY STREET, UTAKARRA
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AGENDA REFERENCE:	07/04285
LOCATION/ADDRESS:	Lot 2185 Alexander Street and Lot 1 Moloney Street, Utakararra
NAME OF APPLICANT:	Peter D Webb and Associates
OWNER:	Mary Donald Nominees Pty Ltd
FILE REFERENCE:	S/TPD081
AUTHOR:	N Browne, Acting Coordinator of Planning
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	16 May 2007
SITE INSPECTION:	Yes

SYNOPSIS:

Correspondence has been received from the Western Australian Planning Commission recommending that Council include the subject lots within the 'Residential Development Zone' rather than rezoning to 'Residential R12.5/30' under the City's Town Planning Scheme No. 3.

BACKGROUND:

Council, at its meeting held on 25 July 2006, resolved that:

- i. The applicant be advised that Council is generally supportive of the proposed Outline Development Plan (being Plan No DP1387 dated May 06) for Lot 2185 Alexander Street and Lot 1 Moloney Street, Utakararra, subject to specific items being addressed.
- ii. Pursuant to the Planning and Development Act 2005 Council adopt Amendment No. 39 to the City of Geraldton Town Planning Scheme No. 3 which provides for the rezoning of Lot 2185 Alexander Street and Lot 1 Moloney Street, Utakararra, from 'Development' to Residential R12.5/30'.
- iii. The applicant be advised of (ii.) above and that upon the items listed in point (i.) above being addressed and the Scheme Amendment documents being amended accordingly to reflect the proposed zoning of 'Residential R12.5/30' instead of 'Residential R12.5/30/40', the application be submitted to the Department for Planning and Infrastructure for consent to advertise.

COMMENT:

The applicant subsequently addressed the items as per point (i.) above and accordingly consent to advertise the Scheme Amendment was sought from the Department for Planning and Infrastructure.

Correspondence has since been received from the Western Australian Planning Commission advising that the Amendment is in

accordance with the Commission's Planning Bulletin No. 29 and the Commission's consent to advertise the proposed amendment is not required.

The Commission also advised that following perusal of the Amendment documents there was concern with Council's intended approach to rezone the land from 'Development' to 'Residential R12.5/30' with clearly delineated grouped dwelling sites and recreation reserves. The Commission believes this approach has the potential to be problematic if variations are required to be made to the Council's adopted Outline Development Plan as part of the subdivision approval process. This could result in the need for further amendments being required to the Council's Scheme to rectify variations to the Overall Development Plan.

The Commission further noted that the City of Geraldton's Town Planning Scheme NO. 3 has a 'Residential Development Zone' (Clause 4.16) with the benefit of such a zoning being that it provides for structure planning between zoning and subdivision, including advertising and the Western Australian Planning Commission's endorsement, to deal with any land use issues at a subsequent stage to zoning and to guide decisions on subdivision without delaying zoning of the land or requiring subsequent Scheme Amendments to effect the changes.

The Commission has recommended that Council utilise the benefits of the alternative approach and include the subject lots within the 'Residential Development Zone' prior to advertising the amendment and include a copy of the adopted Overall Development Plan for the Commission to endorse. This approach will afford Council and the Commission a greater level of flexibility in dealing with future subdivision(s)/development over the subject lots.

The Western Australian Planning Commission's comments are acknowledged and the City Planning Department concurs that rezoning the land to 'Residential Development Zone' rather than 'Residential R12.5/30' will provide a greater level of flexibility in dealing with future subdivision(s)/development over the subject lots.

The applicant has been advised of the modifications proposed by the Western Australian Planning Commission and have confirmed in writing that they accept the proposed modifications. The applicant has also modified the Scheme Amendment text, map and associated Overall Development Plan accordingly.

CONSULTATION:

Advertising will be undertaken in accordance with the requirements of the Planning and Development Act 2005.

STATUTORY ENVIRONMENT:

Presently, Lot 2185 Alexander Street and Lot 1 Moloney Street are zoned 'Development' under the City's Town Planning Scheme No. 3.

The 'Development' zone objective is to "set aside land for future urban rezoning and development and to ensure that land is developed in accordance with orderly and proper planning. Council policies will therefore be to:

- Require preparation and approval of development plans for the area of the zone;
- Rezone land for appropriate purposes following adoption of satisfactory development plans;
- Prior to rezoning for other purposes, limit the use of land to existing uses in order not to prejudice future development."

POLICY IMPLICATIONS:

Not applicable.

FINANCIAL IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

Key Result Area 4: Places for People

Direction 6: A Built Environment to Meet the Needs of People

VOTING REQUIREMENTS:

Simple majority required.

OFFICER'S RECOMMENDATION:

- i. Council modifies Scheme Amendment No. 39 to the City of Geraldton Town Planning Scheme No. 3 by rezoning Lot 2185 Alexander Street and Lot 1 Moloney Street, Utakarra, from 'Development' to 'Residential Development Zone'.
- ii. Pursuant to the Planning and Development Act 2005 Council adopt the modified Amendment No. 39 to the City of Geraldton Town Planning Scheme No. 3 and advertise the Scheme Amendment accordingly.

COUNCIL DECISION:**EN BLOC MOTION****MOVED COMMISSIONER SMITH, SECONDED COMMISSIONER GRIMOLDBY**

That the Development Services Officer's recommendation pertaining to this item be adopted.

CARRIED

PSD620	PROPOSED DEMOLITION OF EXISTING SHED AND CONSTRUCTION OF TWO NEW OUTBUILDINGS ON LOT 45 (No 233) FIRST STREET, WONTHELLA
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AGENDA REFERENCE:	07/04312
LOCATION/ADDRESS:	Lot 45 (No 233) First Street, Wonthella
NAME OF APPLICANT:	Robert McDiarmid
OWNER:	Robert McDiarmid
FILE REFERENCE:	TP07/095 & FIR/233
ZONING:	Residential R12.5/20/40
AUTHOR:	M Bell, Assistant Planning Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	16 May 2007
SITE INSPECTION:	No

SYNOPSIS:

An application has been received to demolish the existing shed and construct two outbuildings comprising a total area of 114m² on the above property. The size of the outbuildings is in excess of what is normally allowed in the residential zone; hence the applicant is seeking Council approval. Recommended that Council approve the application subject to the imposition of relevant conditions.

BACKGROUND:

The subject property comprises an area of 1012m² and has a 20.12 metre frontage to First Street, Wonthella. The property presently contains a single residential dwelling and one outbuilding. This outbuilding is proposed to be demolished and two new outbuildings constructed.

Plans of the proposal were attached with the agenda papers.

COMMENT:

The outbuilding is proposed to be 12 metres in length, 8.5 metres wide with a wall height of 3.3 metres and ridge height of 4.2 metres. The shed is proposed to be constructed of custom orb colorbond and includes two sliding doors to the front elevation.

The outbuilding is proposed to be located at the rear of the property behind the existing single residential dwelling and as such will have no impact on the streetscape.

The applicant has confirmed in writing that the outbuilding will be used for personal use only being storage of vehicles and trailers.

CONSULTATION:

The applicant has provided letters of no objection from all abutting property owners for the proposed outbuilding.

STATUTORY ENVIRONMENT:

The subject property is zoned Residential R12.5/20/40 under the City's Town Planning Scheme No. 3.

The proposal complies with the Residential Design Codes in regards to setbacks and open space, however does not comply with maximum floor area allowable for the proposed outbuilding.

Clause 3.10.1 A1 of the Residential Design Codes states "outbuildings do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser." The combined total area of the two outbuildings is proposed to be 114m² in area and as such is 54m² in excess of this requirement.

In addition to the above, the Residential Design Codes states "outbuildings do not exceed a wall height of 2.4 metres and a ridge height of 4.2m." The application proposes a wall height of 3.3 metres for the larger outbuilding, however the ridge height for this outbuilding is 4.2m which complies with the Residential Design Codes.

The proposed parapet wall for the outbuilding on the common side boundary is deemed to meet the performance criteria of Clause 3.3.2 P2 of the Residential Design Codes and the affected abutting owner has provided a letter of no objection for the parapet wall.

The R12.5 density code requires a minimum open space provision of 55% of the site. With the addition of the outbuildings the subject property would have an approximate total of 758m² of open space or 77%, therefore exceeding the minimum requirement.

Furthermore, given the size of the lot it has the potential for two grouped dwellings under the City's Town Planning Scheme No. 3 (ie the existing house and an additional residence at the rear). The site coverage of an additional dwelling would be similar, if not more, than the proposed outbuilding and with similar boundary setbacks.

The proposal is considered to meet the performance criteria of Clause 3.10.1 P1 of the Residential Design Codes in that the "outbuilding does not detract from the streetscape or the visual amenity of residents or neighbouring properties."

It is also noted that Council has recently approved other similar applications for outbuildings exceeding the maximum floor area allowable and wall height. All of the previous applications were approved to have a floor area of 120m². As such, this application is consistent with the floor area previously approved by Council.

Given the above and that the abutting property owners have no objection to the proposal the City Planning has no objection to the application.

The City's Technical Departments also have no objection to the proposal subject to the imposition of relevant conditions.

POLICY IMPLICATIONS:

Not applicable.

FINANCIAL IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple majority required.

OFFICER'S RECOMMENDATION:

That the application to construct two new outbuildings with a combined floor area of 116m² on Lot 45 (No 223) First Street, Wonthella, be granted approval subject to compliance with the following:

- i. Standard Conditions TG11, TG2, H5, H6, B14, B17, B18, TG8, TG12(a), TD1, TD2, TD3, TD4, TD5, TD6, TG14, TG15, and TG16; and
- ii. Compliance is required with the Building Code of Australia.

FOOTNOTES:

1. The applicant is advised that compliance is required with fire rating requirements for the proposed wall on the boundary and in this regard should liaise with the City's Building Department.

COUNCIL DECISION:

EN BLOC MOTION

MOVED COMMISSIONER SMITH, SECONDED COMMISSIONER GRIMOLDBY

That the Development Services Officer's recommendation pertaining to this item be adopted.

CARRIED

9.6. Reports to be received**REPORTS TO BE RECEIVED**

AGENDA REFERENCE: 07/04410
AUTHOR: G Brennan, Chief Executive Officer
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 22 May 2007

SYNOPSIS:

A report to adopt together those items for Council's receipt.

BACKGROUND:

At the request of Commissioners, information and items for noting or receiving (ie. periodic reports, minutes of other meetings) are to be included in an appendix attached to the Council agenda.

COMMENT:

The following reports are attached in the Appendix to these Minutes:-

	Report of the CEO
GF552	Staff overtime report
GF553	Rates Collection report
GF554	Accounts paid under CEO delegation

CONSULTATION:

Not applicable.

STATUTORY ENVIRONMENT:

Not applicable.

VOTING REQUIREMENTS:

Simple majority required.

OFFICER'S RECOMMENDATION:

That Council receive the appended reports attached to this agenda.

COUNCIL DECISION:

MOVED COMMISSIONER GRIMOLDBY, **SECONDED**
COMMISSIONER SMITH

That the Officer's Recommendation pertaining to this item be adopted.

CARRIED

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

LATE ITEM – GERALDTON CEMETERY BOARD – CREMATORIUM BUDGET SHORTFALL
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AGENDA REFERENCE:	07/04584
AUTHOR:	Mr Richard Gorbunow, Mr Neil Bennett
DISCLOSURE OF INTEREST:	Mr Neil Bennett is a member of the Geraldton Cemetery Board appointed by the Minister of Local Government
DATE OF REPORT:	11 May 2007
SITE INSPECTION:	Yes

BACKGROUND:

The Geraldton Cemetery Crematorium upgrade project has been progressing for the past 2 years and Council last considered an approach from the Board on the 31 January 2007 requesting a further contribution to an estimated project shortfall of \$100,000. At that meeting it was resolved that the Board advise Council once tenders had been received of the projected shortfall for Council to consider any further assessment towards this project.

Council initially committed \$50,000 in July 2005 from part of the proceeds for sale of land at Marsden Meadows. An additional request was considered as part of the 2006/07 budget process and a further \$25,000 was provided for the project.

The City of Geraldton has provided \$100,000 in its 2006/07 budget towards the project.

The pre-tender estimate for the project was \$756,370. Plans were attached with the agenda papers.

COMMENT:

At a special meeting of the Geraldton Cemetery Board on 2 May the cheapest tender of \$666,450 was accepted by the Board. After the inclusion of the architects fees and disbursement this left the Board with a project cost of \$721,450 and a shortfall for the project of \$114,085.

Following discussions with the Architect the Board agreed to a range of savings amounting to \$41,793 leaving a shortfall of \$72,292.

The Board have written to the funding sources seeking additional funds to make up this shortfall.

The Board met with the CEO of the City and the Shire on the 3 May 2007.

The Board believes the best resource for additional funds is through DOTARS and from the City of Geraldton and Shire of Greenough. The Board seeks an additional contribution of \$36,145 from the City and Shire. DOTARS have been asked to also contribute an additional \$36,145 to make up the shortfall.

The main source of capital works funds for the Board is an annual contribution by the City of Geraldton and Shire of Greenough, which was \$23,000 in 2006/07.

If the additional funds can be secured, the contractor can commence the project straight away.

STATUTORY ENVIRONMENT:

Not applicable.

POLICY IMPLICATIONS:

Not applicable.

FINANCIAL IMPLICATIONS:

Total project price was estimated to be \$721,450. After negotiation with the builder savings have been recognised, bringing the project cost to \$679,657.

The Geraldton Cemetery has received commitments to date of \$607,365.

There is a project shortfall of \$72,292.

The City of Geraldton has committed a contribution of \$100,000 and the Shire of Greenough has committed a contribution of \$75,000.

If the additional request is agreed to, the total commitment by the City of Geraldton and Shire of Greenough will be \$211,145 (31.1% of total project costs).

Financial statements of the Geraldton Cemetery Board for the year ended 30 June 2006 were attached with the agenda papers.

It is proposed that the \$36,145 being requested will be shared between the City and the Shire based on pro rata population statistics ie. 60% City, 40% Shire.

STRATEGIC IMPLICATIONS:

To enhance and maintain regional facilities.

VOTING REQUIREMENTS:

Simple majority required.

OFFICER'S RECOMMENDATION:

The City of Geraldton consider as a high priority an additional amount of \$21,687 (ie 60% of \$36,145) to the Geraldton Cemetery Board's Crematorium upgrade project in its 2007/08 budget.

COUNCIL DECISION:

MOVED COMMISSIONER SMITH SECONDED COMMISSIONER GRIMOLDBY

That the Officer's Recommendation pertaining to this item be adopted.

CARRIED

Note: A late item referring to the Cemetery Board's Crematorium upgrade dated 11 May 2007 was tabled at the Council meeting.

13 CLOSURE

The Presiding Member declared the meeting closed at 7.10pm.