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CITY OF GERALDTON
ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 26 JUNE 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
B Robartson, Manager Administration
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

Vivienne Lynn, 142 Zodiac Lane, West End, Point Moore

Question 1

How did Council calculate the lease fee and what is it based on what am I paying for?

Question 2

How did you arrive at the rental/sales valuation?

Question 3

Does market rental apply to rates?

Question 4

I would like a copy of the valuation in case I wish to oppose it.

Response

Gary Brennan, Chief Executive Officer advised that the City engaged the Department of Land Information to carry out valuations by licensed valuers. Market rental does not apply to rates. Council rates are looked at via the annual budget meeting. The City of Geraldton can provide a copy of the correspondence from Department of Land Information regarding the valuation.

Paul King, Tropicano's Restaurant

He would like to see how the valuation is arrived at.

Craig Tuesley, 2 Captains Crescent, Point Moore

Requested provision of the same information.

Response

Commissioner Carr responded that the City would provide the information requested and invited members of the gallery to provide Brian Robartson with their contact details.

Don Ward, Belair Lifestyle Village

He advised that he has not seen any lease agreement yet and questioned whether the Village had the power to sublease and whether the lease was valueless if the lessor pulls out or goes into receivership. He asked for support from the Council.

Response

The Chief Executive Officer advised that the City has a lease with Belair Caravan Park entitling them to operate as a caravan park. The subleasing powers were solely within the scope of the Park and tenants had rights existing under State legislation which was governed by the Department of Consumer and Employment Protection as the relevant State Government department.

Peter Townsend, Belair Lifestyle Village

Did the Valuer General put the rates up?

Response

The Chief Executive Officer advised that the Department of Land Information similarly carried out valuation on the Belair Caravan Park. This matter is for the caravan park lessee to deal with in a commercial

respect and is a matter for the caravan park lessees if they chose to pass on the increase by charging higher rental rates.

Mark Read, 10 Captains Crescent, Point Moore

Mr Read asked whether the Council was in fact changing the current lease arrangements that are in place and not the rental in accordance with the lease. Will lease values change on new leases that we signed when existing lease still has many years to run? Could this be a variation of the lease?

Response

Commissioner Carr replied that it was not intended to change the terms of the lease only the rental. Brian Robartson, Manager of Administration advised that the only situation which may arise where terms of the lease would be affected was the potential sewerage development. Phil Melling, Director Development Services advised that where developments affected the leases new clauses would need to be incorporated varying lease conditions. Commissioner Carr advised that these questions would be taken on notice and a response provided in writing.

Vivienne Lynn, 142 Zodiac Lane, West End, Point Moore

Was not aware of any infrastructure going through the area. She expressed concern about not being informed of what is going on and only last minute information was received regarding the items on the Council agenda.

Response

Commissioner Carr acknowledged that correspondence from the Department of Land Information providing the valuations was only received approximately 2 – 3 weeks ago and because of the fact that some leases were expiring in 4 days time it was necessary to deal with as soon as possible through the Council meeting process. The short time frame did make it difficult to provide the community with sufficient notice.

Mick Bell, 74 Marines Lane, Point Moore

Expressed concern at not being informed by the City especially with his lease expiring in 4 days time. The only information is that provided within the agenda. Can the Council justify pensioners paying such a substantial increase? Council cannot hide behind the valuation as he was led to believe that it would be a \$1300 increase only about a month ago.

Response

Commissioner Carr advised that a recommendation has been made to the Commissioners in the agenda report which has not yet been decided on. He noted that the valuer's report actually proposed an increase to \$5000 and in their judgment the Officers have considered a fairer proposition to be \$3000.

Kevin Massey, 137 Zodiac Lane, Point MooreQuestion 1

Do you intend setting these rates tonight?

Response

Commissioner Carr advised that a recommendation is before the Commissioners for consideration which will be addressed when they reach the item in the agenda.

Question 2

Once the Commissioners have made their decision will there be a right of reply?

Response

Commissioner Carr advised that there would not.

Craig Tuesley, 2 Captains Crescent, Point Moore

Is there a chance these recommendations can be put back to the next meeting and a forum organised for residents to attend for further information on what is being proposed?

Response

Commissioner Carr advised that there is power for the Commissioners to defer but did not want to pre-empt the discussions later in the meeting.

Vivienne Lynn, 142 Zodiac Lane, West End, Point MooreQuestion 1

The leaseholders were not given a chance to assess the valuations and object to them.

Response

Commissioner Carr advised on information provided to him that there was no scope to appeal the valuations.

Question 2

It is provided on the rates notice that an objection can be given.

Response

Commissioner Carr advised that certainly with regard to gross rental value (GRV) that determines rates for Point Moore, this can be appealed however the rates currently the subject of discussion was ground rental which he did not believe an appeal was available.

Paul King, 25 Captains Crescent, Point Moore

He believed that it was open to question the assessor.

Response

Commissioner Carr advised that only where it relates to gross rental value (GRV).

Helen Lambert, 141 Zodiac Lane, Point Moore

Can we cancel the lease agreed to?

Response

Brian Robartson, Manager of Administration advised that they can by doing nothing as at this stage it is only an invitation to accept. A refund to the deposit money is available.

Mark Read, 10 Captains Crescent, Point Moore

Are the new lease fees retrospectively applied to all leases?

Response

Commissioner Carr answered yes except for some properties that had a fixed rent set for the first 5 years.

Helen Lambert, 141 Zodiac Lane, Point Moore

Do the 2014 leases also have the new lease fee applied?

Response

Commissioner Carr confirmed they do. Some leases are a two year rent review capped for 5 years then rent reviewed by CPI increase.

Mick Bell, 74 Mariners Lane, Point Moore

Why is there a distinction between the lease fees applied ie. some paying \$3000 and others \$1300.

Response

Commissioner Carr advised an option was provided 3 years ago to everyone whose lease was expiring in June 2007 to set a fixed rate of \$1300. The substantial increase is related to the significant increases in land value which Geraldton has experienced in the last couple of years.

Vicki Walton, 17 Falmouth Place, Geraldton

Owner of 66 Mariners Lane. Would Council consider giving the \$1300 option for the next 2 years to allow owners an opportunity to sell? Also, why are the Point Moore leases treated differently than the Cape Burney and Drummonds Cove properties?

Response

Commissioner Carr advised that the matter will be considered later in the agenda and he is unable to pre-empt the decision of the Commissioners. Henry Eaton, Director of Corporate Services advised that the Cape Burney and Drummonds Cove properties have a different history and have been managed by a different local government being located in a different shire.

Susan Chiera, 129 Zodiac Lane, Point Moore

What does the City of Geraldton do with the money since the City does not own the land?

Response

Commissioner Carr advised that the revenue raised is expended on community needs and could include future infrastructure needs such as sewerage.

Pat Morton, 76 Marines Lane

Is it Council's intention to make a decision about the rental amount we are to pay and if so how does the Council intend to let us know? What happens to those whose lease expires in 4 days time if no resolution is made tonight?

Response

Commissioner Carr advised that the expired leases would continue on a monthly basis until a resolution was made. Regarding communication, Brian Robartson, Manager of Administration confirmed that a letter was sent to leaseholders whose leases expire in 2014 on 24 May and to those that expire in 2007 on 23 February.

Helen Lambert, 141 Zodiac Lane, Point Moore

In regard to the process used for notifying residents how was the advice on lease fees conveyed?

Response

Brian Robartson, Manager of Administration referred to the letters dated 23 February 2007 and 24 May 2007 sent to lessees whose leases were to expire in 2007 and 2014 respective which contained advice of the proposed market valuation to be conducted in accordance with s 3.58(4)(c) of the Local Government Act.

P Engles, Passat Lane, Point MooreQuestion 1

Council is collecting rates and lease payments from Point Moore residents amounting to \$4000 a year. How is it that Brede Street only pay \$2000.

Response

Commissioner Carr advised that a distinction should be made between rent and rates, the latter paid by all landowners based on current GRV.

Question 2

If rates are being used for paying for infrastructure we are not told that the lease payments are also being used for the same purpose.

Response

Commissioner Carr advised that facilities are provided by the local government for use by the whole community. With respect to sewerage infrastructure, ordinarily this is paid for by the private developer but because Point Moore land is owned by Council the

onus to pay for the sewerage infrastructure falls on the local government.

Craig Tuesley, 2 Captains Crescent, Point Moore

Question 1

Does Council have the specifications on the sewerage requirements for the area given the existence of the shallow aquifer?

Response

Phil Melling, Director of Development Services advised that the City is aware the groundwater is very close to the surface however at this point in time the mechanics of the operation have not been addressed in great detail and contact with the Water Corporation is yet to take place.

Question 2

Is it possible to put the issue back to the next meeting?

Response

Commissioner Carr advised that the recommendation would be considered at the appropriate time in the meeting.

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 12 June 2007, as previously circulated, be adopted as a true and correct record of proceedings.

COUNCIL DECISION:

That the minutes of the ordinary meeting of Council held on 12 June 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
Tues 12 Jun	Attended Shire of Greenough and City of Geraldton Council meetings	Commissioners Carr, Smith and Grimoldby
Wed 13 Jun	Public Arts Committee Meeting – City of Geraldton	Commissioners Carr and Grimoldby
	Library Management Committee Meeting – City of Geraldton	Commissioners Carr and Grimoldby
	Art Gallery Committee Meeting – Geraldton Art Gallery	Commissioner Grimoldby
	Geraldton Regional Tourism Association Meeting – Bill Sewell Complex	Commissioner Carr
Thurs 14 Jun	WA Branch of ALGWA to launch the review of the national framework for women in Local Government - the way forward	Commissioner Grimoldby
Sat 16 Jun	Attended Police Open Day	Commissioners Carr and Smith
Wed 20 Jun	Queen Elizabeth II Centre Management Committee Meeting	Commissioner Smith
	Met with Ian Willock re: Lot 12 Foreshore Dve	Commissioner Carr
	Conducted citizenship ceremony	Commissioner Smith
	Municipal Waste Advisory Council	Commissioner Grimoldby
Thurs 21 Jun	Geraldton Greenough Seniors Advisory Committee Meeting – QE II Centre	Commissioner Smith
Fri 22 Jun	Attended Geraldton Amateur Swimming Club Scholarship presentations	Commissioner Smith
Mon 25 Jun	Attended Economic Alliance meeting	Commissioners Carr, Smith and Grimoldby
	Attended Council Briefings – Shire of Greenough Chambers	Commissioners Carr, Smith and Grimoldby
	Attended meeting with Committee of Geraldton Yacht Club – Shire of Greenough	Commissioners Carr, Smith and Grimoldby
Tues 26 Jun	Meeting with FESA representatives	Commissioners Carr, Smith and Grimoldby
	Meeting with John Rigter to discuss land acquisition	Commissioners Carr, Smith and Grimoldby
	Gindalbie Metals presentation by Garret Dickson – Shire of Greenough	Commissioners Carr, Smith and Grimoldby

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 Reports of the Chief Executive Officer

CEO03	BRIEFING AND COUNCIL MEETING DATES – JULY TO OCTOBER 2007
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AGENDA REFERENCE:	07/05269
AUTHOR:	G Brennan, Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 June 2007

SYNOPSIS:

Adoption of Council and Briefing meeting dates from July to October 2007.

BACKGROUND:

On 15 May 2007 the Commissioners resolved to hold fortnightly Council meetings preceded the day before with Briefing days and dates were set for May and June. On 1 July 2007 the City of Geraldton-Greenough will come into existence and it is proposed to continue with fortnightly meetings and briefing days. It is suggested that the briefing days continue to be held the day before Council meets and the starting time for these sessions be 3.00pm. It is also suggested that Council meetings for the City of Geraldton-Greenough now commence at 6.00pm. The following dates are proposed:-

Briefing Days

- 9 July 2007
- 23 July 2007
- 13 August 2007
- 27 August 2007
- 10 September 2007
- 24 September 2007
- 8 October 2007

Council Meetings

- 10 July 2007
- 24 July 2007
- 14 August 2007
- 28 August 2007
- 11 September 2007
- 25 September 2007
- 9 October 2007
- 23 October 2007 (Special)

VOTING REQUIREMENTS:

Simple majority required.

OFFICER'S RECOMMENDATION:

That the Council and Briefing meeting dates proposed for July through to October 2007 be adopted as follows:-

Briefing Days

2nd and 4th Monday of the month
Commencing at 3.00pm

- 9 July 2007
- 23 July 2007
- 13 August 2007
- 27 August 2007
- 10 September 2007
- 24 September 2007
- 8 October 2007

Council Meetings

2nd and 4th Tuesday of the month
Commencing at 6.00pm

- 10 July 2007
- 24 July 2007
- 14 August 2007
- 28 August 2007
- 11 September 2007
- 25 September 2007
- 9 October 2007
- 23 October 2007 (Special)

COUNCIL DECISION:

That the Council and Briefing meeting dates proposed for July through to October 2007 be adopted as follows:-

Briefing Days

2nd and 4th Monday of the month
Commencing at 3.00pm

- 9 July 2007
- 23 July 2007
- 13 August 2007
- 27 August 2007
- 10 September 2007
- 24 September 2007
- 8 October 2007

Council Meetings

2nd and 4th Tuesday of the month
Commencing at 6.00pm

- 10 July 2007
- 24 July 2007
- 14 August 2007
- 28 August 2007
- 11 September 2007
- 25 September 2007
- 9 October 2007
- 23 October 2007 (Special)

CARRIED

CEO04 GERALDTON REGIONAL TOURISM ASSOCIATION BOARD MEMBERSHIP

AGENDA REFERENCE: 07/05270
AUTHOR: G Brennan, Chief Executive Officer
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 19 June 2007

SYNOPSIS:

The proposed appointment of Commissioner Malcolm Smith as a member for Geraldton Region Tourism Association.

BACKGROUND:

With the amalgamation of the City of Geraldton and the Shire of Greenough the Local Government representatives on the Board of the Geraldton Regional Tourism Association have resigned. The appointment of Commissioners to the City of Geraldton and Shire of Greenough took effect on 2 May 2007 and it was necessary to appoint them to various committees that continue to meet.

COMMENT:

It is recommended that a Commissioner be appointed to the Geraldton Regional Tourism Association to keep the communication channels open plus continue the strong link between tourism and local government.

STATUTORY ENVIRONMENT:

Section 5.10 of the Local Government Act 1995.

POLICY IMPLICATION:

Nil.

FINANCIAL IMPLICATION:

Nil.

STRATEGIC IMPLICATION:

Not applicable.

VOTING REQUIREMENTS:

Absolute majority required.

RECOMMENDATION:

That Commissioner Malcolm Smith be appointed to represent the City of Geraldton-Greenough on the Geraldton Regional Tourism Association Board.

COUNCIL DECISION:

That Commissioner Malcolm Smith be appointed to represent the City of Geraldton-Greenough on the Geraldton Regional Tourism Association Board.

CARRIED BY ABSOLUTE MAJORITY

CEO05 FUTURE OF LIBRARY MANAGEMENT COMMITTEE

AGENDA REFERENCE: 07/05271
AUTHOR: A Jones, City Librarian
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 18 June 2007

SYNOPSIS:

This report presents options for the most appropriate way in which the Library can report to Council given the changed circumstances that have arisen due to amalgamation.

BACKGROUND:

The Library currently reports to Council via the Library Management Committee. This committee consists of 3 elected members from the City of Geraldton, 2 elected members from the Shire of Greenough and 2 community representatives. One of the reasons it was established was to ensure both City and Shire, as significant funding partners in the Library had an equal say in the management of the Library, particularly on items that have budgetary implications.

COMMENT:

The changed circumstances that have resulted from amalgamation of the City and Shire warrant a reappraisal of the role and relevance of the Library Management Committee.

As the Library will have only one funding Council from 1 July, one of the primary functions of the Library Management Committee (i.e. allowing both Councils input into management issues) will no longer be relevant. Budgetary and management issues will be able to be directed to the single Council.

Another important role of the Library Management Committee is to provide members of the community an opportunity to have a say in this significant community facility and to ensure the Library service is open and accountable to the community.

It is this function of community engagement and participation in the Library that can be enhanced in the new environment.

To this end the City Librarian suggests that the Library Management Committee is dissolved and a Library Advisory Committee is established in its place. The make-up of the Library Advisory Committee would include representatives from the following key stakeholder groups.

- Friends of Geraldton Library (FOGL)
- Seniors representative (from our Oral History and researchers groups)

- Parents group representative (from parents who regularly access services we provide for families such as storytime, rhymetime or parenting sessions)
- Indigenous representative
- A representative from the Education and Training Sector
- A representative from the Arts and Cultural Community
- A representative from the Business Community
- An elected member and deputy representing the City of Geraldton-Greenough
- The City Librarian and Director Business and Community as Ex-Officio members

Expressions of interest from these groups would be sought immediately with all positions filled on temporary basis. After the Local Government elections, appointments would be two year for half the committee and one year for the remainder (to ensure not all appointments expire at the same time allowing for some continuity.)

CONSULTATION:

Director Business and Community Services
Librarians Group

STATUTORY ENVIRONMENT:

Not applicable.

POLICY IMPLICATIONS:

Not applicable.

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

KRA 6, Direction 2

VOTING REQUIREMENTS:

Simple majority required.

OFFICER'S RECOMMENDATION:

That The Library Management Committee be dissolved and a Library Advisory Committee of representatives from suggested stakeholder groups be formed immediately.

**AMENDMENT TO MOTION:
MOVED COMMISSIONER GRIMOLDBY, SECONDED
COMMISSIONER SMITH**

That The Library Management Committee be dissolved and a Library Advisory Committee of representatives from the following stakeholder groups be appointed with a common term of up to October 2009 and subsequent two year terms:

- Friends of Geraldton Library (FOGL)
- Seniors representative (from our Oral History and researchers groups)
- Parents group representative (from parents who regularly access services we provide for families such as storytime, rhymetime or parenting sessions)
- Indigenous representative
- A representative from the Education and Training Sector
- A representative from the Arts and Cultural Community
- A representative from the Business Community
- An elected member and deputy representing the City of Geraldton-Greenough
- The City Librarian and Director Business and Community as Ex-Officio members
- A youth/student representative and
- A representative from the health services

COUNCIL DECISION:

That The Library Management Committee be dissolved and a Library Advisory Committee of representatives from the following stakeholder groups be appointed with a common term of up to October 2009 and subsequent two year terms:

- **Friends of Geraldton Library (FOGL)**
- **Seniors representative (from our Oral History and researchers groups)**
- **Parents group representative (from parents who regularly access services we provide for families such as storytime, rhymetime or parenting sessions)**
- **Indigenous representative**
- **A representative from the Education and Training Sector**
- **A representative from the Arts and Cultural Community**
- **A representative from the Business Community**
- **An elected member and deputy representing the City of Geraldton-Greenough**
- **The City Librarian and Director Business and Community as Ex-Officio members**
- **A youth/student representative and**
- **A representative from the health services**

CARRIED

Note: The Officer's Recommendation was amended to identify the nominated stakeholder groups and the common term during which they would serve.

9.2 Reports of Business and Community Services

BCS02	ASSIGNMENT OF CONTRACT
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AGENDA REFERENCE:	07/05241
AUTHOR:	Richard Gorbunow, Director of Business and Community Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 June 2007
SITE VISIT REQUESTED:	No

SYNOPSIS:

An oversight by the Geraldton Greenough Regional Council staff has left out one existing contract between the Geraldton Greenough Regional Council and its contractor that requires this Council's resolution in agreeing to assign the contract to the City of Geraldton-Greenough.

BACKGROUND:

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

COMMENT:

At the June 2007 Geraldton Greenough Regional Council meeting it was resolved that the Geraldton Greenough Regional Council agrees to assign the contract dated June 2004 entitled "Contract for the Recycling of Metal Products" to the City of Geraldton and the Shire of Greenough and the Chairperson 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.

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 GGRCE is to be wound up.

POLICY IMPLICATIONS:

Council has no policy relevant to this report.

FINANCIAL IMPLICATIONS:

The financial implication of the existing contract 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 deed of assignment.

STRATEGIC IMPLICATIONS:

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

Administration of the Environmental 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'S RECOMMENDATION:

That the City of Geraldton agrees to assign the contract dated June 2004 entitled "Contract for the Recycling of Metal Products" to the City of Geraldton-Greenough, and the Chairperson 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.

COUNCIL DECISION:

That the City of Geraldton agrees to assign the contract dated June 2004 entitled "Contract for the Recycling of Metal Products" to the City of Geraldton-Greenough, and the Chairperson 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.

CARRIED BY ABSOLUTE MAJORITY

ECD334	EADON CLARKE SPORTING COMPLEX
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AGENDA REFERENCE:	07/05238
AUTHOR:	Y Lovedee, Community Development Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	18 June 2007
SITE VISIT REQUESTED:	No

SYNOPSIS:

Proposal to develop a management plan for Eadon Clarke Sporting Complex.

BACKGROUND:

Discussions have been held in recent months with individual stakeholders with regard to the condition of the venue and future demands on the complex.

A meeting of stakeholders was held on 12 June, 2007 at the Queen Elizabeth Centre with the view to:

- Confirm stakeholders in the complex.
- Identify research completed to date by individual groups.
- Develop a time line to produce a master plan for the complex.
- Form a steering committee to develop the master plan.

At Council meeting on 27 April, 2007 (GF530) Council resolved that it:
"i supports the preparation of a master plan and a reticulation design for the Eadon Clarke recreation reserve subject to funding being available from the sale of Lots 101 and 127 Tamblyn Street, Spalding; and

ii Endorses the setting aside of \$20,000 in the 2007/2008 budget for master planning and reticulation design for Eadon Clarke reserve, Spalding and that:

- (a) the funding be sourced from the sale of Lots 101 and 127 Tamblyn Street, Spalding;*
- (b) the balance of the funds from the sale of Lots 101 and 127 Tamblyn Street, Spalding being placed into a suitable reserve account for the future development of Eadon Clarke recreation reserve; and*
- (c) this arrangement is dependent on the successful settlement of the sale of Lots 101 and 127 Tamblyn street, Spalding."*

COMMENT:

The meeting of 12 June 2007 was attended by representatives of nine stakeholder groups and one interested organisation.

The stakeholders recommended that the master plan for the complex be developed prior to the reticulation design being completed to ensure that there was no duplication of work and a possible wastage of funding.

A brief is being developed with the view to receiving quotes and engaging a consultant by August 2007. A first draft of the master plan is to be presented at a meeting of stakeholders early in December with the final document approved early in January 2008.

The possibility of a management committee under agreement to Council was floated. This arrangement would empower the stakeholders to take the lead in the future development and use of the complex. Representatives of Department of Sport and Recreation and Council would be members of the Committee to give guidance to developments.

CONSULTATION:

The majority of stakeholders in the Eadon Clarke Complex attended the meeting to give their views.

STATUTORY ENVIRONMENT:

There are no statutory implications resulting from the recommendations of this report

POLICY IMPLICATIONS:

The adoption of the management committee model for Eadon Clarke Complex reflects the models of management already in place in the Shire of Greenough for areas such as Woorree Park and Moonyoonooka Recreation Ground.

FINANCIAL IMPLICATIONS:

Funding from the sales of Lot 101 and 127 Tamblyn Street Spalding have already been allocated to the development of Eadon Clarke.

However the stakeholders request the \$20,000 currently allocated to the master plan and reticulation design in the 2007/8 budget be allocated to the development of the master plan alone.

STRATEGIC IMPLICATIONS:

Key Result Area 4:

Places for People.

Direction 2:

Facilities for Children, Young People and Families.

VOTING REQUIREMENTS:

Simple Majority required

OFFICER'S RECOMMENDATION:

That Council:

- i. Receive the minutes of the Eadon Clarke Sporting Complex Stakeholders meeting of 12 June, 2007; and
- ii Allocate the \$20,000 set aside for the development of the master plan and the reticulation design to the development of the master plan only.

COUNCIL DECISION:**That Council:**

- ii. **Receive the minutes of the Eadon Clarke Sporting Complex Stakeholders meeting of 12 June, 2007; and**
- ii **Allocate the \$20,000 set aside for the development of the master plan and the reticulation design to the development of the master plan only.**

CARRIED

9.3 Reports of Corporate Services

GF557	COMMUNITY FIRE MANAGER - VEHICLE CONTRIBUTION
AGENDA REFERENCE:	07/05125
AUTHOR:	P Radalj, Manager Accounting
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 June 2007

SYNOPSIS:

Council on the 24 October 2006 agreed to a Memorandum of Understanding between the City of Geraldton and Shire of Greenough and the Fire and Emergency Services (FESA) (attachment GF557) that involved contributions from each organization towards the employment costs of a Community Fire Manager. Part of these costs involved the provision of a vehicle.

BACKGROUND:

The contribution by the City of Geraldton is 25% towards these costs and as no provision was made in the budget for 2006/07, it was to be accommodated within the half yearly budget review. However, provision for this contribution was not considered during the budget review process and as such, no expenditure has been authorised or allocated as part of this agreed contribution.

COMMENT:

The required contribution in 2006/07 is in the amount of \$12,951.72 and is comprised of the following:

- Vehicle - \$11,516.72
- Vehicle accessories - \$1,425.00

The City has cash reserves that are used for vehicle and plant replacements. Currently, there is around \$216,000.00 sitting in the reserve for departmental vehicle replacements. Under the program area for Law/Order and Public Safety, there were savings achieved in the changeover of a ranger vehicle of \$6,428.00 against the budgeted amount that resulted in a reduction in the actual "drawn down" on this reserve.

It is proposed to fund the required contribution from the departmental vehicle reserve, the net effect being an increase in the budgeted "draw down" on this reserve of \$6,523.72.

CONSULTATION:

Not applicable.

STATUTORY ENVIRONMENT:

Not applicable.

POLICY IMPLICATIONS:

Not applicable.

FINANCIAL IMPLICATIONS:

Over a number of years, the City has established a number of cash reserves that allow for such contingencies to be accommodated. Currently, the balance of the Departmental Vehicle Reserve is around \$216,000.00.

STRATEGIC IMPLICATIONS:

Key Result Area 5 – Direction 5 – Environmental Risk Management.

VOTING REQUIREMENTS:

Absolute majority required.

OFFICER'S RECOMMENDATION:

That Council authorises expenditure (a/c 52574) from the Departmental Vehicle Reserve in the amount of \$12,951.72 as part of an agreed contribution to the Community Fire Manager's vehicle acquisition costs.

COUNCIL DECISION:

That Council authorises expenditure (a/c 52574) from the Departmental Vehicle Reserve in the amount of \$12,951.72 as part of an agreed contribution to the Community Fire Manager's vehicle acquisition costs.

CARRIED BY ABSOLUTE MAJORITY

GF558	MARKET GROUND RENTAL VALUATIONS – 2007 POINT MOORE BEACH COTTAGES LEASE RENEWALS
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AGENDA REFERENCE:	07/05127
AUTHOR:	B Robartson, Manager Administration
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 June 2007

SYNOPSIS:

Report on the valuation of land lots at Point Moore beach cottages.

BACKGROUND:

Council is advised that the Department of Land Information (DLI), Valuation Services were engaged to provide current ground rental valuations in accordance with Section 3.58 (4)(c) of the Local Government Act 1995 for the balance of 52 Point Moore beach cottage lots that are due to expire on the 30 June 2007.

This report is now complete.

COMMENT:

Council is advised that in November 2004, DLI were engaged to conduct valuations on beach cottages that were due to expire in 2007 following councils decision to offer an invitation to surrender early and renew out for a further 21 year period.

Of 95 cottages, 43 lessees took up the invitation to surrender their lease and renew for a further 21 year period.

Assessed land values at that time ranged from \$27,500 to \$31,500 for inside lots and \$33,500 to \$39,000 for outside lots. DLI considered the fair market ground rentals to range from \$1,425 for inside lots to \$1,950 for outside lots.

Council on the 23 November 2004 resolved to set the lease fee at \$1,300 per annum capped for a period of five years and the first rent review by CPI at the expiration of the first five years followed by a triennium rent review thereafter.

DPI have determined that the current land values range from \$98,000 to \$105,000 for inside lots and \$110,000 to \$130,000 for outside lots fronting Willcock Drive.

DPI consider fair market ground rentals per annum to range from \$5,000 for inside lots to \$6,500 for outside lots fronting Willcock Drive.

The combined beach cottage and restaurant located at Captains Crescent has been assessed at \$10,000 per annum

The rentals determined take into consideration the following relevant factors:

- The location of the land
- The land area of each lot
- The percentage return expected per annum considering the market value of each lot
- The land use applicable under the current City of Geraldton Town Planning scheme.

The City is now faced with an interesting scenario.

- The majority of current leases that are up for renewal are at present paying \$693.75 per annum as their lease fee. The beach cottage/restaurant is currently paying \$2,081.70 per annum;
- The lessees that chose not to renew early in 2004 have enjoyed cheaper rent for the three years;
- The new current assessed land values to this amount would not have been expected by the lessees;
- The locality does have a lot of pensioners in residence.
- The new valuations are in line with the determined lease fee for the caravan park located in this vicinity.

The options that council may consider when setting the lease fee are as follows:

- Setting an individual lease fee for each lot as per the valuation report;
- Setting the minimum valuation fee of \$5,000 per annum across all lots and the \$10,000 per annum for combined beach cottage restaurant;
- Setting the lease fee at 50% to all lots at the assessed rate;
- Apply a discount of 50% to all lots at the assessed rate for all pensioners only;
- Set a lease fee within the valuation range, say \$3,000 per annum; or
- Apply the 2004 valuation of \$1,300 per annum for all cottages capped only for two years to bring in line with other cottages renewed early.

CONSULTATION:

Department of Land Information Services – Valuation Services.

STATUTORY ENVIRONMENT:

Regulation 30 Local Government (Functions and General) Regulations 1996 – sub regulation (1) states that a disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 Local Government Act 1995.

Sub regulation (2)(c) states that a disposition of land is an exempt disposition if (g) it is the leasing of residential property to a person.

POLICY IMPLICATIONS:

Not Applicable.

FINANCIAL IMPLICATIONS:

- i. Current lease fee payable for the 52 cottages - \$42,945.90
- ii. Increase to \$1,300 pa + \$2,500 pa for restaurant - \$68,800
- iii. Increase to \$2,500 pa + \$5,000 pa for restaurant - \$132,500
- iv. Increase to \$3,000 pa + \$10,000 pa for restaurant - \$163,000
- v. Increase to \$5,000 pa + \$10,000 for restaurant - \$265,000

OFFICER'S RECOMMENDATION:

That:

- i. Council approve the renewal of all the remaining 52 beach cottage leases for a further period to 31 December 2025;
- ii. The annual lease fee is set at \$3,000 per annum capped for a period of two years;
- iii. The annual lease fee for the beach cottage/restaurant is set at \$10,000 per annum capped for a period of two years;
- iv. The first rent review by CPI be set at the expiration of the first period of two years followed by a triennium rent review thereafter.

**AMENDMENT TO MOTION:
MOVED COMMISSIONER GRIMOLDBY
SECONDED COMMISSIONER SMITH**

That:

- i. Council approve the renewal of all the remaining 52 beach cottage leases for a further period to 31 December 2025;
- ii. The annual lease fee is set at \$3,000 per annum capped for a period of two years;
- iii. The annual lease fee for the beach cottage/restaurant is set at \$10,000 per annum capped for a period of two years;
- iv. The first rent review by CPI be set at the expiration of the first period of two years followed by a triennium rent review thereafter
- v. *In recognition of the increase imposed by the 2007 Landgate Review dated 8 June 2007 which values the ground rentals at an average of over \$5,000 per annum, a concession of 50% on the annual lease fee will be applied to those leaseholders who are eligible pensioners under the Pensioners Rebate and Deferment Act for the first 2 years of the renewed leases*
- vi. *Officers be requested to incorporate into the 07/08 budget a Reserve Fund for Point Moore infrastructure improvements.*

COUNCIL DECISION:

That:

- i. **Council approve the renewal of all the remaining 52 beach cottage leases for a further period to 31 December 2025;**
- ii. **The annual lease fee is set at \$3,000 per annum capped for a period of two years;**
- iii. **The annual lease fee for the beach cottage/restaurant is set at \$10,000 per annum capped for a period of two years;**
- iv. **The first rent review by CPI be set at the expiration of the first period of two years followed by a triennium rent review thereafter**
- v. **In recognition of the increase imposed by the 2007 Landgate Review dated 8 June 2007 which values the ground rentals at an average of over \$5,000 per annum, a concession of 50% on the annual lease fee will be applied to those leaseholders who are eligible pensioners under the Pensioners Rebate and Deferment Act for the first 2 years of the renewed leases**
- vi. **Officers be requested to incorporate into the 07/08 budget a Reserve Fund for Point Moore infrastructure improvements.**

CARRIED

Note: Council amended the Officer's Recommendation by adding in Parts v and vi to mitigate the significant increase and provide a more equitable remedy.

GF559	MARKET GROUND RENTAL VALUATIONS – 2014 POINT MOORE BEACH COTTAGES LEASE RENEWALS
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AGENDA REFERENCE:	07/05129
AUTHOR:	B Robertson, Manager Administration
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 June 2007

SYNOPSIS:

Report on the valuation of land lots at Point Moore beach cottages.

BACKGROUND:

Council is advised that the Department of Land Information (DLI), Valuation Services were engaged to provide current ground rental valuations in accordance with Section 3.58 (4)(c) of the Local Government Act 1995 for the early surrender invitation granted by Council for Point Moore beach cottage lots that are due to expire on the 30 June 2014.

This report is now complete.

COMMENT:

Council in March 2006 resolved to approve the early surrender of beach cottages due to expire on the 30 June 2014 for those wishing to take up this option and renew out for a further 21 year period. The resolution by council at this time was based on the number of enquiries that the City had been receiving about the length of term left on their respective lease. In addition, the properties were having difficulty in selling due to the short term on the lease and refinancing with banking institutions was extremely difficult as a direct result on the short term security of the lease.

A total of 81 beach cottages are due to expire on 30 June 2014.

Current assessed land values range from \$98,000 to \$105,000 for inside lots and \$110,000 to \$130,000 for outside lots. DLI considered the fair market ground rentals to range from \$5,000 for inside lots to \$5,250 for outside lots.

Council on the 23 November 2004 resolved for the early renewals of the 2007 leases that the lease fee be set at \$1,300 per annum capped for a period of five years and the first rent review by CPI at the expiration of the first five years followed by a triennium rent review thereafter.

The new rentals determined take into consideration the following relevant factors:

- The location of the land
- The land area of each lot
- The percentage return expected per annum considering the market value of each lot
- The land use applicable under the current City of Geraldton Town Planning scheme.

The City is now faced with an interesting scenario.

- The majority of the 2014 leases are at present paying circa \$1,249 per annum as their lease fee.
- The new assessed lease values would not have been expected by the lessees;
- The locality does have a lot of pensioners in residence;
- The new assessed values may now change the lessees desire to surrender early.
- The new valuations are in line with the determined lease fee for the caravan park located in the vicinity

The options that council may consider when setting the lease fee are as follows:

- Setting an individual lease fee for each lot as per the valuation report;
- Setting the minimum valuation fee of \$5,000 per annum across all lots ;
- Setting the lease fee at 50% to all lots at the assessed rate;
- Apply a discount of 50% to all lots at the assessed rate for all pensioners only;
- Set a lease fee under the valuation, say \$3,000.

CONSULTATION:

Department of Land Information Services – Valuation Services.

STATUTORY ENVIRONMENT:

Regulation 30 Local Government (Functions and General) Regulations 1996 – sub regulation (1) states that a disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 Local Government Act 1995.

Sub regulation (2) (c) states that a disposition of land is an exempt disposition if (g) it is the leasing of residential property to a person.

POLICY IMPLICATIONS:

Not applicable.

FINANCIAL IMPLICATIONS:

- i. Current lease fee payable for the 81 cottages - \$99,817.90 pa
- ii. Increase to \$2,500 pa - \$202,500 pa
- iii. Increase to \$3,000 pa - \$243,000 pa
- iv. Increase to \$5,000 pa - \$405,000 pa

OFFICER'S RECOMMENDATION:

That:

- i. The annual lease fee is set at \$3,000 per annum capped for a period of two years;
- ii. The first rent review by CPI be set at the expiration of the first period of two years followed by a triennium rent review thereafter.

AMENDMENT TO MOTION:

**MOVED COMMISSIONER GRIMOLDBY, SECONDED
COMMISSIONER SMITH**

That:

- i. The annual lease fee is set at \$3,000 per annum capped for a period of two years;
- ii. The first rent review by CPI be set at the expiration of the first period of two years followed by a triennium rent review thereafter;
- iii. *Those lessees that do not take up this offer be advised in writing that the lease fee subsequent to 2014, should the leases be renewed, may be set at market value.*

COUNCIL DECISION:

That:

- i. **The annual lease fee is set at \$3,000 per annum capped for a period of two years;**
- ii. **The first rent review by CPI be set at the expiration of the first period of two years followed by a triennium rent review thereafter;**
- iii. **Those lessees that do not take up this offer be advised in writing that the lease fee subsequent to 2014, should the leases be renewed, may be set at market value.**

CARRIED

Note: Council amended the Officer's Recommendation by including an additional Part iii.

GF560 QPT CONVENTION CENTRE STUDY – DRAFT REPORT

AGENDA REFERENCE: 07/05131
AUTHOR: P Radalj, Manager of Accounting
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 15 June 2007

SYNOPSIS:

The presentation of the draft Geraldton Convention Centre Study completed by consultants Graham Walne and Peter Alexander with Matthews Architecture.

BACKGROUND:

In August 2006, the City commissioned the above consultants to undertake a study relating to the viability of establishing a Convention facility within the Geraldton municipality.

The purpose of the study was to address the following questions:

- Does demand exist that would allow Geraldton to enhance its economic development efforts in the tourism industry, specifically addressing conventions and other meetings?
- If so, what would be the right type of facility (i.e. size) and what should be incorporated into the facility to meet that demand, both now and in the future?
- What other potential usage and/or initiatives the facility could support?
- What level of new economic impact might be anticipated from the development and operations of a convention centre facility?
- What facilities currently exist in the market (include any planned facilities) and the effect a convention centre will have on the existing providers and their facilities?
- Investigate the feasibility of co-location and/or incorporating the convention facilities with established facilities (QPT).

COMMENT:

The key findings as listed within the draft document are:

1. "There is a clearly identifiable need for a purpose designed space in Geraldton to support existing conference enquiries and to stimulate new conference business";
2. "The site immediately adjacent to the Queens Park Theatre is the most suitable location for a purpose designed space given the land availability close to the CBD and the synergies with both the QPT and the Civic Offices". It should also be noted that there is no acquisition cost factor attached to this land availability;
3. There is evidence that a purpose designed space linked to the QPT could in addition to conference use, help the QPT extend and broaden its scope to present small to middle scale work in a more economical environment than exists in the existing large theatre"; and

4. Finally there is also evidence that a purpose-designed space linked to the QPT could provide a level of provision for civic, community and function activities not currently feasible in the City”.

The report also presents four options of orientation in relation to key finding 2. Of the options put forward on the site development for extension to the existing QPT facility, the following two options are preferred based on available space, an amphitheatre that provides minimal functionality to the existing facility, a water feature/fountain that is high in service and maintenance costs and continually requires extensive upgrades and opportunities to develop a more attractive/contemporary frontage and better linkages than what currently exists now:

1. Orientation 3 – New frontage via the removal of all of the amphitheatre and creating a linking circulation between the new and the old buildings; and
2. Orientation 4 – New frontage that also requires the removal of the amphitheatre but orientates the new building towards the Civic Offices and closer to Cathedral Ave.

Any determination given on orientation would also need to be aligned and give consideration to the future development of this Civic precinct.

On the basis of the key findings, it is proposed that the next progressive step is to undertake a more detailed evaluation process that would include the development of a business plan. This business plan would incorporate preliminary concept and building designs (public and stakeholder consultation), marketing strategies, determination of capital and operating costs and detailed funding scenarios for the proposed facility.

CONSULTATION:

City of Geraldton, key stakeholders and commissioned consultants.

STATUTORY ENVIRONMENT:

Not applicable.

POLICY IMPLICATIONS:

Not applicable.

FINANCIAL IMPLICATIONS:

The projected cash reserves tied to the QPT is projected to be around \$280,000 at the end of this financial year. This reserve could support within the 2007/08 budget the progression towards a more detailed evaluation of the proposed facility. Additionally, external grants would also actively be sourced to minimise any budget commitment.

STRATEGIC IMPLICATIONS:

City of Geraldton Strategic Plan – Key Result Area 2
A Centre of Excellence – A Vibrant City for Living and Learning.
Direction 4 – Regional Community Education and Information
Facilities (Library, Convention Centre, Tele-centres etc)

OFFICER RECOMMENDATION:

That:

- i. Council receive the draft Geraldton Convention Centre Study.
- ii. Council endorse the progression of the findings via consideration within 2007/08 budget to undertake a more detailed evaluation of the proposed facility.
- iii. That the Chief Executive Officer invite expressions of interest to participate on a steering group to assist the Geraldton Convention Centre Study. The steering group to include Commissioners Smith and Grimoldby (subject to availability), the Member for Geraldton, Midwest Area Consultative Committee, Midwest Chamber of Commerce and Industry, Midwest Regional representation and members of the public with expertise, experience and or knowledge of convention centres.

COUNCIL DECISION:

That:

- i. **Council receive the draft Geraldton Convention Centre Study**
- ii. **Council endorse the progression of the findings via consideration within 2007/08 budget to undertake a more detailed evaluation of the proposed facility.**
- iii. **That the Chief Executive Officer invite expressions of interest to participate on a steering group to assist the Geraldton Convention Centre Study. The steering group to include Commissioners Smith and Grimoldby (subject to availability), the Member for Geraldton, Midwest Area Consultative Committee, Midwest Chamber of Commerce and Industry, Midwest Regional representation and members of the public with expertise, experience and or knowledge of convention centres.**

CARRIED

9.4 Reports of Technical Services

EIS415	PRIVATE SALE OF LIMESTONE QUARRY MATERIAL		
AGENDA REFERENCE:	07/05222		
AUTHOR:	Peter	Karczub	Manager
	Infrastructure Services		
DISCLOSURE OF INTEREST:	Nil		
DATE OF REPORT:	18 June 2007		
SITE INSPECTION:	No		

SYNOPSIS:

The report seeks Councils approval to sell a quantity of limestone from the City's limestone quarry.

BACKGROUND:

A request has been received from local earthmoving contractor Wells Bros. to buy from the City 10,000 to 15,000 m³ of limestone from the City's quarry to use as fill in a nearby proposed subdivision. The request is on behalf of a private subdivisional developer.

COMMENT:

The City has a limestone quarry in the Shire of Greenough approximately one kilometre south along Brand Hwy from Rudd's Gully road.

The limestone has and is used as a medium quality sub road base material for residential street construction. In the long term the land could be affected by a proposed deviation of Brand Hwy (North South Road), which could affect the long term viability of the site. Further information is being sort through Main Road WA to confirm the likely impact.

The quarry is situated upon two parcels of land, one 24 ha and the other 12 ha. It is conservatively estimated that there is well over 2 mill m³ of limestone available although depth testing to depths greater than 3 m have not been undertaken. The current quarry face is 30 metre wide and it is assumed that this continues for the full depth of the block. The annual demand whilst highly variable has been 5,000 to 10,000 m³ per year by the City and small periodic sale of 5,000 m³ to the private sector and State government departments. An average annual supply over the last 10 years would not have exceeded 2,000 m³. At the current demand rate the supply reserve would last for many years and therefore this supply request is unlikely to significantly affect the long term supply of the quarry.

It is proposed that a royalty of \$1.50 (plus GST) be charged and that the site be worked and left in a manageable state as required by the Director of Technical Services.

Currently the City recycles its non organic road building materials. This operation requires the investment of funds to improve the sites operation.

CONSULTATION:

Main Roads WA is being approached to examine the likely impact of any Highway realignment would have on the quarry site.

STATUTORY ENVIRONMENT:

The City has an ongoing extraction licence with the hire of Greenough.

POLICY IMPLICATIONS:

Under sect 3.8 and the tender regulations Council can sell items up to the value of \$20,000 without public tender. There is no policy covering the sale of quarry products.

FINANCIAL IMPLICATIONS:

The City will receive an income for the sale of between \$15,000 and \$22,500.

STRATEGIC IMPLICATIONS:

The sale of this material will have a minimum impact upon the long term supply of limestone material.

VOTING REQUIREMENTS:

Simple majority

OFFICER'S RECOMMENDATION:

That Council approve the sale of limestone material to Wells Bros. Earth Moving contractor for the price of \$1.50 (plus GST) per m3, plus requirements to rehabilitate the site as required by the Director of Technical Services and that the proceeds from the sale be placed into a reserve for the management of quarry / depot sites.

COUNCIL DECISION:

EN BLOC MOTION

That Council approve the sale of limestone material to Wells Bros. Earth Moving contractor for the price of \$1.50 (plus GST) per m3, plus requirements to rehabilitate the site as required by the Director of Technical Services and that the proceeds from the sale be placed into a reserve for the management of quarry / depot sites.

CARRIED

9.5 Reports of the Development Services

DELEGATE APPROVALS

TP FILE	APPLICANT	SUBJECT/PROPERTY	PROPOSED USE
02/148	WF & LR Wallace	Lot 60 (No. 24) Wells Street, Geraldton	Planning Renewal – proposed two grouped dwellings.
04/050	R & C Horton	Lot 18 (53B) Brede Street, Geraldton	Planning Renewal - Proposed single garage
04/061	Peter Day	Lot 90 Mellows Place, Rangeway	Planning Renewal – Home occupation Gas Installation & Servicing.
07/026	Way Out Investments	Lot 216 (42) Lawley Street, Geraldton	Proposed eight grouped dwellings
07/083	Peter Teakle and Co	Lot 50 (250) Place Road, Wonthella	Amended plans for proposed three grouped dwellings
07/099	Rob White	Lot 26 Harrison Street, Bluff Point	Planning Renewal – proposed demolition of existing bungalow and construction of additional grouped dwellings.
07/110	Neil Chavasse	Lot 1 Willcock Drive, Mahomets Flats	Planning Renewal – proposed patio for existing grouped dwelling.
07/120	Batavia Timber and Salvage	Lot 140 (30) Blencowe Road, Utakarra	Proposed demolition of existing buildings/ structures (Johnson's Nursery)

OFFICER'S RECOMMENDATION:

That the Schedule of delegated approvals be received.

COUNCIL DECISION:

EN BLOC MOTION

That the Schedule of delegated approvals be received.

CARRIED

PSD631	PROPOSED TWO ADDITIONAL GROUPED DWELLINGS AND TWO STOREY ADDITION TO EXISTING RESIDENTIAL DWELLING ON LOT 65 (No 58) URCH STREET, BERESFORD
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AGENDA REFERENCE:	07/05211
LOCATION/ADDRESS:	Lot 65 (No 58) Urch Street, Beresford
NAME OF APPLICANT:	T & A Hine
OWNER:	T & A Hine
FILE REFERENCE:	TP07/100 & URC/58
ZONING:	Residential R12.5/40/60
AUTHOR:	N Browne, Acting Coordinator of Planning
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	13 June 2007
SITE INSPECTION:	Yes

SYNOPSIS:

An application has been received to construct two additional grouped dwellings and two storey addition to the existing residential dwelling on the above property. Council consideration is required as the applicant is seeking variation to the minimum lot size required for three grouped dwellings in accordance with Clause 5.4.1(b) of Town Planning Scheme No. 3.

It is recommended that Council approve the application subject to the imposition of relevant conditions.

BACKGROUND:

The subject property comprises an area of 884m² and has a 20.18 metre frontage to Urch Street.

The property presently contains a single storey residential dwelling and is bound by single residential dwellings on all sides.

Plans of the proposal are attached.

COMMENT:

The existing residential dwelling is setback approximately 13.8 metres from Urch Street. It is proposed to construct one of the new dwellings in front and the other at the rear of the existing residential dwelling.

Access to all dwellings is proposed from Urch Street with Units 2 and 3 having a common property driveway and Unit 1 having its own driveway.

The two new dwellings (Units 1 and 3) are proposed to have the same floor plan and will comprise of two bedrooms, one bathroom and associated living area. Each dwelling will have it's own carport, patio, storeroom and private outdoor living area.

Unit 1 is proposed to comprise an area of approximately 111m² and Unit 2 is proposed to comprise an area of approximately 123m². Both dwellings are proposed to be constructed of facebrick and render finishes with a colorbond roof.

A second storey addition is proposed to the existing residential dwelling. Essentially it is proposed to cover the existing footprint of the dwelling. The second storey addition is proposed to comprise of two bedrooms, bathroom, open living area and balcony.

The applicant has advised that the exterior of the second storey addition will be finished with a painted render and the new balcony will allow passive surveillance as well as views over the beach and ocean.

The two new dwellings will be built at varied heights, this being in keeping with the natural ground levels of the property which slopes upwards from Urch Street. The variation in the heights allows the views from the new dwellings and existing dwelling to be maintained whilst maintaining natural ground levels.

The applicant has advised that the common driveway and outdoor entertaining areas will be brick paved and lawns and shrubs will be established.

CONSULTATION:

The proposal was advertised in accordance with Clause 7.2 of Town Planning Scheme No. 3. At the close of advertising eight submissions had been received, two of which had no objection to the proposal whilst the remaining six objected to the proposal for the following reasons:

- i. Close proximity of the proposed rear dwelling to submitter's back yard and entertainment area. This close proximity would increase noise and reduce privacy and impact on the quiet enjoyment of the submitter's property.
- ii. All surrounding neighbours own their own homes and object to having high density rental on their doorstep.
- iii. The proposed driveway runs directly beside the submitters house and it concerns them being shift workers that the noise of extra vehicle movement will interfere with their sleeping as all bedrooms face that side of the house.
- iv. Proposed car parking arrangements for the existing dwelling is directly in line with the submitters upstairs bedroom and as such tail lights and exhaust fumes are a concern given they are 'open window sleepers'.
- v. There appears to be little provision made for visitor parking.
- vi. Proposed dwelling 1 has only carport room for one vehicle and should the dwelling be occupied by two or more persons with a

- vehicle each then car parking space will be insufficient with parked vehicles protruding into the streetscape and having a detrimental physical, visual and acoustically affect on the neighbourhood.
- vii. The proposal does not conform with Clause 5.4.1(b) of the Town Planning Scheme which requires an area of 1250m² for 3 grouped dwellings.
 - viii. The proposed development contravenes the R Codes aim of maintaining or enhancement of local or neighbourhood character, especially in established residential areas in the area of streetscape. The northern end of Urch Street is currently a single residential pocket where most residents have been long term owner occupiers who generally have taken pride in ensuring the neat and tidy appearance of their properties and have contributed positively to the streetscape.
 - ix. There is simply insufficient space on the lots in the proposal for anything but very minimal landscaping and it is felt it would have an adverse impact on our property and contribute nothing to the streetscape.
 - x. It appears that the setback of the proposed Lot 1 is barely 2 metres. Our visibility when reversing out of our driveway will be restricted and again demonstrates the negative contribution to the streetscape with virtually no provision or indeed room for landscaping.
 - xi. The development will be detrimental to the streetscape character of this end of Urch Street. Dwelling 1 and its parapet wall would dominate and detract from the character of the existing streetscape.
 - xii. Traffic concern with access and carparking. Council is aware that Urch Street has received some adverse publicity with regard to traffic volume and driving standards in recent times. It is felt that access to the development will create further problems due to the fact that the proposed Lot 1 has minimal parking space, all the residents will need to reverse onto the street within 50 metres of a blind corner. Furthermore there is no provision or room for visitor parking.
 - xiii. The proposed development will increase the residential density hence traffic volumes in this end of Urch Street. Road safety as additional vehicles back onto or access off Urch Street from the property will be compromised.
 - xiv. The proposed development will change the characteristic of this area and will create a precedent for future developers and will have a severe impact on residents in this end of Urch Street.
 - xv. Water infrastructure in Urch Street is adequate however in peak demand times the water pressure to existing dwellings is considered poor. An increase in housing density will have a detrimental effect on this infrastructure.
 - xvi. The existing rear boundary fence shared by the submitter is currently super six fencing. There is a significant difference in levels and there is no mention of retaining walls proposed to

this area. Any construction to the rear of the subject property should require the issue of retaining to be addressed at the developers expense.

- xvii. The submitters view whilst exiting their property will be blocked by the proposed parapet wall on their driveway.
- xviii. Loss of privacy with proposed second storey additions to existing dwelling. Overlooking from second storey windows.
- xix. The proposal to construct parapet wall on common boundary for rear dwelling may create a noise problem for anyone living in this dwelling as the submitter frequently uses power tools in his shed as he has a wood work hobby.

In regard to point (i.) and (iii.) above it is noted that the rear dwelling complies with the required setback and privacy provisions under the Residential Design Codes. There is no assessment standard or criteria under the Residential Design Codes 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. There are some restrictions on noise by limiting the types of activities permitted to those that don't create excessive amounts of noise. It is recommended that a footnote be put on the approval requesting that the owner liaise with the abutting rear owner regarding the potential for noise problems which may be a suitable opportunity for the parties to discuss the issues and reach an acceptable outcome. Consideration could be given to the type of fencing on the common boundary. Furthermore it is noted that the subject property will be lower than the abutting property which will give the abutting property owner an increase barrier height which may help alleviate the noise concern.

In regard to point (ii.) above, given the zoning of the subject property (Residential R12.5/40/60) there is provision within the Town Planning Scheme No. 3 (Clause 5.4.1 d) for consideration to be given to three grouped dwellings on the property.

In regard to point (iv.) above there is no assessment standard or criteria under the Residential Design Codes by which new developments have to comply with in regards to potential effect of tail lights and exhaust fumes. Given the submitter's bedroom is upstairs it is unlikely that tail lights will have an impact given they would be on ground level. Exhaust fumes are not considered to be detrimental given there may only be an increase in two vehicles entering the property (ie to access the rear unit) and furthermore there is considered to be sufficient space between the dwelling on the abutting property and the subject property for adequate air circulation.

In regard to point (v.) and (vi.) above it is noted that the proposal complies with the requirements of the Residential Design Codes in regard to the minimum amount of carparking required to be provided.

In regard to point (vii.) above it is noted that the applicant is seeking Council approval in accordance with Clause 5.4.1 (d) of Town Planning Scheme No. 3. This clause allows Council to vary the minimum lot size requirements of Clause 5.4.1 (b) where Council considers that the merits of a particular application justify a variation, in which case the minimum lot size may be reduced to the minimum lot size permissible for the proposed number of grouped dwellings under Clause 5.4.1 (a) and the Residential Design Codes. This element will be discussed later in the report under Statutory Environment.

In regard to point (viii.), (ix.), (x.) and (xi.) the streetscape is addressed primarily through the application of the Residential Design Codes which has acceptable development provisions for various elements which includes streetscape. The development is considered to comply with the acceptable development criteria in this regard. Furthermore the proposal complies with the acceptable development criteria in regard to front setback requirements, provision of open space and private open space for each dwelling.

In regard to point (xii.) and (xiii.) above the City's Technical Services Department have advised that the proposal is acceptable in terms of traffic volume and safety and as such would not have a detrimental impact. The following comments in this regard were provided by the Technical Services Department:

Increased Traffic Volumes and Speed of Traffic

Traffic count information obtained in August 2006 revealed that the am peak was 73 vehicles with 31 southbound and 42 northbound with the pm peak being 48 vehicles with 26 southbound and 22 northbound.

The 85 percentile speed recorded between Phelps Street and Abrolhos Street was 55km/h in both directions and 64 for southbound traffic and 59 for northbound traffic, at a location just south of the crest in Urch Street, between Abrolhos Street and Mark Street.

The classifier was located some 200 metres south of the proposed development site and it is highly unlikely that the 85 percentile speeds would be as high in the immediate vicinity of the proposed development due to its proximity to the Mark Street intersection.

The volume of traffic using Urch Street is not considered significant and the main issue is that over fifty percent of the motorists are travelling at speeds in excess of the posted speed limit of 50 km/h. It is considered that low volumes of traffic and width of road pavement south of the crest in Urch Street both contribute to the incidence of motorists travelling at excessive speeds.

The Road Safety Audit carried out by Tony Shaw in May 2007 recommends that the City carry out traffic calming measures. The City proposes to install centreline markings and a reduction of the road pavement width as a traffic calming measure in line with officer and Road Safety Audit recommendations.

Vehicles Reversing onto Urch Street

One submitter cites increased vehicles reversing onto the street would be a traffic safety issue. Only the vehicles parked in the carport of the unit nearest to Urch Street (Dwelling 1) will have to reverse onto Urch Street. R-Codes provisions dictate that carports for the other two units be designed so that vehicles parked in these carports leave the site in forward gear.

Sight Distance

This is not an issue as the verge width in the vicinity of the proposed development is 6.0 metres between the back of the kerbline and front boundary of properties which allows more than adequate distance for drivers to observe on street traffic before entering onto the road pavement.

In regard to point (xiv.) above 'precedent' is outside the realm of matters that Council can give consideration to. The City of Geraldton on a whole is undergoing redevelopment and it is not considered that one residential development will serve as a catalyst for future development as there are a myriad of other elements at play within the market. Each application received for a grouped dwelling development is assessed and considered on the merits of the individual proposal and not on precedence.

In regard to point (xv.) this is outside the realm of matters that Council can give consideration to. The demand for water and associated infrastructure is under the Water Authority of WA jurisdiction and as such this matter needs to be taken up with them.

In regard to point (xvi.) the requirement for retaining walls can be appropriately conditioned.

In regard to point (xvii.) above it is noted that the proposed parapet wall is setback 4 metres from the front boundary. This complies with the minimum front setback requirement and the City's Technical Services Department have advised that this is an adequate distance to maintain satisfactory sight lines for traffic.

In regard to point (xviii.) it is noted that the proposal complies with the requirements of the Residential Design Codes in regard to privacy provisions. The applicant has satisfactorily addressed the privacy provisions of the Residential Design Codes in that the required setbacks are achieved, screening has been provided where required or there are no major openings overlooking abutting properties.

In regard to point (xix.) above there is no assessment standard or criteria under the Residential Design Codes by which new developments have to comply with in regards to noise.

STATUTORY ENVIRONMENT:

The subject property is zoned Residential R12.5/40/60 under the City's Town Planning Scheme No. 3.

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

Clause 5.4.1(b) of Town Planning Scheme No. 3 states that "under all codes grouped dwellings will not be permitted on a lot with an area less than the following:

- 2 grouped dwellings – 900m²
- 3 grouped dwellings – 1250m²
- More than 3 grouped dwellings – 1500m²"

This application is proposing to develop three grouped dwellings on a lot with an area of 884m², being 366m² less than the required minimum lot area of 1250m² as mentioned above.

It is noted that Clause 5.4.1(d) also states that "unless Council considers that the merits of a particular application justify a variation to this requirement, in which case the minimum lot size may be reduced to the minimum lot size permissible for the proposed number of grouped dwellings under clause 5.4.1(a) and the Residential Design Codes.

The applicant is seeking approval for the three grouped dwellings in accordance with this clause and on the basis that the proposal complies with the minimum site area per dwelling (being 200m² with an average of 220m²) under the Residential Design Codes for the R40 density code.

The applicant has advised that Unit 1 will have a site area of 205m², Unit 2 (being the existing dwelling) will have a site area of 315m² and Unit 3 will have a site area of 264m² and as such easily complies with the minimum site area per dwelling required for the R40 density code under the Residential Design Codes.

The applicant has requested that Council exercise its discretion in accordance with Clause 5.4.1(d). The applicant believes the proposed development offers city living that is accessible to interconnected streets and footpaths for safe and pleasant walking and cycling. The applicant also advises that the design takes into account solar aspects by providing outdoor living areas with northern

exposure. It is believed that the finished development will give a high quality streetscape appearance and enhance the amenity of the area.

The following is noted in regard to this application:

- i. The proposal complies with all provisions of the Residential Design Codes including the minimum site area per dwelling.
- ii. General planning principles is to encourage medium density development on sites that are in close proximity to shopping areas, good transport links and other community facilities. The subject property is considered to meet this criteria. The subject lot is considered to be accessible to shops, schools and recreation facilities such as the foreshore. It is located less than 1 km from Northgate shopping centre and other associated facilities.
- iii. The subject property is located in a higher density priority area under the City's Town Planning Scheme.
- iv. Suburbs with a coastal location are seen as ideal places for the siting of higher density development given their proximity to open space and of course coastal views. It is acknowledged that this keen interest in coastal development will continue to occur within the City of Geraldton as the population grows.

It should also be brought to the Council's attention that if a lot has a minimum area of 1500m² then it automatically reverts back to the R Code lot size requirements. It would seem that this provides for an inconsistent and contradictory approach to the development of land, allowing larger lots of 1500m² to be developed next to smaller parcels of land in the same location.

In order to exercise discretion in regard to Clause 5.4.1(d) Council needs to consider the merits of this particular development. As noted above the proposed development complies with all provisions of the R40 density code. Firstly the development achieves both the minimum lot size (200m²) and the average lot size (220m²) stipulated by the Residential Design Codes. The proposed development is also compliant with the requirements for front setback, open space, outdoor living areas and visual privacy.

The applicant is also proposing parapet walls on both side boundaries and the rear boundary. Two separate parapet walls (each approximately 7.5 metres long) are proposed along the common south side boundary, one is proposed along the rear boundary (approximately 7.4 metres long) and one is proposed along the common north side boundary (approximately 5.5 metres long). The parapet walls along the southern side boundary are part of the proposed dwellings and the parapet walls along the northern side

boundary and rear boundary are to facilitate the carport and storeroom. The parapet walls are proposed to be 3 metres high.

It is noted that there is an existing block fence wall along the southern side boundary as well as a garage on the abutting property located very close to where the parapet wall is proposed to be located.

The acceptable development provisions of the Residential Design Codes contains a list of criteria for assessment of boundary walls. Clause 3.3.2 (ii.) 'Buildings on Boundary' states "where the subject site and an affected adjoining site are subject to difference R Codes, the length and height of boundary wall on either side is determined by reference to the lower density code.

As the Residential Design Codes contains no specific mention of the acceptable development criteria for the density of R12.5 it is considered that the performance criteria of this clause must be referred to as a means of measuring the proposal and its associated impact on adjoining properties.

The performance criteria for Clause 3.3.2 states that "buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:

- Make effective use of space; or
- Enhance privacy; or
- Otherwise enhance the amenity of the development; and
- Not have any significant adverse effect on the amenity of the adjoining property; and
- Ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

In accordance with the performance criteria it is considered that the parapet walls make an effective use of space on the subject lot and will enhance privacy for all respective properties.

It is not considered that the proposed development will adversely affect the amenity of Lot 64 (No 56) Urch Street nor will direct sun to major openings of habitable rooms and outdoor living areas be restricted. The dwelling on Lot 64 is well setback from the street and is not located close to the proposed parapet walls. The dwelling is also located at a higher level than the proposed parapet wall at the front and there is an existing garage at the rear of Lot 64 which will abut the proposed parapet wall at the rear. Furthermore Lot 64 will not be overshadowed in any capacity by the proposed development.

It is not considered that the proposed development will adversely affect the amenity of Lot 94 (No 63) Simpson Street nor will direct sun to major openings of habitable rooms and outdoor living areas be restricted. The dwelling on Lot 94 is setback approximately 14 metres from the rear boundary. There is also an existing garage on the

subject property which is currently located very close to the rear boundary and as such the appearance will not change substantially. Furthermore Lot 94 will not be overshadowed in any capacity by the proposed development.

It is not considered that the proposed development will adversely affect the amenity of Lot 66 (No 60) Urch Street nor will direct sun to major openings of habitable rooms and outdoor living areas be restricted. The dwelling on Lot 66 is two storeys and the proposed parapet wall is located at the very rear of the property on the common side boundary. There is also an existing garage on Lot 66 which is currently located very close to the common side boundary where the proposed parapet wall will be situated and as such the appearance from Lot 66 will not change. Furthermore Lot 66 will not be overshadowed in any capacity by the proposed development.

Given the above the proposed parapet walls are deemed to meet the performance criteria of Clause 3.3.2 'Buildings on Boundary'.

In regard to the parapet wall it is would also be appropriate to place a condition on the planning approval requiring that all parapet walls are rendered and painted to the specifications of both adjoining landowners.

The applicant has also taken advantage of the natural slope of the land in order to create 'view corridors' with the existing dwelling looking over proposed Unit 1.

The subject property is located within Special Design Precinct D under the City's Town Planning Scheme No. 3. The objectives for the precinct are "to ensure that the visual amenity of the important foreshore area and Chapman Road is not unduly prejudiced by the height, bulk and design of buildings, that privacy of adjacent sites is protected, that overshadowing of, or occlusion of daylight from, other buildings is minimised, and that view corridors from buildings not immediately fronting Chapman Road are protected." The proposed development is considered to comply with the objectives for this precinct.

Given that the proposed development complies with the R40 provisions of the Residential Design Codes, is located in a higher density priority area and that the proposed development is considered to be located within close proximity to shops, schools, recreation facilities such as the foreshore and other associated facilities it is recommended that the proposal for two additional grouped dwellings be supported.

The City's Technical Departments have no objection to the proposal subject to the imposition of specific 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:

- i. That the application to construct two additional grouped dwellings and two storey addition to the existing residential dwelling on Lot 65 (No 58) Urch Street, Beresford, be granted approval subject to compliance with the following:
 - a) Standard Conditions TG11, T2, T3, T13, T14, B6, B14, B15, B17, B18, H1, H5, H6, TG6, TG8, TG12(a), TG13, TG14, TG15 & TG16;
 - b) All parapet walls being rendered and painted to the specifications of all affected adjoining landowners.

FOOTNOTES:

1. Compliance is required with the Building Code of Australia.
 2. In regard to point (ii.) above the owner is required to liaise with the affected abutting property owners in order to ensure a mutually acceptable outcome is achieved for all property owners concerned in regard to the surface treatment and colour of the parapet walls on the common boundaries.
 3. The owner is advised that abutting property owners have raised possible noise concerns. It is recommended that consideration be given to the standard of fencing on all common boundaries to possibly ameliorate this issue. The parties are advised that any fencing needs to be built in accordance with the Dividing Fences Act 1961.
- ii. The submitters be advised accordingly and that the City is considering the recommendations of the Road Safety Audit to carry out appropriate traffic calming measures. The City proposes to install centreline markings and a reduction of the road pavement width as a traffic calming measure in line with officer and Road Safety Audit recommendations.

COUNCIL DECISION:

- i. That the application to construct two additional grouped dwellings and two storey addition to the existing residential dwelling on Lot 65 (No 58) Urch Street, Beresford, be granted approval subject to compliance with the following:
 - a) Standard Conditions TG11, T2, T3, T13, T14, B6, B14, B15, B17, B18, H1, H5, H6, TG6, TG8, TG12(a), TG13, TG14, TG15 & TG16;
 - b) All parapet walls being rendered and painted to the specifications of all affected adjoining landowners.

FOOTNOTES:

1. Compliance is required with the Building Code of Australia.
 2. In regard to point (ii.) above the owner is required to liaise with the affected abutting property owners in order to ensure a mutually acceptable outcome is achieved for all property owners concerned in regard to the surface treatment and colour of the parapet walls on the common boundaries.
 3. The owner is advised that abutting property owners have raised possible noise concerns. It is recommended that consideration be given to the standard of fencing on all common boundaries to possibly ameliorate this issue. The parties are advised that any fencing needs to be built in accordance with the Dividing Fences Act 1961.
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- ii. The submitters be advised accordingly and that the City is considering the recommendations of the Road Safety Audit to carry out appropriate traffic calming measures. The City proposes to install centreline markings and a reduction of the road pavement width as a traffic calming measure in line with officer and Road Safety Audit recommendations.

CARRIED

PSD632	PROPOSED TWO STOREY DWELLING ON LOT 18 (No 7) TRIGG STREET, BERESFORD
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AGENDA REFERENCE:	07/05212
LOCATION/ADDRESS:	Lot 18 (No 7) Trigg Street, Beresford
NAME OF APPLICANT:	G & S Laing
OWNER:	G & S Laing
FILE REFERENCE:	TP07/101 & TRIG/7
ZONING:	Residential R12.5/40/60
AUTHOR:	N Browne, Acting Coordinator of Planning
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 June 2007
SITE INSPECTION:	Yes

SYNOPSIS:

An application has been received to construct a two storey dwelling, which includes the construction of a retaining wall along the north east side boundary, on the above property. Recommended that Council approve the application subject to the imposition of relevant conditions.

BACKGROUND:

The subject property comprises an area of 838m² and has a 18.15 metre frontage to Trigg Street.

The property is presently vacant. Plans of the proposal are attached, including details of the proposed retaining wall.

COMMENT:

The dwelling is proposed to be four bedrooms with two bathrooms, associated living area and two separate garages. The dwelling is proposed to be constructed of a combination of materials with the ground floor being rendered and the upper floor being a hardiplank cladding with a western red cedar fascia and colorbond custom orb roof with a 26 degree pitch.

The natural ground levels of the property shows it being relatively flat within the front and middle areas, however the level significantly drops to the rear north east corner of the property. There is an approximate 2.5 metre fall from the proposed backyard area of the dwelling to this part of the property.

The applicant has advised that it is their intention to build the dwelling towards the front of the property using the existing ground levels and to also level the rear part of the property that falls away by constructing a concrete block retaining wall. This will create a split level backyard.

It is the applicants intention to use the area at the rear that falls away to house two concrete underground rain water tanks which will be buried within the area being levelled. The applicants have had the rain water tanks designed by engineers and have the approval of the Water Corporation.

The proposed retaining wall is proposed along a 20 metre portion of the common north east side boundary. The full length of this boundary is 46.21 metres. At its highest point the retaining wall is proposed to be 3.1 metres, however over the total 20 metre length the retaining wall height ranges from a minimum height of 0.55 metres to a maximum height of 3.1 metres at the rear of the property.

The applicants also propose to erect a 1.8 metre high colorbond neeta screen fence along the north east side boundary. The combined retaining wall and fence will therefore extend to a maximum height of 4.9 metres on top of the retaining wall.

The existing fence along the north east side boundary comprises of separate pieces of asbestos sheeting and chicken wire.

CONSULTATION:

The applicant advised that they had several meetings with the affected abutting property owner of No 9 Trigg Street as a matter of courtesy and in making a sincere effort to explain their building intentions with the hope of obtaining the abutting owners agreement to the proposed retaining wall. The applicant advised the first meeting was harmonious however the following two meetings were unsuccessful and as such a signed agreement was not forthcoming.

Given the above the proposal was formally referred to the affected abutting owner in writing for comment. The abutting property owner has since responded advising that the following issues need to be made clear and resolved in respect to the proposed retaining wall:

- i. What are the measurements of the retaining wall ie total length and height.
- ii. What is going to be the solution to continue the retaining wall through to the end of the boundary, that being the 2.5 metre gap at the end (ie between the end of the wall and the rear boundary) and which will provide security and be aesthetically acceptable to match the retaining wall.
- iii. What fencing is to be used on top of the retaining wall and will the fence have to be stepped down or will it run all the way through.
- iv. Is it the applicants intention to continue this fence all the way through to the front of the property.
- v. There has been a suggestion that the applicant will paint the retaining wall, can it be rendered and /or then painted.

- vi. The current fence which runs from the front of the property to the start of the slope will have to be extended upwards to 1.8 metres.
- vii. All associated cost to be incurred for the retaining wall and fence line to a height of 1.8 metres for the entire length of the eastern side boundary to be paid for by the applicant.

Following discussion with the applicants and assessment of the plans provided with the application the City advised the affected abutting property owner as follows in regard to the issues raised above:

- i. The total length of the retaining wall along the common side boundary is proposed to be approximately 20 metres. At its highest point the retaining wall is proposed to be 3.1 metres, however the total 20 metre length retaining wall height ranges from a minimum height of 0.55 metres to a maximum height of 3.1 metres at the rear of the property.
- ii. The proposed retaining wall has been suitably endorsed by a structural engineer certifying that it is capable of retaining the subject land.
- iii. The applicants have advised that they are willing to install a suitable fence from the end of the retaining wall to the rear boundary (ie within the 2.5 metre space at the rear) to the abutting owners satisfaction. They have indicated that they are willing to pay for half of the total cost or alternatively re-install the existing fence at no cost.
- iv. A 1.8 metre colorbond neeta screen fence is proposed to be erected on top of the retaining wall. The fence is proposed to run along the full length of the common side boundary (ie from the front of the property to the rear).
- v. The City would require that the applicant paint and/or render the proposed retaining wall. This would be a condition of any approval given.
- vi. All costs associated with the construction of the retaining wall would be the responsibility of the applicants. The cost of the proposed fence along the common side boundary would be the responsibility of the party as outlined in the Dividing Fences Rights and Responsibilities brochure (page 15). This states that "the abutting owner may seek a contribution for half the fence construction costs, however for a claim to be successful it will depend on whether the fence was in a condition requiring its replacement.

The affected abutting property owner was also advised that if there was still concern with the proposed retaining wall to lodge a formal submission with the City within the specified advertising period. At the close of the advertising period no further comment was received from the abutting property owner.

STATUTORY ENVIRONMENT:

The subject property is zoned Residential R12.5/40/60 under the City's Town Planning Scheme No. 3.

The proposed two storey dwelling complies with the requirements of the Residential Design Codes (ie open space, private open space, carparking and setbacks).

The applicant has also satisfactorily addressed the privacy provisions of the Residential Design Codes in that the required setbacks are achieved, screening has been provided where required or there are no major openings overlooking abutting properties.

The applicant is seeking approval for the retaining wall along the eastern common side boundary in accordance with the performance criteria of Clause 3.6.2 P2 of the Residential Design Codes given that it does not meet the acceptable development provisions of Clause 3.6.2 A2 of the Residential Design Codes.

Clause 3.6.2 of the Residential Design Codes states “retaining walls designed or setback to minimise the impact on adjoining property.” Although the wall will be higher than a normal 1.8 metre high fence it is not considered to have a detrimental impact on the abutting property for the following reasons:

- i. The majority of the retaining wall is between 0.55 metres and 2.0 metres high. It is only a 6 metre portion of the 20 metre long wall where the height ranges from 2.0 metres to the maximum height of 3.1 metres. Therefore the maximum height is only along a small portion of the common side boundary, being at the very rear of the property.
- ii. The proposal complies with Clause 3.9.1 ‘Solar Access for Adjoining Sites’ of the Residential Design Codes in that the abutting property will not be affected by overshadowing from the retaining wall.
- iii. The proposal complies with the privacy provisions of the Residential Design Codes in that there is no overlooking onto the abutting property. The applicant has achieved this through privacy screens and not having major openings facing the abutting property.

Given the above the proposed retaining wall is deemed to comply with the performance criteria of Clause 3.6.2 P2 of the Residential Design Codes.

Further to the above and given that the proposed retaining wall is located along the common side boundary towards the rear of the property it is not considered to have a impact on the residential amenity of the area. The retaining wall will not be visible from the street.

Given the existing natural ground levels it is recognised that in order to effectively utilise the lot retaining is necessary.

The applicant is also proposing to construct a parapet wall along the western common side boundary to the proposed garage/workshop. The abutting owner has provided written confirmation of no objection to this proposed parapet wall.

A retaining wall is also proposed along the rear of the property, however it is proposed to be constructed 2.5 metres from the rear boundary in order to protect a sewer line which is located parallel to the rear boundary. This retaining wall complies with the provisions of the Residential Design Codes.

Given that the proposal is deemed to satisfy the performance criteria of the Residential Design Codes the City Planning Department has no objection to the proposal.

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 two storey dwelling on Lot 18 (No 7) Trigg Street, Beresford, be granted approval subject to compliance with the following:

- i. Standard Conditions TG11, T2, H1, H5, B6, B14, B15, B17, B18, TG8, TG12(a), TG14, TG15 & TG16;
- ii. The retaining wall is required to be finished in a material and colour to the specifications of both landowners and to the approval of the City of Geraldton.

FOOTNOTE:

1. Compliance is required with the Building Code of Australia.

COUNCIL DECISION:

That the application to construct a two storey dwelling on Lot 18 (No 7) Trigg Street, Beresford, be granted approval subject to compliance with the following:

- i. Standard Conditions TG11, T2, H1, H5, B6, B14, B15, B17, B18, TG8, TG12(a), TG14, TG15 & TG16;**
- ii. The retaining wall is required to be finished in a material and colour to the specifications of both landowners and to the approval of the City of Geraldton.**

FOOTNOTE:

- 1. Compliance is required with the Building Code of Australia.**

CARRIED

PSD633	PROPOSED OUTLINE DEVELOPMENT PLAN FOR LOTS 12, 13, 121 & 122 KOOJARRA STREET AND REDUNDANT FALLOWFIELD STREET ROAD RESERVE, SPALDING
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AGENDA REFERENCE:	07/05213
LOCATION/ADDRESS:	Lots 12, 13, 121 & 122 Koojarra Street, Spalding
NAME OF APPLICANT:	Landwest Urban and Rural Planning Consultants
OWNER:	Estate of Basilio Guidara
FILE REFERENCE:	MFP/132063
ZONING:	Residential R12.5/20/40
AUTHOR:	N Browne, Acting Coordinator of Planning
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	11 June 2007
SITE INSPECTION:	No

SYNOPSIS:

An Outline Development Plan has been prepared by Landwest Urban and Rural Planning Consultants over the above properties. Endorsement of the draft Outline Development Plan for the purposes of seeking public comment and undertaking advertising for a period of 28 days is recommended.

BACKGROUND:

In August 2006, an application was received to subdivide Lot 121 Koojarra Street into 65 residential lots.

Council, at its meeting held on 26 September 2006, resolved that the Western Australian Planning Commission be advised that the City has no objection to the proposed subdivision of Lot 121 Koojarra Street, Spalding, in order to create 65 residential lots subject to compliance with specific conditions.

Council also resolved, at the same meeting, that the applicant and Western Australian Planning Commission be advised that the City supports the amended Outline Development Plan in principle subject to the resolution of connections to adjacent area(s) in later stages of the subdivision.

The Western Australian Planning Commission accordingly granted subdivisional approval. In issuing the approval the Commission gave advice to the applicant that "the Commission will not approve further subdivision over the balance lot until such time as the Outline Development Plan for this area is revised to show the proposed pedestrian/cyclist network and an area of public open space equivalent to at least 10% of the overall ODP area."

COMMENT:

The applicant has now prepared an amended Outline Development Plan addressing the above and has submitted it to the City for endorsement. A copy of the amended Outline Development Plan is attached.

The applicant has provided the following comments in regard to the amended Outline Development Plan:

Road Network and Access

The principle aim is to create a road network that encourages connectivity into and within the subdivision which has been achieved with the elimination of cul-de-sac configurations wherever possible. The road network is more conducive for vehicular, pedestrian and bicycle traffic and will also facilitate an extension of the existing public transport system that services Spalding.

The ODP also provides for road reserves adjacent to the public open space on all sides with residential lots overlooking the reserve which promotes access to the open space and assists with good surveillance. The configuration of the road reserve over Lot 12 is slightly irregular given the configuration of the public open space reserve previously created.

The original plan assumed that a portion of Fallowfield road reserve would be closed. This amended ODP provides for the closure of the road reserve in entirety and accords with the City's previous resolution to initiate the closure. It is noted that the application to close the Fallowfield road reserve is currently with the Minister for Planning and Infrastructure for final approval.

The area of road reserve is proposed to be amalgamated with the adjoining landholdings Lot 121 and Lot 13.

The ODP proposes a link to the adjoining development in Strathalbyn. This will achieve connectivity and access for local vehicle traffic and pedestrian/cyclist traffic and will be dependent on full road construction for individual developments. The major link to Strathalbyn Road and the Strathalbyn locality will be via a road reserve over Lot 122.

Lot Configuration and Yield

All lots are generally regular and uniform in shape for single residential purposes. All lots comply with effective frontage requirements. No battleaxe lots are proposed. Grouped dwelling sites are proposed on the ODP for each landholding, however the location of these may vary at subdivision stage. A total of approximately 185 lots are proposed across the ODP area with the minimum and average lot size requirements of the applicable zoning achieved.

Lots 52 to 73 on the ODP are orientated eastwards towards a subdivisional road, with the rear of the lots backing onto Webberton Road. It is considered pertinent to the development for the following reasons:

- The timeframe for construction of the Webberton Road extension is not known but is anticipated to be a medium to longer term project.
- The outlook across a vacant but substantial road reserve towards the Webberton Road industrial area is not desirable to achieve an adequate level of aesthetic value or amenity.
- The developers aim to achieve a quality residential development and promote a sense of community and orientating the lots inwards will help to achieve this.

The ODP assumes that Fallowfield road reserve will be finalised by the City and State Land Services and the redundant road reserve has been included in landholdings which will assist with achieving an increased lot yield over the ODP area.

Public Open Space

Public open space has previously been calculated and provided for the ODP area in Reserve 44735. Additional public open space contributions, being approximately 4210m² equating to 2.1% of the ODP area, are proposed to be made via a cash-in-lieu contribution by each landowner at subdivision stage, based on the proportion of their landholding within the ODP area. It is contended to be the most appropriate alternative as another small portion of open space within the ODP area would not be practical. It also provides opportunity for each developer to seek approval from the City and Minister for Planning and Infrastructure to invest the cash-in-lieu contributions in the development of the existing open space.

Service Infrastructure

All lots within the ODP area will be serviced with reticulated infrastructure at subdivision stage. Some land allocation for headworks infrastructure may be required subject to detailed engineering design eg wastewater pumping station, stormwater drainage facilities. This will result in and being ceded to the local authority and/or servicing authorities as required.

A geotechnical assessment of the landholdings may also be required at subdivision stage to determine the reactive nature of the soil. This will assist the local authority at development stage in determining the requirement for site works and the floor level of dwellings.

In conclusion the applicant has advised that the amended ODP ensures that a coordinated approach to development can be achieved over a number of landholdings, secures future access to adjoining

landholdings and the greater road network and maximises the development potential of each landholding.

CONSULTATION:

No formal consultation to date has been conducted regarding the proposed Outline Development Plan. Should Council adopt the Outline Development Plan for advertising, it is recommended that the advertising be for 28 days and that comment be sought from servicing authorities.

STATUTORY ENVIRONMENT:

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

The amended Outline Development Plan has been submitted to fulfil the requirements of the Western Australian Planning Commission and for the plan to be used as a basis for approval of future subdivision within the area covered by the plan.

Upon final endorsement from the Western Australian Planning Commission the Outline Development Plan will be used as a basis for subdivision and development of the land for residential purposes.

It is noted that an Outline Development Plan was originally done for this area as part of Scheme Amendment No 11 of Town Planning Scheme No. 1 in the late 1970's/early 1980's. In terms of current planning principles for residential subdivision (ie connectivity and elimination of design elements such as pedestrian accessways), this Outline Development Plan is outdated.

The City Planning Department has no objection to the amended Outline Development Plan as submitted. The Outline Development Plan is considered to retain the essential elements of the original Outline Development Plan for the area as well as incorporating current planning principles in regards to connectivity, passive surveillance of public open space and a road network that is more conducive for vehicular, pedestrian and bicycle traffic.

The City of Geraldton and Shire of Greenough Public Open Space Study indicates that there is an oversupply of public open space within the Spalding precinct. Furthermore the Study notes that the distribution of public open space within the Spalding precinct is good with 18 reserves/lots evenly spaced throughout the precinct. Furthermore all portions of the precinct are within the recommended 400 metre radius.

The Public Open Space Study concluded that the amount and distribution of public open space does not need to be addressed in this precinct, however the Public Open Space Study did note that

several of the reserves are undeveloped and need to be developed and have facilities to serve a recreation function.

One such reserve is Reserve 44735 which was previously created and ceded to the City of Geraldton for public open space. This reserve is currently undeveloped and forms part of the Outline Development Plan. The area of Reserve 44735, being 1.5833 hectares equates to 78.95% of the total 2.0043 hectares required for the overall provision of public open space within the Outline Development Plan area.

Given that there are already sufficient reserves for recreation within the Spalding precinct the Planning Department concurs with the applicants proposal to provide a cash-in-lieu equivalent for the remaining amount of public open space required for the Outline Development Plan area (ie being 4210m² or 21.05%). This being instead of providing an additional reserve for recreation. The cash-in-lieu provided by the applicant/owner could then be used for the development of existing Reserve 44735 within the Outline Development Plan.

The City's Technical Departments have advised of no objection to the amended Outline Development Plan, however the Engineering Department have advised that it may be necessary to change the footpath to opposite sides of road reserve depending on which side of the road reserve that street lighting is located on.

POLICY IMPLICATIONS:

Not applicable.

FINANCIAL IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

Key Result Area 4 Places for People

Direction 2: Facilities for Children, Young People and Families.

Direction 4: Equality of Provision across Suburbs and Areas.

Direction 5: Attractive and Functional Public Spaces.

VOTING REQUIREMENTS:

Simple majority required.

OFFICER'S RECOMMENDATION:

That Council:

- i. Adopt the Outline Development Plan for Lots 12, 13, 121 & 122 Koojarra Street, Spalding, for the purposes of seeking public comment and advertise the Outline Development Plan for a period of 28 days;
- ii. Should no objections be received during the advertising period, adopt for final approval the Outline Development Plan for Lots 12, 13, 121 & 122 Koojarra Street, Spalding, and forward it to the Western Australian Planning Commission for final endorsement; and
- iii. Should there be any objections received during the advertising period, require staff to present to Council a further report.

COUNCIL DECISION:

That Council:

- i. **Adopt the Outline Development Plan for Lots 12, 13, 121 & 122 Koojarra Street, Spalding, for the purposes of seeking public comment and advertise the Outline Development Plan for a period of 28 days;**
- ii. **Should no objections be received during the advertising period, adopt for final approval the Outline Development Plan for Lots 12, 13, 121 & 122 Koojarra Street, Spalding, and forward it to the Western Australian Planning Commission for final endorsement; and**
- iii. **Should there be any objections received during the advertising period, require staff to present to Council a further report.**

CARRIED

9.6 Reports to be Received

REPORTS TO BE RECEIVED

AGENDA REFERENCE:	07/05242
AUTHOR:	G Brennan, Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	1 June 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 this agenda:-

Report of the CEO

- | | |
|--------|--|
| ECD332 | Queen Elizabeth II Centre Management Committee |
| ECD333 | Sport and Recreation Club Development Officer |
| GF556 | List of accounts paid under CEO delegation |
| GF561 | Monthly Financial Reports – Governance & Finance |
| GF562 | Monthly Financial Reports Environment & Infrastructure |
| GF563 | Monthly Financial Report – Economic & Community Development |
| GF564 | Monthly Financial Reports – Development Services |
| GF565 | Funds Invested Report |
| EIS416 | Geraldton Foreshore Redevelopment and CBD Revitalisation Project – progress report |
| EIS417 | Proposed National Policy Framework for Coastal Australia |
| | Review of outstanding Development Services Committee items – June 2007 |

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:

That Council receive the appended reports attached to this agenda.

CARRIED

Note: Commissioner Grimoldby wished to acknowledge and commend the Officer who authored the report EIS417 and previous Council for their initiative and action.

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

13 CLOSURE

Commissioner Carr acknowledged that this was the last meeting of the City of Geraldton Council and on behalf of his fellow Commissioners he thanked all those who had helped to bring the amalgamation to this point complimenting staff for their hard work and professionalism. He said the councils stood at an exciting new era and he believed they had made the right decision for the region to move forward with optimism and enthusiasm. He did however express concern that not everyone was enjoying the best of circumstances and the new Council must use its resources to help drought-stricken farmers in the area.

The Presiding Member declared the meeting closed at 8.20pm.