



ORDINARY COUNCIL MEETING
23 SEPTEMBER 2014

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Minutes of the Ordinary Council Meeting held in the City of Gosnells Civic Centre Council Chambers, 2120 Albany Highway, Gosnells on Tuesday 23 September 2014.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER

The Mayor declared the meeting open at 7.30pm and welcomed members of the public present in the public gallery, Councillors and staff.

1.1 DISCLAIMER

The Mayor read aloud the following statement:

Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until such time as they have seen a copy of the Minutes of the meeting or have been advised in writing by City staff.

1.2 RECORDING OF COUNCIL MEETINGS

Please take notice that all Council Meetings are digitally recorded, with the exception of Confidential Agenda Items (in accordance with Section 5.23(2) of the Local Government Act 1995) during which time recording will cease.

Following publication and distribution of the meeting minutes to Elected Members the digital recording will be available in the following formats, for purchase at a fee adopted by Council annually:

- *Digital recordings CD ROM (complete with FTR Reader) for use on a Personal Computer; or*
- *Audio recordings CD ROM for use on a CD player or DVD player.*

For further information please contact the Governance Administration Officer on 9397 3012.

I _____ (THE PRESIDING MEMBER)
CERTIFY THAT THESE MINUTES WERE CONFIRMED BY THE COUNCIL OF THE
CITY OF GOSNELLS ON _____.

2. RECORD OF ATTENDANCE

ELECTED MEMBERS

MAYOR
DEPUTY MAYOR

CR D GRIFFITHS
CR R MITCHELL
CR W BARRETT
CR J BROWN
CR G DEWHURST
CR D GOODE JP
CR R HOFFMAN
CR R LAWRENCE
CR O SEARLE JP
CR P YANG

STAFF

CHIEF EXECUTIVE OFFICER
DIRECTOR COMMUNITY ENGAGEMENT
ACTING DIRECTOR CORPORATE SERVICES
DIRECTOR INFRASTRUCTURE
DIRECTOR PLANNING & SUSTAINABILITY
DIRECTOR GOVERNANCE
MINUTE CLERK

MR I COWIE
MS A COCHRAN
MR P LAYCOCK
MR D HARRIS
MR C TERELINCK
MR G BRADBROOK
MS S MACGROTTY

PUBLIC GALLERY

Seven

2.1 APOLOGIES

Cr P Griffiths

2.2 LEAVE OF ABSENCE

Nil.

3. DISCLOSURE OF INTEREST

Nil.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER
(without discussion)

The Mayor advised that he attended the guided walk at the Brixton Street Wetlands on 20 September 2014 which was very educational.

5. REPORTS OF DELEGATES
(without discussion)

Nil.

6. QUESTION TIME FOR THE PUBLIC AND THE RECEIVING OF PUBLIC STATEMENTS

A period of 15 minutes is allocated for questions with a further period of 15 minutes provided for statements from members of the public. To ensure an equal and fair opportunity is provided to address Council, a period of 3 minutes per speaker is allowed.

The person's speaking right is to be exercised prior to any matter which requires a decision to be made at the meeting.

Questions and statements are to be –

- a) Presented in writing on the relevant form to the Chief Executive Officer prior to commencement of the meeting; and
- b) Clear and concise.

QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS AWAITING RESPONSE

Nil.

RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

9 September 2014 Ordinary Council Meeting

Ms Dee Nufeild on behalf of Mr Robert Johnson of 40B Highbury Crescent, Beckenham asked the following questions at the 9 September 2014 Ordinary Council Meeting.

Q1 **With regards to a two storey house, if an upstairs window that overlooks a habitable room of the house next door has frosted glass but slides open 50% would Council still consider that privacy has been maintained or compromised?**

Response: In reply to Ms Nufeild the Director Governance provided the following written response on 16 September 2014.

"At the City of Gosnells Council meeting held on 9 September 2014 you asked the following question to which I advised that I would provide a response in writing:

"With regards to a two story house, if an upstairs window that overlooks a habitable room of the house next door has frosted glass but slides open 50%, would Council still consider that privacy has been maintained or compromised?"

The Residential Design Codes (R-Codes) deal with overlooking and includes the following provision in respect to overlooking:

Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75 per cent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property."

In relation to your question, the words "permanently fixed" in the above provision of the R-Codes are important as a frosted glass window that could slide open 50% is not permanently fixed and therefore would not meet the requirements of the R-Codes. It therefore follows that the R-Codes determine that a frosted glass window that slides open 50% would result in unacceptable overlooking issues and could not be approved without the inclusion of additional permanently fixed screening.

I trust this letter satisfactorily answers your question, however, should you have any further queries in relation to this issue please do not hesitate to contact me on 9397 3010."

6.1 QUESTION TIME

Question Time for the Public commenced at 7.31pm.

Mrs Kathleen Edmonds of 72 Valcan Road, Orange Grove asked the following questions:

Q1 Does the variation to policy on item 13.5.5 (9 September) mean Lots 501 and 502 designated building envelopes, (compliant with State Rural Property Guidelines and WAPC conditions of subdivision of one designated building envelope that cannot be split) no longer apply and there are no building envelopes on these lots from the same subdivision, if so what actions have City of Gosnells taken to record this and notify the landowners?

Response: The Director Planning and Sustainability advised that he would take the question on notice and provide a response in writing.

Q2 What internal/external mechanisms does the City of Gosnells use to enable elected Councillors to maximise understanding and knowledge of relevant Acts, Regulations and Legislation before them as responses from Councillors at that Council meeting clearly displayed they do not understand the concept of a building envelope outside of which nothing can be built?

Response: The Chief Executive Officer advised that there is a Council Policy that allows Councillors to undertake training. Councillors are also informed about training opportunities provided by the Department of Local Government and Communities and by the Western Australian Local Government Association.

Mr Leon Walker of 27/99 Stafford Road, Kenwick asked the following questions:

Q1 **What are the benefits to the people of the City of Gosnells in the Mayor being elected directly by the people of the City?**

Response: The Chief Executive Officer advised that there are probably a range of arguments regarding this matter, but the principal one is that everybody has their say in terms of who is elected as the Mayor.

Q2 **What are the benefits to the people of the City in the Mayor being elected by Councillors?**

Response: The Chief Executive Officer advised that situations regarding other Councils that have experienced difficulties in the past have often had Mayors elected at large. For a number of these cases the problems experienced were partly because the Mayor did not necessarily have the support of the other elected members. Effectively, an advantage of being elected by the Councillors is that the Mayor is supported by those in the chambers.

Q3 **On balance, which is in the best interests of the people of the City, the Mayor elected directly by the people, or the Mayor elected by fellow Councillors?**

Response: The Chief Executive Officer advised that both processes are legitimate options, and both options are set out in the *Local Government Act 1995*. However, it is up to each Local Government which option they choose.

Question Time for the public concluded at 7.40pm.

6.2 PUBLIC STATEMENTS

Public Statement Time commenced at 7.40pm.

6.2.1 Mr Neil Teo of PO Box 688, Inglewood made a statement in relation to Item 13.5.3 "Development Application - 13 Multiple Dwellings - 28 (Lot 317) Clara Street, Gosnells":

Mr Teo advised that Dynamic Planning had been working very closely with the City's planning officers through the assessment of the development application to ensure any items of concerns were addressed and that he was in support of the staff recommendations.

Public Statement Time concluded at 7.42pm.

7. CONFIRMATION OF MINUTES

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

368 Moved Cr J Brown Seconded Cr D Goode

That the Minutes of the Ordinary Council Meeting held on 9 September 2014, as published and distributed be confirmed as an accurate record.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

8. RECEIVING OF PETITIONS AND PRESENTATIONS

Petitions and Presentations are made in accordance with the requirements outlined in the City of Gosnells Standing Orders Local Law 2012.

Copies of petitions and any items tabled must be provided to the Chief Executive Officer immediately following completion of the submission.

8.1 REMOVAL OF COMMERCIAL RUBBISH BINS

Cr R Hoffman presented a petition initiated by Barry Draper of 2/6 Batsford Way, Canning Vale containing 18 signatures. The petition stated:

"We the undersigned electors of the City of Gosnells request the removal of commercial rubbish bins from the back of residential properties numbers 4, 6 and 8 Batsford Way, Canning Vale, for the following reasons:

- 1) *Has been an ongoing issue for a number of years;*
- 2) *Bad smell;*
- 3) *Rubbish and food scraps in yards and on roofs;*
- 4) *Gutters and aircons all scratched with crows, just a continual mess and blocked downpipes."*

COUNCIL RESOLUTION

369 Moved Cr R Hoffman Seconded Cr O Searle

That the petition initiated by Barry Draper of 2/6 Batsford Way, Canning Vale containing 18 signatures be received and a report be prepared for Council.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

9. APPLICATIONS FOR LEAVE OF ABSENCE

Clause 4.10 of the City of Gosnells Standing Orders Local Law 2012 states:

- “(1) A Member seeking the Council’s approval to take leave of absence shall give written notice to the CEO prior to the commencement of the meeting.
(2) The notice referred to in subclause (1) shall include the period of leave of absence required and the reasons for seeking the leave”.

Nil.

10. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

(without discussion)

Nil.

11. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY

For the convenience of the public gallery, Council may resolve to bring forward any matter that has been raised during Item 6 ‘Question Time for the Public and the Receiving of Public Statements’, Item 8 ‘The Receiving of Petitions, Deputations and Presentations’ or any other minutes item known to be of interest to the public in attendance [Clause 4.12 of the City of Gosnells Standing Orders Local Law 2012].

COUNCIL RESOLUTION

370 Moved Cr R Mitchell Seconded Cr R Lawrence

That for the convenience of the Public Gallery, the following item be brought forward to this point of the meeting for discussion:

Item 13.5.3 Development Application - 13 Multiple Dwellings - 28 (Lot 317) Clara Street, Gosnells.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

13.5.3 DEVELOPMENT APPLICATION - 13 MULTIPLE DWELLINGS - 28 (LOT 317) CLARA STREET, GOSNELLS

Director: C Terelinck
Author's Declaration Nil.
of Interest:
Reference: 203678
Application No: DA14/00214
Applicant: Dynamic Planning and Developments
Owner: Mac Homes (Clara Street) Pty Ltd
Location: 28 (Lot 317) Clara Street, Gosnells
Zoning: MRS: Urban
TPS No. 6: Residential R30/R40
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 1,315m²
Previous Ref: Nil.
Appendix: 13.5.3A Site, Floor and Elevation Plans

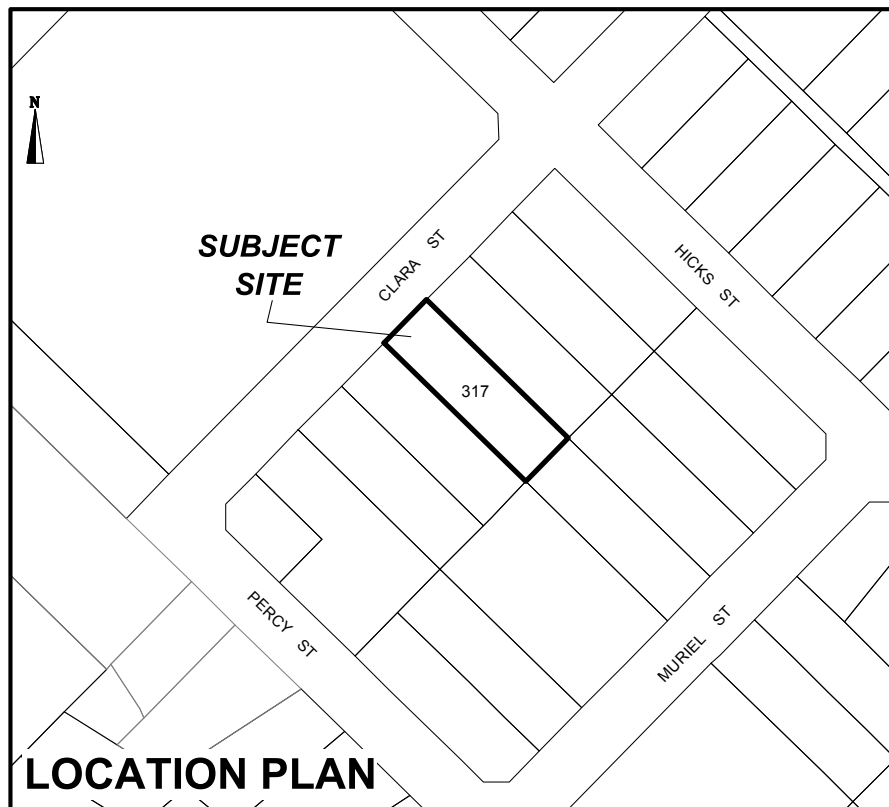
PURPOSE OF REPORT

For Council to consider an application for planning approval for 13 Multiple Dwellings at 28 (Lot 317) Clara Street, Gosnells as the proposal is outside the authority delegated to staff due to non-compliance with Local Planning Policy 1.1.1 - Residential Development.

BACKGROUND**Site Description and Planning Framework**

The subject site currently contains a single dwelling and associated outbuildings. The subject site is located opposite Gosnells Primary School with surrounding properties comprising a mix of low and medium density residential development.

A map identifying the location of the subject site follows.

Item 13.5.3 Continued**Proposal**

The application involves the following:

- The construction of 13 multiple dwellings in the form of two buildings, both two storeys
- All 13 dwellings have two bedrooms and one bathroom and are greater than 40m² in area
- The provision of 13 resident car parking bays and four visitor car parking bays. The resident parking bays are provided under cover.

The site, floor and elevation plans are contained as Appendix 13.5.3A.

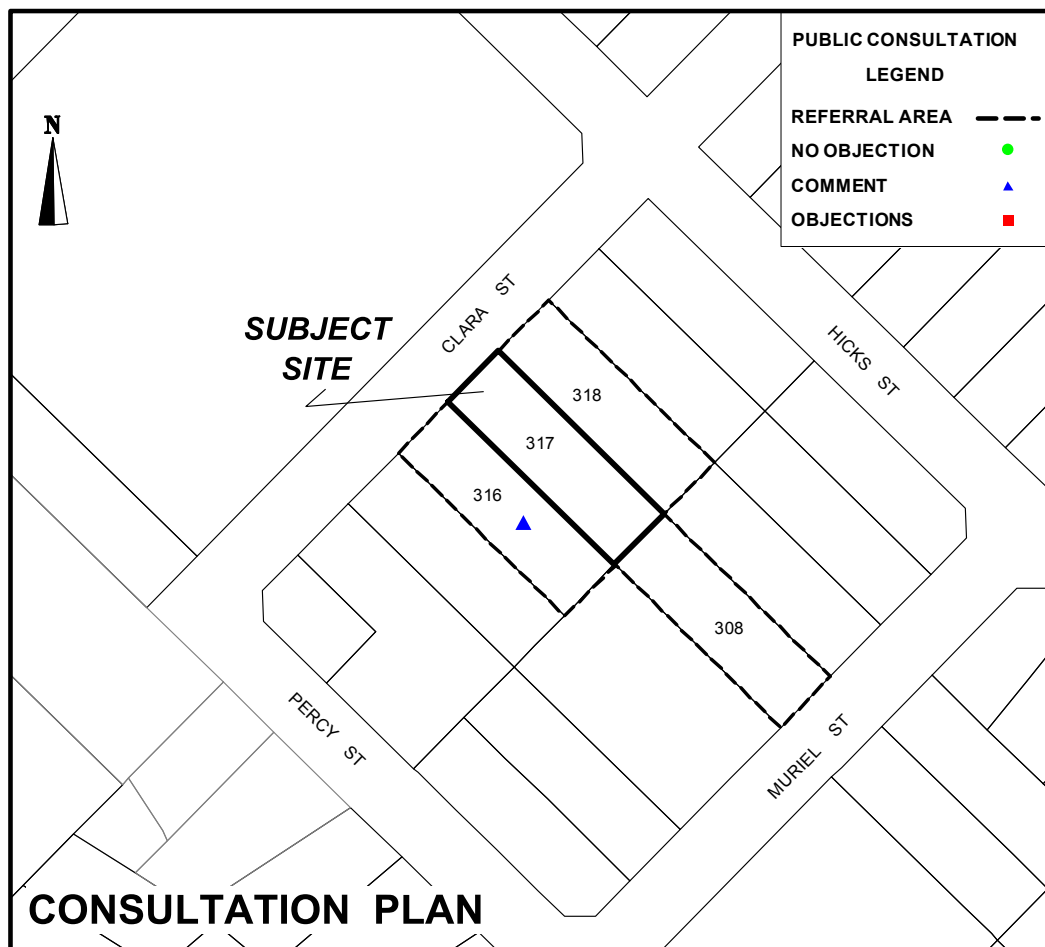
Consultation

The proposal was advertised for public comment in accordance with TPS 6 requirements for a period of 14 days, being from 31 July 2014 to 14 August 2014. Letters were sent to the owners of three properties within the consultation area. One submission was received which provided comment on the proposal. A summary of this submission follows.

Item 13.5.3 Continued

1	Affected Property: 30 (Lot 316) Clara Street Gosnells	Postal Address: 30 Clara Street GOSNELLS WA 6110
Summary of Submission		Comment
Comment on the proposal. Fence Height should be higher.		Dividing fences are a matter between the two adjoining landowners, pursuant to the Dividing Fences Act.

A map identifying the consultation area and the origin of the submission follows.



DISCUSSION

Town Planning Scheme No. 6

The subject site is zoned Residential R30/R40 under TPS 6. In accordance with TPS 6, a Multiple Dwelling is a "D" use in the Residential zone, meaning it is not permitted unless the local government has exercised its discretion by granting planning approval.

Item 13.5.3 Continued

Residential Design Codes (R-Codes)

The R-Codes include Deemed-to-Comply Criteria (prefixed by "C") and Design Principles (prefixed by "P"). Applications not complying with the Deemed-to-Comply Criteria can be assessed against relevant Design Principles with that assessment guided by the City’s Local Planning Policy 1.1.1 - Residential Development. LPP 1.1.1 prescribes:

- Standards used to determine whether certain Design Principles of the R-Codes are met (Column B)
- Standards of development the City considers to be unacceptable (Column C).

The subject proposal complies with all relevant Deemed-to-Comply criteria of the R-Codes or Column B of LPP 1.1.1 or are deemed acceptable by virtue of it not falling within the Column C criteria of LPP 1.1.1, with the exception of those detailed in the table below.

R-Code and Policy Provision		Assessment/Comment
1.	<p>6.1.1 Building Size</p> <p>C1 Development complies with the maximum plot ratio requirements set out in Table 4. Table 4 requires a maximum plot ratio of 0.6 for R40 coded properties.</p> <p>P4 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.</p> <p>LPP 1.1.1 – Column B Development deemed to comply with 6.1.1. Deemed-to-Comply provision C1.</p> <p>LPP 1.1.1 – Column C Development deemed to not comply with 6.1.1 Deemed-to-Comply provision C1 (ie no variation permitted).</p>	<p>The application proposes a plot ratio area of 0.63. As the proposal does not comply with the Deemed-to-Comply standards, assessment against the Design Principles is therefore required.</p> <p>The bulk and scale of the proposal is not significantly altered by the variation to plot ratio. The variation represents 25m², which when divided amongst the units, would equate to 1.9m². Should the development be made to comply with the plot ratio requirements it is considered that the appearance of the bulk and scale of the development would not result in any visible difference. The overall bulk and scale of the proposal is therefore considered to be consistent with the future desired built form of the locality.</p> <p>The development does not comply with 6.1.1 Deemed-to-Comply provision C1, as demonstrated above and assessment against Column C criteria is therefore required.</p> <p>The subject proposal does not comply with 6.1.1 Deemed-to-Comply criteria C1. However, as the proposal complies with the Design Principles of the R-Codes, it is considered acceptable.</p>

Item 13.5.3 Continued

R-Code and Policy Provision	Assessment/Comment
<p>6.3.2 Landscaping</p> <p>C2 Landscaping of open spaces in accordance with the following:</p> <ul style="list-style-type: none"> ii. separate pedestrian paths providing wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas. <p>P2 The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:</p> <ul style="list-style-type: none"> • Meets the projected needs of the residents; • Enhances security and safety for residents; and • Contributes to the streetscape. <p>LPP 1.1.1 – Column B</p> <p>Where it is considered that a development is capable of complying with 5.3.2 Deemed-to-Comply provision C2, a condition shall be imposed on the planning approval which requires the submission of a landscaping plan which satisfies this provision, prior to the lodgement of a Building Permit application.</p> <p>LPP 1.1.1 – Column C</p> <p>Development deemed not to comply with 6.3.2 Design Principle P2.</p>	<p>The application does not provide a separate pedestrian path between the street and the building. Pedestrian paths are however provided from the buildings through the rest of the development. As the proposal does not comply with the Deemed-to-Comply standards, assessment against the Design Principles is therefore required.</p> <p>As the application does not propose pedestrian access from the street to the building, it is considered that this would not meet the projected needs or enhance the safety of the future residents.</p> <p>It is considered that the development has sufficient space between the street and building to allow for the provision of a 1.2m wide pedestrian access separate from the vehicle driveway. As such, should Council consider approving the application, it will be recommended that a condition requiring the submission of a plan providing pedestrian access between the public street and the building be included.</p> <p>As the proposal meets the Column B criteria, the proposal is considered acceptable, subject to conditions on approval.</p>
<p>6.3.5 Vehicular Access</p> <p>C5.3 Driveways designed for two way access to allow for vehicles to enter the street in forward gear where:</p> <ul style="list-style-type: none"> • The driveway serves five or more dwellings; • The distance from a car space to street alignment is 15m or more; or • The public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road. <p>P5 Vehicular access provided so as to minimise the number of crossovers, to be safe in use and not detract from the streetscape.</p>	<p>Vehicular access to the site is provided through a 6m wide driveway, for the first 6m of the site. This is considered acceptable for two way access; however in complying with the above requirements to provide a 1.2m wide pedestrian access, the vehicle access at this point will be reduced to 4.8m in width. 4.8m is not considered wide enough to allow for two way access. As this will not comply with the Deemed-to-Comply standards, assessment against the Design Principles is therefore required.</p> <p>Vehicular access proposed is considered acceptable in terms of minimising the number crossovers to the site.</p>

Item 13.5.3 Continued

R-Code and Policy Provision	Assessment/Comment
<p>LPP 1.1.1 – Column B Development deemed to comply with 6.3.5 Deemed-to-Comply provisions C5.1 – C5.4.</p> <p>LPP 1.1.1 – Column C Development deemed not to comply with 6.3.5 Deemed-to-Comply provisions C5.1 – C5.4</p>	<p>The subject development is considered capable of complying with the requirement to provide two-way access, in addition to the requirement for a 1.2m wide pedestrian path, as there is sufficient space available for the visitor parking bays at the entrance to the development to be moved closer to the side boundaries. Moving these bays closer to the side boundaries would allow provision of a minimum 5.5m wide driveway, in addition to a 1.2m pedestrian path (i.e. 6.7m wide in total).</p> <p>Should Council consider approving the application it will be recommended that a condition be included requiring the submission of an amended plan that provides for a 5.5m vehicle driveway and a 1.2m pedestrian path between the street and the building, to ensure compliance with 6.3.5 Deemed-to-Comply provision C5.3.</p> <p>As demonstrated above, the proposal is considered capable of complying with 6.3.5 Deemed-to-Comply criteria C5.3, subject to conditions being imposed on an approval, and is therefore considered acceptable.</p>
<p>2. 6.4.3 Dwelling Size</p> <p>C3.1 Development that contains more than 12 dwellings are to provide diversity in unit types and sizes as follows:</p> <ul style="list-style-type: none"> • Minimum 20 per cent 1 bedroom dwellings, up to a maximum of 50 per cent of the development; and • Minimum of 40 per cent 2 bedroom dwellings. <p>P3 Each dwelling within the development is of a sufficient size to cater for the needs of the residents. The development must provide diversity in dwellings to ensure that a range of types and sizes is provided.</p> <p>LPP 1.1.1 – Column B Development deemed to comply with 6.4.3 Design Principle P3 and 6.4.3 Deemed-to-Comply provision C3.2.</p> <p>LPP 1.1.1 - Column C Development deemed to not comply with 6.4.3 Design Principle P3 or 6.4.3 Deemed-to-Comply provision C3.2.</p>	<p>The application involves all 13 dwellings containing two bedrooms. As the proposal does not comply with the Deemed-to-Comply standards, assessment against the Design Principles is therefore required.</p> <p>The dwellings proposed are considered to be of sufficient size to cater for the needs of the residents, however there is not diversity provided in terms of size. All dwellings contain two bedrooms and are between 54-57m² in size.</p> <p>The development is not considered to comply with 6.4.3 Design Principle P3, as demonstrated above, however complies with Deemed-to-Comply provision C3.2, insofar as each dwelling is greater than 40m².</p> <p>The development is deemed unacceptable by virtue of it not complying with 6.4.3 Design Principle P3.</p>

Item 13.5.3 Continued

In terms of the proposal not complying with Clause 6.4.3 of the R-Codes or LPP 1.1.1, insofar as it does not provide a variation in dwelling sizes, it is considered that this variation does not have any external impacts in relation to the bulk and scale of the building or amenity for the future residents or neighbouring properties. As such, it is considered overly restrictive for the City to be imposing requirements on aspects of a development that relate to market demand, rather than being a planning consideration. As such, this variation is considered acceptable.

Modification to Local Planning Policy 1.1.1 - Residential Development

As the provision of a diversity of dwelling sizes in a development does not have any adverse impacts on future or neighbouring residents (such as building bulk and scale, visual privacy, overshadowing, setbacks and streetscape), it is considered appropriate to allow a variation to the diversity of dwelling size requirements in LPP 1.1.1. This would allow the market to determine the diversity of dwelling types in a development, rather than planning controls for an aspect of a development that does not have any external impacts.

It will therefore be recommended that Council modify the Column B criteria of LPP 1.1.1 to allow greater variations to Clause 6.1.1 as follows:

	Current Policy Provision	Proposed Policy Provision
1.	<p>LPP 1.1.1 - Column B</p> <p>Development deemed to comply with 6.4.3 Design Principle P3 and 6.4.3 Deemed-to-Comply provision C3.2.</p> <p>LPP 1.1.1 - Column C</p> <p>Development deemed to not comply with 6.4.3 Design Principle P3 or 6.4.3 Deemed-to-Comply provision C3.2.</p>	<p>Development deemed to comply with Deemed-to-Comply provision C3.2.</p> <p>Development which does not comply with the standards set out in Column B.</p>

CONCLUSION

The proposal is supported for the following reasons:

- The proposal is generally compliant with the requirements of the R-Codes and Local Planning Policy 1.1.1 - Residential Development, and where non-compliant, the variations are considered acceptable
- The proposal provides a greater diversity of housing options within the local area.

It is therefore recommended that the proposal be approved subject to appropriate conditions as listed in the staff recommendation.

FINANCIAL IMPLICATIONS

Nil for Staff Recommendation 1. For Staff Recommendation 2, the cost of advertising the modification to the Policy can be met from the Planning Implementation operational budget.

Item 13.5.3 Continued

STATUTORY IMPLICATIONS

- *Planning and Development Act 2005*
- Town Planning Scheme No. 6
- Residential Design Codes
- Local Planning Policy 1.1.1 – Residential Development.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION
--

371 Moved Cr R Mitchell Seconded Cr G Dewhurst

That Council approves the application for 13 Multiple Dwellings at 28 (Lot 317) Clara Street, Gosnells, dated 27 May 2014 and amended plans dated 22 July 2014 subject to the following conditions:

1. The submission of an amended plan, generally in accordance with the submitted plans but including the following modifications to the satisfaction of the City:
 - (i) The driveway being widened to 5.5m for 6m in length from the street entrance to the development, in accordance with 6.3.5 Deemed-to-Comply criteria C5.3 of the R-Codes.
 - (ii) Provision of a 1.2m wide pedestrian path, separate to the driveway, connecting the street to all entrances of the development and car parking areas, in accordance with 6.3.2 Deemed-to-Comply criteria C2 of the R-Codes.
2. The landowner/applicant shall contribute towards development infrastructure, pursuant to Town Planning Scheme No. 20.
3. The drainage plan, endorsed by the City's Technical Services branch on 31 July 2014, is to be implemented, and all required drainage infrastructure thereafter maintained, to the satisfaction of the City.
4. All crossovers are to be located and constructed to the City's specifications.
5. Existing vehicle crossovers that are not required as part of the development shall be removed and the verge reinstated to the satisfaction of the City.
6. The common property accessway being constructed and drained at the developer's cost to the specifications and satisfaction of the City.

Item 13.5.3 Continued

7. All cut and fill is to be retained within the property boundaries by retaining walls designed by a structural engineer and constructed of masonry or a similar approved material.
8. The site is to be connected to the reticulated sewerage system.
9. A landscape plan for the development site and the adjoining road verge(s) is to be submitted in accordance with the City's Local Planning Policy LPP 4.5 - Development - Landscaping, and approved by the City, prior to the lodgement of a Building Permit application.
10. Landscaping and irrigation of the development site and adjoining road verges is to be installed prior to occupying the proposed development, and thereafter maintained, in accordance with the approved landscaping plan to the satisfaction of the Manager Parks and Environmental Operations.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION
--

372 Moved Cr R Mitchell Seconded Cr G Dewhurst

That Council, pursuant to Clause 2.4 of Town Planning Scheme No. 6, advertise the following modification to Local Planning 1.1.1 - Residential Development:

	Current Policy Provision	Proposed Policy Provision
1.	<p>6.4.3 Dwelling Size</p> <p>LPP 1.1.1 - Column B</p> <p>Development deemed to comply with 6.4.3 Design Principle P3 and 6.4.3 Deemed-to-Comply provision C3.2.</p> <p>LPP 1.1.1 - Column C</p> <p>Development deemed to not comply with 6.4.3 Design Principle P3 or 6.4.3 Deemed-to-Comply provision C3.2.</p>	<p>6.4.3 Dwelling Size</p> <p>LPP 1.1.1 - Column B</p> <p>Development deemed to comply with Deemed-to-Comply provision C3.2.</p> <p>LPP 1.1.1 - Column C</p> <p>Development which does not comply with the standards set out in Column B.</p>

The draft modified Policy is to be advertised for public comment for a period of not less than 21 days, by way of:

1. Advertisement in a local newspaper for two consecutive weeks.
2. Display on the City's website.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

12. REPORTS OF COMMITTEE MEETINGS

12.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING - 20 AUGUST 2014

Author: S MacGrotty
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 12.1A Minutes of the Local Emergency Management Committee Meeting held on 20 August 2014

PURPOSE OF REPORT

For Council to receive the Minutes of the City of Gosnells Local Emergency Management Committee meeting held on 20 August 2014.

BACKGROUND

The Local Emergency Management Committee meets quarterly to discuss emergency management planning, any major incidents that have occurred within the City and to update the Local Emergency Management arrangements where changes have occurred.

The Minutes of the Local Emergency Management Committee meeting held on Wednesday 20 August 2014 are attached as Appendix 12.1A.

DISCUSSION

There were no recommendations made at the meeting that require the consideration of Council.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority required.

Item 12.1 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

373 Moved Cr R Hoffman Seconded Cr J Brown

That Council receives the Minutes of the Local Emergency Management Committee meeting held on Wednesday 20 August 2014 attached as Appendix 12.1A.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.*

AGAINST: *Nil.*

13. REPORTS

13.1 CHIEF EXECUTIVE OFFICE

Nil.

13.2 COMMUNITY ENGAGEMENT

Nil.

13.3 CORPORATE SERVICES

13.3.1 FINANCIAL ACTIVITY STATEMENTS - AUGUST 2014

Author: K Gill

Author's Declaration Nil.

of Interest:

Previous Ref: Nil.

Appendix: 13.3.1A Financial Activity Statement Report for the month of August 2014

PURPOSE OF REPORT

For Council to receive the Financial Activity Statement Report for the month of August 2014.

BACKGROUND

In accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the following reports are contained in the Financial Activity Statement Report:

- Commentary and report on variances
- Operating Statement by Program
- Balance Sheet
- Statement of Financial Activity
- Net Current Assets Report
- Reserve Movements
- Capital Works Expenditure
- Outstanding Debtor Information
- Rates Report
- Investment Report.

Item 13.3.1 Continued

DISCUSSION

The Financial Activity Statement Report for the month of August 2014 is attached as Appendix 13.3.1A.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996, Regulation 34.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

374 Moved Cr G Dewhurst Seconded Cr R Lawrence

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the following reports, contained in the Financial Activity Statement Report for the month of August 2014, attached as Appendix 13.3.1A:

- A. Commentary and report on variances
- B. Operating Statement by Program
- C. Balance Sheet
- D. Statement of Financial Activity
- E. Net Current Assets Report
- F. Reserve Movements
- G. Capital Works Expenditure
- H. Outstanding Debtor Information
- I. Rates Report
- J. Investment Report.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

13.3.2 PAYMENT OF ACCOUNTS - AUGUST 2014

Author: K Gill
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.3.2A Cheque and EFT Payment Listing for the period
1 August 2014 to 31 August 2014

PURPOSE OF REPORT

To advise Council of payments made for the period 1 August 2014 to 31 August 2014.

BACKGROUND

Nil.

DISCUSSION

Payments of \$9,187,692.48 as detailed in the cheque and EFT payment listing for the period 1 August 2014 to 31 August 2014, attached as Appendix 13.3.2A, have been approved by the Director Corporate Services under delegated authority.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996, Regulation 13 (2) requires a local government to prepare a list of accounts approved for payment under delegated authority showing the payee's name; the amount of the payment; and sufficient information to identify the transaction and the date of the meeting of the Council to which the list is to be presented.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

375 Moved Cr R Mitchell Seconded Cr R Lawrence

That Council notes the payment of accounts totalling \$9,187,692.48 as shown in the cheque and EFT payment listing, attached as Appendix 13.3.2A, for the period 1 August 2014 to 31 August 2014.

CARRIED 9/1

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr P Yang and Cr D Griffiths.

AGAINST: Cr O Searle.

13.3.3 BUDGET VARIATIONS

Author: R Bouwer
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: Nil.

PURPOSE OF REPORT

To seek approval from Council to adjust the 2014/15 Municipal Budget.

BACKGROUND

Nil.

DISCUSSION

In accordance with Section 6.8 of the *Local Government Act 1995* a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:

- Is incurred in a financial year before the adoption of the annual budget by the local government
- Is authorised in advance by Council resolution
- Is authorised in advance by the Mayor or President in an emergency.

Approval is therefore sought for the following budget adjustments for the reasons specified.

FINANCIAL IMPLICATIONS

Account Number	Type	Account Description	Debit \$	Credit \$
JL15-60541-3800-741	Increase Expenditure	Bromley Street Public Open Space Enhancement – Capital Purchases	120,000	
JL15-60541-2427-000	Increase Income	Bromley Street Public Open Space Enhancement – Transfer from Reserve Capital Local Open Space		120,000
REASON: To cover additional costs for the clean-up, removal of contaminants and the rehabilitation of Bromley Street Reserve in preparation for enhancement.				

STATUTORY IMPLICATIONS

Section 6.8 of the *Local Government Act 1995*.

VOTING REQUIREMENTS

Absolute Majority required.

Item 13.3.3 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

376 Moved Cr J Brown Seconded Cr R Lawrence

That Council approves the following adjustments to the 2014/15 Municipal Budget:

Account Number	Account Description	Debit \$	Credit \$
JL15-60541-3800-741	Bromley Street Public Open Space Enhancement – Capital Purchases	120,000	
JL15-60541-2427-000	Bromley Street Public Open Space Enhancement – Transfer from Reserve Capital Local Open Space		120,000

CARRIED BY ABSOLUTE MAJORITY 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.*

AGAINST: *Nil.*

13.4 INFRASTRUCTURE

13.4.1 GOSNELLS ROADWISE ADVISORY GROUP MEETING - 3 SEPTEMBER 2014

Author: P Balley
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.4.1A RoadWise Advisory Group Meeting Action Sheet from 3 September 2014

PURPOSE OF REPORT

For Council to receive the Action Sheet of the RoadWise Advisory Group Meeting held on Wednesday 3 September 2014.

BACKGROUND

The City of Gosnells RoadWise Advisory Group meets on the first Wednesday of every month. The Group was established with the guiding principles to:

- Improve road safety in the City of Gosnells
- Raise community awareness of road safety issues and initiatives in the City of Gosnells
- Facilitate community planning, development and implementation of road safety programs and promotions
- Develop programs and initiatives which target groups and issues identified in the State Road Safety Strategy.

The Action Sheet of the meeting is attached as Appendix 13.4.1A.

DISCUSSION

Proposed Actions from the Group Meeting held on Wednesday 3 September 2014

There are no proposed actions from the RoadWise Advisory Group meeting that require Council's consideration. There are two proposed actions that have been addressed within operational parameters, with the status now being reported to Council.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.4.1 Continued

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

377 Moved Cr J Brown Seconded Cr G Dewhurst

That Council receives the Action Sheet of the City of Gosnells RoadWise Advisory Group Meeting held on Wednesday 3 September 2014 attached as Appendix 13.4.1A.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION

378 Moved Cr J Brown Seconded Cr G Dewhurst

That Council notes the officer's response undertaken within operational parameters to address the proposed Actions from the Group's meeting held on Wednesday 3 September 2014 as detailed below:

Action Reference	Action	Current Status
RAG 3/9/2014 Proposed Action 7	WALGA Representative requested the Senior Traffic Engineer - Road Safety to report back to the RAG members, at the next meeting, on the relevant statistics for the City of Gosnells local roads crashes.	In progress.
RAG 3/9/2014 Proposed Action 8	The Presiding Member is to organise various gift vouchers up to the value of \$100 for the next RBT event.	In progress.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

13.4.2 PROPOSED LICENCE TO PUBLIC TRANSPORT AUTHORITY FOR USE OF PART OF THE CRESCENT, MADDINGTON ROAD RESERVE FOR PARKING STATION PURPOSES

Author:	J Flatow
Author's Declaration of Interest:	Nil.
Previous Ref:	Nil.
Appendix:	13.4.2A Plan of Licensed area 13.4.2B Aerial photo of Licensed area

PURPOSE OF REPORT

For Council to formalise arrangements with the Public Transport Authority (PTA) for use of Part of the road reserve in The Crescent, Maddington as a Parking Station.

BACKGROUND

A request has been received from the PTA to enter into a formal Licence arrangement to use a portion of The Crescent, Maddington adjacent to the Maddington Railway Station as a Parking Station in order for the PTA to provide adequate parking for rail commuters. A plan of the proposed licence area is attached as Appendix 13.4.2A.

DISCUSSION

The PTA proposes to manage the Parking Station in accordance with State Government policy in relation to parking at train stations. As the PTA will be deriving revenue from the site, it is recommended that this be reflected in licence fees payable to the City by the PTA.

The City has had preliminary discussions with the PTA in this regard and the PTA has indicated its acceptance of an initial licence fee of \$20,000 per annum. Future increases to licence fees are yet to be agreed and would be the subject of further negotiations between the City and the PTA. It is proposed that the CEO approve licence provisions in relation to future fee increases in accordance with Council's existing delegation pertaining to property dispositions.

FINANCIAL IMPLICATIONS

The City will receive \$20,000 in licence fees in the first year of the licence with those fees to increase in future years in accordance with terms to be negotiated with the PTA.

STATUTORY IMPLICATIONS

Section 3.58 of the *Local Government Act 1995* provides the processes for the disposition of local government property that includes leasing and licensing. Regulation 30 of the *Local Government (Function and General) Regulations 1996* provides an exemption to the provisions of Section 3.58 of the *Local Government Act 1995* when the disposition is in favour of a department, agency or instrumentality of the Crown.

Item 13.4.2 Continued

VOTING REQUIREMENTS

Simple Majority Required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

379 Moved Cr O Searle Seconded Cr R Mitchell

That Council agrees to enter into a tenancy Licence with the Public Transport Authority for part of the road reserve in The Crescent, Maddington, as shown on Appendix Plan 13.4.2A, on the following terms and conditions:

Date of commencement:	As negotiated by the CEO
Term of licence:	5 years
Renewal terms:	Annually after initial term up to a 10-year maximum
Licence fee:	\$20,000 per annum
Licence fee reviews:	To be negotiated by the Chief Executive Officer
Legal costs:	To be met by Licensee
Maintenance of car park:	To be met by the Licensee
Access:	Access to Lot 152 Pratt Court and the PAW servicing Pratt Court to be maintained.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.*

AGAINST: *Nil.*

13.5 PLANNING AND SUSTAINABILITY

13.5.1 DEVELOPMENT APPLICATION - ANCILLARY ACCOMMODATION - 18 (LOT 16) CONNELL AVENUE, MARTIN

Director: C Terelinck
Author's Declaration Nil.
of Interest:
Reference: 203731
Application No: DA14/00186
Applicant: G Csohany
Owner: G Csohany and DL Csohany
Location: 18 (Lot 16) Connell Avenue, Martin
Zoning: MRS: Rural
TPS No. 6: General Rural
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 1.62ha
Previous Ref: Nil.
Appendix: 13.5.1A Site, Floor and Elevation plans

PURPOSE OF REPORT

For Council to consider an application for planning approval for Ancillary Accommodation at 18 (Lot 16) Connell Avenue, Martin, as the proposal is outside the authority delegated to staff due to non-compliance with Local Planning Policy 1.2.1 - Ancillary Accommodation - Rural Zones.

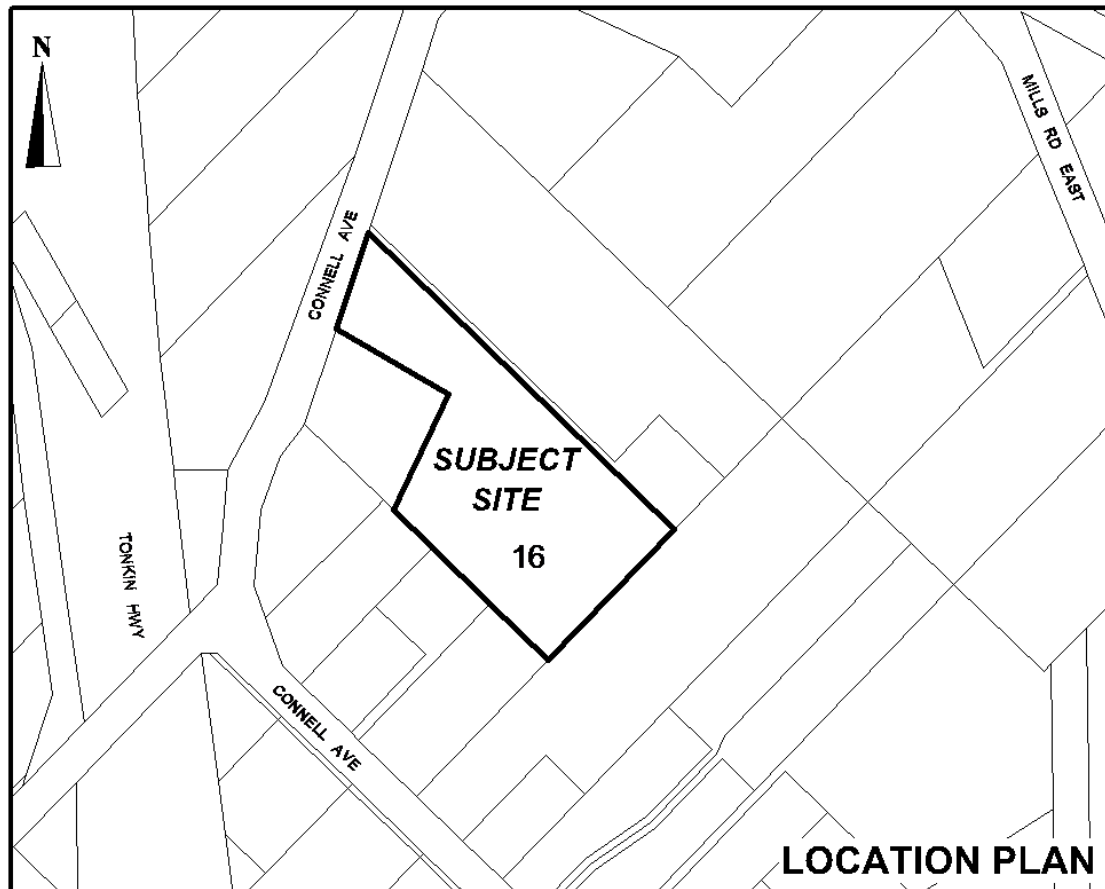
BACKGROUND

Site Description and Planning Framework

The subject site accommodates a single house and an outbuilding, and is surrounded by other rural zoned properties.

A map identifying the location of the subject site follows.

Item 13.5.1 Continued

**Proposal**

The application involves the following:

- The construction of a 106m² ancillary accommodation building, containing three bedrooms and one bathroom
- The building will be located approximately 26m from the Connell Avenue street boundary and approximately 50m from the main residence.

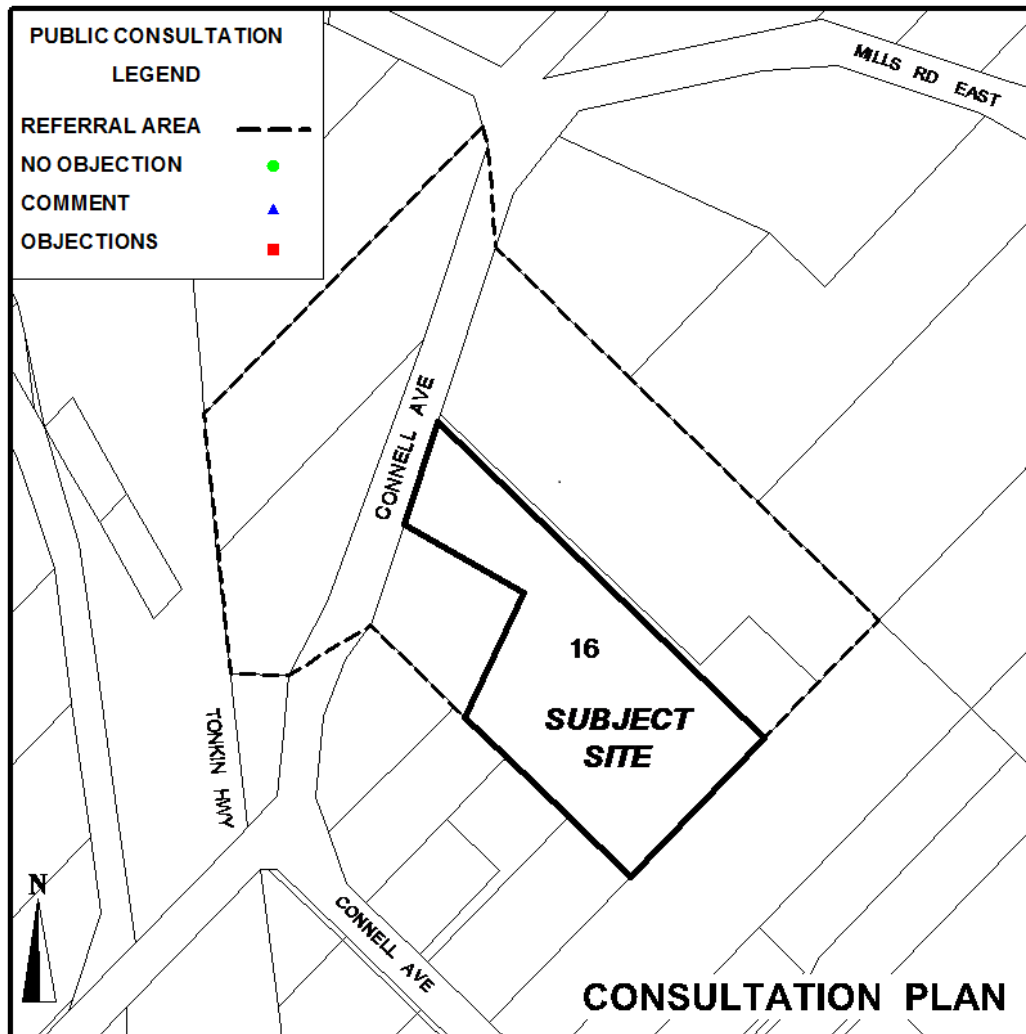
The site, floor and elevation plans are contained as Appendix 13.5.1A.

Consultation

The proposal was required to be advertised for public comment as it involves a variation to the floor area and separation distance requirements of Local Planning Policy 1.2.1. It was advertised for a period of 14 days, being from 10 July until 24 July 2014, with no submissions being received.

A map identifying the consultation area follows.

Item 13.5.1 Continued



DISCUSSION

Town Planning Scheme No. 6

The subject site is zoned General Rural under TPS 6. In accordance with TPS 6, Ancillary Accommodation is a "D" use in the General Rural zone, meaning it is not permitted unless the local government has exercised its discretion by granting planning approval.

Local Planning Policy Ancillary Accommodation - Rural Zone

The proposal has been assessed against the City's Local Planning Policy 1.2.1, and the level of compliance with the relevant provisions is detailed in the following table.

Item 13.5.1 Continued

Policy Clause/Requirement		Assessment/Comment
(i)	The Ancillary Accommodation should have a maximum internal floor space of 100m ² (excluding carport/garage, verandahs and the like).	The proposed Ancillary Accommodation would have an area of 106m ² , which does not comply with LPP 1.2.1. It should be noted that the proposed variation is only 6m ² and, given the main dwelling has an area of 185m ² , the proposed variation is considered acceptable in this instance.
(ii)	The Ancillary Accommodation should have a maximum of three bedrooms and one bathroom.	The proposed Ancillary Accommodation has three bedrooms and one bathroom, and therefore complies with the relevant requirements of LPP 1.2.1.
(iii)	The Ancillary Accommodation should be located within 20m of the main dwelling.	The proposed Ancillary Accommodation building is to be located approximately 50m from the existing residence, which does not comply with LPP 1.2.1. In considering the variation, it should be noted that the building is proposed to be constructed in a cleared area of the site and will be located so as to provide some visual screening of the existing outbuilding. The proposed variation is therefore considered acceptable in this instance.
(iv)	The provision of a minimum of one additional paved carparking space.	The proposal involves the provision of a car parking space. If the application is approved, it will be recommended that a condition be imposed requiring the car parking space to be provided to the City's satisfaction.

As detailed above, whilst the application does not fully comply with LPP 1.2.1, the variations are considered acceptable in this instance.

CONCLUSION

The proposal is supported for the following reasons:

- No objection was received on proposal
- The two variations to LPP 1.2.1 are comparatively minor and considered acceptable.

It is therefore recommended that the proposal be approved subject to appropriate conditions as listed in the staff recommendation.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- Local Planning Policy 1.2.1. - Ancillary Accommodation.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.1 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

380 Moved Cr G Dewhurst Seconded Cr O Searle

That Council approves the application for Ancillary Accommodation at 18 (Lot 16) Connell Avenue, Martin, dated 13 May 2014, subject to the following conditions:

1. The applicant shall submit, and thereafter implement, a drainage plan, to the satisfaction of the City, showing how stormwater drainage from the proposed building and/or paved areas is to be appropriately managed.
2. An approved on-site effluent disposal system adequate to the proposed use of the premises is to be installed to the satisfaction of the City.
3. The ancillary accommodation shall only be used by members of the family of the occupier of the main dwelling on the property and is not to be rented out for separate accommodation.
4. A notification under section 70A of the *Transfer of Land Act 1893* must be registered over the Certificate of Title of the subject lot to notify owners and prospective purchasers of the land that restrictions apply to the use of the ancillary accommodation as stipulated in this approval. The notification is to be prepared and executed at the applicant's cost, prior to lodgement of a Building Permit application.
5. An additional on-site car parking bay is to be provided to the City's satisfaction, prior to the occupation of the Ancillary Accommodation.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

13.5.2 DEVELOPMENT APPLICATION - ONE OFFICE AND FOUR MULTIPLE DWELLINGS - 135 (LOT 813) CANNA DRIVE, CANNING VALE

Director: C Terelinck
Author's Declaration Nil.
of Interest:
Reference: 310920
Application No: DA14/00111
Applicant: Eurotek Investments Pty Ltd (T/A Amano Homes)
Owner: Tee-Tong Chiam, Teng Chay Gan
Location: 135 (Lot 813) Canna Drive, Canning Vale
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 252m²
Previous Ref: Nil.
Appendices: 13.5.2A Site, Floor and Elevation Plans
13.5.2B Approved Detailed Area Plan

PURPOSE OF REPORT

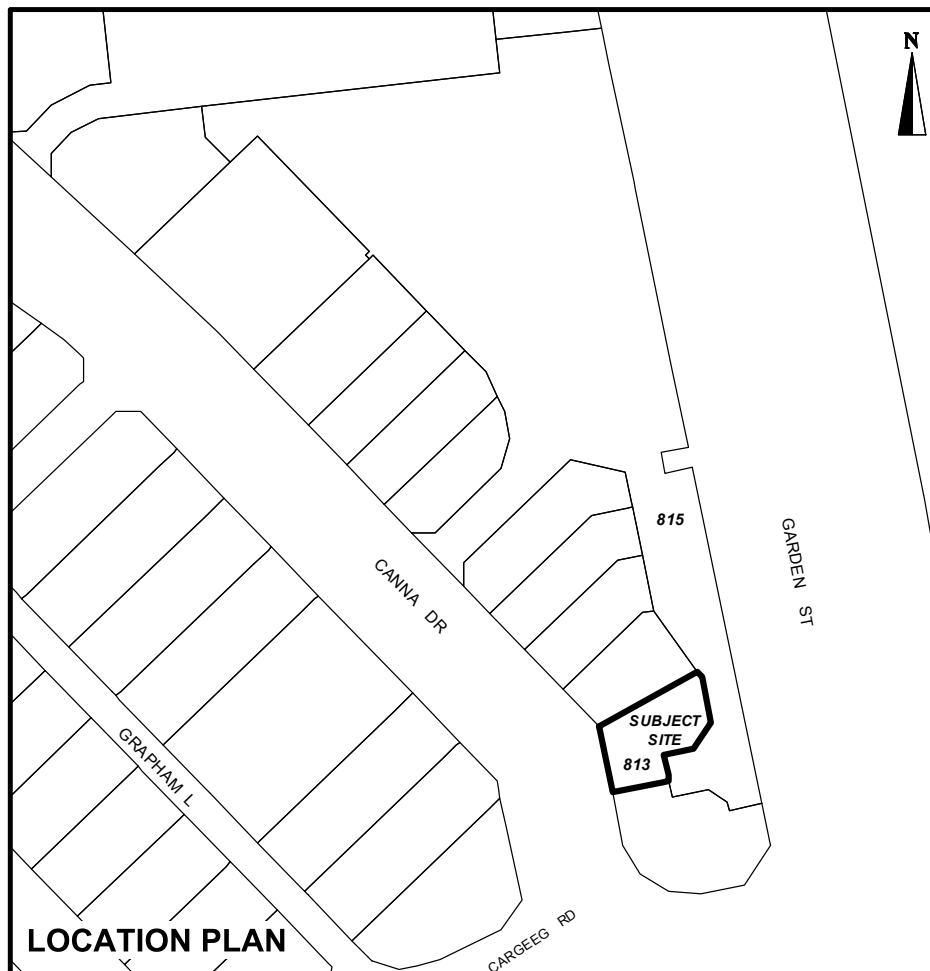
For Council to consider an application for planning approval for one Office and four Multiple Dwellings at 135 (Lot 813) Canna Drive, Canning Vale as the proposal is outside the authority delegated to staff due to the inclusion of a three storey development in the proposal.

BACKGROUND**Site Description and Planning Framework**

The subject site is located on Canna Drive, which is south of the intersection of Garden Street and Nicholson Road. The site is bound by Canna Drive and an access way associated with a commercial property to the north. Neighbouring land remains vacant.

The subject site forms part of the Canning Vale Outline Development Plan (ODP) area and is designated Mixed Use Centre. The site is also subject to an approved Detailed Area Plan (DAP), which designates the property as "Mixed Use with residential above, commercial/retail on ground floor".

A map identifying the location of the subject site follows.

Item 13.5.2 Continued**Proposal**

The application involves the following:

- The construction of a three storey building incorporating an Office on the ground floor and four Multiple Dwellings on the first and second floors. Each of the four dwellings have two bedrooms and are at least 40m² in area.
- Eight car parking spaces provided at the rear of the building, including four commercial parking bays and four residential parking bays. The bays are accessed from adjoining Lot 815, which is permitted by an access easement that was created as part of the subdivision of the former parent lot.

The site, floor and elevation plans are contained as Appendix 13.5.2A.

Consultation

The proposal was not required to be advertised.

Item 13.5.2 Continued

DISCUSSION

Town Planning Scheme No. 6

The subject site is zoned Residential Development under TPS 6 and designated Mixed Use Centre under the Canning Vale ODP. In accordance with TPS 6, an Office and a Multiple Dwelling are 'D' uses in the Residential Development zone, meaning that they are not permitted unless the local government has exercised its discretion by granting planning approval.

Canning Vale Outline Development Plan

The subject site is designated as a Mixed Use Centre under the Canning Vale ODP. The Mixed Use Centres are intended to be commercial focal points in the area, supported by medium density housing generally within a 200m radius of the centre. The ODP intends for Mixed Use Centres to contain facilities for local businesses, leisure and community uses, the sale of convenience goods and services, and housing.

Detailed Area Plan

Clause 6.1.1 of the Canning Vale ODP text requires that development on land shall be generally in accordance with an approved DAP.

A DAP was approved for the subject site in August 2011, which sets out the manner in which subdivision and development is to occur. The approved DAP is contained as Appendix 13.5.2B.

The adopted DAP designates the subject site as accommodating mixed use development, with residential above and commercial/retail uses on the ground floor. The subject application, in proposing a commercial use on the ground floor and residential uses on the first and second floors, is therefore in accordance with the adopted DAP.

Although the intensity of development is marginally greater than what is contemplated by the DAP, by way of the addition of an extra storey in height (containing two of the dwellings), the proposal caters for this increase by the provision of extra parking facilities and is therefore considered acceptable.

Residential Design Codes (R-Codes)

The R-Codes include Deemed-to-Comply Criteria (prefixed by "C") and Design Principles (prefixed by "P"). Applications not complying with the Deemed-to-Comply Criteria can be assessed against the relevant Design Principles, with that assessment guided by the City's Local Planning Policy 1.1.1 - Residential Development (LPP 1.1.1). LPP 1.1.1 prescribes:

- Standards used to determine whether certain Design Principles of the R-Codes are met (Column B)
- Standards of development the City considers to be unacceptable (Column C).

The subject proposal complies with all relevant Deemed-to-Comply provisions of the R-Codes or Column B criteria of LPP 1.1.1.

Item 13.5.2 Continued

Transport Noise

In accordance with Western Australian Planning Commission State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning, an application that proposes noise sensitive development in such close proximity to a major road would ordinarily be required to provide an acoustic report, prior to the determination of the planning application. That report is to determine what noise mitigation measures need to be implemented to ensure the proposed dwellings are not subjected to excessive noise. In this instance it is accepted that such a report will recommend treatments to doors, windows, eaves etc, to minimise the ingress of noise. As such, the requirement can be imposed as a condition of planning approval, if granted. In addition, if the application is approved, it is recommended that a condition be imposed requiring a notification to be placed on the title, advising of the potential for transport noise impacts.

CONCLUSION

The proposal is supported for the following reasons:

- The proposal complies with all elements of the R-Codes
- The proposal includes a minor variation to the DAP, which is considered to be acceptable in this instance
- The proposal represents a desirable form of development in a Mixed Use Centre.

It is therefore recommended that the proposal be approved subject to appropriate conditions as listed in the staff recommendation.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- Residential Design Codes
- Canning Vale Outline Development Plan
- Local Planning Policy 1.1.1 – Residential Development
- Detailed Area Plan.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.2 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

381 Moved Cr G Dewhurst Seconded Cr R Lawrence

That Council approves the application for one Office and Four Multiple Dwellings at 135 (Lot 813) Canna Drive, Canning Vale, dated 18 March 2014 and amended plans dated 20 August 2014 subject to the following conditions:

1. A notification under section 70A of the *Transfer of Land Act 1893* must be registered over the Certificate of Title of the subject lot to notify owners and prospective purchasers of the land of the existence of a hazard or other factor. The notification is to be prepared and executed at the applicant's cost, prior to the lodgement of a Building Permit application. The notification is to state as follows:

"The lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise."

2. An Acoustic Report is to be submitted, in accordance with the requirements of State Planning Policy 5.4 - Road and Rail Transport Noise in Land Use Planning, and any recommendations implemented prior to the occupation of the buildings to the satisfaction of the City.
3. The applicant shall submit a drainage design, prescribing a functional drainage system, including detailed engineering drawings, and necessary technical information to demonstrate functionality of the design. The design is to be endorsed prior to the lodgement of a Building Permit application and thereafter implemented to the satisfaction of the City of Gosnells.
4. The site is to be connected to the reticulated sewerage system.
5. A minimum of eight car parking bays are to be provided, prior to the occupation of the building, and maintained to the satisfaction of the City. The driveways, accessways and car bays are to be paved, drained and marked to City's standards in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6.
6. A landscape plan for the development site and the adjoining road verge(s) is to be submitted in accordance with the City's Local Planning Policy LPP 4.5 - Development - Landscaping, and approved by the City, prior to the lodgement of a Building Permit application.
7. Landscaping and irrigation of the development site and adjoining road verges is to be installed prior to occupying the proposed development, and thereafter maintained, in accordance with the approved landscaping plan to the satisfaction of the Manager Parks and Environmental Operations.

Item 13.5.2 Continued

8. A signage strategy being prepared for the proposal that indicates the location and type of signage to be used, to the satisfaction of the City, prior to the lodgement of a Building Permit application.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.*

AGAINST: *Nil.*

13.5.3 DEVELOPMENT APPLICATION - 13 MULTIPLE DWELLINGS - 28 (LOT 317) CLARA STREET, GOSNELLS (*ITEM BROUGHT FORWARD - REFER TO ITEM 11*)

The above item was brought forward in accordance with Clause 4.12 of the City of Gosnells Standing Orders Local Law 2012 and is relocated under Item 11 "Items Brought Forward for the Convenience of those in the Public Gallery" as the first report in these Minutes.

13.6 GOVERNANCE

13.6.1 POLICY REVIEW 2014

Author:	K McKeith
Author's Declaration of Interest:	Nil.
Previous Ref:	Nil.
Appendix:	13.6.1A Table Summarising Proposed Policy Changes
	13.6.1B Amended Policies
	13.6.1C Policies to be Revoked
	13.6.1D New Policy - Release of Information

PURPOSE OF REPORT

For Council to review and adopt:

- Proposed amendments to Council policies
- The revocation of Council policies
- New policies proposed.

BACKGROUND

Council adopts policies for the efficient and effective administration of the City. Each Council Policy is scheduled for review on an annual, biennial or triennial basis. The frequency of review is dependent on the risk rating assigned to the Policy, with policies dealing with issues considered to present higher risks reviewed more frequently.

Those policies scheduled for review in 2014 have been reviewed and the proposed changes are presented to Council for consideration.

The 2014 Policy Review comprised of 44 policies. As a result of the review:

- 22 policies are proposed to be amended (Appendix 13.6.1B)
- 14 policies are proposed to be revoked (Appendix 13.6.1C)
- One new policy is proposed (Appendix 13.6.1D)
- Eight policies do not require amendment.

DISCUSSION

A Councillor Workshop was held on 19 August 2014 to discuss the proposed policy changes and to provide an opportunity for discussion. The feedback provided by Councillors has been considered and incorporated into policies where possible. A table summarising proposed actions in relation to each policy included in the 2014 review is attached as Appendix 13.6.1A.

Policies Proposed for Amendment

Amendments are proposed to 22 policies, with most being minor changes. Appendix 13.6.1B contains the policies with proposed amendments shown with tracked changes.

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Policies Proposed for Revocation

As the State Government plans to reduce the number of local governments in WA, anticipated local government reform will result in duplication of corporate documents, including Council policies. Therefore, to prepare for the proposed reforms, all policies under review have been considered in terms of effectiveness, value and fit within the organisation.

This review has led to fourteen policies being proposed for revocation. These policies are detailed in Appendix 13.6.1C.

The following policies are proposed to be revoked as they are operational in nature and as such, management of these guidance documents is more appropriately assigned to the CEO rather than Council:

- Policy 2.1.10 City Facilities – Social Function Bookings
- Policy 2.1.15 Halls – Permanent Bookings
- Policy 2.3.4 Development of Parklands by Community Groups
- Policy 2.3.16 Active Reserve Use
- Policy 2.4.14 Centennial Pioneer Park Amphitheatre
- Policy 4.2.1 Information and Communication Technology
- Policy 4.3.20 Long Service Leave Management
- Policy 5.1.1 Drainage from Roofs
- Policy 5.1.10 Outbuildings Affecting Subdivision Clearance
- Policy 5.1.13 New Lot Urban Subdivisions – Building Conditions.

In addition, Policy 4.1.4 - Direct Depositing of Employees' Salaries or Wages and Policy 5.4.32 - Council Meetings – Preserving Order are proposed to be revoked.

Policy 4.1.4 was written in 1983 and is now redundant as payment by means other than through electronic funds transfer is no longer an option for staff.

Policy 5.4.32 is unnecessary and is proposed to be revoked as the authority to preserve order at Council Meetings is vested in the Presiding Member through both the *Local Government Act 1995* and the *City of Gosnells Standing Orders Local Law 2012*.

Policy 2.3.17 - Disposal of Land – Parks and Reserves is proposed to be revoked as the City's parks and reserves are to be disposed of in accordance with the City's Local Open Space Strategy.

Policy 5.3.9 - Alcohol Policy is proposed to be revoked as it duplicates legislative requirements which the City complies with through existing business processes.

New Policy Proposed

A new Council Policy, 'Release of Information', is proposed to define the circumstances in which the City will release information to a person before they are required to make a formal application under the *Freedom of Information Act 1992*. The policy is intended

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to reduce bureaucracy associated with providing access to information. A copy of this policy is attached as Appendix 13.6.1D.

Policies Reviewed Without Change

The following policies were reviewed and no changes are proposed:

- Policy 4.1.7 Investment
- Policy 5.4.4 Legal Representation – Councillor and Employees
- Policy 5.1.14 Dividing Fences – City Contribution
- Policy 5.4.7 Retiring Elected Members – Recognition
- Policy 5.4.34 Mediation – Elected Members
- Policy 2.2.1 Vehicle Policy
- Policy 2.3.14 Artificial Waterbodies
- Policy 2.4.7 Vehicle Crossings.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Section 2.7(2)(b) of the *Local Government Act 1995* prescribes one of the roles of Council as being to determine the local government's policies.

VOTING REQUIREMENTS

Simple Majority required.

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STAFF RECOMMENDATION (1 OF 4) AND COUNCIL RESOLUTION
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382 Moved Cr G Dewhurst Seconded Cr J Brown

That Council adopts the amendments to the Council Policies as detailed in Appendix 13.6.1B.

- Policy 2.4.1 Earthwork Conditions for Subdivisions and Development
- Policy 2.4.5 Upgrading of Existing Roads as a Condition of Subdivision
- Policy 2.4.18 Road Safety Auditing and Transport Impact Assessments
- Policy 2.4.20 As-Constructed Data
- Policy 2.4.22 Clearance of Conditions of Subdivision and Development Approval - Security Deposits for Outstanding Works
- Policy 3.1.10 Community Engagement Programs Cancellation
- Policy 3.1.12 Art Acquisition, Management & Decommissioning
- Policy 3.1.13 Public Art Committee - Terms of Reference
- Policy 3.2.2 Community Sponsorship Program
- Policy 3.3.1 Kenwick Pioneer Cemetery
- Policy 3.3.6 History and Heritage Awards Selection
- Policy 5.4.35 Sponsorship of City Assets, Services and Activities
- Policy 4.1.8 Procurement of Goods or Services
- Policy 4.2.2 Information and Record Management
- Policy 4.3.19 Occupational Safety and Health
- Policy 5.4.1 Annual Electors Meeting
- Policy 5.4.10 Code of Conduct - Councillors and Employees
- Policy 5.4.12 Councillor Training and Development
- Policy 5.4.33 Risk Management
- Policy 5.4.39 Elections - Caretaker Period
- Policy 5.4.42 Council Delegates - Role and Responsibilities
- Policy 5.4.43 Advisory Groups - Establishment and Operation.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

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STAFF RECOMMENDATION (2 OF 4) AND COUNCIL RESOLUTION
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383 Moved Cr G Dewhurst Seconded Cr J Brown

That Council revokes the Policies listed below and detailed in Appendix 13.6.1C.

- Policy 2.1.10 City Facilities – Social Function Bookings
- Policy 2.1.15 Halls – Permanent Bookings
- Policy 2.3.4 Development of Parklands by Community Groups
- Policy 2.3.16 Active Reserve Use
- Policy 2.3.17 Disposal of Land – Parks and Reserves
- Policy 4.1.4 Direct Depositing of Employees’ Salaries or Wages policies
- Policy 4.2.1 Information and Communication Technology
- Policy 4.3.20 Long Service Leave Management
- Policy 5.1.1 Drainage from Roofs
- Policy 5.1.10 Outbuildings Affecting Subdivision Clearance
- Policy 5.1.13 New Lot Urban Subdivisions – Building Conditions
- Policy 5.3.9 Alcohol Policy
- Policy 5.4.32 Council Meetings – Preserving Order
- Policy 2.4.14 Centennial Pioneer Park Amphitheatre.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (3 OF 4) AND COUNCIL RESOLUTION
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384 Moved Cr G Dewhurst Seconded Cr J Brown

That Council adopts the proposed Council Policy, Release of Information, as detailed in Appendix 13.6.1D.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

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STAFF RECOMMENDATION (4 O F 4) AND COUNCIL RESOLUTION

385 Moved Cr G Dewhurst Seconded Cr J Brown

That Council notes that the following policies have been reviewed with no action or amendment required at this time:

- Policy 4.1.7 Investment Policy
- Policy 5.4.4 Legal Representation – Councillor and Employees
- Policy 5.1.14 Dividing Fences – City Contribution
- Policy 5.4.7 Retiring Elected Members – Recognition
- Policy 5.4.34 Mediation – Elected Members
- Policy 2.2.1 Vehicle Policy
- Policy 2.3.14 Artificial Waterbodies
- Policy 2.4.7 Vehicle Crossings.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

15. URGENT BUSINESS
(by permission of Council)

Nil.

16. CONFIDENTIAL MATTERS

Nil.

17. CLOSURE

The Mayor declared the meeting closed at 7.59pm.