



ORDINARY COUNCIL MEETING  
8 AUGUST 2017

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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 8 August 2017.

**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 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 O SEARLE JP  
CR J BROWN  
CR G DEWHURST  
CR D GOODE JP  
CR D GRIFFITHS  
CR P GRIFFITHS  
CR T LYNES  
CR R MITCHELL  
CR L STORER  
CR B WIFFEN JP

**STAFF**

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

MR G BRADBROOK  
MS A COCHRAN  
MR D HARRIS  
MR C TERELINCK  
MS G TOOLE

**PUBLIC GALLERY**

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**2.1 APOLOGIES**

Nil.

**2.2 LEAVE OF ABSENCE**

Nil.

**3. DISCLOSURE OF INTEREST**

Nil.

**4. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended between 26 July and 8 August 2017.

The Mayor also advised she attended a Scarf Presentation at the Liddelow Scout Group, where she was presented with a mounted Liddelow Scout Group Scarf and along with their pack badges.

**5. REPORTS OF DELEGATES**

(without discussion)

Cr J Brown thanked Council for her opportunity to attend the recent WALGA Conference.

**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**

Nil.

**6.1 QUESTION TIME**

Question Time for the Public commenced at 7.33pm.

**Mrs Nicole Christie of 26 Canter Court Orange Grove asked the following question:**

**Q1 Is it likely that further Place of Worship applications will be considered by JDAP before zoning can be changed? And if so, what can we do to stop them being approved?**

**Response:** The Director of Planning and Sustainability advised there are currently no applications for Place of Worship in Orange Grove. The City cannot control any applications being made in the future.

**Mrs Kelly Munro of 28 White Road Orange Grove asked the following questions:**

**Q1 Will I be able to have the continued usage in regards to horse numbers I currently have under Special Rural Zoning?**

**Response:** The Director of Planning and Sustainability advised that from a planning perspective there is no proposal to limit rural activities in that area, or the keeping of animals or horses.

**Q2 How would changing zoning from Rural Residential to Special Rural guarantee that no Places of Worship will be approved by JDAP in the future?**

**Response:** The Director of Planning and Sustainability advised that within a Special Rural Zone, Places of Worship are not permitted, so there wouldn't be potential for an application to be made for a Place of Worship. In Rural Zoning a Place of Worship is a discretionary land use which means a land owner has a right to make an application and the Council or the JDAP are obliged to consider that application on its merits.

**Mr David Hosie from 64 Grant Street Orange Grove asked the following questions:**

**Q1 Recently the City of Bayswater rejected an application for a Concrete Batching Plant in an industrial zoned area of Bayswater. The applicant appealed to SAT, who approved the application and consequently sent the City of Bayswater a bill for \$112,000 for costs incurred. Is this going to make local government bodies and in particular the City of Gosnells reluctant to reject any future applications for fear of incurring massive costs?**

**Response:** The Director of Planning and Sustainability advised that no, there are costs associated with defending the Council's decisions from time to time but they are absorbed within the normal operational budget.

**Q2** There appears to be growing conjecture in WA over the role of SAT and JDAP in particular to be able to over-rule local government discretion and decisions. Does the City of Gosnells share this view and is there an avenue for the City of Gosnells to become a leader and raise this matter with other local governments or the Minister for Local Government in this matter?

**Response:** The Director of Planning and Sustainability advised that when the JDAP system was introduced this Council was one of the most outspoken against it. The introduction of that system was completely in the hands of the State Government. Whether the new State Government will be receptive to change remains to be seen.

**Mrs Sandra Baraiolo of Gosnells District and Progress Ratepayers Association of 1 Oakley Court Kenwick asked the following question:**

**Q1** What and who is doing the current road works on Fremantle Road? Is this in anticipation of the road works to reduce the traffic on Fremantle Road?

**Response:** The Director of Infrastructure advised the City is undertaking the work on Fremantle Road. A round-a-bout is being built as part of the State's Black Spot Program. The works are not intended to reduce the traffic, but to manage the current and future growth of traffic and the round-a-bout will fit in with any future proposal for the reconfiguration of Fremantle Road.

Question Time for the Public concluded at 7.43pm.

## **6.2 PUBLIC STATEMENTS**

Public Statement Time commenced at 7.43pm.

**6.2.1** Mrs Leonie Grigson of 9 Steven Street Orange Grove made a statement in relation to Item 8 "Presentation of Petition regarding re-zoning of Orange Grove" speaking in favour of the petition:

Presuming that the City does accept the petition to be presented in Item 8, I would like to thank the City for accepting the petition tabled tonight regarding the re-zoning of Orange Grove from General to Special Rural as a means to restrict Places of Worship in Orange Grove. It seems that it is the only option left to us in our continuing challenge to maintain our rural lifestyle and environment.

Residents are still bewildered at how JDAP could come to the conclusion that they did. It has been extremely difficult to get any clarification on the reasons behind their decision.

The City of Gosnells are the Orange Grove Ratepayers' representative and we ask you to continue to fight this particular application in Kelvin Road with all available resources and push as hard as possible to have any SAT and JDAP hearings in regards to Places of Worship in Orange Grove suspended until such time as the re-zoning is decided.

I would like to thank all the Councillors for your ongoing support of Orange Grove in this matter.

I would also like to ask the Mayor that we please bring Item 14 on the agenda forward for discussion.

Public Statement Time concluded at 7.45pm.

**7. CONFIRMATION OF MINUTES**

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**239 Moved Cr J Brown Seconded Cr D Goode**

That the Minutes of the Ordinary Council Meeting held on 25 July 2017, as published and distributed be confirmed as an accurate record.

CARRIED 10/0

**FOR:** *Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.*

**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 2016.

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

**8.1 REQUEST FOR DESIGNATION OF 15 MINUTE PARKING ON CANNA DRIVE, CANNING VALE**

Cr B Wiffen presented a petition initiated by SN Spices and The Batter Fish and Chips Shop of Canna Drive Canning Vale containing 281 signatures. The petition stated:

*“Your petitioners request the Shire to designate the following parking bays as 15 minute zones to assist retailers, food outlets that are based on short term parking for customers who are going in and out.”*

COUNCIL RESOLUTION
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**240 Moved Cr B Wiffen Seconded Cr P Griffiths**

That the petition initiated by SN Spices and The Batter Fish and Chips Shop of Canna Drive Canning Vale containing 281 signatures that seeks consideration of ‘Designation of 15 Minute Parking on Canna Drive Canning Vale’, be received and a report prepared for Council.

CARRIED 10/0

**FOR:** Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.

**AGAINST:** Nil.

**8.2 EXPEDITION OF RE-ZONING OF ORANGE GROVE AND REQUEST TO WA STATE PLANNING DEPARTMENT TO SUSPEND ANY FURTHER SAT OR JDAP HEARINGS UNTIL THE RE-ZONE IS CONSIDERED AND RULED UPON.**

Cr G Dewhurst presented a petition initiated by Leonie Grigson of 9 Stephen Street, Orange Grove containing 116 signatures. The petition stated:

*“The signatories require the City of Gosnells to;*

- 1. Expedite the rezoning of Orange Grove from Rural to Special Rural,*
- 2. Make an immediate formal request to the WA State Planning Department to suspend any further SAT or JDAP hearings for discretionary uses in the suburb of Orange Grove until the rezone from Rural to Special Rural has been considered and ruled upon.”*

COUNCIL RESOLUTION
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**241 Moved Cr G Dewhurst Seconded Cr P Griffiths**

That the petition initiated by Leonie Grigson of 9 Stephen Street, Orange Grove containing 116 signatures that seeks consideration of the expedition of rezoning of Orange Grove and a formal request to the WAPD to suspend any further hearings until the re-zone is considered and ruled upon' be received.

CARRIED 10/0

**FOR:** Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.

**AGAINST:** Nil.

**9. APPLICATIONS FOR LEAVE OF ABSENCE**

Clause 4.10 of the City of Gosnells Standing Orders Local Law 2016 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**

The Mayor determined that the following item would be brought forward for the convenience of the public gallery:

Item 14.1 REZONING OF ORANGE GROVE

**12. REPORTS OF COMMITTEE MEETINGS**

Nil.

**14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**14.1 REZONING OF ORANGE GROVE**

The following motion was proposed by Cr G Dewhurst in writing to the Acting CEO for inclusion in "Motions for Which Previous Notice Has Been Given" of the 8 August 2017 Ordinary Council Meeting.

**PROPOSED MOTION**

That Council initiates an amendment to Town Planning Scheme No. 6 to rezone Orange Grove from Rural to Special Rural.

**COUNCILLOR COMMENT**

Cr G Dewhurst provided the following comment in relation to the proposed motion:

*"To restrict the range of land uses that could be approved in Orange Grove to address the concerns expressed by local residents."*

**STAFF COMMENT**

The Director of Planning and Sustainability provides the following comment in relation to the proposed motion:

*"The City can initiate a Scheme amendment at any time. However, the Western Australian Planning Commission (WAPC) is aware that Council is in the process of preparing a complete review of its Town Planning Scheme and Local Planning Strategy.*

*The WAPC has previously refused to support the Council's attempt to prohibit places of worship in the general rural zone. Given that the proposed Amendment would have the same effect as that previously not supported by the WAPC, it is likely that the WAPC would not allow the Amendment to proceed.*

*The review of the City's Planning Scheme is likely to address this issue and to put it in a more complete strategic context. The WAPC has previously expressed the view that proposed changes to the Scheme relating to Orange Grove needs to be supported by a more strategic, district-wide rationale."*

At the conclusion of the debate the Mayor put Cr G Dewhurst motion, which reads:

COUNCIL RESOLUTION	LOST
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**Moved Cr G Dewhurst Seconded Cr B Wiffen**

That Council initiates an amendment to Town Planning Scheme No. 6 to rezone Orange Grove from Rural to Special Rural.

LOST 4/6

**FOR:** Cr G Dewhurst, Cr P Griffiths, Cr T Lynes and Cr B Wiffen.

**AGAINST:** Cr J Brown, Cr D Goode, Cr D Griffiths, Cr R Mitchell, Cr L Storer and Cr O Searle.

## 13. REPORTS

### 13.1 CHIEF EXECUTIVE OFFICE

#### 13.1.1 MAJOR PROJECTS PROGRESS REPORT

Author: S Richardson  
 Author's Declaration Nil.  
 of Interest:  
 Previous Ref: OCM 11 April 2017  
 Appendix: 13.1.1A Major Projects Progress Report 2017/18

#### PURPOSE OF REPORT

For Council to adopt the Major Projects Progress Report for 2017/18.

#### BACKGROUND

The City has, for some time, produced quarterly reports in relation to performance against key activities. As part of the City's strategic planning framework, the Major Projects Progress Report is used to report on the progress of key annual strategic activities and projects, which aim to achieve strategic goals and objectives identified in the City's 10-Year Community Plan.

#### DISCUSSION

The proposed Major Projects Progress Report that identifies the City's key activities for 2017/18 is attached as Appendix 13.1.1A.

#### FINANCIAL IMPLICATIONS

Nil.

#### STATUTORY IMPLICATIONS

Nil.

#### VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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#### 242 Moved Cr J Brown Seconded Cr D Goode

That Council adopts the Major Projects Progress Report for 2017/18, attached as Appendix 13.1.1A..

CARRIED 10/0

**FOR:** Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.

**AGAINST:** Nil.

## 13.2 PLANNING AND SUSTAINABILITY

### 13.2.1 ANNUAL REVIEW - DEVELOPMENT CONTRIBUTION PLAN REPORTS

Director:	C Terelinck
Author's Declaration of Interest:	Nil.
Application No:	LA17/00017, LA17/00018, LA17/00019, LA17/00020
Previous Ref:	OCM 13 September 2016 (Resolutions 310-315)
Appendices:	13.2.1A Draft modified Canning Vale Outline Development Plan Development Contribution Plan Report
	13.2.1B Draft modified West Canning Vale Outline Development Plan Development Contribution Plan Report
	13.2.1C Draft modified Homestead Road Outline Development Plan Development Contribution Plan Report
	13.2.1D Draft modified Southern River Precinct 1 Outline Development Plan Development Contribution Plan Report

#### PURPOSE OF REPORT

For Council to review the Development Contribution Plan Reports (DCPR's) associated with the Canning Vale, West Canning Vale, Homestead Road, and Southern River Precinct 1 Outline Development Plans (ODP), as required by Part 5 of Town Planning Scheme No. 6 (TPS 6).

#### BACKGROUND

The City administers Development Contribution Plans (DCP) for the shared provision of infrastructure and land for public purposes in the Canning Vale, West Canning Vale, Homestead Road, Southern River Precinct 1, Maddington Road Precincts A and B and Central Maddington ODP areas, and is required to review the associated DCPRs annually.

It should be noted that the report does not include two DCPRs. The Maddington Road Precincts A and B DCPR was reviewed in February 2017, and is largely up to date. The Central Maddington DCPR is undergoing detailed revisions relating to infrastructure design. The outcomes of those two DCPR reviews will be the subject of future reports to Council.

A summary of the most recent history of each DCP reviewed in this report follows:

Item 13.2.1 Continued

Area	Most recent Council adoption	Infrastructure Contribution Rate	Public Open Space Contribution Rate	Previously Adopted Land Valuation
Canning Vale	13 September 2016 (review)	\$60,595/ha	12.74% @ \$1,950,000/ha	\$1,950,000/ha
West Canning Vale	13 September 2016 (review)	\$306,800/ha	10.70% @ \$1,950,000/ha	\$1,950,000/ha (residential for POS)  \$575,000/ha (rural for Conservation Category Wetland (CCW))
Homestead Road	13 September 2016 (review)	\$171,000/ha	10.06% @ \$1,250,000/ha	\$1,250,000/ha
Southern River Precinct 1	13 September 2016 (review)	\$93,476/ha	Not Applicable	Not Applicable

**DISCUSSION**

Each of the first three DCPs under review have two separate contribution obligations, as follows:

- Public Open Space (POS), which is payable as part of residential development
- General Infrastructure, which is payable as part of any development.

The Southern River Precinct 1 DCP has an obligation for general infrastructure but does not include an obligation for POS.

These matters are discussed below.

**Public Open Space**

Land valuation rates must be set to ensure that adequate funds are collected to acquire land identified in ODPs for POS and to determine the amount of reimbursement payable to landowners for the acquisition of such land.

Previous POS rates have been adopted on the basis of valuation advice from JLL Mortgage Services Pty Ltd (JLL). JLL was again engaged to provide valuation reports based on current market conditions in the three areas.

The latest JLL valuations were undertaken in June 2017, with the recommended values being as follows.

Area	June 2017 Land Valuation
Canning Vale	\$1,850,000/ha
West Canning Vale (residential for POS)	\$1,850,000/ha
West Canning Vale (rural for Conservation Category Wetland (CCW))	\$550,000/ha
Homestead Road	\$1,175,000/ha

*Item 13.2.1 Continued*

It is recommended that Council modifies the respective DCPRs accordingly.

### **General Infrastructure**

General infrastructure costs are effectively comprised of two elements, land acquisition (being land for drainage, road widening and conservation purposes) and physical infrastructure (generally including drainage construction, POS development, path construction, road construction, traffic management devices, service relocation and general administration).

Adjustments to the value of the land acquisition is based on the same valuation information as POS and adjustments to the value of the physical infrastructure is determined on the basis of increases to the general construction price index, changes to infrastructure unit cost rates and other inflationary measures.

A recent review of data focussed on civil engineering and residential construction index reports released by the Australian Bureau of Statistics indicates that the cost of providing physical infrastructure (those items not based on a land value component) has increased by an average of 1.50% since the DCPs were last reviewed. The use of those indices and JLL's land valuations (as discussed above) would result in the following changes to the DCPRs.

<b>Area</b>	<b>Previously adopted infrastructure rate</b>	<b>Current recommended infrastructure rate</b>
Canning Vale	\$60,595/ha	\$61,504/ha
West Canning Vale	\$306,800/ha	\$289,100/ha
Homestead Road	\$171,000/ha	\$174,000/ha
Southern River Precinct 1	\$93,476/ha	\$94,600/ha

Previous versions of the Homestead Road and West Canning Vale DCPRs have both noted that the fragmented nature of land ownership associated with the proposed location of POS would mean that the City would likely develop the POS. In both cases, the land required for POS is either currently in the control of the City or is in the process of being surrendered. As a result the City is progressing with plans to develop the POS.

The DCPRs contain allowances to develop the POS in accordance with the Liveable Neighbourhoods definition of "minimum standard" however the City will now undertake the required POS development at a higher standard than the minimum standard, in accordance with Council's Public Open Space Strategy and community expectations.

As the total cost of park development in these DCPRs will exceed the allowance, the text has been amended to note that the allowance will be reimbursed from the DCPR to the City, with the balance of the funding from Municipal funds.

It is recommended that Council modifies the respective DCPRs accordingly.

Item 13.2.1 Continued

## CONCLUSION

TPS 6 requires Council to review the cost sharing arrangements operating within the district. It is recommended that Council adopts revised Development Contribution Plan reports as contained in Appendices 13.2.1A, 13.2.1B, 13.2.1C and 13.2.1D.

## FINANCIAL IMPLICATIONS

The proposed changes to the contributions rates will have an impact on the contributions payable by developing landowners and the amount of money that can be reimbursed to developing landowners for infrastructure provided.

## STATUTORY IMPLICATIONS

Town Planning Scheme No. 6.

## VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (1 OF 6)
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### 243 Moved Cr L Storer Seconded Cr B Wiffen

That Council adopts a revised Development Contribution Plan Report for the Canning Vale Outline Development Plan, which includes a contribution rate of \$61,504/ha for common infrastructure works and a revised land value of \$1,850,000/ha for public open space contributions and the acquisition of other land, as contained in Appendix 13.2.1A.

CARRIED 10/0

**FOR:** Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.

**AGAINST:** Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (2 OF 6)
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### 244 Moved Cr L Storer Seconded Cr B Wiffen

That Council adopts a revised Development Contribution Plan Report for the West Canning Vale Outline Development Plan, which includes a contribution rate of \$289,100/ha for common infrastructure works, a revised land value of \$1,850,000/ha for public open space contributions and \$550,000/ha for the acquisition of Conservation Category Wetland, as contained in Appendix 13.2.1B.

CARRIED 10/0

**FOR:** Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.

**AGAINST:** Nil.



Item 13.2.1 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (3 OF 6)

**245 Moved Cr L Storer Seconded Cr B Wiffen**

That Council adopts a revised Development Contribution Plan Report for the Homestead Road Outline Development Plan, which includes a contribution rate of \$174,000/ha for common infrastructure works and a revised land value of \$1,175,000/ha for public open space contributions and the acquisition of public purpose land, as contained in Appendix 13.2.1C.

CARRIED 10/0

**FOR:** Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.

**AGAINST:** Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (4 OF 6)

**246 Moved Cr L Storer Seconded Cr B Wiffen**

That Council adopts a revised Development Contribution Plan Report for the Southern River Precinct 1 Outline Development Plan, which includes a contribution rate of \$94,600/ha for common infrastructure works, as contained in Appendix 13.2.1D.

CARRIED 10/0

**FOR:** Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.

**AGAINST:** Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (5 OF 6)

**247 Moved Cr L Storer Seconded Cr B Wiffen**

That Council informs all landowners with outstanding contribution obligations within the Canning Vale, West Canning Vale, Homestead Road and Southern River Precinct 1 Outline Development Plan areas, of Council's decision.

CARRIED 10/0

**FOR:** Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.

**AGAINST:** Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (6 OF 6)

**248 Moved Cr L Storer Seconded Cr B Wiffen**

That Council notes that separate reports will be presented to Council in relation to the review of the Development Contribution Plan Reports associated with Maddington Road Precincts A and B and Central Maddington Outline Development Plans.

CARRIED 10/0

**FOR:** Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.

**AGAINST:** Nil.

**13.2.2 DEVELOPMENT APPLICATION - MIXED USE DEVELOPMENT (ONE COMMERCIAL UNIT AND TWO MULTIPLE DWELLINGS) - 143 (LOT 809) CANNA DRIVE, CANNING VALE**

Director: C Terelinck  
Author's Declaration of Interest: Nil.  
Property Number: 310916  
Application No: DA16/00272  
Applicant: Ausasia Design Consultants  
Owner: M & L Huang  
Location: 143 (Lot 809) Canna Drive, Canning Vale  
Zoning: MRS: Urban  
TPS No. 6: Residential Development - Mixed Use Centre under Canning Vale ODP  
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.  
Area: 340m<sup>2</sup>  
Previous Ref: Nil.  
Appendices: 13.2.2A Site Plan, Floor Plan and Elevations  
13.2.2B Endorsed Local Development Plan and Carparking Requirements

**PURPOSE OF REPORT**

For Council to consider an application for planning approval for a Mixed Use development at 143 (Lot 809) Canna Drive, Canning Vale as the proposal is outside the authority delegated to staff due to a variation to the Building Height and Lot Boundary Setbacks of the Residential Design Codes and Carparking requirements of the Chelsea Village Outline Development Plan.

**BACKGROUND****Site Description and Planning Framework**

The subject site is located on Canna Drive, south of the intersection of Garden Street and Nicholson Road. The site is bound by Canna Drive and an access way associated with commercial property to the rear. Neighbouring land remains vacant. Development to the west of Canna Drive is comprised of predominantly mixed use developments.

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

Item 13.2.2 Continued

A map identifying the location of the subject site follows.



### Proposal

The application involves the following:

- The construction of a mixed use development comprising a 150m<sup>2</sup> commercial unit on the ground floor and two residential units (118m<sup>2</sup> and 146m<sup>2</sup> respectively) on the first floor.
- The provision of seven carparking spaces at the rear of the building.
- Vehicle access provided from the adjoining access way to the side and rear.

The site, floor and elevation plans are contained as Appendix 13.2.2A.

### Consultation

The proposal was required to be advertised for public comment in accordance with Council Policy. The consultation was for a period of 14 days. Letters were sent to the owners of the adjacent property affected by the variation, and no submissions were received.

*Item 13.2.2 Continued***DISCUSSION****Town Planning Scheme No. 6**Land Use Permissibility

The subject site is zoned Residential Development under TPS 6 and designated Mixed Use under the Canning Vale Outline Development Plan. The land uses are 'D' uses meaning they are not permitted unless the local government has exercised its discretion by granting planning approval.

Car Parking

The proposal complies with all aspects of TPS 6 with the exception of the carparking requirements. The following table details TPS 6 car parking requirements.

Use Class	Car Parking Standards (Scheme Requirements)	Car Parking Required
<b>Commercial</b>		
Office	1 space for every 30m <sup>2</sup> net lettable area with a minimum 4 spaces per tenancy or office unit plus one space for every 10m <sup>2</sup> net lettable area open to the public.	The commercial unit has a net lettable area of 150m <sup>2</sup> .
Total		Five car parking bays required
<b>Residential</b>		
110m <sup>2</sup> or greater and/or 3 or more bedrooms	1.25 car parking bays per unit	There are two residential dwellings with three bedrooms each which generates a requirement for a total of three carparking bays (rounded up from 2.5).
Visitors	0.25 car pays per dwelling	There are two dwellings which generates a requirement of one car parking bay (rounded up from 0.5).
Bicycle	1 space for each three dwellings for residents.	There are two dwellings which generates a requirement for one cycle space.
Total		Four car parking bays
<b>Overall Total</b>		<b>Nine car parking bays required.</b>

The application proposes seven car parking bays resulting in a shortfall of two car parking bays based on the ordinary TPS requirements. In this case the LDP already provides for a two car parking bay concession for the subject site, therefore, a variation to the TPS 6 parking standard is supported in this instance, given that the proposal accords with the LDP.

*Item 13.2.2 Continued*

### **Canning Vale Outline Development Plan**

The subject site is designated as Mixed Use Centre under the Canning Vale ODP. The Mixed Use Centres are intended to be a commercial focal point 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.

The ODP text states that a LDP may be required for the Mixed Use Centres in order to demonstrate the achievement of the ODP objectives for the Mixed Use Centres and to meet relevant design guidelines contained in Liveable Neighbourhoods.

The adopted LDP designates the subject site as accommodating mixed use development, with residential above and commercial/retail uses on the ground floor. The ODP intends for Mixed Use Centres to contain facilities for local businesses, leisure and community uses and the sale of convenience goods.

The proposed commercial use (Office) is consistent with the objectives of the LDP and ODP as it provides opportunities for an activated frontage and streetscape.

### **Local Development Plan**

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

A LDP was approved for the subject area in August 2011, which sets out the manner in which subdivision and development is to occur. The approved LDP is contained as Appendix 13.2.2B.

The adopted LDP designates the subject site as accommodating mixed use development, with residential above and commercial/retail uses on the ground floor. The subject application proposes the development of a commercial use (office) on the ground floor and residential uses on the first floor which is therefore in accordance with the adopted LDP.

Although the intensity of development is marginally greater than that contemplated by the LDP, by way of the size of the dwellings and larger commercial floor space, the proposal caters for this and is therefore considered acceptable.

### **Residential Design Codes (R Codes) and Local Planning Policy 1.1.1 Residential Development**

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).

Item 13.2.2 Continued

The subject proposal complies with all relevant Deemed-to-Comply criteria of the R-Codes or Column B of LPP 1.1.1 (including resident car parking) 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.

	<b>R-Code and Policy Provision</b>	<b>Assessment/Comment</b>
1.	<p><b>6.1.2 Building Height</b></p> <p>C2 Development complies with the maximum height set out in Table 4, except where stated otherwise in the scheme, relevant local planning policy, local structure plan or local development plan.</p> <p>P2 Building height that creates no adverse impact on the amenity of adjoining properties or the street scape, including road reserves, public open space reserves and where appropriate maintains:</p> <ul style="list-style-type: none"> <li>- Adequate access to direct sun into buildings and appurtenant open spaces;</li> <li>- Adequate daylight to major openings into habitable rooms;</li> <li>- Access to view of significance;</li> <li>- Buildings present a human scale for pedestrians;</li> <li>- Building facades designed to reduce the perception of height through design measures; and</li> <li>- Podium style development is provided where appropriate.</li> </ul>	<p>The maximum building height for walls built up to boundaries is 7m with an average of 6m. The application proposes a maximum wall height of 7.6m for its entire length.</p> <p>In assessing the height variation against the design principles, the proposal does not restrict direct sun onto buildings and open spaces on the adjacent site. Any overshadowing will occur onto the road reserve.</p> <p>Major openings will face the existing accessway.</p> <p>The building is presented at a human scale through the provision of an awning as required under the LDP.</p>
	<p><b>6.1.4 Lot Boundary Setback</b></p> <p>C4.2 In areas coded R80-R160 and/or R-AC, the development complies with minimum lot boundary setback requirements as set out in Table 5 subject to any additional measures in any other elements of the R-Codes.</p> <p>C4.3 A wall may be built up to a lot boundary, where it abuts an existing or simultaneously constructed wall of equal or greater proportions, or a wall may be built up to one side lot boundary if it has a maximum height and average height as set out in Table 4 and a maximum length of two thirds the length of this boundary.</p>	<p>Table 5 requires development to have a side setback of 3m. The proposed development is setback of 1.2m along the north western boundary.</p> <p>The proposed wall with zero setback abuts land that is currently undeveloped. The wall height is 7.6m for its entire length. Table 4 suggests a maximum wall height of 7m and an average of 6m.</p> <p>The overall length of the zero setback boundary wall is 20.7m which is greater than two thirds the length of the overall boundary as identified in the R-Codes.</p>

Item 13.2.2 Continued

	<b>R-Code and Policy Provision</b>	<b>Assessment/Comment</b>								
	<p>P4.1 Building setback from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> <li>- Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>- Moderate the visual impact of building bulk on a neighbouring property;</li> <li>- Ensure access to daylight and direct sun for adjoining properties; and</li> <li>- Assist with protection of privacy between adjoining properties.</li> </ul> <p>P4.2 In mixed use development, in addition to the above:</p> <ul style="list-style-type: none"> <li>- Side boundary setbacks to retail/commercial component of the development is in accordance with the existing street context, subject to relevant scheme provisions;</li> <li>- Retail/commercial development adjoining residential is designed to minimise the potential impacts between the two uses.</li> </ul>	<p>In addressing the Design Principles pertaining to Building Setbacks the proposal is able to provide daylight, sun and ventilation through major openings located on the walls which open up to the access way to the north.</p> <p>The adjacent property (141 (Lot 810) Canna Drive) is currently undeveloped and therefore it is difficult to ascertain the visual impact that the proposal would have on that lot. The application was advertised to the owner of Lot 810 and no objection was received. However, it is likely that Lot 810 will also include walls on the same lot boundary due to the narrowness of the lots.</p> <p>It is noted that Council in April 2014 approved a similar concept at 147 Canna Drive (opposite the subject site) which had an overall greater height than the current application.</p> <p>In addressing P4.2, the proposal is consistent with the requirements of the LDP and also similar in typology to similar developments in the LDP area.</p> <p>The location of the entry and exit points for the residential and commercial components are provided separately to mitigate any adverse impacts between the two uses.</p>								
	<p><b>LPP 1.1.1</b></p> <p><b>6.1.4 Lot Boundary Setbacks</b></p> <p>Column B - For areas coded R80-R160 and R-AC, building setback from side and rear boundaries, as follows:</p> <table border="1" data-bbox="284 1328 810 1435"> <thead> <tr> <th>Length of wall</th> <th>Less than 14m</th> <th>15m</th> <th>Greater than 16</th> </tr> </thead> <tbody> <tr> <td>Setback</td> <td>3m</td> <td>3.5m</td> <td>4m</td> </tr> </tbody> </table> <p>For all properties, walls on the boundary, provided that:</p> <ol style="list-style-type: none"> <li>i) The walls are not higher than specified in Table 4, for more than two thirds the length of the balance of the boundary behind the front setback line; and</li> <li>ii) The area of each individual wall complies with 6.1.4 Deemed to comply provision C4.3; and</li> <li>iii) The development complies with 6.4.2 Deemed-to-comply provisions C2.1 and C2.2.</li> </ol>	Length of wall	Less than 14m	15m	Greater than 16	Setback	3m	3.5m	4m	<p>Under the provisions of LPP 1.1.1, the required setback for walls with a length of greater than 16m is 4m. The application proposes a 0m setback along the side boundary for 20.7m with a wall height of 7.6m.</p> <p>For walls on boundaries, the proposal has a wall height of less than 10% greater than prescribed in Table 4 with the length of the boundary with the zero setback greater than two thirds of the balance of the boundary.</p> <p>The wall with the zero setback did not comply with the provisions of Section 6.1.4, Deemed to Comply provision C4.3 as the wall does not abut an existing or simultaneously constructed wall as the adjacent site is currently undeveloped. The application was advertised to the adjacent landowner with comment sought. During the advertising period, no comment was made.</p> <p>The proposal includes a zero setback proposal for one boundary which is not considered excessive in this location.</p>
Length of wall	Less than 14m	15m	Greater than 16							
Setback	3m	3.5m	4m							

*Item 13.2.2 Continued*

### **Transport Noise**

In accordance with the 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 abutting major roads or railways is required to provide a noise assessment to determine whether noise levels will exceed certain targets and limits. Where noise levels exceed the specified target, but do not exceed the limit, a notification on title is required advising of the potential for transport noise impacts. Should the application be approved, it will be recommended that a condition be imposed requiring notifications on title for both residential dwellings advising of the potential for transport noise impacts.

### **CONCLUSION**

The proposal is supported for the following reasons:

- The proposal represents a desirable form of development in a Mixed Use Centre.
- It is generally acknowledged that the flexible application of development standards is required to facilitate mixed use development.

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 1.1.1 Residential Development
- Canning Vale Outline Development Plan
- Chelsea Village Detailed Area Plan
- State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning.

### **VOTING REQUIREMENTS**

Simple Majority required.



Item 13.2.2 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**249 Moved Cr G Dewhurst Seconded Cr B Wiffen**

That Council approves the application for Two Residential Dwellings and One Commercial Unit at 143 (Lot 809) Canna Drive, Canning Vale, dated 15 September 2016 subject to the following conditions:

**Conditions to be satisfied prior to the lodgement of a Building Permit application:**

1. The applicant shall submit drawings and specifications detailing noise mitigation measures, in accordance with the submitted acoustic report (Resonate Acoustics, February 2017) and 'State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning - Implementation Guidelines'. These drawings and specifications are to be endorsed as acceptable by an independent, qualified acoustic engineer, prior to lodgement of a Building Permit application and thereafter implemented to the satisfaction of the City of Gosnells.
2. 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.
3. 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 the existence of a hazard or other factor. The notification is to be prepared and executed at the applicant's cost and 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."*

**Condition to be satisfied prior to the commencement of development:**

4. A lighting plan for the development in accordance with the requirements of 6.3.2 Deemed-to-comply Provision C2 of the Residential Design Codes and the City's Local Planning Policy 1.1.1 - Residential Development site is to be submitted to, and approved by, the City prior to the commencement of development. The lighting plan is to be implemented to the City's satisfaction, prior to the occupancy of the development.

**Conditions to be satisfied prior to the commencement of use/occupancy of building(s):**

5. The proposed carparking bays are to be provided and marked, prior to the occupation of the development, and thereafter maintained to the satisfaction of the City.

*Item 13.2.2 Continued*

6. 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 J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.*

**AGAINST:** *Nil.*

**13.2.3 DEVELOPMENT APPLICATION - CHANGE OF USE TO INDUSTRY - GENERAL - 13/12 (LOT 67, STRATA LOT 13) MALCOLM ROAD, MADDINGTON**

Director: C Terelinck  
Author's Declaration of Interest: Nil.  
Property Number: 211621  
Application No: DA16/00229  
Applicant: First Time Fabrication  
Owner: Darren Stanley Barnes  
Location: Unit 13, 12 (Lot 67, Strata Lot 13) Malcolm Road, Maddington  
Zoning: MRS: Industrial  
TPS No. 6: General Industry  
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.  
Area: 9,438m<sup>2</sup>  
Previous Ref: Nil.  
Appendices: 13.2.3A Site, Floor and Elevation Plans  
13.2.3B Schedule of Submissions  
13.2.3C Risk Management Plan

**PURPOSE OF REPORT**

For Council to consider an application for planning approval for Industry - General at Unit 13, 12 (Lot 67, Strata Lot 13) Malcolm Road, Maddington as the proposal is outside the authority delegated to staff due to objections received during the consultation period.

**BACKGROUND****Site History**

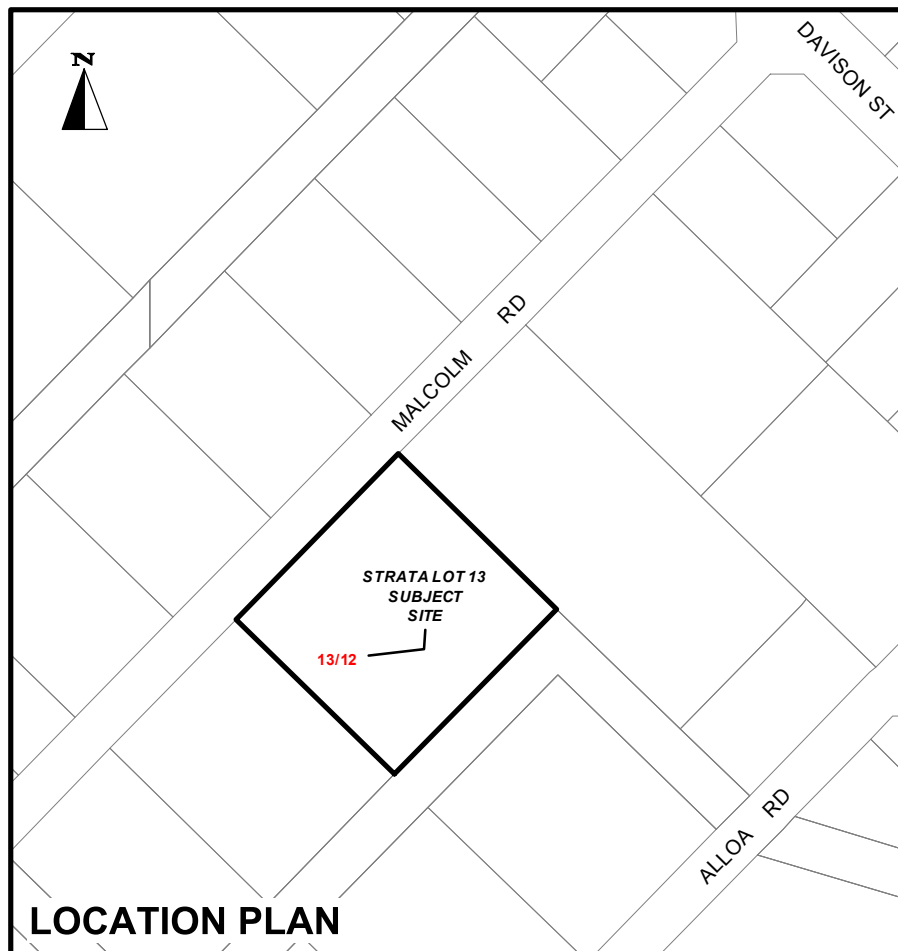
In April 2016, the City received a complaint regarding the use of the subject site. In response to compliance action by the City, an application for planning approval was received.

**Site Description and Planning Framework**

The subject site is 9,438m<sup>2</sup> in area and in a complex of 15 industrial units. The subject site is surrounded by industrial uses and abuts a drainage reserve to the southeast.

A map identifying the location of the subject site follows.

## Item 13.2.3 Continued

**Proposal**

The application involves the following:

- The use of the subject tenancy for the coating of exposed steel flat bar in a bituminous liquid, which is air dried overnight. These operations are undertaken entirely within the unit.
- Coating will only be undertaken on Tuesday and Thursday mornings, taking about two to three hours to complete.
- Coated products are removed from site by truck, only once completely dry.
- The floor of the premises is fitted with PVC film and carpet to collect and absorb any spills.

The site, floor and elevation plans are contained as Appendix 13.2.3A.

**Consultation**

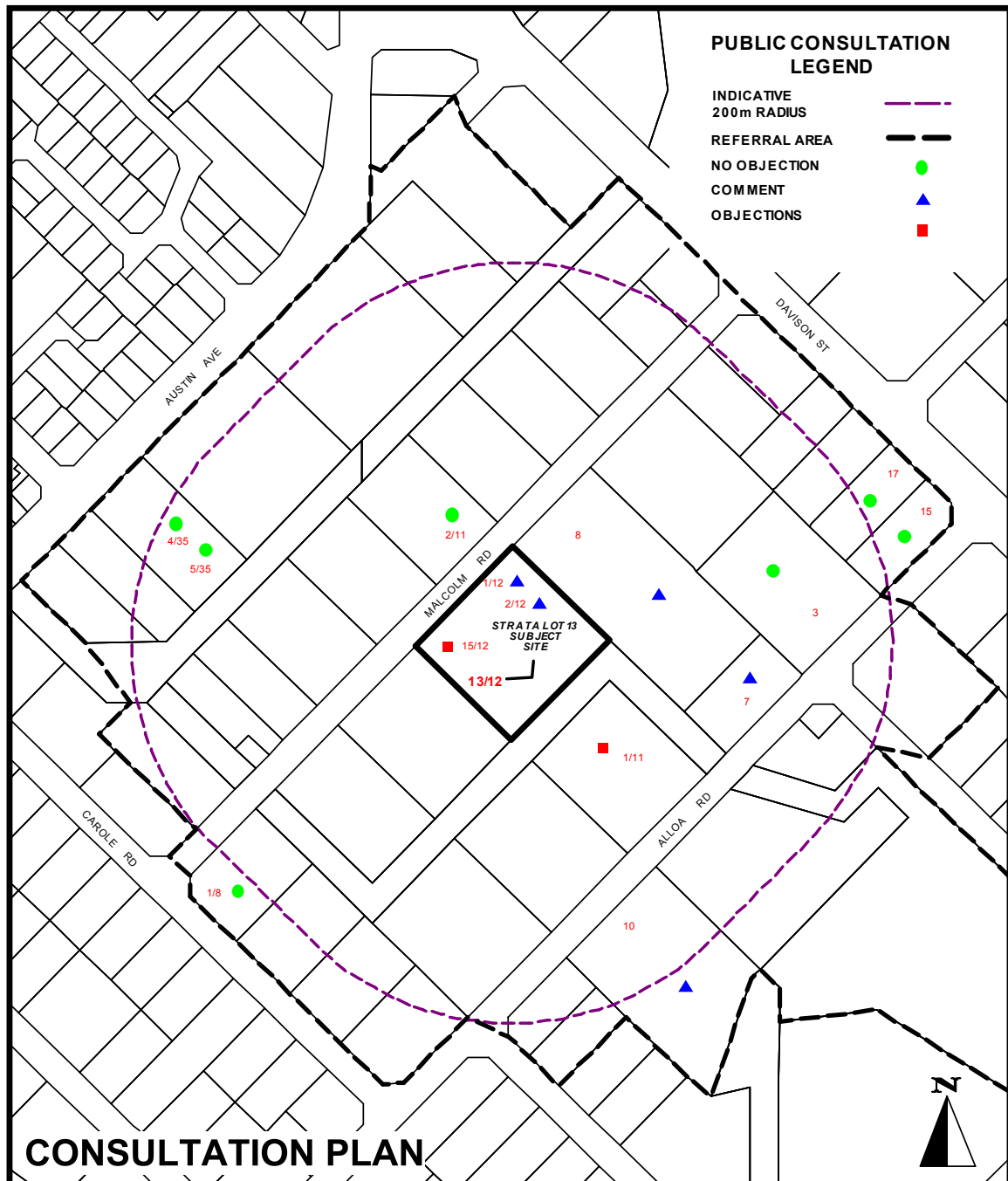
Although the application did not require advertising, due to the nature of the land use it was considered prudent to undertake public consultation. The consultation was for a period of 14 days, being from 30 August 2016 to 13 September 2016. Letters were

Item 13.2.3 Continued

sent to the owners of 105 properties within the consultation area, and in addition, 74 occupiers of properties were also invited to comment.

In response, 10 submissions were received; two objecting to the proposal, five raising no-objection and three which provided comment. It should be noted that a number of submissions were received from owners of multiple properties. A summary of these submissions and comments thereon are provided in Appendix 13.2.3B.

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



*Item 13.2.3 Continued*

The main issues raised in the submissions are as follows:

- The potential for odour emissions from the proposed use.
- The potential fire risk posed by the proposed use.

Each is discussed in the following sections, along with any other applicable technical matters.

**DISCUSSION****Town Planning Scheme No. 6**

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

**Amenity Considerations**Odour and Process Controls

The City's Health Services undertook a site visit to determine odour impacts. The City observed no mess or odour emissions from the unit. As such, the proposed method of odour filtration is sufficient for the scale of the operation.

Notably, the Department of Environment and Regulation has confirmed that the use of the premises does not require any special operating permits.

Fire Risk

A number of submitters raised concerns about fire risk. Although there are no proposed heat sources or ignition equipment proposed, the applicant has submitted a Risk Management Plan (contained in Appendix 13.2.3C) which outlines steps the operator will take to further mitigate fire risk such as ventilation, cleanliness, monitoring of equipment and the provision of fire extinguishers. In addition, the proposed use will be required to comply with the fire separation requirements as outlined by the National Construction Code of Australia – Volume 1. Based on the above, the proposal is considered acceptable.

**CONCLUSION**

The proposal is supported on the basis that the scale and nature of the business is not expected to adversely affect the safety, convenience and amenity of the site.

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

**FINANCIAL IMPLICATIONS**

Nil.

Item 13.2.3 Continued

## STATUTORY IMPLICATIONS

Town Planning Scheme No. 6.

## VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION
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### Moved Cr R Mitchell Seconded Cr L Storer

That Council approves the application for Industry - General at Unit 13, 12 (Lot 67 Strata Lot 13) Malcolm Road, Maddington, dated 29 July 2016, subject to the following condition:

#### Condition to be satisfied for the life of the development:

1. No industrial processes or storage of products may be undertaken outside of the unit premises.

PROCEDURAL MOTION
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### 250 Moved Cr G Dewhurst Seconded Cr D Goode

That Council

1. Defers the application for a change of use at 13/12 (Lot 67) Malcolm Road, Maddington, as proposed in the application dated 29 July 2016, pending the applicant's provision of written advice from the Department of Water and Environmental Regulation (DWER), that confirms:
  - a) Whether the activities undertaken specifically require the approval of the DWER;
  - b) What DWER regulations apply to the operation of the activity; and
  - c) How the use of the development will be undertaken so as to comply with any DWER requirements.
2. Advises the applicant that due to delays previously encountered in receiving required information, a period of 45 days is provided to the applicant to furnish the required information.
3. Advises the applicant that in the event that the required information is not provided, compliance action may be commenced without further notice.

CARRIED 10/0

**FOR:** Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.

**AGAINST:** Nil.

**13.2.4 DEVELOPMENT APPLICATION - ONE GROUPED DWELLING - 163B  
(STRATA LOT 2) CANNA DRIVE, CANNING VALE**

Director: C Terelinck  
Author's Declaration Nil.  
of Interest:  
Property Number: 314666  
Application No: DA17/00166  
Applicant: Danmar Homes Pty Ltd  
Owner: SSL Tan & CS Yee  
Location: 163 (Strata Lot 2) Canna Drive  
Zoning: MRS: Urban  
TPS No. 6: Residential Development  
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.  
Area: 244m<sup>2</sup>  
Previous Ref: DA13/00461  
Appendix: 13.2.4A Development Plans

**PURPOSE OF REPORT**

For Council to consider an application for planning approval for one Grouped Dwelling at 163B (Strata Lot 2) Canna Drive, Canning Vale as the proposal is outside the authority delegated to staff due to non-compliance with Local Planning Policy 4.10 - Subdivision and Development Abutting Public Areas.

**BACKGROUND****Site History**

An approval for two grouped dwellings was issued in 2014 at Lot 801 (prior to subdivision into two strata lots). The Grouped Dwelling currently being proposed is similar in design to the previous approved development. The approved drainage plan of 2015 for this Grouped Dwelling is still relevant and applicable to the current application.

**Site Description and Planning Framework**

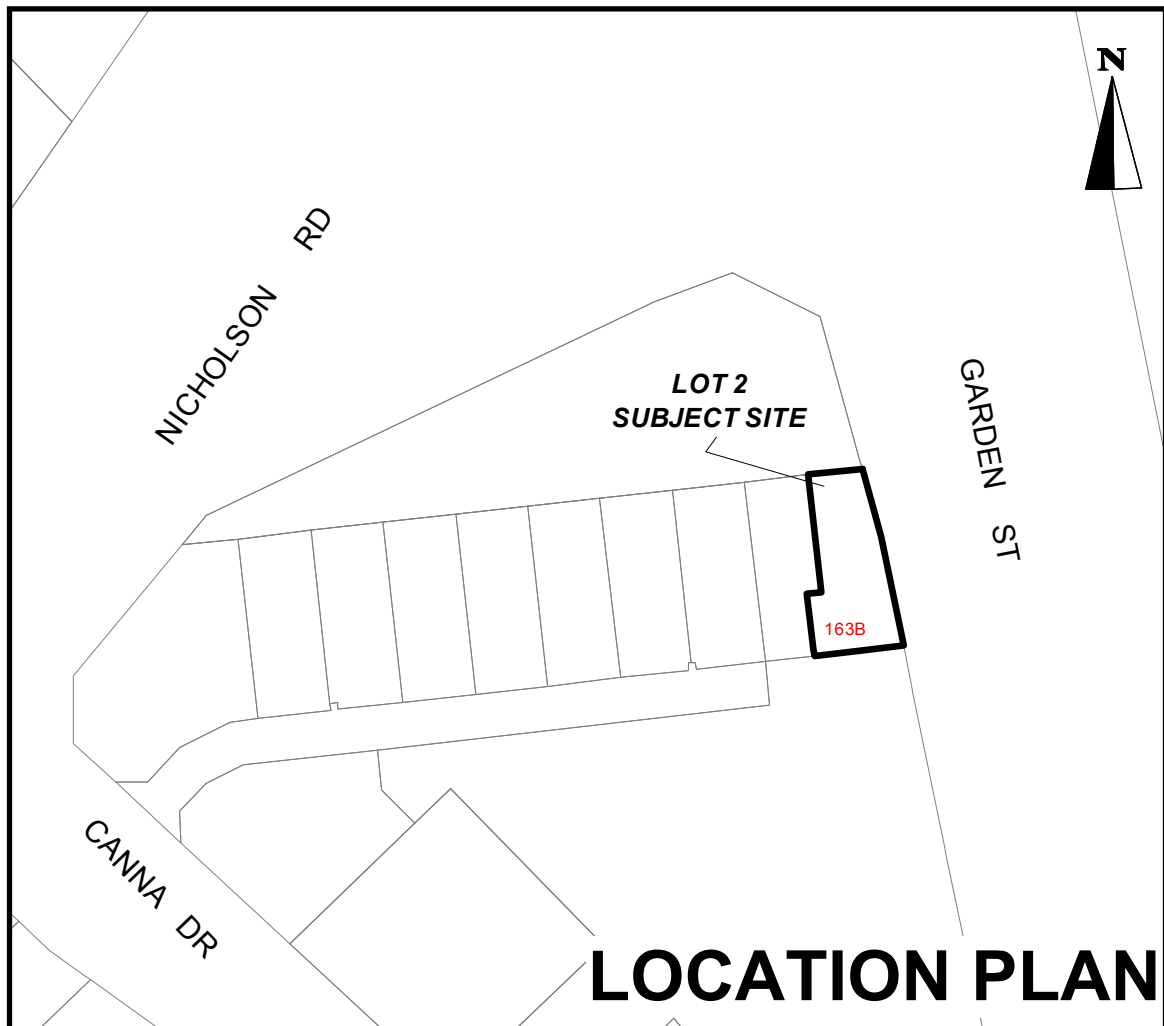
The subject site is located on Canna Drive and has its side boundary to Garden Street. Nearby development includes single storey medium density dwellings along this section of Canna Drive accessed via a common property driveway.

The property falls within the Canning Vale Outline Development Plan (ODP) which designates the overall site as a Mixed Use Centre. A Local Development Plan (formally known as a Detailed Area Plan) has been approved for this area with the subject site being designated Residential (R80) under this plan. The north-eastern boundary of the site abuts Garden Street which is reserved as an 'Other Regional Road' under the Metropolitan Region Scheme (MRS).

A map identifying the location of the subject site follows.



Item 13.2.4 Continued



**Proposal**

The application involves the following:

- The construction of a two storey grouped dwelling, accessed via the internal (common property) road accessway.
- The dwelling includes a boundary wall to the north eastern boundary (directly abutting Garden Street), to be located on the existing retaining wall.

The site, floor and elevation plans are contained as Appendix 13.2.4A.

**Consultation**

The proposal was not required to be advertised for public consultation.

Item 13.2.4 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 Outline Development Plan. In accordance with TPS 6, a Grouped Dwelling is a "D" use in the Residential Development zone, meaning it is not permitted unless the local government has exercised its discretion by granting planning approval.

### Residential Design Codes (R-Codes) and Local Planning Policy 1.1.1 - Residential Development

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 proposal is compliant with the requirements of the R-Codes and LPP 1.1.1.

### Local Planning Policy 4.10 - Subdivision and Development abutting public areas

The objective of this Policy is to ensure that all public areas have an appropriate interface to development and to ensure that the development provides sufficient levels of surveillance to public areas. The proposal complies with the Policy with the exception of Clause 4.3.4, which states:

*"4.3.4 Proposed residences that include boundary walls directly abutting Public Open Space, a Pedestrian Accessway and/or public road are not permitted, unless specifically approved by a resolution of Council."*

Council may vary the Policy in accordance with the following clauses:

*"4.5.2 Proposed variations not addressed by Clause 4.5.1 will be assessed on their individual merits, taking into account the need for development to have an appropriate surveillance of, and interface with, the public realm, in accordance with Council's SafeCity Urban Design Strategy and contemporary planning principles."*

*4.5.3 Variations to this Policy are not required to be advertised for public comment, unless in the opinion of the City, the variation will adversely affect the amenity of any adjoining property."*

*Item 13.2.4 Continued*

In considering the variation, it is noted that the garage wall that is proposed to be built up to the boundary sits on the current retaining wall. This parapet wall includes window features to totally conceal the roof form. The building colour and materials scheme complements the limestone blocks, single profile brick and black features of the retaining wall. The retaining walls presentation remains unaltered, with the balance of the boundary retaining the existing wrought iron fencing. Based on the above, the proposed variation is supported.

**Transport Noise**

The subject site is impacted by adverse noise from Nicholson Road and Garden Street which abuts the north-eastern boundary of the site. State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4) aims to protect major transport corridors from incompatible urban encroachment and protect people from unreasonable levels of transport noise by establishing a standardised set of criteria to be used in the assessment of proposals. The Policy requires the submission of a noise assessment which needs to address the acceptability of a proposal based on its ability to comply with noise parameters.

The applicant has submitted a copy of the noise assessment provided for the Mixed Use Development site located on the corner of Canna Drive and Nicholson Road in accordance with SPP 5.4. The assessment suggests that the following measures are required for the development to meet the acceptable noise standards:

- A Notification on the title.
- The inclusion of 'Quiet House' design guidelines for the dwellings on Lots 2 to 9 (the subject site was previously known as lot 8).

If the application is approved, it will be recommended that Council imposes a condition requiring the implementation of the Quiet House design general guidelines in accordance with the report.

**CONCLUSION**

The proposal is supported for the following reasons:

- The proposal complies with the requirements of the R-Codes and Local Planning Policy 1.1.1 - Residential Development.
- The proposal incorporates design elements, which creates a sense of surveillance of the public realm.
- The proposal incorporates design elements so as to not detrimentally impact the streetscape amenity.
- The proposal is generally compliant with the requirements of Local Planning Policy 4.10, and where non-compliant, the variation is considered acceptable.

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

Item 13.2.4 Continued

## FINANCIAL IMPLICATIONS

Nil.

## STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- Metropolitan Region Scheme
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- State Planning Policy 3.1 - Residential Design Codes
- Local Planning Policy 1.1.1 - Residential Development
- Local Planning Policy 4.10 - Subdivision and Development Abutting Public Spaces
- Canning Vale Outline Development Plan.

## VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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### 251 Moved Cr B Wiffen Seconded Cr D Goode

That Council approves the application for one Grouped Dwelling at 163B (Strata Lot 2) Canna Drive, dated 17 May 2017 subject to the following conditions:

#### **Conditions to be satisfied prior to the lodgement of a Building Permit application:**

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 the existence of a hazard or other factor. The notification is to be prepared and executed at the applicant's cost and 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. The applicant shall submit drawings and specifications detailing noise mitigation measures, in accordance with the submitted acoustic report (Herring Storer, April 2014) and 'State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning Implementation Guidelines'. These drawings and specifications are to be endorsed as acceptable by an independent, qualified acoustic engineer, prior to lodgement of a Building Permit application and thereafter implemented to the satisfaction of the City of Gosnells

*Item 13.2.4 Continued*

**Conditions to be satisfied prior to the commencement of use/occupancy of building(s):**

3. The proponent is to install (prior to the occupation of any of the dwellings), and thereafter maintain, landscaping on the development site in accordance with the Residential Design Codes, to the satisfaction of the City.
  
4. The drainage plan, endorsed by the City's Technical Services branch on 31 March 2015 is to be implemented, and all required drainage infrastructure thereafter maintained, to the satisfaction of the City.

**CARRIED 10/0**

**FOR:** *Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.*

**AGAINST:** *Nil.*

## 13.3 INFRASTRUCTURE

### 13.3.1 PETITION - REQUEST FOR CONSTRUCTION OF A PARK AT DOWITCHER LOOP, GOSNELLS

Author:	D Smith
Author's Declaration of Interest:	Nil.
Previous Ref:	Nil.
Appendix:	13.3.1A Dowitcher Loop Reserve – Park Design 13.3.1B Dowitcher Loop Reserve – Location Plan

#### PURPOSE OF REPORT

To advise Council of the outcome of a petition submitted at the Ordinary Council Meeting of 11 July 2017 requesting construction of a park at Dowitcher Loop, Gosnells.

#### BACKGROUND

At its Ordinary Council Meeting of 11 July 2017, Council received a petition containing 47 signatures that was initiated by Alicia Ward of 2 Dowitcher Loop, Gosnells, requesting the construction of a park in Dowitcher Loop.

#### DISCUSSION

As part of the Public Open Space Strategy Implementation Plan, the City will be constructing a park in the 2017/18 financial year on Lots 540 and 623 Dowitcher Loop Gosnells.

The surrounding residential density codes of R20, R25 and R30 have resulted in limited back yard space for children to play. This reinforces the need for the public open space to be developed for passive recreational opportunities for the immediate community.

Dowitcher Loop Reserve is geographically isolated by the Armadale railway line and Fremantle Road making access to other public open space very limited. The nearest park being Brigham Court Reserve is about a 740m walkable distance away.

Recent correspondence from a number of local residents indicated that the provision of both a playground and basketball backboard would be appreciated as part of the park development as these activities are enjoyed by the children of the local area.

Basketball infrastructure is generally not provided in the development of local parks but an exception has been made in this instance due to positive support from the local community. As such, basketball infrastructure has been included in the design with due consideration given to its location within the park to minimise noise impacts on surrounding homes.

#### FINANCIAL IMPLICATIONS

The development of Dowitcher Loop Reserve has been included in the 2017/18 Parks Capital Works program at a cost of \$235,000. This will allow construction to Liveable Neighbourhoods standard using developer contributions from the Homestead Road

*Item 13.3.1 Continued.*

Precinct Outline Development Plan. Ministerial approval for the use of additional Cash in Lieu funding of \$280,000 has been requested to ensure an adequate provision of park infrastructure to meet the needs of the community.

#### **STATUTORY IMPLICATIONS**

Nil.

#### **VOTING REQUIREMENTS**

Simple Majority required.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
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#### **252 Moved Cr G Dewhurst Seconded Cr D Goode**

That Council notes the construction of a park in Dowitcher Loop Reserve, Gosnells is included in the 2017/18 Capital Works Program, and residents be advised accordingly.

**CARRIED 10/0**

**FOR:** *Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.*

**AGAINST:** *Nil.*

**13.3.2 ASTLEY CARE INC. - LEASE OF PORTION OF LANGFORD COMMUNITY CENTRE, LOT 3 (NO 52) LANGFORD AVENUE, LANGFORD**

Author: J Walther  
Author's Declaration of Interest: Nil.  
Previous Ref: Nil.  
Appendix: 13.3.2A Floor Plan

**PURPOSE OF REPORT**

To seek Council approval to grant a new lease to Astley Care Inc., formerly known as Gosnells Community Support Service Inc., to use a portion of the Langford Community Centre, Lot 3 (No 52) Langford Avenue, Langford.

**BACKGROUND**

Astley Care Inc. holds a current tenancy lease of the above premises that terminates on 30 September 2017. Astley Care Inc. is seeking to enter into a new five-year lease.

**DISCUSSION**

Astley Care Inc. delivers homecare services that provide assistance such as home maintenance, shopping, transportation, personal and respite care to the elderly or people with a disability and their carers to assist them to continue living independently at home.

Astley Care Inc. receives funding from Western Australian Home and Community Care Program which is a joint funding initiative between the Commonwealth and WA State Governments and additional funding from the Commonwealth Government's Home Support and Home Care Packages Program.

As per the current lease Astley Care Inc. has agreed to the terms of the standard lease subject to a break clause being added in the event that government funding is reduced or discontinued such that the organisation is prevented from achieving its objectives.

The tenant has adhered to the terms of the current lease and the request to enter into a new lease is supported.

**FINANCIAL IMPLICATIONS**

Local Government rates for 2016/17 financial year were \$1,140.48 and the Emergency Services Levy was \$221.76. The rates and Emergency Services Levy will vary each year in accordance with changes in the valuation and rate in the dollar agreed by Council at its annual budget meetings.

**STATUTORY IMPLICATIONS**

Section 3.58 of the *Local Government Act 1995* provides for the disposition of local government property that includes licensing tenancy agreements.

Regulation 30 of the *Local Government (Functions and General) Regulations 1996* provides exemptions to not for profit organisations such as the Astley Care Inc. from the provisions of section 3.58 of the *Local Government Act 1995*.



Item 13.3.2 Continued.

## VOTING REQUIREMENTS

Simple Majority required.

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

#### 253 Moved Cr J Brown Seconded Cr D Goode

That Council approves a Lease to Astley Care Inc. to use a portion of the Langford Community Centre, Lot 3 (No 52) Langford Avenue, Langford as shown on attached Appendix 13.3.2A.

CARRIED 10/0

**FOR:** Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.

**AGAINST:** Nil.

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

#### 254 Moved Cr J Brown Seconded Cr D Goode

That Council approves the following terms and conditions of the Lease:

Rental:	Peppercorn
Lease Term:	Five years
Date of Commencement:	1 October 2017
Date of Expiry:	30 September 2022
Local Government Rates and Emergency Services Levy:	Payable by Tenant
Outgoings:	Payable by Tenant
Legal cost to establish new Licence:	Payable by Tenant
Special Condition:	A break clause provision is to be included in the lease, providing the lessee with the ability to terminate the lease in the event the lessee's government funding is withdrawn or reduced to a level that it cannot effectively operate.

CARRIED 10/0

**FOR:** Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.

**AGAINST:** Nil.

**13.4 COMMUNITY ENGAGEMENT**

Nil.

**13.5 CORPORATE SERVICES**

**13.5.1 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 2017/18 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 \$
JL32-95303-3762-000	Increase Expenditure	Cost sharing arrangements - POS, ODP, TPS - Other expenditure	425,920	
JL32-95303-2228-000	Increase Income	Cost sharing arrangements - POS, ODP, TPS - Transfer from Reserve Operating - Public Open Space - Cash in lieu - Central Maddington Precinct 1 Outline Development Plan		425,920

**REASON:**

Purchase of Lot 15 (139) Atfield Street Maddington to be funded from Central Maddington

Item 13.5.1 Continued.

Account Number	Type	Account Description	Debit \$	Credit \$
<b>Precinct 1 Outline Development Plan and Public Open Space Reserve.</b>				
JL32-95303-3762-000	Increase Expenditure	Cost sharing arrangements - POS, ODP, TPS - Other expenditure	233,153	
JL32-95303-2228-000	Increase Income	Cost sharing arrangements - POS, ODP, TPS - Transfer from Reserve Operating - Public Open Space - Cash in lieu - Homestead Road Development Contribution Plan Report		233,153
<b>REASON:</b> Purchase of Lot 5 and 6 Homestead Road Gosnells funded from Homestead Road Development Contribution Plan Report and Public Open Space Reserve.				
JL15-60864-3800-741	Increase Expenditure	Harmony Fields Dog Park - Capital purchases	310,000	
JL32-95303-2032-000	Increase Income	Harmony Fields Dog Park - Harmony Fields Reserve - Transfer from Reserve Capital		310,000
<b>REASON:</b> Construction of an enclosed dog park at Harmony fields to be funded from the Harmony Fields Reserve per OCM 9 May 2017 Resolution Number 131.				
JL14-80318-3800-499	Increase Expenditure	Warton Road / Garden Street - Extension of left turn pocket - Capital purchases	126,667	
JL14-80318-1359-498	Increase Income	Warton Road / Garden Street - Extension of left turn pocket - State Black Spot		126,667
<b>REASON:</b> State Black Spot Grant funding received from the Department of Main Roads for the extension of a left turn pocket at the intersection of Warton Road and Garden Street.				
JL14-84389-3800-499	Increase Expenditure	Canning Mills Road widening - Capital purchases	300,000	
JL14-84389-1353-498	Increase Income	Canning Mills Road widening - Grants - Roads to Recovery		300,000
<b>REASON:</b> Roads to Recovery funding received for widening of Canning Mills Road.				
JL14-84390-3800-499	Increase Expenditure	Shoemaker Lane Gosnells upgrade - Capital purchases	450,000	
JL14-84390-1353-498	Increase Income	Shoemaker Lane Gosnells upgrade - Grants - Roads to Recovery		450,000
<b>REASON:</b> Roads to Recovery funding received for an upgrade of Shoemaker Lane Gosnells.				
JL15-60686-3800-774	Increase Expenditure	Sandringham Promenade Reserve gazebo renewal - Capital purchases	90,000	
JL15-60686-2400-000	Increase	Sandringham Promenade		90,000

Item 13.5.1 Continued.

Account Number	Type	Account Description	Debit \$	Credit \$
	Income	Reserve gazebo renewal - Transfer from Reserves Capital - Public Open Space - Canning Vale		
<b>REASON:</b> Urgent replacement of the gazebo at Sandringham Promenade Reserve as it has reached the end of its useful life and is now unsafe. Cash in lieu funding will be sought from Department of Planning for this project but failing that the project will be funded from Council reserves.				

**STATUTORY IMPLICATIONS**Section 6.8 of the *Local Government Act 1995*.**VOTING REQUIREMENTS**

Absolute Majority required.

## STAFF RECOMMENDATION AND COUNCIL RESOLUTION

**255 Moved Cr L Storer Seconded Cr T Lynes**

That Council approves the following adjustments to the 2017/18 Municipal Budget:

Account Number	Account Description	Debit \$	Credit \$
JL32-95303-3762-000	Cost sharing arrangements - POS, ODP, TPS - Other expenditure	425,920	
JL32-95303-2228-000	Cost sharing arrangements - POS, ODP, TPS - Transfer from Reserve Operating - Public Open Space - Cash in lieu - Central Maddington Precinct 1 Outline Development Plan		425,920
JL32-95303-3762-000	Cost sharing arrangements - POS, ODP, TPS - Other expenditure	233,153	
JL32-95303-2228-000	Cost sharing arrangements - POS, ODP, TPS - Transfer from Reserve Operating - Public Open Space - Cash in lieu - Homestead Road Development Contribution Plan Report		233,153
JL15-60864-3800-741	Harmony Fields Dog Park - Capital purchases	310,000	
JL32-95303-2032-000	Harmony Fields Dog Park - Harmony Fields Reserve - Transfer from Reserve Capital		310,000

Item 13.5.1 Continued.

<b>Account Number</b>	<b>Account Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
JL14-80318-3800-499	Warton Road / Garden Street - Extension of left turn pocket - Capital purchases	126,667	
JL14-80318-1359-498	Warton Road / Garden Street - Extension of left turn pocket - State Black Spot		126,667
JL14-84389-3800-499	Canning Mills Road widening - Capital purchases	300,000	
JL14-84389-1353-498	Canning Mills Road widening - Grants - Roads to Recovery		300,000
JL14-84390-3800-499	Shoemaker Lane Gosnells upgrade - Capital purchases	450,000	
JL14-84390-1353-498	Shoemaker Lane Gosnells upgrade - Grants - Roads to Recovery		450,000
JL15-60686-3800-774	Sandringham Promenade Reserve gazebo renewal - Capital purchases	90,000	
JL15-60686-2400-000	Sandringham Promenade Reserve gazebo renewal - Transfer from Reserves Capital - Public Open Space - Canning Vale		90,000

**CARRIED BY ABSOLUTE MAJORITY 10/0**

**FOR:** Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.

**AGAINST:** Nil.

## 13.6 GOVERNANCE

### 13.6.1 APPLICATION TO KEEP FOUR DOGS - 11 (LOT 25) THORNLIE AVENUE, THORNLIE

Author: G Bradbrook  
Author's Declaration Nil.  
of Interest:  
Previous Ref: Nil.  
Appendix: Nil.

#### PURPOSE OF REPORT

For Council to consider an application to keep four dogs on the property located at 11 (Lot 25) Thornlie Avenue, Thornlie.

#### BACKGROUND

The City has received an application to keep up to four dogs on the property located at 11 (Lot 25) Thornlie Avenue, Thornlie. The applicant currently has one greyhound and wishes to foster retired racing greyhounds for short periods before they can be permanently rehomed.

Council Policy 5.4.46 - Applications to Keep More Than Two Dogs prescribes the factors to be considered when determining applications to keep more than two dogs as follows:

- The size of the property on which the dogs are to be kept
- The type of dogs proposed to be kept and the generally accepted characteristics of those dogs
- Any history of complaints in relation to dogs on the property
- Any history of complaints in relation to dogs registered to the applicant, including those made to other local governments or the RSPCA
- Surrounding land uses
- The adequacy of fences to contain the dogs
- The reason for which the exemption is sought.

Where the City receives an application to keep more than two dogs on residential zoned land Council Policy 5.4.46 also requires the City to undertake consultation with the owners and occupiers of properties located within 100 metres of the property on which the dogs are proposed to be kept.

#### DISCUSSION

Each of the policy parameters to be considered and the outcome of consultation on the application are discussed below.

*Item 13.6.1 Continued.*

**The size of the property on which the dogs are to be kept**

The subject property has an area of 784 square metres.

**The type of dogs proposed to be kept and the generally accepted characteristics of those dogs**

The applicant proposes to keep up to four greyhounds on the property at any one time. Greyhounds are generally considered to be intelligent, gentle, even tempered, quiet and athletic. Generally, greyhounds need regular short bursts of high intensity exercise.

**Any history of complaints in relation to dogs on the property**

The City has no history of complaints in relation to dogs on the subject property.

**Any history of complaints in relation to dogs registered to the applicant, including those made to other local governments or the RSPCA**

The City has no history of complaints in relation to dogs registered to the applicant. The RSPCA has also confirmed that it has never received any complaints in relation to animals kept by the applicant.

**Surrounding land uses**

The subject property is surrounded by relatively low density (generally R17.5) residential development.

**The adequacy of fences to contain the dogs**

The fences to the property are considered sufficient to contain the dogs.

**The reason for which the exemption is sought**

The applicant currently has one greyhound registered with the City and wishes to be able to foster up to three retired greyhounds at a time before those dogs are permanently rehomed. All of the dogs would be registered and microchipped.

The applicant has advised that she works from home and as such, is able to monitor the dogs to ensure they don't cause a nuisance.

**Consultation**

In accordance with Council Policy 5.4.46 - Applications to Keep More than Two Dogs, the owners and occupiers of properties located within 100 metres of the subject property were invited to comment on the application. At the close of the consultation period, three submissions were received, all objecting to the application.

The submissions were received from the owners of properties located 80, 85 and 100 metres from the subject property. None of the submissions raised specific issues in relation to dogs in the immediate area or dogs kept on the subject property.

*Item 13.6.1 Continued.*

No submissions were received from the owners or occupiers of properties immediately adjoining the subject property.

### **Conclusion**

Given that the City has no history of complaints in relation to dogs kept on the subject property or those registered to the applicant, combined with the fact that those people who made submissions did not raise any specific reasons for their objections, it will be recommended that Council approves the application to keep up to four greyhounds at any one time at the property located at 11 Thornlie Avenue, Thornlie. The approval would be personal to the applicant and not transferrable to any other person or any other property.

### **FINANCIAL IMPLICATIONS**

Nil.

### **STATUTORY IMPLICATIONS**

Clauses 26 (1) and (2) of the *Dog Act 1976* allow local governments to make a local law that limits the number of dogs that may be kept on a property. The *City of Gosnells Dogs Local Law 2011* limits the number of dogs a person may keep to two.

However, clause 26(3) of the *Dog Act 1976* allows a local government to grant approval for a person to keep more than the number of dogs permitted under a local law. That approval can be subject to any conditions the local government considers appropriate and may be revoked at any time.

Where a local government refuses an application to keep more than two dogs on a property or approves an application but imposes conditions the applicant finds objectionable, the applicant can seek a review of that decision by the State Administrative Tribunal.

### **VOTING REQUIREMENTS**

Simple Majority required.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
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### **256 Moved Cr L Storer Seconded Cr D Goode**

That Council approves the keeping of up to four greyhounds on the property located at 11 Thornlie Avenue, Thornlie with this approval being personal to the applicant and not transferrable to any other person or property.

**CARRIED 10/0**

**FOR:** Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes, Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.

**AGAINST:** Nil.



**15. URGENT BUSINESS**  
(by permission of Council)

Nil.

**16. CONFIDENTIAL MATTERS****16.1 CITY OF GOSNELLS WASTE LOCAL LAW 2016**

Author: G Bradbrook  
Author's Declaration Nil.  
of Interest:  
Previous Ref: OCM 23 August 2016 (Resolution 298)  
OCM 22 November 2016 (Resolution 434)  
Appendix: 16.1A Confidential report

**PURPOSE OF REPORT**

For Council to note correspondence received from Parliament's Joint Standing Committee on Delegated Legislation in relation to the City of Gosnells Waste Local Law 2016 and the City's response to that correspondence.

In accordance with Section 5.23(2)(d) of the *Local Government Act 1995*, the report attached as Appendix 16.1A along with its Attachments A and B is confidential as they contain information that deals with legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

COUNCIL RESOLUTION
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**257 Moved Cr R Mitchell Seconded Cr T Lynes**

That Council notes the correspondence received from the Joint Standing Committee on Delegated Legislation in relation to the City of Gosnells Waste Local Law 2016 and the City's response to that letter as detailed in Confidential Attachments A and B, respectively.

CARRIED 10/0

**FOR:** Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr D Griffiths, Cr P Griffiths, Cr T Lynes,  
Cr R Mitchell, Cr L Storer, Cr B Wiffen and Cr O Searle.

**AGAINST:** Nil.

**17. CLOSURE**

The Mayor declared the meeting closed at 8.36.