

1.5: RESCISSION MOTION

IN BRIEF:

- At the Ordinary Council Meeting held on Tuesday 15 March 2011, Council approved the Development of Grouped Dwellings x 28-20 Grove Street West, Little Grove.
- On 11 April 2011, a petition was received by the City of Albany demanding a rescission of Council's approval for the development at 20 Grove Street West, Little Grove.
- On 15 April 2011, a Rescission Motion was received by the Chief Executive Officer, Ms Faileen James. The Rescission Motion is as follows:

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT the Motion resolved at Ordinary Council Meeting dated 15 March 2011 as follows:

THAT a Notice of Planning Scheme Consent be ISSUED for 28 Group Dwellings (Single Bedroom Dwellings) at Lot 6 Grove Street West, Little Grove Be revoked or changed.

Reason:

The proposed development is out of keeping with other blocks in the neighbourhood and is opposed by a large majority of local ratepayers. There is also doubt over the validity of compliance with the 'R; Codes with reference to designated visitor parking, the definition of a 'single bedroom dwelling' and the disposition of private open space.



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REVOKING OR CHANGING DECISIONS MOTION - FORM

In accordance with Regulation 10(1a) of the Local Government (Administration) Regulations 1996, we the undersigned hereby move to have the MOTION which was moved at the OCM Council Meeting held on MARCH 15th 2011, be reconsidered.

<u>ROLAND LAVER</u> Name	<u>[Signature]</u> Signature	<u>30th March 2011</u> Date
<u>DAVID BOSTOCK</u> Name	<u>[Signature]</u> Signature	<u>30 March 2011</u> Date
<u>Jill Bostock</u> Name	<u>[Signature]</u> Signature	<u>30 March 2011</u> Date
<u>Mervyn Levesley</u> Name	<u>[Signature]</u> Signature	<u>1 - APRIL 2011</u> Date
<u>MINTON EVANS</u> Name	<u>[Signature]</u> Signature	<u>18 - APRIL 2011</u> Date

ITEM NUMBER:
ITEM TITLE: MOTION BY
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT the Motion resolved at ordinary council meeting, dated 15/3/11, as follows:
 THAT A NOTICE OF PLANNING SCHEME CONSENT BE ISSUED FOR 28 GROUP DWELLINGS (single bedroom dwellings) AT LOT 6 GROVE STREET WEST, LITTLE GROVE, SUBJECT TO THE FOLLOWING CONDITIONS. . . .
 Be revoked or changed.

[Section 5.25 (1)(e) of the Local Government Act 1995 refers]

THE PROPOSED DEVELOPMENT is out of keeping with other blocks in the neighbourhood AND is opposed by a large majority of local rate payers. THERE IS ALSO DOUBT OVER THE VALIDITY OF COMPLIANCE WITH THE 'R' CODES WITH REFERENCE TO DESIGNATED VISITOR PARKING, the definition of a 'single bedroom' dwelling

**** DISCLAIMER ****

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and the disposition of private open space.

ITEM 1.5: RESOLUTION 1

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR D BOSTOCK**

THAT Item 1.5 be ACCEPTED as an urgent item.

CARRIED 10-2

Record of Vote

Against the Motion: Councillors Matla and Sutton.

ITEM 1.5: RESOLUTION 2

**MOVED: COUNCILLOR WELLINGTON
SECONDED: COUNCILLOR SUTTON**

THAT Council go Behind Closed Doors to discuss Item 1.5.

CARRIED 10-2

Record of Vote

Against the Motion: Councillors J Bostock and D Bostock

Due to the large number of people in the public gallery, Council adjourned to the Councillor Meeting Room to continue discussion behind closed doors.

ITEM 1.5: RESOLUTION 3

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HAMMOND**

THAT Standing Order 5.7-Order of Call in Debate, be SUSPENDED to allow discussion.

CARRIED 12-0

ITEM 1.5: RESOLUTION 4

**MOVED: MAYOR EVANS
SECONDED: COUNCILLOR SUTTON**

THAT Standing Order 5.7-Order of Call in Debate, be RESUMED.

CARRIED 12-0

ITEM 1.5: RESOLUTION 5

**MOVED: COUNCILLOR LEAVESLEY
SECONDED: COUNCILLOR WELLINGTON**

THAT Council come out from Behind Closed Doors.

CARRIED 12-0

Mayor Evans then announced to the public gallery that Council could not revoke its previous decision of 15 March 2011, as it would be unlawful.

CEO F James stated that further reasoning should not be provided as it would defeat Council's legal professional privilege rights.