

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 19 JANUARY 1999 AT 7:30 P.M.

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 19 JANUARY 1999 AT 7:30 P.M.

PRESENT:

COMMITTEE MEMBERS

Mr J Grljusich	-	Mayor
Mr J Ostojich	-	Deputy Mayor
Mr R A Lees	-	Councillor
Mr C Elpitelli	-	Councillor
Mrs S Hunt	-	Councillor
Mr S Lee	-	Councillor
Mrs M Separovich	-	Councillor
Mr L Humphreys	-	Councillor
Mr L Howlett	-	Councillor (Dep. 12.02am)
Mr M Pecotic	-	Councillor
Mr J Gianoli	-	Councillor
Mr J McNair	-	Councillor

IN ATTENDANCE

Mr D M Green	-	Acting Chief Executive Officer
Mr A T Crothers	-	Director, Finance & Corporate Services
Mr B K Greay	-	Director, Engineering & Works
Mr S Ryan	-	Manager, Planning & Development
Mrs B Pinto	-	Secretary/PA, Finance & Corporate Services

The Presiding Member declared the meeting open at 7.30 pm.

1. APPOINTMENT OF PRESIDING MEMBER [IF REQUIRED]

Nil

2. PUBLIC ADDRESS SESSION



Mr Richard Graham, a resident of Atwell spoke to SPC1/99 - Item 9.1 - Local Government Elections 1999. He said at the last election the voter participation rate in 1997 was 13.8%. This compares with voter participation rate to 48% amongst other Councils that conducted postal ballots. Even if this district achieved a voter participation rate equal to that of the Town of Vincent, which amongst the postal vote Councils achieved the lowest participation rate, we would still triple our voter participation. In his opinion he felt that there are two main arguments put forward against postal voting:

Firstly the scope for fraud is greater. He does not agree with this. The reason is because the Electoral Commission at the request of the City has the facility to randomly check signatures on the electors' certificate to make sure that the person who has sent the ballot is the same person who sends it back to the Electoral Commission, whereas currently, for an In Person Voting there is not generally a check made to ensure that the voter is the person they say they are.

Secondly, no one knows if the participation rate would remain stable for the remainder of that time. His response to this was yes, no one knows. But what we do know is that Voting in Person does not work.

A resident of Cockburn also spoke to SPC1/99 - item 9.1 - Local Government Elections. She asked when was postal voting going to be made available given the overwhelming percentage of residents wanting it. All studies show many more people vote when postal voting is available. She queried as to why time and money was wasted on a survey conducted in February 1998 and then blatantly to ignore it. If Council is sincere in listening to the wishes of the electorate, then they have already delayed taking any action for nearly a year. It shouldn't be a case of what Councillors want. They are here to serve us, the electorate. She said that those Councillors voting against postal voting in May 1999, do so knowing they are going against the people's wishes, expressed wishes and that would not be a democratic decision and should be regarded as such.

Mrs Val Oliver spoke on SPC12/98 - Item 10.1 - Roe Highway Stages 5-7 - Affect on Local Government Roads. She stated that Mayor Grljusich and Clr Humphreys had been selected to hold talks with Main Roads WA. She felt that community groups should be represented in these talks as they have been aware of the situation for a while.

She also queried as to what was happening with the advertising in the Cockburn Gazette?

Mayor Grljusich responded with regard to Roe Highway, that the Administration was working with Main Roads to see the feasibility of constructing Roe Highway on its present alignment from the Eastern



Bypass, east of Stock Road. He said that no conclusions have come forward yet from those studies and there is no guarantee that this will be constructed. However, he was sure the public will be informed of what is happening on this matter in the course of time.

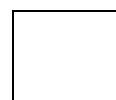
With regard to the Cockburn Gazette, Administration has taken the view of spreading advertising between the two papers and there was every likelihood that the Fremantle Herald will be produced throughout Cockburn and every household will be receiving it in their letterbox. This is an administrative decision.

Mr Tony Van den Dries of BSD Consultants representing Terry Battalis, spoke on CDC1/99 - Item 7.3 - Final Adoption - Amendment No.182, which relates to the final approval of Amendment No.182. He said he was involved with the rezoning proposal for nearly 4 years. This was the second attempt to get land rezoned and therefore, strongly urged Council to support the recommendations made by officers on this amendment, as he believes that those recommendations put forward addresses all concerns raised by the community through the public submission period. He was rather disappointed to see a negative recommendation by Committee on this matter and asked Council in dealing with this matter, to overturn the Committee's recommendation and support the amendment with or without modification, generally in accordance with the recommendation put forward previously to Committee by Officers.

Mr Claude Della-Bona spoke on OCM1/99 - Item 9.1 - Packham Urban Development Area Public Open Space. He spoke on behalf of his parents who are land owners within the Packham Urban Development Area (P.U.D.A.) and who also have an interest in relation to Public Open Space within the same development area. He stated that he was elected spokesman for a number of landowners in the P.U.D.A., who have a similar interest in the POS of that development area. Mr Della-Bona presented a Statement with regard to the Packham Urban Development Area Public Open Space.

He said discussions with land owners has revealed a great deal of concern and apprehension regarding the management of the POS/Wetlands and in particular, the "Trust Fund" arrangements and the role of Council in respect of funds flowing through the "Trust Fund". An often-asked question has been, "Have all Trust Funds been applied in a responsible and professional manner for the benefit of the beneficiaries?"

He strongly urged Council to rescind both decisions made by Council at its July and December 1998 Meetings, pending a full and exhaustive review of all POS issues, including trust fund administration within the P.U.D.A. He said that he had a number of documents which conclusively demonstrate that the City's administrators have acted not



only contrary to the wishes of elected Councillors, but also in contravention of the Town Planning Act.

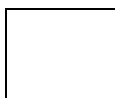
Finally, he directed a question to Mayor Grljusich as to whether his Company, Peremate Holdings, who has developed land in the P.U.D.A. and has made a POS contribution in land, has been paid for its contribution? He stated that the landowners and in fact all ratepayers, have a right to know.

Mayor Grljusich thanked Mr. Della-Bona and responded that Peremate Holdings are part of the development within the Packham Urban Development Area and have contributed 27% of their landholdings of Public Open Space. He stated that he can categorically state quite clearly that Peremate Holdings, which he is a Director of, has not received public open space money whatsoever and they were very much in the same position as what the other landowners are. Mayor Grljusich said that Mr. Della-Bona's issues will be taken up during the recision of the item at tonight's meeting.

Mr Andy Perica, a resident of Spearwood, also spoke on the Packham Urban Development Area issue as he was involved in the Scheme with Urban Focus. His understanding from a meeting held, is that he gave land free of charge to Urban Focus. He felt somewhat satisfied that all monies from the Public Open Space (10%) should have been collected by the City of Cockburn. But unfortunately that wasn't the case and was rather surprised on the matters raised by Mr. Della-Bona on the same issue. He strongly feels that the City of Cockburn is to blame, not Urban Focus. He is of the opinion that Urban Focus is commanding Council and the landowners, which is wrong. He stated that the ratepayers have elected Councillors to protect the landowners not Urban Focus.

Mayor Grljusich responded that all concerns will be taken up at the appropriate time when the matter is discussed.

Mrs Sheila Grljusich, a ratepayer of Cockburn, also spoke on the Packham Urban Development Area Public Open Space. She asked Mayor Grljusich, as Director of Peremate Holdings, as to "why the Council sent Peremate Holdings a bill for the cost of a Deed of Agreement which failed in its execution because of the incompetence of the Council or its Administrators? Who is the expert, and I say expert, that recommended to Council, that the Deed between Council and Peremate Holdings Pty Ltd be agreed to by two Ministers of the Crown and two Executive Officers of the Ministers' Department, when quite clearly it is shown that 20C of the Town Planning and Development Act that Council has clear jurisdiction and responsibility for purchasing of POS land?



May I ask if a letter dated 19 August 1998 to the Chief Executive Officer, Mr. Rod Brown from Peremate Holdings, has been shown to Council. If not, I ask why not. This letter states that while Peremate Holdings seeks clearances for their subdivision, our requests for clearances is driven by objective circumstances outside our control. The clearances sought, do not signal the end of our discussions and negotiations relating to POS with the PUDA and we do not in any way, relinquish our rights to an appropriate share of POS money held in Trust by the City of Cockburn. And I would like to ask also why has Peremate Holdings been treated as a black sheep and I repeat black sheep, in this POS debate?

Also, why has Council adopted a valuation for Peremate POS land in the proposed Deed which does not reflect the same schedule adopted by landowners of the whole Packham Open Space Area and which was accepted by Council's Senior Officers, who consequently paid out \$222,934 to Urban Focus, which effectively endorsed the ethical payment principles within the 1992 Open Space Payment Schedule. I as a Director of Peremate Holdings Pty Ltd, fully endorse the actions expressed by landowners here tonight in their efforts to bring order to this process. And I also ask why is Council trying to rob me and I repeat rob me, of my deceased husband's rightful entitlement and I repeat rightful entitlement?"

Mayor Grljusich replied by asking Mrs Grljusich whether she would like her questions answered in writing, to which she agreed.

Mr Glen Head a resident of South Lake, spoke to SPC1/99 - Item 9.1 - Local Government Elections 1999. He requested Councillors in their capacity as elected members, to consider an issue of critical importance "not with thought for yourselves and the position you hold today, but with thought for citizens and ratepayers of Cockburn who have told you what they desire." The issue being Postal Voting. He strongly urged Councillors to represent them honestly and openly by voting yes to postal voting later tonight. He emphasised that Council recently commissioned an extensive survey which produced data which we were assured would guide the decision making process of Council well into the next decade. The survey question was, "Would you be likely to vote in the next Local Government Elections if postal voting was introduced?" And the overwhelming response was, yes. The survey had indicated that 75% of respondents said that they would vote if postal voting was introduced. Finally, he urged Councillors to give some thought to the issue, in order to fulfil the wishes of its ratepayers.

Another speaker speaking on behalf of his mother, **Marianna Mustaglia** and next door neighbour **Mrs. Panizza** spoke on the Packham Urban Development Area and asked whether Council had received a letter from their Solicitors with regard to the Packham Urban Development Area Public Open Space. The Acting Chief Executive



Officer replied that a facsimile was received from Solicitors Frichot and Frichot.

Mayor Grljusich thanked the public for the questions put tonight and hopes Councillors would listen to concerns expressed.

3. WRITTEN REQUEST FOR LEAVE OF ABSENCE

3.1 (OCM1/99) - LEAVE OF ABSENCE - CLR L. HOWLETT (1705) (DMG)

RECOMMENDATION

That Council resolve to grant a Leave of Absence to Clr L. Howlett for the period 26th January to 6th February 1999 inclusive.

COUNCIL DECISION

MOVED Clr Humphreys SECONDED Clr Gianoli that Council grant a Leave of Absence to Clr L. Howlett for the period 26th January to 6th February 1999 inclusive.

CARRIED

Background

By facsimile dated 14th January 1999, Clr Howlett has sought Leave of Absence for the period 26th January to 6th February 1999 inclusive.

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A



Clr Gianoli declared an interest in the following items 9.4, 9.5 and 9.6. The nature of the interest being that he is a partner of Southside Realty and is acting as selling agent for one of the owners in this Scheme.

MAYOR GRLJUSICH AND CLR GIANOLI LEFT THE MEETING THE TIME BEING 8.14 PM.

AT THIS POINT IN THE MEETING DEPUTY MAYOR OSTOJICH ASSUMED THE ROLE OF PRESIDING MEMBER.

MOVED Clr McNair SECONDED Clr Lees that the following items be added to the Agenda:

- 9.3 (OCM1/99) - Tape Recording of Council Meetings (1054) (Clr Pecotic)
- 9.4 (OCM1/99) - Rescission Motion - Packham Urban Development Area - Public Open Space Payment (SPC7/98 - Item 15.2) (9235; 104081) (Clr Pecotic)
- 9.5 (OCM1/99) - Buffer Around the Watsonia Factory - Land Subdivision (9235; 104081) (Clr Pecotic)
- 9.6 (OCM1/99) - Packham Development Area Public Open Space Funds (9235; 104081) (Clr Pecotic)

CARRIED

MAYOR GRLJUSICH AND CLR GIANOLI RETURNED TO THE MEETING THE TIME BEING 8.16 PM

AT THIS POINT IN THE MEETING MAYOR GRLJUSICH RESUMED AS PRESIDING MEMBER

7. DEPUTATIONS

Nil

8. COUNCIL MATTERS

- 8.1 (OCM1/99) - STRATEGIC & POLICY COMMITTEE REPORT - 5/1/99 (1055)



MOVED Cllr Hunt SECONDED Cllr McNair that the report of the Strategic and Policy Committee Meeting held on 5 January 1999 be received and the following recommendations be adopted:

Item 7.1 (SPC1/99) - CORPORATE STRATEGIC PLAN 1999-2010 (SMH)

COUNCIL DECISION

That Council:

- (1) adopt the revised Corporate Strategic Plan 1999-2010;
- (2) direct the Director Community Services to have the Plan professionally prepared, illustrated and published subject to the following amendments:
 - a) That the words "What is" in headings such as "*What is our Vision*" be replaced with the words "This is";
 - b) That any reference in the document to "place to live and work" should now read "place to live, work and visit"; and
 - c) In item 4. Facilitating The Needs of our Community, dot point 3 be amended to read "... natural recreation areas to be provided"
 - d) The positioning of the Mayoral and Chief Executive Officer's statements be reversed.
- (3) have 2000 copies of the Plan produced for the use of residents, ratepayers and other interested organisations and agencies;
- (4) provide the sum of \$3,500 in the budget review to be undertaken in February 1999.

Item 9.2 (SPC1/99) - CONFERENCE - SUBSTITUTE ATTENDANCE (1027) (DMG) (ALL WARDS)

COUNCIL DECISION

That Council amend its Conference Policy (A5.12) by the addition of the following Clauses 11 and 12 –

- (11) On any occasion when a Council delegate is unable to attend a Conference, the Chief Executive Officer be delegated the authority to substitute another Councillor delegate, following consultation with the Mayor, and;

- (12) All airline tickets purchased to transport delegates to and from Interstate Conferences are required to be insured to enable the ticket purchase price to be refunded, in the event of a delegate being unable to use the ticket.

CARRIED

Item 8.1 (SPC1/99) - IPS PARTNERSHIP - TRANSPORT STUDY - DR. PETER NEWMAN, MURDOCH UNIVERSITY (9523) (SMH)

COUNCIL DECISION

MOVED Mayor Grljusich SECONDED Clr Humphreys, that:

- (1) Council receive the proposal by IPS Partnership for a Transport Study;
- (2) Council advise the IPS Partnership that the Council is prepared to contribute \$5,000 to the study; and
- (3) funds be provided from Account No.500315;

CARRIED ON CASTING VOTE OF THE PRESIDING MEMBER

Item 9.1 (SPC1/99) - LOCAL GOVERNMENT ELECTIONS 1999 (1700) (DMG) (ALL WARDS)

COUNCIL DECISION

MOVED Clr Pecotic SECONDED Clr Elpitelli that Council resolve to conduct Voting in Person Elections at Local Government Elections to be held in the City of Cockburn in 1999 and that the Electoral Commissioner be responsible for the conduct of elections.

MOTION LOST DUE TO LACK OF SPECIAL MAJORITY

VOTES FOR AND AGAINST THE MOTION WERE REQUESTED TO BE RECORDED:

FOR: MAYOR GRLJUSICH, DEPUTY MAYOR OSTOJICH, CLR PECOTIC, CLR GIANOLI, CLR ELPITELLI AND CLR McNAIR.



AGAINST: CLR HUMPHREYS, CLR HOWLETT, CLR LEE, CLR LEES, CLR HUNT AND CLR SEPAROVICH.

MOVED Clr Lee SECONDED Clr Separovich that Council resolve to conduct the Local Government Elections to be held in the City of Cockburn in 1999 as Postal Elections and declare the Electoral Commissioner to be responsible for the conduct of the elections.

MOVED Deputy Mayor Ostojich SECONDED Clr McNair that the motion be put.

CARRIED

MOTION PUT AND LOST DUE TO LACK OF SPECIAL MAJORITY

VOTES FOR AND AGAINST THE MOTION WERE REQUESTED TO BE RECORDED:

FOR: CLR HUMPHREYS, CLR HOWLETT, CLR LEE, CLR LEES, CLR HUNT AND CLR SEPAROVICH.

AGAINST: MAYOR GRLJUSICH, DEPUTY MAYOR OSTOJICH, CLR PECOTIC, CLR GIANOLI, CLR ELPITELLI AND CLR McNAIR.

Item 9.3 (SPC1/99) - METHOD OF MAYORAL ELECTION (1700) (DEPUTY MAYOR OSTOJICH)

COUNCIL DECISION

MOVED Clr Elpitelli SECONDED Clr Humphreys that the present method of choosing the office of the Mayor to be elected by Members of Council, be retained.

CARRIED UNANIMOUSLY

Item 14.1 (SPC1/99) - PROVISION OF BULK VERGE COLLECTIONS AND RECYCLING SERVICE TO INDUSTRIAL/COMMERCIAL PREMISES (4900) (RJ)

COUNCIL DECISION

MOVED Clr Elpitelli SECONDED Clr Lees that the matter be referred to the next Strategic and Policy Committee for further consideration of including bulk verge collection and recycling services to industrial/commercial properties

MOTION WITHDRAWN

MOVED Clr Elpitelli SECONDED Clr Pecotic that Council:

- (1) continue to provide bulk verge and recycling services to residential properties;
- (2) review the matter prior to the introduction of the 240L MGB recycling service;
- (3) request waste services staff to monitor the extent of the verge littering problem and its possible link to the bulk verge collection service over the next 3 months;
- (4) develop strategies to minimise this potential problem in the future;
- (5) at present, will not provide bulk verge collection and recycling services to industrial/commercial properties;
- (6) provide green waste pick-up to industrial/commercial premises in line with residential pick-ups; and
- (7) place funds on the current Budget in the Budget Review process, to undertake works detailed in (6) above.

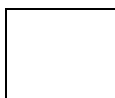
MOTION LOST

MOVED Deputy Mayor Ostojich SECONDED Clr Howlett that Council:

- (1) continue to provide bulk verge and recycling services to residential properties only at this stage;
- (2) review the matter prior to the introduction of the 240L MGB recycling service;
- (3) request waste services staff to monitor the extent of the verge littering problem and its possible link to the bulk verge collection service over the next 3 months; and
- (4) develop strategies to minimise this potential problem in the future.

CARRIED

CLR ELPITELLI WISHED HIS VOTE AGAINST THE MOTION TO BE RECORDED.



**Item 16.1 (SPC1/99) - ANNUAL REPORT 1997/98 (DMG)
(ALL)**

COUNCIL DECISION

MOVED Mayor Grijusich SECONDED Clr Humphreys that Council:

- (1) accept the Annual Report for the 1997/98 Financial year, as presented, in accordance with Section 5.54(1) of the Local Government Act, 1995;
- (2) conduct the Annual General Meeting of Electors for the 1997/98 Financial Year on Monday, 8th February 1999; and
- (3) direct Administration to provide the Annual Report in time for it to be given due consideration before being accepted by Council prior to being presented to the Annual General Meeting of Electors.

CARRIED

**Item 17.1 (SPC1/99) - PROPOSED AMENDMENT -
DELEGATED AUTHORITY PD36 EXTENSION
OF EXPIRED BUILDING LICENSES, PRINCIPAL
BUILDING SURVEYOR, SENIOR BUILDING
SURVEYOR (3108) (VG)**

COUNCIL DECISION

MOVED Mayor Grijusich SECONDED Clr Howlett that Council:

- (1) delete sub clause (1) of DA - PD36;
- (2) substitute a new sub clause (1) as follows:

"The extension of a building licence for work which is not substantially commenced within 12 months of the issue date, may be extended to 24 months from the date of issue, without the payment of further fees."

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

**8.2 (OCM1/99) - COMMUNITY DEVELOPMENT COMMITTEE
REPORT - 12/1/99 (1052)**

MOVED Mayor Grijusich SECONDED Clr Elpitelli that the report of the Community Development Committee Meeting held on 12



January 1999 be received and the following recommendations be adopted.

Item 7.1 (CDC1/99) - AMENDMENT NO.155 - LOTS 2 AND 3 VERNA COURT AND LOT 52 SEMPLE COURT AND PORTION OF SEMPLE COURT, JANDAKOT - OWNER: S BIRD, CATHOLIC CHURCH AND MAIN ROADS WA - APPLICANT: CHAPPELL & LAMBERT (92155) (CC) (EAST) (MAP 14)

COUNCIL DECISION

That Council:

- (1) adopt the following modifications to Amendment 155 as required by the Hon. Minister for Planning:
 1. amend the resolutions, amendment report and maps to exclude reference to that portion of Lots 2, 3 and 52 and Semple Court affected by Planning Control Area No. 37;
 2. remove figure 4-Proposed subdivision (and any reference thereto) from the amendment document; and
 3. modify Point 6 of the resolution and the amendment report by inserting 'SA' against the use class 'funeral parlour' in the Mixed Business zone.
- (2) submit the modified Amendment documents for the Hon Minister's final approval.

Item 7.2 (CDC1/99) - PROPOSED AMENDMENT NO.200 - REZONING LOT 42 JEAN STREET, HAMILTON HILL FROM RESIDENTIAL R15 TO RESIDENTIAL R40 - OWNER: MORADA PTY LTD - APPLICANT: HOMESWEST (92200) (MT) (WEST) (MAP 6)

COUNCIL DECISION

That Council:

- (1) adopt the following amendment:-

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME CITY OF COCKBURN - DISTRICT



ZONING SCHEME NO.2

AMENDMENT NO. 200

Resolved that Council, in pursuance of section 7 of the Town Planning and Development Act 1928 (as amended), amend the above Town Planning Scheme by: -

1. Rezoning Lot 42 Jean Street, Hamilton Hill from "Residential (R15)" to "Residential (R40)" and amending the Scheme Maps accordingly;

DATED THIS 20TH DAY OF JANUARY IN THE YEAR 1999
CHIEF EXECUTIVE OFFICER

- (2) sign the amending documents, and forward a copy to:-
 1. The Environmental Protection Authority in accordance with Section 7A(1) of the Act; and
 2. The Western Australian Planning Commission for information:
- (3) following receipt of formal advice from the Environmental Protection Authority that the Scheme or Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the proposed amendment in accordance with the Town Planning Regulations 1967 (as amended).
- (4) notwithstanding (3) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for further consideration following formal advice from the Environmental Protection Authority that the Scheme or Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act.
- (5) advise the applicant of Council's decision.

Item 7.4 (CDC1/99) - MINOR MODIFICATION TO AMENDMENT NO.170 TO DISTRICT ZONING SCHEME NO.2 - MODIFICATION OF THE THIRD SCHEDULE (RESTRICTED USE) - CSL 1843 AND 2197; PT LOT 2 COCKBURN ROAD, HENDERSON - OWNER: LANDCORP - APPLICANT: GRAY AND LEWIS (92170) (SA) (COASTAL)



COUNCIL DECISION

That Council:

- (1) advise the Minister for Planning that it is not prepared to adopt the modifications; and
- (2) reiterate its previous resolution of 18 August 1998, as follows:

"1. to request the Hon. Minister to grant final approval to the amendment, on the basis of the following revised "Marine Related Industry" definition:

Marine related industry restricted to the carrying out of any process for and incidental to the fitting out, maintenance and repair of ships, including the construction of boats, and the manufacture, fabrication and assembly of components for use by the off shore petroleum industry."

Item 8.1 (CDC1/99) - PROPOSED SUBDIVISION - LOT 576 ANNOIS ROAD, BIBRA LAKE - OWNER: HOMESWEST - APPLICANT: CHAPPELL AND LAMBERT PLANNING AND DESIGN CONSULTANTS (108818; 1114667; 92137) (SA) (NORTH)

COUNCIL DECISION

That:

- (1) Council advise the Western Australian Planning Commission that it supports Option 4 subdivision plan subject to the following conditions:

Standard Conditions:

1. Standard conditions contained in Council Policy PD 16 as determined appropriate to this application by the delegated officer under clause 7.6 of the Town Planning Scheme - District Zoning Scheme No. 2;

Special Conditions:

1. The landowner/applicant to liaise with Council in regard to seed collection from the vegetation and relocation of the top soil, prior to any earthworks.



2. No public open space credit is to apply to the drainage.
- (2) Council Officers further investigate the use of POS cash-in-lieu funds for the purchase of some lots for additional POS, and preservation of the natural bushland.

Item 11.1 (CDC1/99) - REVESTING OF RESERVE 28853 - DRAINAGE TO ROAD RESERVE - GERALD STREET, SPEARWOOD (2204035) (KJS)

COUNCIL DECISION

That:

- (1) Council advertise the proposal to change the vesting of Reserve 28853;
- (2) subject to there being no substantial objections to (1), request the Department of Land Administration to revest Drainage Reserve 28853 as a road reserve; and
- (3) Council seek approval from the Western Australian Planning Commission for the creation of an under width road.

Item 12.1 (CDC1/99) - DANGEROUS BUILDING - LOT 100 COCKBURN ROAD, COOGEE (OLD ANCHORAGE SITE) (3209006) (VG) (COASTAL)

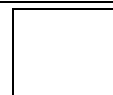
COUNCIL DECISION

That Council make a complaint to a Court of Petty Sessions, that the owner has not so complied with the requisition in the notice served by Council on the 2nd day of September 1998, as specified in section 404 of the Local Government (Miscellaneous Provisions) Act 1960.

Item 12.2 (CDC1/99) - NEGLECTED BUILDING - LOT 1 COCKBURN ROAD AND OCEAN ROAD, COOGEE (3209190) (VG) (COASTAL)

COUNCIL DECISION

That Council make a complaint to a Court of Petty Sessions that the owner has not so complied with the requisition in the notice served by Council on the 2nd day of September 1998, as specified in section 408 of the Local Government (Miscellaneous Provisions) Act 1960



**Item 12.3 (CDC1/99) - NEGLECTED BUILDING -
LOCATION 280 COCKBURN ROAD (BETWEEN
AHOY AND OCEAN ROADS, COOGEE
(3211940) (VG) (COASTAL)**

COUNCIL DECISION

That Council make a complaint to a Court of Petty Sessions that the owner has not so complied with the requisition in the notice served by Council on the 2nd day of September 1998, as specified in section 408 of the Local Government (Miscellaneous Provisions) Act 1960.

**Item 20.1 (CDC1/99) - REPORT ON FINANCIAL
STATEMENTS (5505) (NM)**

COUNCIL DECISION

That Council receive the Report on the Financial Statements for the month of November 1998.

**Item 22.1 (CDC1/99) - UPGRADE OF COUNCIL
CHAMBERS AUDIO SYSTEM (4602) (LJCD)**

COUNCIL DECISION

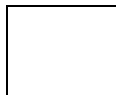
That Council:

- (1) receive the quotations submitted by Adasound, Morrison's, Sontec WA Pty Ltd and Electro Acoustic Co Pty Ltd;
- (2) consider increasing the budget allocation for the upgrading of the Council Chamber audio system by the amount of \$6,000.00 at the mid year Budget Review;
- (3) accept the quotation submitted by Electro Acoustic Co Pty Ltd of \$15,377.00

**Item 22.2 (CDC1/99) - APPOINTMENT OF CONSULTANT -
PREPARATION OF GREENING PLAN (4015)
(DW) (ALL)**

COUNCIL DECISION

That Council appoint Astron Environmental to undertake the preparation of the Greening Plan.



Item 22.4 (CDC1/99) - YEAR 2000 OLYMPIC TORCH RELAY COMMUNITY WORKING COMMITTEE (9005) (CLR WATERS)

COUNCIL DECISION

That Council appoint Clr Waters as Council's representative on the Sydney 2000 Olympic Torch Relay Community Working Committee.

CARRIED

Item 9.1 (CDC1/99) - RENEWAL OF APPROVAL FOR HOME OCCUPATION (HAIR BEAUTY SALON) - LOT 60, 9 GUMINA PLACE MUNSTER - OWNER/APPLICANT: S I AND C CICCARONE (3317180) (MT) (COASTAL) (MAP 8)

COUNCIL DECISION

MOVED Clr Elpitelli SECONDED Mayor Grljusich that Council :

- (1) approve the application for renewal of approval of a Home Occupation (Hair Beauty Salon) on Lot 60, 9 Gumina Place, Munster subject to the following conditions:

Standard Conditions

1. Standard conditions contained in Council Policy PD17 as determined appropriate to this application by the delegated officer under clause 7.6 of Council's District Zoning Scheme N^o 2;

Special Conditions

1. The applicant taking appropriate measures (ie controlled ventilation) to ensure that any odours emanating from the premises are not detectable at any time on adjacent premises.
2. The premises to be managed in accordance with the Hairdressing Establishment Regulations 1972.
3. The hair salon is only to operate between the hours of 9am to 4pm on Tuesdays, 5pm to 7.30pm on Wednesdays and 2.30pm to 4.30pm on Saturdays.

CARRIED

Item 10.1 (CDC1/99) - PROPOSAL TO AMEND LOCAL LAW RELATING TO DOGS (1116) (DMG) (SOUTH)

COUNCIL DECISION

MOVED Clr Gianoli SECONDED Clr McNair that Council:

- (1) make a Local Law to amend its Local Law Relating to Dogs, by amending the Sixth Schedule as follows:
 1. By deleting Reserve 36587 Yangebup Road, Yangebup (known as The Perena Rocchi Reserve); and
 2. By adding Reserve 40452 Yangebup Road, Yangebup (known as Milgun Reserve).

CARRIED BY SPECIAL MAJORITY OF COUNCIL

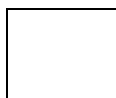
Item 11.2 (CDC1/99) - SALE OF 75 BRITANNIA AVENUE, BEELIAR (3411614) (KJS)

COUNCIL DECISION

MOVED Clr Howlett SECONDED Deputy Mayor Ostojich that the matter be referred back to the Community Development Committee for further consideration taking into account the following matters:

- (1) the process by which the proposed purchasers received details of the sale;
- (2) the process by which the valuation of the land was obtained and upon which the sale is recommended; and
- (3) ensuring all matters relating to compliance with the provisions of the Local Government Act 1995 have been adhered to, with particular reference to the obtaining of a current valuation.

CARRIED



Item 14.1 (CDC1/99) - ACCESS TO SHOPPING CENTRE AREA - ROCKINGHAM ROAD, WATTELUP (450498; 450013) (JR) (COASTAL)

COUNCIL DECISION

Moved Mayor Grljusich seconded Clr Lees that Council:

- (1) receive the petition requesting the construction of a safe and efficient access from the shopping area in Rockingham Road Wattleup, back onto Wattleup and Rockingham Roads and the reopening of the service station in Wattleup;
- (2) approach Main Roads WA to give strong consideration to approving the construction of an access road across Rockingham Road, which would be a continuation of Usher Place into the north bound carriageway of Rockingham Road;
- (3) pending approval from Main Roads WA, place the matter on the 1999/00 Budget for funding consideration;
- (4) send a letter to Shell Company expressing Council's strong concern with the appearance of the lot, and seeking what action the Company will be taking to rehabilitate the lot;
- (5) advise petitioners of Council's decision and that the viability of a service station in the area is a decision outside Council's jurisdiction.

CARRIED UNANIMOUSLY

DECISIONS CARRIED ENBLOC

COUNCIL DECISION

MOVED Mayor Grljusich SECONDED Clr Howlett that Council adopt Items 18.1, 18.2, 20.3, 20.4 and 22.3 enbloc.

CARRIED

Item 18.1 (CDC1/99) - COCKBURN/SPLIT SISTER CITY COMMITTEE - SUBSCRIPTION TO "CROATIA WEEKLY" (1021) (RS)

COUNCIL DECISION

That Council:

- (1) 1. Subscribe to receive two (2) copies per week of the



- "Croatia Weekly" newspaper (English edition);
2. distribute one (1) copy of each publication to the Spearwood and Coolbellup Libraries;
 3. approve the costs of the subscription from Sister City Expenses Account 110462; and
- (2) delegate the authority to expend funds of up to \$500 from the Sister City Expenses Account 110462 to the Chief Executive Officer on the condition that funds are contained within the account.

Item 18.2 (CDC1/99) - CITY OF COCKBURN 1998 JUNIOR SPORTS TRAVEL ASSISTANCE 98176) (RA)

COUNCIL DECISION

That Council:

- (1) award Junior Sport Travel Assistance to:-
 - D A Broadfoot - awarded \$350.00
 - R Pickett - awarded \$350.00
 - D Coyne - awarded \$250.00
 - T J Ottey - awarded \$250.00
 - D Bennett - awarded \$250.00
- (2) give delegated authority to the Chief Executive Officer for allocation of financial awards for the Youth Sports Travel Assistance on the condition that the matter is to first be referred to the Recreation Advisory Committee for its consideration and recommendation.

Item 20.3 (CDC1/99) - EXEMPTION FROM RATES - LOT 10 CARRINGTON STREET, HAMILTON HILL (2211918) (KL)

COUNCIL DECISION

That Council waive the rates charged on Lot 10 Carrington Street for the 1998/99 financial period amounting to \$566.00.



**Item 20.4 (CDC1/99) - DEBT WRITE OFF - JOE COOPER
RECREATION CENTRE CHARGES - YING LI
GYMNASTICS (5651) (KL)**

COUNCIL DECISION

That Council write off the amount of \$594.12 owed by Ying Li Gymnastics.

**Item 22.3 (CDC1/99) - DELEGATED AUTHORITY -
COMPLAINTS TO A COURT OF PETTY
SESSIONS - CHIEF EXECUTIVE OFFICER
(3008) (VG)**

COUNCIL DECISION

That Council:

- (1) grant delegated authority to the Chief Executive Officer to enable him to make a complaint to a Court of Petty Sessions, against persons who fail to carry out the requisitions of notices under Part XV of the Local Government (Miscellaneous Provision) Act 1960, as specified in sections 401(7), 404, 408(4), 409(4), 410(1), 411(4) of the said Act;
- (2) include (1) above in Council's Register of Delegated Authority.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

**Item 20.2 (CDC1/99) - LIST OF CREDITORS PAID (5605)
(KL)**

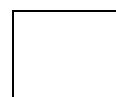
COUNCIL DECISION

MOVED Clr Humphreys SECONDED Clr Howlett that Council receive the List of Creditors Paid for December 1998 for information.

CARRIED

DECLARATION OF FINANCIAL INTEREST

Clr Gianoli declared a financial interest in Item 7.3 of the Community Development Committee Report. The nature of the interest being that BSD Consultants is currently employed by Evans and Gianoli, of which he is a partner.



Clr Gianoli declared a financial interest in Item 11.3 of the Community Development Committee Report. The nature of the interest being, that he acts for a number of owners in this development through Evans and Gianoli, property developers, of which he is a partner.

CLR GIANOLI LEFT THE MEETING AT THIS STAGE THE TIME BEING 10.05PM.

Item 7.3 (CDC1/99) - FINAL ADOPTION - AMENDMENT NO.182 - LOT PT. 1 AND LOT 781 CNR NORTH LAKE ROAD AND BERRIGAN DRIVE, SOUTH LAKE - OWNER: B & R INVESTMENTS PTY LTD - APPLICANT: BSD CONSULTANTS (92182) (SR) (EAST0

COUNCIL DECISION

MOVED Clr Lees SECONDED Clr Lee that Council:

- (1) adopt the Schedule of Submissions, as contained in the Agenda Attachment;
- (2) adopt the Amendment without modification;
- (3) in anticipation of the Honourable Minister's advice that Final Approval will be granted, the Amendment documents be signed and sealed, and forwarded to the Western Australian Planning Commission;
- (4) acknowledge the issues raised in the submissions by ensuring that when the application for development is received, the following matters are addressed:-
 1. No vehicular access being allowed from Lot 781 and Part Lot 1 to Labyrinth Road;
 2. Adequate buffers such as setbacks, fencing and landscaping being required along the northern portion of the land, to minimise the effects of any incompatible uses on the amenity of the adjacent residential properties;
 3. A traffic and circulation study being conducted, at the developer's cost, by a suitably qualified and independent consultant, to the Council's satisfaction;
 4. Comments on the possible impact of lighting and noise



on the adjoining residents being submitted by the developer to ensure no adverse impact on the adjoining residents, to the Council's satisfaction;

5. The development application being advertised for public comment;
6. The development to be designed so as to have a minimal impact on the convenience and amenity of the adjoining residential area, and be of a style and design that is in keeping with the character of the locality.

- (5) a report be presented to the next CDC Meeting outlining the progress on problems raised dealing with the service station on the corner of Berrigan Drive.

MOTION LOST

MOVED Clr Elpitelli SECONDED Clr Hunt that Council:

- (1) uphold the submissions objecting to the amendment; and
- (2) advise the Minister for Planning that Council does not wish to proceed with the amendment, on the basis that the zoning of mixed business would not be compatible with the adjoining residential land.

CARRIED

Item 11.3 (CDC1/99) - CONSTRUCTION OF BEELIAR DRIVE - LAND ACQUISITION - LOT 76 BIRCHLEY ROAD (450953) (KJS)

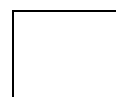
COUNCIL DECISION

MOVED Mayor Grljusich SECONDED Clr Elpitelli that Council:

- (1) receive the report on the current status of the acquisition of Lot 76 Birchley Road, Beeliar.

CARRIED

CLR GIANOLI RETURNED TO THE MEETING THE TIME BEING 10.43PM.



DECLARATION OF FINANCIAL INTEREST

Mayor Grljusich declared a financial interest in Council Agenda Item 9.1. The nature of the interest being that he is a Director of Peremate Holdings and owns land in the Packham Urban Development Area.

Clr Gianoli declared a financial interest in Council Agenda Item 9.1. The nature of the interest being that he is a partner of Southside Realty and is acting as selling agent for one of the owners in this Scheme.

MAYOR GRLJUSICH AND CLR GIANOLI LEFT THE MEETING THE TIME BEING 10.47PM.

AT THIS POINT IN THE MEETING, DEPUTY MAYOR OSTOJICH ASSUMED THE ROLE OF PRESIDING MEMBER.

9. ADMINISTRATION

- 9.1 (OCM1/99) - PROPOSED REVOCATION OF COUNCIL DECISION 15/12/98 - CDC ITEM 8.2 - PACKHAM URBAN DEVELOPMENT AREA PUBLIC OPEN SPACE PAYMENT (SMH) (9235)**

RECOMMENDATION

That Council considers the revocation of the decision of Council taken on the 15th December 1998 as follows:-

" That Council :

- (1) receive the response from the Department of Local Government;*
- (2) refund an amount of \$63,700 to Urban Focus from Council's Section 20C Public Open Space Trust Account;*
- (3) advise the Department of Local Government of Council's action; and*
- (4) not review Council Policy PD14 - Packham Urban Development Area, based on the response from the Department of Local Government. "*

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



DURING DISCUSSION OF THIS ITEM CLR ELPITELLI LEFT THE MEETING AT 10.50PM AND RETURNED AT 10.52PM.

DURING DISCUSSION OF THIS ITEM CLR HUMPHREYS LEFT THE MEETING THE TIME BEING 11.05PM AND RETURNED AT 11.06PM

COUNCIL DECISION

MOVED Clr Pecotic SECONDED Clr McNair that Council revoke the decision of Council taken on 15 December 1998 as follows:

" That Council :

- (1) receive the response from the Department of Local Government;*
- (2) refund an amount of \$63,700 to Urban Focus from Council's Section 20C Public Open Space Trust Account;*
- (3) advise the Department of Local Government of Council's action; and*
- (4) not review Council Policy PD14 - Packham Urban Development Area, based on the response from the Department of Local Government. "*

MOTION LOST DUE TO LACK OF ABSOLUTE MAJORITY

VOTES FOR AND AGAINST THE MOTION WERE REQUESTED TO BE RECORDED

FOR: DEPUTY MAYOR OSTOJICH, CLR PECOTIC, CLR McNAIR, CLR ELPITELLI, CLR LEES AND CLR HUNT.

AGAINST: CLR HOWLETT, CLR HUMPHREYS, CLR SEPAROVICH AND CLR LEE.

Background

At the Council Meeting of the 15th December 1998, Council resolved as follows in respect to the abovementioned item:-



" That Council :

- (1) receive the response from the Department of Local Government;*
- (2) refund an amount of \$63,700 to Urban Focus from Council's Section 20C Public Open Space Trust Account;*
- (3) advise the Department of Local Government of Council's action; and*
- (4) not review Council Policy PD14 - Packham Urban Development Area, based on the response from the Department of Local Government.*

CARRIED "

By facsimile message dated 16th December 1998, containing the requisite number of signatures pursuant to Regulation 10 of the Local Government (Administration) Regulations 1996, a request to revoke this decision was received.

Accordingly, no administrative action to carry out this decision of Council has taken place pending consideration of the proposal to revoke it.

Submission

N/A

Report

Pursuant to Regulation 10, Council must consider the request to revoke this decision of Council.

However, any decision to revoke the resolution, can only be effective if it is carried by an Absolute Majority of Council (ie: 8 Councillors irrespective of the number of Councillors in attendance at the Meeting at the time it is considered).

Should an Absolute Majority of Council not be obtained, then the Council decision of the 15th December 1998 will remain in force.

Strategic Plan/Policy Implications

N/A



Budget/Financial Implications

N/A

MAYOR GRLJUSICH AND CLR GIANOLI RETURNED TO THE MEETING THE TIME BEING 11.39PM.

AT THIS POINT IN THE MEETING MAYOR GRLJUSICH RESUMED AS PRESIDING MEMBER.

9.2 (OCM1/99) - OUTER HARBOUR COMMUNITY LIAISON GROUP (9248) (DMG)

RECOMMENDATION

That Council resolve to appoint Clr _____ as Council's representative on the Fremantle Port Authority's Outer Harbour Community Liaison Group and Clr _____ as Deputy:

COUNCIL DECISION

MOVED Mayor Grljusich SECONDED Clr Gianoli that Council appoint Clr Elpitelli as Council's representative on the Fremantle Port Authority's Outer Harbour Community Liaison Group and Clr Lees as Deputy.

CARRIED

Background

A letter from the Fremantle Port Authority dated 12th January 1999 was circulated to Councillors by facsimile, inviting the City of Cockburn to nominate a representative to a newly formed outer Harbour Community Liaison Group.

Clr Lees and Clr Elpitelli have both indicated their interest in being appointed Council's representative.

Submission

N/A

Report

N/A



Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

DECLARATION OF FINANCIAL INTEREST

Mayor Grljusich declared a financial interest in Council Agenda Item 9.3. The nature of the interest being that he is a Director of Peremate Holdings and owns land in the Packham Urban Development Area.

Mayor Grljusich declared a financial interest in Council Agenda Item 9.4. The nature of the interest being that he is a Director of Peremate Holdings and owns land in the Packham Urban Development Area.

Mayor Grljusich declared a financial interest in Council Agenda Item 9.5. The nature of the interest being that he is a Director of Peremate Holdings and owns land in the Packham Urban Development Area.

Mayor Grljusich had previously declared a financial interest in Council Agenda Item 9.6. The nature of the interest being that he is a Director of Peremate Holdings and owns land in the Packham Urban Development Area.

MAYOR GRLJUSICH LEFT THE MEETING THE TIME BEING 11.41PM.

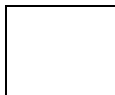
AT THIS POINT IN THE MEETING DEPUTY MAYOR ASSUMED THE ROLE OF PRESIDING MEMBER.

9.3 (OCM1/99) - TAPE RECORDINGS OF COUNCIL MEETINGS (1054) (CLR PECOTIC)

COUNCIL DECISION

MOVED Clr Pecotic SECONDED Clr McNair that Council retain the tape recording of tonight's meeting in a safe place.

CARRIED



DECLARATION OF FINANCIAL INTEREST

Clr Gianoli declared a financial interest in Council Agenda Item 9.4. The nature of the interest being that he is a partner of Southside Realty and is acting as selling agent for one of the owners in this Scheme.

Clr Gianoli declared a financial interest in Council Agenda Item 9.5. The nature of the interest being that he is a partner of Southside Realty and is acting as selling agent for one of the owners in this Scheme.

Clr Gianoli had previously declared a financial interest in Council Agenda Item 9.6. The nature of the interest being that he is a partner of Southside Realty and is acting as selling agent for one of the owners in this Scheme.

CLR GIANOLI LEFT THE MEETING THE TIME BEING 11.45PM.

DURING DISCUSSION OF THE FOLLOWING ITEM CLR LEE LEFT THE MEETING THE TIME BEING 11.49PM AND RETURNED AT 11.51PM.

9.4 (OCM1/99) - RESCISSION MOTION - PACKHAM URBAN DEVELOPMENT AREA - PUBLIC OPEN SPACE PAYMENT (SPC7/98 - ITEM 15.2) (9235; 104081) (CLR PECOTIC)

COUNCIL DECISION

MOVED Clr Pecotic SECONDED Clr McNair that Council considers the revocation of the decision of Council taken at the Ordinary Council Meeting in July 1998, as follows:

- (1) receive the report from the Department of Local Government entitled "*Audit of Monies Paid by Council in Relation to the Packham Development Area*", dated May 1998, the legal advice from Council's Solicitor McLeod & Co dated 16 February 1998 and 29 May 1998 and Urban Focus' responses dated 23 December 1997 and 30 March 1998;
- (2) seek the advice of the Department of Local Government in respect to:-

1. the refund of \$63,700 to Urban Focus from the Council's Section 20C Public Open Space Account; and
 2. the Council's payment of \$222,934 to Urban Focus in April 1995, being considered by the Council as a payment of interest monies from the Section 20C Public Open Space Account, separate from the principal held in the Account collected as cash-in-lieu payments from subdividers within the Packham Urban Development Area, as the means by which the Council can satisfy the intent of Section 20C of the Town Planning and Development Act;
- (3) seek reimbursement of the \$222,934 from Urban Focus, in the event that the Department of Local Government does not support the Council in respect to the advice sought in (2) 2. above, by a negotiated arrangement between Urban Focus and the Council. This arrangement being via the acquisition of future public open space in the balance of Stage 2 and Stage 14 of the Packham Urban Development Area and the subsequent reimbursement of funds by Urban Focus to the Council's Section 20C fund;
- (4) utilise the Section 20C Public Open Space funds held in the Cash-in-lieu Account to acquire part of a public open space buffer that may be required as part of a revised structure plan for the northern portion of the Packham Urban Development Area around the Watsons' factory in Hamilton Road, Spearwood;
- (5) advise the Department of Local Government that the Council proposes the following in respect to "private arrangement" subdivision proposals :
1. Council has initiated Amendment No 94 to its District Zoning Scheme No 2 which is currently awaiting public advertising consent from the Western Australian Planning Commission. This amendment will enable equitable cost sharing arrangements for public open space and other public infrastructure to be incorporated into the Scheme.
 2. An amendment to the existing Packham Urban Development Area Policy will be made to delete reference to "water and sewerage" services; and an addition be made to the Policy as follows :



Council will only accept Section 20C contributions from subdividers who are not participants in an Owners' Scheme which has already provided land for public open space or from subdividers who have not made a private arrangement with an Owners' Scheme for the provision of public open space.

- (6) amend Policy PD 14 "Packham Urban Development Area" as outlined in (5) 2. above.

MOTION LAPSED DUE TO THE LACK OF SUPPORT BY FIVE COUNCILLORS

9.5 (OCM1/99) - BUFFER AROUND THE WATSONIA FACTORY - LAND SUBDIVISION (9235; 104081) (CLR PECOTIC)

COUNCIL DECISION

MOVED Clr Pecotic SECONDED Clr Elpitelli that Council initiate an urgent meeting with Watsonia and Urban Focus and invite all Councillors to that meeting, to find ways to resolve the buffer area problems around the Watsonia factory. The meeting would discuss how to facilitate land subdivision around the Watsonia factory as well as possible land rezoning for warehouses/storage use.

CARRIED

DURING DISCUSSION OF THE FOLLOWING ITEM CLR HOWLETT LEFT THE MEETING THE TIME BEING 12.02PM AND DID NOT RETURN

9.6 (OCM1/99) - PACKHAM DEVELOPMENT AREA OPEN SPACE FUNDS (9235; 104081) (CLR PECOTIC)

COUNCIL DECISION

MOVED Clr Pecotic SECONDED Clr Elpitelli that the Packham Development Area Public Open Space (POS) funds to take place as follows:

1. that the City of Cockburn distribute as progress payments all of the funds held for Packham Development Area POS purposes together with interest including funds held by Urban Focus, to all the landowners who contributed their land for POS in excess of 10% requirement;
2. that the City of Cockburn demand repayment of all Packham Development Area POS funds held by Urban Focus together with interest for distribution purposes by this Council, in accordance with Council's 6th of June 1989 resolution and in accordance with District Zoning Scheme No.1 Amendment 240. The above complies with Section 20C of the Town Planning and Development Act;
3. that distributions be made in correct proportions to all the landowners who contributed their land for POS in excess of the 10% requirement within 14 days of this meeting;
4. that all Packham Development Area POS funds collected from the future subdivisions together with interest be paid in correct proportions to all the landowners who contributed their land for POS in excess of 10% requirement, within 14 days of the date the funds received by this Council and continue to do so until all the funds for Packham Development Area POS are received and paid in full to the landowners;
5. that Council's authority to distribute the Packham Development Area POS funds is in accordance with the verbal and implied agreements by this Council and the landowners who contribute their land for POS purposes in excess of their 10% requirement.
6. that with approval of this resolution this Council is ratifying verbal and implied agreements with the landowners who contributed their land for POS in excess of their 10% requirement. Furthermore, that the City of Cockburn prepare at its cost written agreements which reflect the verbal and implied agreements which are to be signed by both the landowners and this Council.

CARRIED

CLR HUMPHREYS AND CLR LEE WISHED THEIR VOTE AGAINST THE MOTION TO BE RECORDED.

Note: In accordance with Council Policy A1.15 "Obtaining Legal Advice", this item is subject to the receipt of legal advice.



MAYOR GRLJUSICH AND CLR GIANOLI RETURNED TO THE MEETING THE TIME BEING 12.09PM.

AT THIS POINT IN THE MEETING MAYOR GRLJUSICH RESUMED AS PRESIDING MEMBER.

10. PETITIONS

Nil

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING IF GIVEN DURING THE MEETING

Nil

13. CONFIDENTIAL MATTERS

Nil

14. CLOSING

MEETING CLOSED 12.10AM.

CONFIRMATION OF MINUTES



I, (Presiding Member) declare that these minutes have been confirmed as a true and accurate record of the meeting.

Signed: Date:/...../.....

