

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 19 MAY 1998 AT 7:30 p.m.

	Page
1. APPOINTMENT OF PRESIDING MEMBER [IF REQUIRED]	1
2. PUBLIC ADDRESS SESSION	1
3. CONFIRMATION OF MINUTES.....	2
3.1 (OCM5/98) - Ordinary Meeting of Council - 21/4/98	2
3.2 (OCM5/98) - Special Meeting of Council - 29/4/98	2
4. APOLOGIES AND LEAVE OF ABSENCE	3
5. ADDITIONS TO THE AGENDA.....	3
6. DEPUTATIONS	3
7. COUNCIL MATTERS	3
7.1 (OCM5/98) - Strategic & Policy Committee Report - 5/5/98 (1055)	3
Item 9.1 (SPC5/98) DECORATIVE STREET LIGHTING FOR RESIDENTIAL SUBDIVISIONS (4304) (BKG) (4304)	4
Item 10.1 (SPC5/98) FREMANTLE ROCKINGHAM TRANSITWAY (9636) (AJB) (WEST/COASTAL)	4
Item 12.2 (SPC5/98) COOGEE BEACH JETTY ALTERNATIVES STUDY (1903) (PS) (COASTAL)	4
7.2 (OCM5/98) - Community Development Committee Report - 12/5/98 (1052)	5
Item 7.3 (CDC5/98) PROPOSED CLOSURE OF PEDESTRIAN ACCESSWAY TORENIA WAY TO YANGEBUP ROAD, YANGEBUP (450847) (KJS)	5
Item 17.4 (CDC5/98) RATES WRITE OFF – LOT 1825 THE GRANGE, BEELIAR (5225) (KL)	6
Item 17.5 (CDC5/98) DEBT WRITE OFF – SOUTH LAKE LEISURE CENTRE FACILITY HIRE – MS L. VAGG (5651) (KL)	6
Item 18.1 (CDC5/98) VERGE CLEARING – BANJUP (1550) (DW) (EAST)	6
Item 21.4 (CDC5/98) REVISED APPLICATION – PROPOSED REDEVELOPMENT OF NEWMARKET HOTEL – INCLUDING SHOWROOMS, SHOPS, DRIVE-THROUGH AND BOTTLE SHOP – CSL 5; LOT 3, 1 ROCKINGHAM ROAD, HAMILTON HILL – OWNER: KEE VEE PROPERTIES PTY LTD (2212274) (RHT)	7

Item 22.2 (CDC5/98) MARKET GARDENS IN RESIDENTIAL AREAS – RECREATION ROAD, WINFIELD STREET AND STRODE AVENUE, HAMILTON HILL – OWNER: VARIOUS (9524) (MT) (WEST) (MAP NO 7)	9
Item 7.1 (CDC5/98) LAND PURCHASE PORTION OF LOTS 12 AND 26 BIRCHLEY ROAD, YANGEBUP (43093237) (4309500) (KJS)	11
Item 21.5 (CDC5/98) PROPOSED SECOND DWELLING ON A RURAL LOT – CSL 559; LOT 2 FROBISHER AVENUE, MUNSTER – OWNER/APPLICANT: M SINCLAIR (3412052) (SA) (COASTAL) (MAP 9)	11
8. ADMINISTRATION.....	11
9. PETITIONS	12
10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	12
10.1 (OCM5/98) - Rescission of Motion - Cockburn/Split Sister City Committee - Delegation To Croatia (1021) (RS)	12
11. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING IF GIVEN DURING THE MEETING	13
12. CONFIDENTIAL MATTERS	13
13. CLOSING	13

CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 19 MAY 1998 AT 7:30 P.M.

PRESENT:

Mr J Grljusich	-	Mayor
Mr S Lee	-	Councillor
Mr C Elpitelli	-	Councillor
Mrs S Hunt	-	Councillor
Mr R A Lees	-	Councillor
Mr J Ostojich	-	Councillor
Mr L Howlett	-	Councillor
Mrs N Waters	-	Councillor
Mr B P Wheatley	-	Councillor
Mr M Pecotic	-	Councillor
Mr J Gianoli	-	Councillor
Mr R W Brown	-	Chief Executive Officer
Mr K Lapham	-	Acting Director, Finance
Mr S M Hiller	-	Director, Planning & Development
Mr B K Greay	-	Director, Engineering
Mrs S Ellis	-	Secretary to Chief Executive Officer

The Presiding Member declared the meeting open at 7:30pm and asked everyone to stand for 1 minutes silence to honour those who lost their lives as a result of the HMAS Westralia accident.

1. APPOINTMENT OF PRESIDING MEMBER [IF REQUIRED]

2. PUBLIC ADDRESS SESSION

Mrs Val Oliver thanked Council for putting an advertisement in the newspaper regarding a clean up as she received a number of calls. In regards to brick paving in front of the Coolbellup Library which is replacement for a garden, Mrs Oliver commented that she had previously requested the job be done properly and that Cllr Howlett had advised that someone would contact her to discuss the matter but had not yet received any contact. Director, Engineering responded that the



Building Maintenance Supervisor is currently making investigations into this matter as he had not organised the work.

Mr Beilken stated that he has experienced trouble with illegal market gardens in his area for several years and which were gardens installed after 1958 and definitely more recent than that. His main concern was with “new” gardens which started after he moved to the area. He commented that the information and after hours numbers provided by Council Officers were not suitable as no-one wants to come out after hours. He asked why the housing area is still used for market gardens and how Council could allow it to go on. The Mayor advised that the matter has come before Council in previous years and that decisions were made at that time.

Mr Crook tabled a letter regarding Agenda Item 3.2 – Special Council Meeting Minutes of 29/4/98. He commented that although the meeting lasted 2½ hours, the minutes give very little indication of the discussions that took place. As the Lot 14 Progress Drive issue is of great public interest, will Council’s Media Officers make information available. He felt that Lot 14 was such an important issue that it should receive detailed and favourable reports from Council and in the press to inform people of its current status.

3. CONFIRMATION OF MINUTES

3.1 (OCM5/98) - Ordinary Meeting of Council - 21/4/98

Moved Cllr Lees seconded Cllr Gianoli, that the Minutes of the Ordinary Meeting of Council held on the 21st April 1998 be confirmed.

CARRIED

3.2 (OCM5/98) - Special Meeting of Council - 29/4/98

The Chief Executive Officer advised that the statement he read aloud at the meeting that was to be put on record, was omitted from the minutes and advised that it would be added. He read aloud the statement to refresh Councillors minds.

Cllr Howlett advised that he asked questions at the meeting that he wished recorded and which are not shown at present. The Chief Executive Officer advised that the tape recording of the meeting would be played to ascertain what statement Cllr Howlett made that was to be recorded. The minutes will be amended as above and resubmitted for confirmation.



Moved Clr Howlett seconded Clr Waters, that the Minutes of the Special Meeting of Council held on the 29th April 1998 be resubmitted to the next Council meeting for confirmation.

CARRIED

4. APOLOGIES AND LEAVE OF ABSENCE

Clr L. Humphreys - Apology (Conference)
Deputy Mayor Battalis - Apology
Clr J. McNair - Apology
Mr D. Green - Apology (Conference)

5. ADDITIONS TO THE AGENDA

Nil

6. DEPUTATIONS

Nil

7. COUNCIL MATTERS

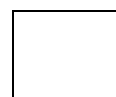
7.1 (OCM5/98) - Strategic & Policy Committee Report - 5/5/98 (1055)

Moved Clr Howlett seconded Clr Gianoli, that the report of the Strategic and Policy Committee meeting held on the 5th May 1998 be received and the recommendations therein adopted, with the exception of items 9.1, 10.1 and 12.2 which are to be dealt with separately.

CARRIED

DECLARATION OF FINANCIAL INTEREST

Chief Executive Officer declared his interest in Item 15.1, the nature being that he is a member of the Local Government Superannuation Scheme.



Item 9.1 (SPC5/98) DECORATIVE STREET LIGHTING FOR RESIDENTIAL SUBDIVISIONS (4304) (BKG) (4304)

Moved Clr Elpitelli seconded Clr Howlett, that Item 9.1 of the Strategic and Policy Committee meeting held on the 5th May 1998 be referred back to Committee so that guidelines could be put into place before approval of this matter is given.

CARRIED

Item 10.1 (SPC5/98) FREMANTLE ROCKINGHAM TRANSITWAY (9636) (AJB) (WEST/COASTAL)

Moved Mayor Grljusich seconded Clr Howlett, that Item 10.1 of the Strategic and Policy Committee meeting held on the 5th May 1998, be adopted subject to the words "in principle" being deleted from point (1) 1. of the recommendation and replaced with the words "for the time being".

MOTION LOST

Moved Clr Ostojich seconded Clr Waters, that Item 10.1 of the Strategic and Policy Committee meeting held on the 5th May 1998, be adopted.

CARRIED

Item 12.2 (SPC5/98) COOGEE BEACH JETTY ALTERNATIVES STUDY (1903) (PS) (COASTAL)

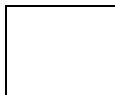
Moved Mayor Grljusich seconded Clr Waters, that Item 12.2 of the Strategic and Policy Committee meeting held on the 5th May 1998, be adopted subject to the words "at this stage" being added to point (1) after the word "proceed".

MOTION LOST

Moved Clr Lee seconded Clr Wheatley, that Item 12.2 of the Strategic and Policy Committee meeting held on the 5th May 1998, be set aside and substituted with the CDC12/97 recommendation as follows :-

That Council :

- (1) adopt Alternative 4A, incorporating a raised timber deck jetty with a T head and low level swimming/fishing



platform, in the Coogee Beach Jetty Alternatives Study as the preferred concept and proceed with the replacement of the Coogee Beach jetty; and

- (2) authorise the Director Engineering to negotiate with Kinhill Pty Ltd, Consulting Engineers, to prepare tender documentation, analyse tenders and supervise construction of the new Coogee Beach jetty

CARRIED

7.2 (OCM5/98) - Community Development Committee Report - 12/5/98 (1052)

Moved Clr Lees seconded Clr Gianoli, that the report of the Community Development Committee meeting held on the 12th May 1998 be received and the recommendations therein adopted, with the exception of items 7.1, 7.3, 17.4, 17.5, 18.1, 21.4, 21.5 and 22.2 which are to be dealt with separately.

CARRIED

AT THIS POINT THE CHIEF EXECUTIVE OFFICER READ THE FOLLOWING WRITTEN DECLARATIONS.

DECLARATION OF FINANCIAL INTEREST

Clr Gianoli declared a financial interest in Item 7.1. The nature being that he is involved as a partner with Evans & Gianoli, as a developer of adjoining land.

Clr Gianoli declared a financial interest in Item 21.5. The nature being that the applicant is a client of Southside Realty, of which he is Principal.

Item 7.3 (CDC5/98) PROPOSED CLOSURE OF PEDESTRIAN ACCESSWAY TORENIA WAY TO YANGEBUP ROAD, YANGEBUP (450847) (KJS)

Moved Clr Lee seconded Clr Lees, that Item 7.3 of the Community Development Committee meeting held on the 12th May 1998 be adopted.

CARRIED



Item 17.4 (CDC5/98) RATES WRITE OFF – LOT 1825 THE GRANGE, BEELIAR (5225) (KL)

Moved Clr Waters seconded Clr Howlett, that Item 17.4 of the Community Development Committee meeting held on the 12th May 1998, be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

Item 17.5 (CDC5/98) DEBT WRITE OFF – SOUTH LAKE LEISURE CENTRE FACILITY HIRE – MS L. VAGG (5651) (KL)

Moved Clr Howlett seconded Clr Gianoli, that Item 17.5 of the Community Development Committee meeting held on the 12th May 1998 be set aside and substituted with the following: -

That Council:

- (1) write off the amount of \$300.00 owned by Ms L. Vagg,
- (2) in the hiring of future facilities, receives by way of a bond, either cash or a bank cheque and no other form of payment be allowed.

MOTION WITHDRAWN WITH PERMISSION OF COUNCIL

Moved Clr Howlett seconded Clr Gianoli, that Item 17.5 of the Community Development Committee meeting held on the 12th May 1998, be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

Item 18.1 (CDC5/98) VERGE CLEARING – BANJUP (1550) (DW) (EAST)

Moved Clr Wheatley seconded Clr Elpitelli, that Item 18.1 of the Community Development Committee meeting held on the 12th May 1998 be adopted and that the matter be again listed on the June Community Development Committee meeting Agenda.

CARRIED



Item 21.4 (CDC5/98) REVISED APPLICATION – PROPOSED REDEVELOPMENT OF NEWMARKET HOTEL – INCLUDING SHOWROOMS, SHOPS, DRIVE-THROUGH AND BOTTLE SHOP – CSL 5; LOT 3, 1 ROCKINGHAM ROAD, HAMILTON HILL – OWNER: KEE VEE PROPERTIES PTY LTD (2212274) (RHT)

Moved Clr Gianoli seconded Clr Lees, that Item 21.4 of the Community Development Committee meeting held on the 12th May 1998 be set aside and substituted with the following: -

That Council:

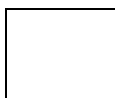
- (1) authorise the Director of Planning and Development to approve the development, subject to receipt of the following details :-
 1. Revised car parking and access plan indicating a concession of only 23 car bays from Council Scheme provisions – DZS No.2 Fourth Schedule – Car Parking Requirements;
 2. Detailed landscaping plans indicating a minimum of ten percent (10%) of the site landscaped (approximately 442.5m²), with the position and type of existing and proposed trees, shrubs and ground cover;
 3. Provide Council with amended easement-in-gross documents for reciprocal rights of access, which reflect the approved revised plans, to the Council's satisfaction and all costs to be borne by the landowner;
 4. The owners of lots 7 and 10 Boyd Crescent and lots 4 and 5 Rockingham Road, be advised of the modifications to the easement in gross for reciprocal rights of access;
- (2) The applicant be advised that the following special conditions will be placed on the revised MRS Form 2 Notice of Approval:
 1. The owner entering into a legal agreement with Council prior to applying for a Building licence which requires satisfactory completion of a Conservation Management Plan for the existing Newmarket Hotel building.



2. The external restoration work to the Newmarket Hotel to be commenced within twelve (12) months of the date of issue of a Certificate of Classification for any part of the development.
 3. A demolition licence being issued by Council's Building Department prior to the commencement of any demolitions work.
 4. The owner entering into a legal agreement with Council, prior to applying for a building licence which requires:
 - appropriate caveat to be placed upon the title for Lot 3 identifying the liability of Kee Vee Properties Pty Ltd to carry out conservation planning and external restoration works to the Newmarket Hotel building;
 - the external restoration works are to be completed within twenty four (24) months of the date of issue of a Certificate of Classification for any part of the development.
 - in the event of the subdivision of lot 3, the caveat requiring restoration works shall continue to be attached to the lot containing the heritage building.
- (3) Issue a revised MRS Form 2 Notice of Approval valid for a period of two years, upon receipt of the revised plans.
- (4) Car parking within the road widening on Cockburn Road will only be permitted if the Main Roads WA advise that the road widening is no longer required, otherwise all the car parking provided on site is not to include the area required for road widening.
- (5) In the event that the Main Roads Department does not require the road widening and the car parking bays are constructed within the road widening area, the construction, care and maintenance of the car parking bays within the road widening, will be the responsibility of the land owner, together with any reinstatement that may be required as a result of any works that may occur within the proposed road widening.

CARRIED

CLR HOWLETT REQUESTED THAT THE VOTES BE RECORDED.



FOR: CLRS GIANOLI, PECOTIC, WHEATLEY, OSTOJICH, LEES, ELPITELLI, LEE AND MAYOR GRLJUSICH.

AGAINST: CLRS WATERS, HOWLETT AND HUNT.

Item 22.2 (CDC5/98) MARKET GARDENS IN RESIDENTIAL AREAS – RECREATION ROAD, WINFIELD STREET AND STRODE AVENUE, HAMILTON HILL – OWNER: VARIOUS (9524) (MT) (WEST) (MAP NO 7)

Moved Clr Waters seconded Clr Howlett, that Item 22.2 of the Community Development Committee meeting held on the 12th May 1998, be set aside and substituted with the following: -

That Council:

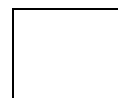
- (1) reconfirm its decision dated 3 August 1993 not to prosecute the owners of market gardens at Lots 68, 69 Davilak Avenue, Lots 1, 61, 62, 63, 65 Recreation Road, Lots 72 – 77 (inclusive) Winfield Street, Lots 56, 59 Strode Avenue and Lot 38 Hamilton Road for operating gardens in the residential zone without Planning Approval;
- (2) receive a report currently being investigated by Council's Environmental Services into issues of water spray, pesticide storage and spray, noise, malodour and smoke pollution, in relation to a number of the market gardens and that this report be presented to Council at the 16th June meeting so the issue can be reconsidered; and
- (3) advise the complainant accordingly.

MOTION LOST

CLR HOWLETT REQUESTED THAT THE VOTES BE RECORDED.

FOR: CLRS WHEATLEY, WATERS, HOWLETT, HUNT AND LEE.

AGAINST: CLRS GIANOLI, PECOTIC, OSTOJICH, LEES, ELPITELLI AND MAYOR GRLJUSICH.



Moved Clr Gianoli seconded Clr Pecotic, that Item 22.2 of the Community Development Committee meeting held on the 12th May 1998, be adopted.

CLR HOWLETT REQUESTED THAT HIS FOLLOWING QUESTIONS AND THE CHIEF EXECUTIVE OFFICER'S ANSWERS BE RECORDED: -

Q: For these lots or the people who own these lots, are they carrying out illegal activities by carrying out market garden activities?

A: I don't know, will have to take a look at it and get advice.

Q: When can I expect to receive an answer to that?

A: A few days.

Q: Can the answer be circulated to all Councillors?

A: Yes.

Q: How long has this Council and this administration been aware that these activities have taken place on these properties and how many complaints have been received on this issue?

A: Unaware of the precise information, it has come to this Council several years ago for a decision.

Q: Can a report be provided to all Councillors in regard to this matter outlining the complaints received, the legal opinions received and copies of any minutes or agendas in a consolidated report be provided to all Councillors?

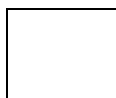
A: Yes, if the Council wishes.

MOTION PUT AND CARRIED

CLR HOWLETT REQUESTED THAT THE VOTES BE RECORDED.

FOR: CLRS GIANOLI, PECOTIC, WHEATLEY, OSTOJICH, LEES, ELPITELLI, LEE AND MAYOR GRLJUSICH.

AGAINST: CLRS WATERS, HOWLETT AND HUNT.



AT THIS POINT THE TIME BEING 9:22PM, CLR GIANOLI LEFT THE MEETING HAVING DECLARED AN INTEREST.

Item 7.1 (CDC5/98) LAND PURCHASE PORTION OF LOTS 12 AND 26 BIRCHLEY ROAD, YANGEBUP (43093237) (4309500) (KJS)

Moved Mayor Grijusich seconded Clr Elpitelli, that Item 7.1 of the Community Development Committee meeting held on the 12th May 1998, be adopted subject to the words “at this time” being deleted from the recommendation.

CARRIED

Item 21.5 (CDC5/98) PROPOSED SECOND DWELLING ON A RURAL LOT – CSL 559; LOT 2 FROBISHER AVENUE, MUNSTER – OWNER/APPLICANT: M SINCLAIR (3412052) (SA) (COASTAL) (MAP 9)

Moved Clr Wheatley seconded Clr Waters, that Item 21.5 of the Community Development Committee meeting held on the 12th May 1998, be set aside and substituted with the following: -

That Council:

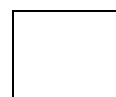
- (1) advise the applicant of the following:
 1. Council would be prepared to approve a revised proposal which indicated the development of an aged or dependent person’s dwelling, which complied with the provisions of the Residential Planning Codes.
 2. The policy under which the approval is granted to better understand Council’s requirements.

CARRIED

AT THIS POINT THE TIME BEING 9:28PM, CLR GIANOLI RETURNED TO THE MEETING.

8. ADMINISTRATION

Nil



9. PETITIONS

Nil

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 (OCM5/98) - Rescission of Motion - Cockburn/Split Sister City Committee - Delegation To Croatia (1021) (RS)

RECOMMENDATION

That Council resolve to rescind the following decision taken by Council at its meeting of the 21st April 1998.

“Item 15.3 (CDC4/98) Cockburn/Split Sister City Committee - Delegation To Croatia (1021) (RS)

Moved Clr Humphreys seconded Clr Waters, that Item 15.3 of the Community Development Committee Meeting held on the 14th April 1998, be adopted.

MOTION LOST DUE TO LACK OF ABSOLUTE MAJORITY “

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

As Deputy Mayor Battalis being the proposed mover of the rescission was absent, Clr Waters advised she was prepared to move the motion. Clrs Wheatley, Pecotic, Elpitelli and Mayor Grljusich supported the rescission of the motion.

COUNCIL DECISION

Moved Clr Waters seconded Clr Wheatley, that the following motion be rescinded.

“Item 15.3 (CDC4/98) Cockburn/Split Sister City Committee - Delegation To Croatia (1021) (RS)

Moved Clr Humphreys seconded Clr Waters, that Item 15.3 of the Community Development Committee Meeting held on the 14th April 1998, be adopted.”

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL



Item 15.3 (CDC4/98) Cockburn/Split Sister City Committee - Delegation To Croatia (1021) (RS)

Moved Cllr Waters seconded Cllr Wheatley, that Council :-

- (1) in addition to the delegation to be sent to Split in July 1998, include the Administrative Support Officer, Mr Robert Santich to act as liaison officer to compile an official report, including a photographic record, of this historic occasion;
- (2) approve of Mr Santich's role, while in Split, to also include meetings with and compilation of a list of relevant organisations - educational, sporting, cultural and business - for future Split/Cockburn exchanges on behalf of the Sister City Committee;
- (3) an amount be transferred from Councillors Conference Expenses Account to the Sister City Account to cover these expenses provided that the funds are available in the Councillors Conference Expenses Account.

MOTION LOST

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

Nil

12. CONFIDENTIAL MATTERS

Nil

13. CLOSING

Meeting closed at 9:58pm.



Council Meeting

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

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

Committee Meeting

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

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

