

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 15 DECEMBER 1998 AT 7:30 P.M.

	Page
1. APPOINTMENT OF PRESIDING MEMBER [IF REQUIRED]	1
2. PUBLIC ADDRESS SESSION	2
3. WRITTEN REQUEST FOR LEAVE OF ABSENCE	3
4. CONFIRMATION OF MINUTES	3
4.1 (OCM12/98) - ORDINARY MEETING OF COUNCIL - 17/11/98	3
5. APOLOGIES AND LEAVE OF ABSENCE	3
6. ADDITIONS TO THE AGENDA	3
7. DEPUTATIONS	3
8. COUNCIL MATTERS	3
8.1 (OCM12/98) - COUNCIL MEETING STRUCTURE (DMG) (1054) (Attach)	3
8.2 (OCM12/98) - PROPOSED NEW REGISTER OF DELEGATIONS TO OFFICERS AND POLICY MANUAL (DMG) (1054)	5
8.3 (OCM12/98) - PROPOSED NEW REGISTER OF DELEGATIONS TO OFFICERS AND POLICY MANUAL (1054) (DMG)	6
8.4 (OCM12/98) - PROPOSED NEW CODES OF CONDUCT AND STANDING ORDERS LOCAL LAW (DMG) (1054)	9
8.5 (OCM12/98) - STRATEGIC & POLICY COMMITTEE REPORT - 1/12/98 (1055)	10
9.1 (SPC12/98) - CONFERENCE - SUBSTITUTE ATTENDANCE (1027) (DMG) (ALL WARDS)	11
12.1 (SPC12/98) - PROPOSED AMENDMENT NO. 186 - DISTRICT ZONING SCHEME NO. 2 - EXTRACTIVE INDUSTRIES (92186) (AKG)	11
12.2 (SPC12/98) - PROPOSED AMENDMENT NO. 191 - DISTRICT ZONING SCHEME NO. 2 - ADOPTION OF POLICIES (92191) (AKG)	14
12.3 (SPC12/98) - PROPOSED AMENDMENT NO. 194 TO DISTRICT ZONING SCHEME NO. 2 - SOUTHERN HARBOUR JERVOISE BAY - OWNER: CITY OF COCKBURN / LANDCORP - APPLICANT: GREY & LEWIS (92194) (92176) (SA) (COASTAL)	17
12.4 (SPC12/98) - PROPOSED TOWN PLANNING SCHEME NO. 3 (9485) (SMH)	17

12.5	(SPC12/98) - PROPOSED CHANGES TO DISTRICT ZONING SCHEME NO 2 TO OVERCOME THE LIMITATIONS OF McNIECE RULING - PROPOSED AMENDMENT NO 185 (92185) (4412617) (DW/SR)	18
12.6	(SPC12/98) - PROPOSED AMENDMENT NO. 190 - DISTRICT ZONING SCHEME NO. 2 - NEW SUBDIVISION REQUIREMENTS (92190) (AKG) (ALL)	18
14.1	(SPC12/98) - STRATEGIC ENVIRONMENTAL ADVICE BY ENVIRONMENTAL PROTECTION AUTHORITY ON THE MARINE ENVIRONMENT OF COCKBURN SOUND (6111) (9500) (DW)	18
17.1	(SPC12/98) - LEGAL OPINIONS (1157) (RWB)	19
17.2	(SPC12/98) - AMENDMENT TO POLICY A2.10 - OUTDOOR CONCERTS AND LARGE PUBLIC EVENTS (1900) (WJH) (ALL)	20
18.1	(SPC12/98) - TELEPHONE RENTAL - COCKBURN COMMUNICATIONS (FRANK & EVELYN MASSEY) (1550) (JJ)	20
10.1	(SPC12/98) - ROE HIGHWAY STAGES 5-7 - AFFECT ON LOCAL GOVERNMENT ROADS - APPLICANT: MAIN ROADS WESTERN AUSTRALIA (9701) (AJB) (NORTH) (MAPS 13 & 18)	21
14.2	(SPC12/98) - INDUSTRIAL INFRASTRUCTURE HARBOUR DEVELOPMENT (SOUTHERN HARBOUR), JERVOISE BAY - REPORT AND RECOMMENDATIONS OF THE EPA (9500) (6111) (450002) (DW)	21
14.3	(SPC12/98) - PROVISION OF BULK VERGE COLLECTIONS AND RECYCLING SERVICE TO INDUSTRIAL/COMMERCIAL PREMISES (4900) (RJ)	22
15.1	(SPC12/98) - SOUTHERN METROPOLITAN REGIONAL COUNCIL - BUSINESS PLAN FOR REGIONAL RESOURCE RECOVERY CENTRE (6109) (BKG)	23
16.1	(SPC12/98) - STATE CABINET MEETING IN COCKBURN - INVITATION (1051) (DMG)	23
16.2	(SPC12/98) - FACSIMILE EDITION - "COCKBURN - THE MAKING OF A COMMUNITY" (760500) (DKF)	24
19.1	(SPC12/98) - CHIEF EXECUTIVE OFFICER'S PERFORMANCE ASSESSMENT (003) (RWB)	24
19.2	(SPC12/98) - CHIEF EXECUTIVE OFFICER'S QUARTERLY PERFORMANCE REVIEW (003) (RWB)	24
8.6	(OCM12/98) - COMMUNITY DEVELOPMENT COMMITTEE REPORT - 8/12/98 (1052)	24
7.1	(CDC12/98) - AMENDMENT NO. 199 - DISTRICT ZONING SCHEME NO. 2 - PROUT WAY, BIBRA LAKE - OWNER: CROWN - APPLICANT: RICHARD PAWLUK & ASSOCIATES (92199) (CC) (NORTH) (MAP 14)	24
7.2	(CDC12/98) - AMENDMENT NO. 146 - DISTRICT ZONING SCHEME NO 2 - REZONING OF LAND IN SUCCESS - OWNER: GOLD ESTATES - APPLICANT: TURNER MASTER PLANNERS (92146) (CC) (SOUTH) (MAPS 15/20)	26
9.1	(CDC12/98) - PROPOSED RURAL SHED WITH REDUCED SETBACK - LOT 23 MORTIMER ROAD, WATTLEUP - OWNER/APPLICANT: L ELLEMENT (4411301) (MT) (SOUTH) (MAP 16)	27
9.2	(CDC12/98) - ANCILLARY ACCOMMODATION ON SPECIAL RURAL LOT - LOT 34 BORONIA ROAD, BANJUP - OWNER/APPLICANT: J & K RUEDIGER (5500120) (MT) (EAST) (MAP 20)	28

9.3	(CDC12/98) - OVERSIZE SATELLITE DISH - LOT 882; 9 NAYLOR CLOSE, ATWELL - OWNER/APPLICANT: J & E BLASIAK (5516448) (MT) (EAST) (MAP 20)	29
9.4	(CDC12/98) - RENEWAL OF APPROVAL FOR HOME OCCUPATION (HAIR BEAUTY SALON) - LOT 60; 9 GUMINA PLACE, MUNSTER - OWNER/APPLICANT: S I & C CICCARONE (3317180) (MT) (COASTAL) (MAP 8)	29
9.7	(CDC12/98) - INTERNALLY ILLUMINATED DIRECTIONAL SIGN - BEELIAR DRIVE / HAMMOND ROAD INTERSECTION, YANGETUP VETERINARY CLINIC (4516) (APS) (EAST)	29
9.9	(CDC12/98) - LIGHT TOWER - PT LOT 172 BAKER COURT, NORTH LAKE - OWNER: WAPC - APPLICANT: INTERNATIONAL GOLF INVESTMENTS (1117347) (CC) (NORTH) (MAP 13)	29
11.1	(CDC12/98) - DEDICATION OF PORTION OF LOT 9 WARTON ROAD, BANJUP TO 'ROAD PURPOSES' (450373) (KJS)	31
11.2	(CDC12/98) - LEASE OF COUNCIL FREEHOLD - LOT 67 BOURBON STREET, HAMILTON HILL (2200364) (KJS)	31
11.5	(CDC12/98) - DEVELOPMENT COSTS AND SALE OF LOTS 380, 381, 382 AND 383 CONGDON AVENUE, BEELIAR (3318530; 3318531; 3318532; 3318533) (KJS)	31
14.1	(CDC12/98) - FRESHWATER DRIVE - CLOSURE OF RIGHT TURN AT ARMADALE ROAD (451130) (JR) (EAST)	32
14.2	(CDC12/98) - COUNCIL DRAINAGE EASEMENT - PT LOT 458 AND LOT 501 HAMMOND ROAD, SUCCESS - APPLICANT: RICHARD NOBLE & CO (450012) (5500017) (AJB/JR) (EAST)	32
14.3	(CDC12/98) - REINSTATEMENT OF MELL ROAD (450158) (CLR LEES) (BKG) (COASTAL)	33
18.1	(CDC12/98) - COMMUNITY BUS (8850) (RA)	33
18.3	(CDC12/98) - REVIEW RECREATION SERVICES - USER MANAGEMENT AGREEMENTS (8153) (RA)	33
20.1	(CDC12/98) - REPORT ON FINANCIAL STATEMENTS (5005) (NM)	34
20.2	(CDC12/98) - LIST OF CREDITORS PAID (5605) (NM)	35
22.1	(CDC12/98) - UPGRADE OF COUNCIL CHAMBERS AUDIO SYSTEM (LJCD) (4602)	35
19.1	(CDC12/98) - TENDER NO. 46/98 - CONSTRUCTION OF COOGEE BEACH JETTY (1903) (JR) (COASTAL)	35
7.3	(CDC12/98) - PROPOSED SCHEME AMENDMENT NO. 188 - JANDAKOT GROUNDWATER PROTECTION POLICY (92188) (SMH/AKG)	36
8.3	(CDC12/98) - PROPOSED SUBDIVISION -JAA LOT 576 ANNOIS ROAD, BIBRA LAKE - OWNER: HOMESWEST - APPLICANT: CHAPPELL & LAMBERT (108818) (111467) (92137) (SA) (NORTH)	36
9.5	(CDC12/98) - PROPOSED SAND EXTRACTION - JAA 451, JAA PT 410 RAILWAY PARADE AND LOT 1 MIGUEL ROAD, BIBRA LAKE - OWNER: PEAT RESOURCES - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (4413031) (CC) (SOUTH) (MAP 8)	37
9.6	(CDC12/98) - MURDOCH PINES GOLF & RECREATION PARK - COMPLIANCE WITH DEED AND DEVELOPMENT APPROVAL - PT LOT 172 BAKER COURT, NORTH LAKE - OWNER: WAPC - APPLICANT: INTERNATIONAL GOLF INVESTMENTS (1117347) (CC) (NORTH) (MAP 13)	39

13.1	(CDC12/98) - COCKBURN VOLUNTARY EMERGENCY SERVICE (C.V.E.S.) ADVISORY COMMITTEE (1240) (DMG)	40
18.2	(CDC12/98) - COCKBURN WETLANDS EDUCATION CENTRE (4617) (RA)	41
8.1	(CDC12/98) - REVISED STRUCTURE PLAN FOR CELL 6 YANGEBUP - LAND BOUNDED BY STOCK ROAD, BEELIAR DRIVE, THE RAILWAY AND THE BIBRA LAKE INDUSTRIAL AREA - OWNERS: VARIOUS - APPLICANT: BSD CONSULTANTS (100883) (SA/AB) (COASTAL)	42
8.2	(CDC12/98) - PACKHAM URBAN DEVELOPMENT AREA - PUBLIC OPEN SPACE PAYMENT (SMH) (9235)	42
11.3	(CDC12/98) - CONSTRUCTION OF BEELIAR DRIVE - LAND ACQUISITION - LOT 76 BIRCHLEY ROAD (450953) (KJS)	43
11.4	(CDC12/98) - CONSTRUCTION OF BEELIAR DRIVE SUBDIVISION AREA CELLS 9 AND 10 - YANGEBUP AND BEELIAR (450953) (KJS)	44
9.8	(CDC12/98) - SAND EXCAVATION - LOT 77 JANDAKOT ROAD, JANDAKOT - OWNER: SCHAFFER CORPORATION - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (5513079) (CC) (EAST) (MAP 19)	45
18.4	(CDC12/98) - SOUTH FREMANTLE FOOTBALL CLUB (5301) (RA)	45
19.1	(SPC12/98) - CHIEF EXECUTIVE OFFICER'S PERFORMANCE ASSESSMENT (003) (RWB)	47
19.2	(SPC12/98) - CHIEF EXECUTIVE OFFICER'S QUARTERLY PERFORMANCE REVIEW (003) (RWB)	47
8.7	(OCM12/98) - APPOINTMENT OF ADDITIONAL COUNCILLOR TO THE ARBORCULTURAL COMMITTEE (CLR LEE) (4704)	48
9.	ADMINISTRATION	48
9.1	(OCM12/98) - CITY OF SPLIT - 1700th ANNIVERSARY (RS) (1021)	48
9.2	(OCM12/98) - APPOINTMENT OF SOUTH WARD COUNCILLORS TO STANDING COMMITTEES (1701) (DMG)	49
10.	PETITIONS	50
11.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	50
12.	NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING IF GIVEN DURING THE MEETING	50
13.	CONFIDENTIAL MATTERS	50
14.	CLOSING	51

CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 15 DECEMBER 1998 AT 7:30 P.M.

PRESENT:

COUNCIL 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	(Departed at 11:10pm)
Mr L Howlett	-	Councillor	(Departed at 11:29pm)
Mrs N Waters	-	Councillor	
Mr B P Wheatley	-	Councillor	
Mr M Pecotic	-	Councillor	
Mr J Gianoli	-	Councillor	

IN ATTENDANCE

Mr R W Brown	-	Chief Executive Officer	
Mr D M Green	-	Director, Community Services	
Mr A T Crothers	-	Director, Finance & Corporate Services	
Mr S M Hiller	-	Director, Planning & Development (Departed at 11:29pm)	
Mr B K Greay	-	Director, Engineering (Departed at 11:29pm)	
Mr D Walsh	-	Manager, Environmental Services (Departed at 9:12pm)	
Mrs S Ellis	-	Secretary to Chief Executive Officer	

The Presiding Member declared the meeting open at 7:30pm.

1. APPOINTMENT OF PRESIDING MEMBER [IF REQUIRED]

Nil



2. PUBLIC ADDRESS SESSION

Mayor Grljusich called on Mr Richard Russell from Cockburn Rotary Club and Ms Linda Goncalves, Deputy Mayor of the Cockburn Youth Advisory Council. Mr Russell made a cheque presentation to the Youth Council which was from the proceeds of the Cockburn Spring Festival held in November.

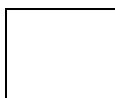
Mr Branko McKeown expressed his gratitude to Council for their support to the Coolbellup Primary School during the year.

Ms Dorothy Davies stated that she had wanted to ask two questions of Council, the first being does the Council truly value the Cockburn Sound, but after reading the meeting's agenda, she was happy with the recommendation put to Council. Secondly, why are trade-offs being considered in relation to Cockburn Sound? Mayor Grljusich responded that there are no trade-offs and that the Council strongly believes the Sound should be cleaned up before any development is considered and that is Council's stand.

Mr Ray Woodcock spoke regarding Mell Road and wished to congratulate the Committee on their recommendation to Council. He felt that the rates collected from residents of Mell Road is not reflected in the condition of the road and asked Councillors to support the Committee's recommendation.

Mr Manparri wished to speak regarding a proposed road near his property in Shallcross Road Yangebup. Mr Bill Evans then spoke on Mr Manparri's behalf stating that he felt that the road could be put elsewhere. Mayor Grljusich advised that the matter was up for discussion this evening in relation to Cell 6 (CDC 8.1) and that the officers have recommended the matter be referred back to the Committee to prepare a detailed report.

Mr Bacevich asked when the Council will release the Packham Development Area public open space money of \$63,700. The Mayor explained that Council's decision of a previous meeting, was that the matter be deferred until the Local Government Inquiry has concluded. The Committee's recommendation tonight, is that the money not be paid out until the investigation is concluded. Mr Bacevich understood that the Council was waiting for a letter on whether the money could be paid out and asked if that letter had been received. The Chief Executive Officer responded that the letter had been received, the Committee considered the letter and is recommending that the pay-out wait.



3. WRITTEN REQUEST FOR LEAVE OF ABSENCE

Nil

4. CONFIRMATION OF MINUTES

4.1 (OCM12/98) - ORDINARY MEETING OF COUNCIL - 17/11/98

Moved Clr Humphreys seconded Clr Waters, that the Minutes of the Ordinary Council Meeting held on the 17th November 1998 be confirmed.

CARRIED

5. APOLOGIES AND LEAVE OF ABSENCE

Clr J. McNair - Apology

6. ADDITIONS TO THE AGENDA

8.7 APPOINTMENT OF ADDITIONAL COUNCILLOR TO THE ARBORCULTURAL COMMITTEE (CLR LEE) (4704)

7. DEPUTATIONS

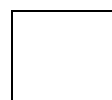
Nil

8. COUNCIL MATTERS

8.1 (OCM12/98) - COUNCIL MEETING STRUCTURE (DMG) (1054) (Attach)

RECOMMENDATION

That Council consider whether it is willing to eliminate the Committee Meeting process and conduct all future business of Council on the basis of holding two Full Council Meetings each month.



COUNCIL DECISION

Moved Cllr Humphreys seconded Cllr Waters, that the status quo remain and that the matter be reviewed in June 1999.

MOTION LOST

Moved Cllr Howlett seconded Cllr Wheatley, that Council move to a two Council Meetings per month system to conduct its business commencing from May 1999 and that the Administration put into place the necessary processes to enable the move forward in a positive and constructive manner.

CARRIED

Background

At the November meeting of Council, it was resolved that the matter dealing with Council's Register of Delegated Authority and Policy Manual, be re-submitted to the December Council Meeting "with the view that first and foremost, that Council consider if it is willing to go to two Full Council Meetings and to eliminate the Committee Meeting process as a priority".

An example of how meetings would operate under a two meetings per month system, was provided to Councillors in May 1998, within the document circularised to advise of the meeting of the Working Group reviewing the Council Meeting Structure. A copy of the example given, is enclosed.

Submission

N/A

Report

The item dealing with the adoption of Council's Delegated Authority Register and Policy Manual, was presented to the Council Meeting held on 17 November 1998.

A motion to adopt these documents was lost, due to the lack of the required Absolute Majority of Council.

In accordance with Council's Standing Orders (Clause 99), "a motion to the same effect as any motion which has been negated by the Council, shall not again be entertained within a



period of three(3) months except with the consent of an absolute majority of the Council".

Therefore, it will be necessary for that item to be the subject of a separate resolution (by absolute majority) prior to being reconsidered.

Hence, the remaining part of the Council decision, that of determining the future meeting structure of Council, will need to be considered independently, which is why the items have been presented in this manner.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

8.2 (OCM12/98) - PROPOSED NEW REGISTER OF DELEGATIONS TO OFFICERS AND POLICY MANUAL (DMG) (1054)

RECOMMENDATION

That Council resolve to reconsider this matter at this Meeting, pursuant to Clause 99 of Council's Standing Orders.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Moved Cllr Humphreys seconded Cllr Howlett, that this matter be reconsidered at this meeting, pursuant to Clause 99 of Council's Standing Orders.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

Background

See report at Item 8.1.

Submission

N/A



Report

See report at Item 8.1

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

DECLARATION OF FINANCIAL INTEREST

Deputy Mayor Ostojich declared a financial interest in Item 8.3, the nature being that there is reference to investments in a specific bank and he has a member of his family that works for a bank.

Clr Howlett declared a financial interest in Item 8.3, the nature being that his brother and son, both work for financial institutions and he is in partnership with them.

AT THIS POINT THE TIME BEING 8:15PM, DEPUTY MAYOR OSTOJICH AND CLR HOWLETT LEFT THE MEETING.

Clr Separovich advised that she works for a bank and asked if a declaration was required. The Chief Executive Officer responded that it was not a financial interest and therefore was not required to be declared.

8.3 (OCM12/98) - PROPOSED NEW REGISTER OF DELEGATIONS TO OFFICERS AND POLICY MANUAL (1054) (DMG)

RECOMMENDATION

That Council, subject to the outcome of Item 8.2;

- (1) adopt the Register of Delegated Authority to officers of Council, as contained in the attachments to the Agenda and previously circulated; and
- (2) adopt the Council Policies as contained in the attachments to the Agenda and previously circulated.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

Moved Mayor Grljusich seconded Clr Lees, that Council:

- (1) adopt the Register of Delegated Authority to officers of Council as contained in the attachment to the Agenda and previously circulated, subject to the deletion of (1) under Autonomy of Discretion in DA-F2 Local Government Act 1995 - Investments; and
- (2) adopt the Council Policies as contained in the attachment to the Agenda and previously circulated, subject to the deletion from Policy F1.6 - Investments, of the words "*Council's current banking arrangements with NAB where it is required to maintain an investment of \$10 million in exchange for 'fee free' banking*", as provided for in 5 (ii) and the words "*To maintain a minimum investment of \$10 million with the NAB whilst Council's current banking arrangement continues*" under the heading of 'Investment Strategy'.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

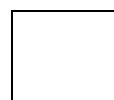
Background

This explanation also applies to Item 8.4.

At the Council Meeting held in March 1998, Council resolved that the Council Meeting structure be part of an ongoing review process and that a Working Party be formed consisting of the Mayor, Deputy Mayor and Councillor Pecotic with Councillor Humphreys as Deputy, together with three staff appointed by the Chief Executive Officer to oversee this process.

Subsequently, the Working Party has met on three occasions to discuss mechanisms which, if implemented, would positively contribute to the streamlining of Council business. A variety of issues were raised and discussed by the Working Party and are contained in the notes taken from the Meetings, a copy of which was previously circulated.

This item was previously listed for discussion at the lapsed Special Meeting of Council held on 22 October 1998.



Submission

N/A

Report

The primary emphasis of the Working Party was to investigate the following matters:

1. Mechanisms by which procedural matters could be dealt with at administrative level, thus alleviating the need to burden the Council and Committee Agendas with such items; and
2. Meeting procedures to identify ways in which the business of Council be streamlined, thus eliminating the need for lengthy and unruly meetings.

Accordingly, the Working Party has concentrated on these matters and developed the following documents:

- (i) Updated Delegated Authority Register containing the delegation of Council Policy statements to officers. In addition, the latest document contains additional information relative to guidelines, conditions, extent of authority and legislative and/or Council Policy controls which must be considered by Officers when using delegated authority;
- (ii) Updated Policy Manual containing a cross-reference to the Delegated Authority Register, where applicable, thereby acting as a ready reference source to assist staff in the decision-making process;
- (iii) Amend Draft Standing Orders containing a number of new mechanisms which are aimed to guiding the Presiding Member and Councillors towards conducting the business of Council in a more orderly and streamlined manner in the future;
- (iv) Minor amendments to the Codes of Conduct (for Councillors and Staff).

It is anticipated that the following issues, specific to the Draft Standing Orders, will wish to be considered by Council:

1. Part 21 - Declaration of Conflict of Interest (Non-Financial)
2. Clause 4.13 - Closure of Meeting



3. Clause 4.10 - Urgent Business
4. Clause 4.12 - Matters to be investigated
5. Parts 9, 10 and 15 - Debating Procedures

For the purpose of (5) above, a Draft *prompt* sheet will be prepared and presented to the meeting.

While there are no other matters the administration wishes to specifically raise, it will obviously be competent for Councillors to bring any matter to the attention of the meeting for discussion in relation to these items.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

AT THIS POINT THE TIME BEING 8:23PM, DEPUTY MAYOR OSTOJICH AND CLR HOWLETT RETURNED TO THE MEETING.

8.4 (OCM12/98) - PROPOSED NEW CODES OF CONDUCT AND STANDING ORDERS LOCAL LAW (DMG) (1054)

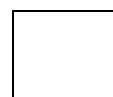
RECOMMENDATION

That Council:

- (1) adopt the Codes of Conduct for Councillors and Staff as contained in the attachments previously circulated;
- (2) submit for public comment the proposed Draft Local Law Relating to the Conduct of Proceedings and the Business of Council, known as *Standing Orders*, as contained in the attachments previously circulated; and
- (3) subject to the outcome of Item 8.1, reconsider the issue of the Council Meeting format in March 1999, following final consideration of the Draft Standing Orders Local Law in February 1999, as the result of any public submissions received.

COUNCIL DECISION

Moved Clr Lees seconded Clr Elpitelli, that Council:



- (1) adopt the Code of Conduct for Councillors and Staff as contained in the attachments previously circulated, subject to the deletion of Item 5 under the heading 'Conduct' in the Code of Conduct for Councillors; and
- (2) submit for public comment, the proposed Draft Local Law Relating to the Conduct of Proceedings and the Business of Council known as Standing Orders, as contained in the attachments previously circulated, subject to the deletion of Point 21 - Declaration of Conflict of Interest.

CARRIED

Background

Refer to information provided at Item 8.3.

Submission

N/A

Report

Refer to information provided at Item 8.3.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

8.5 (OCM12/98) - STRATEGIC & POLICY COMMITTEE REPORT - 1/12/98 (1055)

Moved Clr Howlett seconded Clr Humphreys, that the report of the Strategic and Policy Committee Meeting held on the 1st December 1998 be received and the following recommendations adopted.

AT THIS POINT THE TIME BEING 8:57PM, CLR WHEATLEY LEFT THE MEETING AND RETURNED AT 8:58PM.



9.1 (SPC12/98) - CONFERENCE - SUBSTITUTE ATTENDANCE (1027) (DMG) (ALL WARDS)

COUNCIL DECISION

That the matter be recommitted to the next Strategic and Policy Committee Meeting addressing the definition of *delegate* in relation to the additional Clauses 11 and 12 of the Conference Policy A5.12 and whether Budget adjustments would be necessary in circumstances where a staff member replaces a Councillor as a delegate.

12.1 (SPC12/98) - PROPOSED AMENDMENT NO. 186 - DISTRICT ZONING SCHEME NO. 2 - EXTRACTIVE INDUSTRIES (92186) (AKG)

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. 186

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. Amending Part 5 of the Scheme Text by adding Clause 5.12 - Industry - Extractive and the following Sub-Clauses:-

5.12.1 Planning Consent

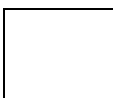
No person shall commence an extractive industry on any land within the district without first having applied for and received the planning consent of the Council under **Clause 3.2.2.**

5.12.2 Application Requirements

- (a) Unless the Council waives any particular requirement each application for Planning Consent for an extractive industry shall include

the following information in addition to the requirements of **Clause 6.1**:-

- (i) a report detailing the existing physical environment including geology, soils surface and ground water hydrology, heritage sites, current land use, zoning, surrounding land use and potential impacts on nearby and adjoining properties;
 - (ii) a flora and fauna report for the site prepared by a qualified botanist to the specifications and satisfaction of Council;
 - (iii) a vehicle access circulation plan and proposals for fuel storage and any vehicle repair facilities;
 - (iv) a plan showing excavation stages, existing and final site levels together with cross-sections;
 - (v) a management plan detailing the measures to be taken to control dust, noise, erosion, fire control, weeds and the protection of any features of the land to be retained or preserved;
 - (vi) a rehabilitation plan and implementation programme to either restore the land to as close as possible to its condition prior to the extraction of materials or to provide for a future use appropriate to, and consistent with the zoning of the land;
- (b) The information provided pursuant to **Sub-Clause 5.1.2.2 (a)** and **Sub-Clause 6.1.2** shall, having due regard to **Sub-Clauses 5.12.3** and **5.12.4** and **Clause 6.1**, form the basis of Council's determination of the application for Planning Consent.
- 5.12.3 Setbacks and Screening
- (a) A setback of not less than 40 metres wide to a road reserve or other public reserve and not less than 20 metres wide to all other boundaries to the lot shall be provided unless determined



otherwise by the Council.

- (b) The setback shall comprise the existing vegetation which shall remain undisturbed except for:-
- (i) accessways for entering and leaving the extractive industry site;
 - (ii) firebreaks as may be required under the Bush Fires Act;
 - (iii) re-vegetation to reinstate or supplement the existing vegetation to provide an effective visual screen from adjoining and nearby public and private owned land.
 - (iv) public and private utility infrastructure.

5.12.4 Rehabilitation

- (a) Permanent rehabilitation of the site shall occur progressively at the same rate as the extraction or at a time agreed between the quarry operator and the Council.
- (b) Soil profiles shall be reconstructed to facilitate rehabilitation of the site.
- (c) Revegetation shall be based on the planting of native flora typical of the locality with the species and plant density to be determined by the Council having regard to the rehabilitation plan submitted pursuant to **Sub-Clause 5.12.2 (a) (vii)**.
- (d) The rehabilitation and stabilising of completed excavations are to be progressively implemented in accordance with the approved rehabilitation plan and shall be managed, maintained and monitored by the landowner for a minimum of 2 years to the Council's satisfaction.
- (e) Where an application is made for approval for continuation and / or expansion of the extractive industry on the lot the Council may refuse such an application if it is not satisfied that rehabilitation has been completed in

accordance with the approved rehabilitation programme required as part of a previous approval on the land.

DATED THIS 15TH DAY OF DECEMBER 1998.

CHIEF EXECUTIVE OFFICER

- (2) upon preparation of the amending documents, the amending resolution be signed and forwarded to the Western Australian Planning Commission with a request to advertise subject to the approval of the Environmental Protection Authority; and
- (3) forward a copy of the documents to the Environmental Protection Authority in accordance with Section 7A(1) of the Act.

12.2 (SPC12/98) - PROPOSED AMENDMENT NO. 191 - DISTRICT ZONING SCHEME NO. 2 - ADOPTION OF POLICIES (92191) (AKG)

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. 191

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. Inserting a new part to the scheme text titled PART 11. POLICIES and inserting the following clauses:-

11.1 Adoption and Amendment of Policies

11.1.1 The procedure for adoption and amendment of a policy as a **Clause 11 Policy** shall be as follows:-

- (a) The Council having prepared and adopted a draft



Policy shall advertise the draft Policy by way of a notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area and by such other methods as the Council may consider appropriate to ensure notice of the draft Policy, giving details of where the draft Policy may be inspected, the subject and nature of the draft Policy and in what form and during what period (being not less than 21 days from the date specified in the notice) submissions may be made.

- (b) The Council shall carry out such other consultations as it thinks fit.
- (c) The Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.
- (d) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.

11.1.2 Where, in the opinion of the Council, the provisions of any Policy affect the interests of the Commission, a copy of the Policy shall be forwarded to the Commission.

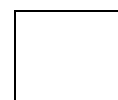
11.2 Amendment of Policy

11.2.1 Policies of the Council which have been adopted under this Clause as Clause 11 Policies will be incorporated into the Council's policy manual.

11.2.2 The Council shall not amend a Clause 11 Policy, otherwise than under the provisions of this Scheme.

11.2.3 The procedure for adopting an amendment to a Clause 11 Policy shall be as follows:-

- (a) In the case of a substantial amendment the Council shall before its adoption of the amendment as an amendment to the relevant Clause 11 Policy, undertake the procedures referred to in **Clause 11.1.2**;
- (b) If in the opinion of the Council an approved



amendment does not involve a substantial alteration to the policy, or would not have any significant impact on any person affected by the policy, the Council may resolve to adopt such an amendment as an amendment to the Clause 11 Policy without prior publication or inviting of submissions.

- 11.2.4 If the Council pursuant to **Clause 11.1.3** has forwarded a Clause 11 Policy to the Commission, the Council shall likewise forward to the Commission for consideration, advice and, where necessary, adoption, any amendment to such a policy which the Council has resolved to adopt pursuant to this Clause.

11.3 Status of Part 11 Policy

- 11.3.1 The Council shall have regard to any Clause 11 Policy which in its opinion is relevant when exercising a discretion pursuant to **Clause 6.3**.

- 11.3.2 Before varying from the provisions of a Clause 11 Policy in the exercise of its discretion in any matter, the Council shall consider the extent to which a variation from the policy would prejudice the intent and integrity of the policy, and the impact such a variation would have on the orderly and proper planning of the district.

11.4 Existing Policies

- 11.4.1 Prior to adoption all existing policies shall go through the procedure as set out in **Clause 11.2.3**. Only after having gone through this procedure shall the Council declare such a policy to be a Clause 11 Policy.

11.5 Policy Manual

- 11.5.1 The Council shall maintain a manual of all Clause 11 Policies which shall be available for public inspection at the Office of the Council during normal office hours.



DATED THIS 15TH DAY OF DECEMBER 1998.

CHIEF EXECUTIVE OFFICER

- (2) upon preparation of the amending documents, the amending resolution be signed and forwarded to the Western Australian Planning Commission with a request to advertise.

12.3 (SPC12/98) - PROPOSED AMENDMENT NO. 194 TO DISTRICT ZONING SCHEME NO. 2 - SOUTHERN HARBOUR JERVOISE BAY - OWNER: CITY OF COCKBURN / LANDCORP - APPLICANT: GREY & LEWIS (92194) (92176) (SA) (COASTAL)

COUNCIL DECISION

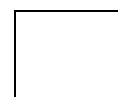
That Council defer consideration of Proposed Amendment No.194 to District Zoning Scheme No.2

12.4 (SPC12/98) - PROPOSED TOWN PLANNING SCHEME NO. 3 (9485) (SMH)

COUNCIL DECISION

That Council :

- (1) receive the report;
- (2) proceed with a revised version of the draft of proposed Town Planning Scheme No. 3 in accordance with discussions between senior officers of the Ministry for Planning and the Director Planning & Development held on 13 November 1998;
- (3) use the draft Model Scheme Text as the basis to the format of the revision of Town Planning Scheme No. 3;
- (4) use the Development Plans discussed and amended through the Councillors Workshop held in August 1998, as the basis to the Scheme Map;
- (5) require the revised proposal for Town Planning Scheme No. 3 to be presented to the Council for its consideration prior to proceeding with the Scheme to formal advertising.



12.5 (SPC12/98) - PROPOSED CHANGES TO DISTRICT ZONING SCHEME NO 2 TO OVERCOME THE LIMITATIONS OF McNIECE RULING - PROPOSED AMENDMENT NO 185 (92185) (4412617) (DW/SR)

COUNCIL DECISION

That no further action be taken at this stage on Proposed Amendment No.185.

12.6 (SPC12/98) - PROPOSED AMENDMENT NO. 190 - DISTRICT ZONING SCHEME NO. 2 - NEW SUBDIVISION REQUIREMENTS (92190) (AKG) (ALL)

COUNCIL DECISION

That Council :

- (1) not proceed with Amendment No.190 based on advice from the Western Australian Planning Commission; and
- (2) advise the Western Australian Planning Commission of the Council's decision accordingly as required under Regulation 13 of the Town Planning Regulations.

14.1 (SPC12/98) - STRATEGIC ENVIRONMENTAL ADVICE BY ENVIRONMENTAL PROTECTION AUTHORITY ON THE MARINE ENVIRONMENT OF COCKBURN SOUND (6111) (9500) (DW)

COUNCIL DECISION

That Council :

- (1) note and endorse the Conclusions and Recommendations of the Environmental Protection Authority in its Strategic Environmental Advice on the Marine Environment of Cockburn Sound to the Minister for the Environment;
- (2) urge the Minister for the Environment to ensure that the conclusions and recommendations of the Environmental Protection Authority are given serious consideration and implemented as soon as possible;



- (3) urge the Government via the Minister for the Environment to seriously reconsider the range of future harbour proposals for Cockburn Sound in the light of the findings and advice of the Environmental Protection Authority;
- (4) support the establishment of a Management Framework and Body for Cockburn Sound and endorse the management model currently being developed by the Cockburn Sound Conservation Committee.

17.1 (SPC12/98) - LEGAL OPINIONS (1157) (RWB)

COUNCIL DECISION

That Council :

- (1) receive the report;
- (2) amend Council's Policy A1.15 - Obtaining Legal Advice to read as follows:
 - 1. in the instances where Council has resolved or Committee has requested to seek legal advice, a copy of that advice and Council's letter of instruction be provided to all Councillors as soon as practicable within seven(7) days of receipt by the City unless otherwise resolved by Council;
 - 2. the intent of any advice received relating to any matter placed before Council for determination being conveyed to Councillors via "Councillors Info" within seven days of receipt and Councillors may obtain a copy or further details of this advice together with Council's letter of instruction;
 - 3. where copies of legal advice are made available to Councillors, the content of the advice is not permitted to be disclosed to third parties, unless by resolution of Council', following the opinion of the Solicitor who provided advice to the Council about the possible consequences of making that advice available to a third party;
 - 4. Council maintain its retainer arrangement with its Solicitors for the purpose of ascertaining matters of an administrative nature where procedural verbal advice is

obtained and that such advice sought be recorded as a file note on the appropriate file;

5. that where a legal opinion is sought in relation to an item placed before Council, a note that the item is subject to legal advice be included in the relevant Agenda or Minutes.

**17.2 (SPC12/98) - AMENDMENT TO POLICY A2.10 -
OUTDOOR CONCERTS AND LARGE PUBLIC EVENTS
(1900) (WJH) (ALL)**

COUNCIL DECISION

That Council amend Policy A 2.10 – OUTDOOR CONCERTS AND LARGE PUBLIC EVENTS by deleting the wording under **1. Exemptions** and substituting the following “*This policy is not intended to cover:*

- *Parades or marches*
- *Religious Ceremonies*
- *Private functions such as weddings and private parties*
- *Buskers*
- *Community and Cultural Events/Concerts sponsored and/or organised by the City of Cockburn”.*

**18.1 (SPC12/98) - TELEPHONE RENTAL - COCKBURN
COMMUNICATIONS (FRANK & EVELYN MASSEY)
(1550) (JJ)**

COUNCIL DECISION

That Council :

- (1) pay the telephone rental plus an allowance of \$30 per quarter for *Cockburn Communications* (Frank & Evelyn Massey); and
- (2) request the Bush Fire Advisory Committee to review the matter on an annual basis.

CARRIED



10.1 (SPC12/98) - ROE HIGHWAY STAGES 5-7 - AFFECT ON LOCAL GOVERNMENT ROADS - APPLICANT: MAIN ROADS WESTERN AUSTRALIA (9701) (AJB) (NORTH) (MAPS 13 & 18)

COUNCIL DECISION

Moved Clr Lees seconded Clr Elpitelli, that Council :

- (1) receive the Roe Highway Stages 5-7 Affect on Local Government Road Report prepared by Main Roads Western Australia;
- (2) request Main Roads WA to provide information on the potential impact of the construction of the Roe Highway on roads within the district west of the Kwinana Freeway;
- (3) advise Main Roads WA that Council considers that the Roe Highway should be undertaken as a single contract to minimise the impact on the local road network within the City of Gosnells, Canning, Melville and Cockburn. In the event that it is undertaken in stages, it is Council's preferred position that stages 6 and 7 for that section between Nicholson Road and the Kwinana Freeway be combined and undertaken as a single contract;
- (4) advise Main Roads WA that Council will be represented on the Roe Highway CLG by Mayor J. Grljusich with Clr L. Humphreys as Deputy.

CARRIED

14.2 (SPC12/98) - INDUSTRIAL INFRASTRUCTURE HARBOUR DEVELOPMENT (SOUTHERN HARBOUR), JERVOISE BAY - REPORT AND RECOMMENDATIONS OF THE EPA (9500) (6111) (450002) (DW)

COUNCIL DECISION

Moved Clr Lees seconded Clr Elpitelli, that Council :

- (1) reaffirm its opposition to the project based on its opinion that the project is environmental unacceptable;
- (2) confirm and endorse the actions of Council Officers in appealing

against aspects of the Report and Recommendations of the Environmental Protection Authority;

- (3) forward a further submission to the Minister for the Environment in support of the appeal which deals with issues identified in the Officer's Report;
- (4) seek a meeting with the Minister for the Environment to discuss Council's concerns in further detail; and
- (5) advise Jervoise Bay Developments that it does not support the proposed amendment of A Class Reserve 24309.

CARRIED UNANIMOUSLY

AT THIS POINT THE TIME BEING 9:03PM, CLR PECOTIC LEFT THE MEETING AND RETURNED AT 9:06PM DURING DISCUSSION OF THE ABOVE ITEM.

AT THIS POINT THE TIME BEING 9:12PM, MANAGER ENVIRONMENTAL SERVICES LEFT THE MEETING AND DID NOT RETURN.

14.3 (SPC12/98) - PROVISION OF BULK VERGE COLLECTIONS AND RECYCLING SERVICE TO INDUSTRIAL/COMMERCIAL PREMISES (4900) (RJ)

COUNCIL DECISION

Moved Clr Elpitelli seconded Clr Pecotic, that at the next SPC meeting, the Committee consider providing a bin service for the commercial and industrial sector and in addition, a green waste and recycling pick up service be provided.

Moved Clr Lee seconded Deputy Mayor Ostojich, that the motion be put.

CARRIED

MOTION PUT AND CARRIED



AT THIS POINT THE TIME BEING 9:13PM, DEPUTY MAYOR OSTOJICH LEFT THE MEETING AND RETURNED AT 9:14PM DURING DISCUSSION OF THE ABOVE ITEM.

15.1 (SPC12/98) - SOUTHERN METROPOLITAN REGIONAL COUNCIL - BUSINESS PLAN FOR REGIONAL RESOURCE RECOVERY CENTRE (6109) (BKG)

COUNCIL DECISION

Moved Clr Elpitelli seconded Clr Humphreys, that Council :

- (1) participate in the Regional Resource Recovery Centre project to be located at Canning Vale as outlined in the business plan prepared by the Southern Metropolitan Regional Council;
- (2) contribute to its share of the cost subject to final terms and conditions as approved by Council; and
- (3) commend the Director, Engineering for the work that has been undertaken in relation to this project over many years.

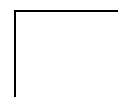
CARRIED UNANIMOUSLY

16.1 (SPC12/98) - STATE CABINET MEETING IN COCKBURN - INVITATION (1051) (DMG)

COUNCIL DECISION

Moved Clr Elpitelli seconded Clr Pecotic, that an invitation be sent to the Premier to conduct a Cabinet Meeting in Cockburn as soon as possible.

CARRIED



16.2 (SPC12/98) - FACSIMILE EDITION - "COCKBURN - THE MAKING OF A COMMUNITY" (760500) (DKF)

COUNCIL DECISION

Moved Mayor Grijusich seconded Clr Waters, that the matter be recommitted to the next SPC meeting awaiting further information and that the Author, Mr Berson, be contacted in relation to the information being obtained.

CARRIED

19.1 (SPC12/98) - CHIEF EXECUTIVE OFFICER'S PERFORMANCE ASSESSMENT (003) (RWB)

19.2 (SPC12/98) - CHIEF EXECUTIVE OFFICER'S QUARTERLY PERFORMANCE REVIEW (003) (RWB)

COUNCIL DECISION

Moved Deputy Mayor Ostojich seconded Clr Gianoli, that SPC Items 19.1 and 19.2 be dealt with after Agenda Item 8.6 - Community Development Committee Report.

CARRIED

8.6 (OCM12/98) - COMMUNITY DEVELOPMENT COMMITTEE REPORT - 8/12/98 (1052)

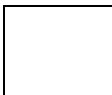
Moved Clr Humphreys seconded Clr Wheatley, that the report of the Community Development Committee Meeting held on the 8th December 1998 be received and the following recommendations adopted.

7.1 (CDC12/98) - AMENDMENT NO. 199 - DISTRICT ZONING SCHEME NO. 2 - PROUT WAY, BIBRA LAKE - OWNER: CROWN - APPLICANT: RICHARD PAWLUK & ASSOCIATES (92199) (CC) (NORTH) (MAP 14)

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 TOWN PLANNING SCHEME – DISTRICT ZONING SCHEME NO. 2

AMENDMENT 199

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

1. reclassifying portion of Prout Way from Local Reserves- 'Local Road, ROW, PAW' to 'Residential' code 'R25' and 'R15' and Local Reserve 'Parks and Recreation';
2. reclassifying portion of Prout Way from 'Residential' code 'R25' to Local Reserve- 'Local Road, ROW, PAW'; and
3. amending the Scheme maps accordingly.

DATED THIS DAY OF..... 199... .

CHIEF EXECUTIVE OFFICER

- (2) forward a copy of the signed document to the Environmental Protection Authority in accordance with section 7 A(1) of the Act;
- (3) forward copies of the signed documents to the Western Australian Planning Commission requesting consent to advertise be granted following receipt of written advise from the Environmental Protection Authority that the Scheme Amendment is not required to be assessed under section 48A of the Environmental Protection Act;
- (4) advise the applicant of the Council's resolution and request copies of the amending document be prepared and submitted to Council; and
- (5) further advise the applicant that Council will be requesting the Western Australian Planning Commission place conditions on the adjacent subdivision for the provision of additional open space comprising 10 percent of the area of Prout Way to be included in the subdivision, and the drainage function of Prout Way be accommodated in the subdivision.



7.2 (CDC12/98) - AMENDMENT NO. 146 - DISTRICT ZONING SCHEME NO 2 - REZONING OF LAND IN SUCCESS - OWNER: GOLD ESTATES - APPLICANT: TURNER MASTER PLANNERS (92146) (CC) (SOUTH) (MAPS 15/20)

COUNCIL DECISION

That Council :

(1) adopt the following amendment:-

TOWN PLANNING AND DEVELOPMENT ACT, 1928 (AS AMENDED) RESOLUTION DECIDING TO AMEND A TOWN PLANNING-CITY OF COCKBURN DISTRICT ZONING SCHEME NO. 2.

AMENDMENT NO. 146

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 Pt 4 and portion of Lot Pt 6 of Jandakot A. A 232 Beenyup Road, Success from 'Rural Zone' to 'Residential' zone-code 'R30';
2. Rezoning portion of Lot JAA Pt 223, portion of Lot Pt 19 of Jandakot A.A 232, Beenyup Road, Success from 'Rural Zone', Local Reserve 'Public Purpose-MWA' and 'Residential' code 'R15' to 'Residential' zone code 'R160'.
3. Rezoning Reserve No. 26751 and portion of Pt Lot 19 of Cockburn Sound Location 545 Hammond and Banningan Roads, Success from Local Reserves 'Parks and Recreation and 'Residential' zone-code 'R15' to Local Reserves-'Public Purposes-Primary School'.
4. Rezoning portion of Lot Pt 19 of Jandakot AA Lot 234 Hammond Road, Success from 'Rural' zone to 'Residential' zone-code 'R20'.
5. Rezoning portion of Lot Pt 19 of Cockburn Location 545 corner of Hammond and Bartram Roads, Success from 'Residential' zone code 'R15' to 'Commercial' zone;
6. Rezoning Reserve No. 42982 Alabaster Drive, Success, Reserve No. 42975 Jubilee Avenue, Success and Lot Pt 19 of Cockburn Sound Location 545 from 'Residential'



zone code 'R15' to Local Reserve' Parks and Recreation'.

7. Rezoning Reserve No. 42979 Jubilee Avenue, Success and Lot Pt 19 of Cockburn Sound Location 545 from 'Residential' zone-code 'R15' to Local Reserves –'Lakes and Drainage'.
 8. Rezoning the road reserves from 'Residential' zone-code 'R15' to Local Reserve 'Local Road' as shown on the Scheme Amendment Map.
 9. Rezoning the various lands zoned 'Residential' zone-code 'R15', generally bounded by (but not including) Banningan Road, Hammond Road and Lot Pt 81 Hammond Road to the West, Beeliar Drive to the North, Kwinana Freeway to the east and Bartram Road to the south from 'Residential' zone-code 'R15' to 'Residential' zone-code 'R20', 'Residential' zone-code 'R30', 'Residential' zone-code 'R40' and 'Residential' zone-code 'R160' as shown on the Scheme Amendment Map.
 10. Amending the scheme map accordingly.
- (2) forward a copy of a signed document to the Environmental Protection Authority in accordance with section 7 A(1) of the Act;
 - (3) forward copies of the signed documents to the Western Australian Planning Commission requesting consent to advertise be granted following receipt of written advice from the Environmental Protection Authority that the Scheme Amendment is not required to be assessed under section 48A of the Environmental Protection Act; and
 - (4) advise the applicant of the Council's resolution.

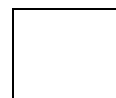
9.1 (CDC12/98) - PROPOSED RURAL SHED WITH REDUCED SETBACK - LOT 23 MORTIMER ROAD, WATTLEUP - OWNER/APPLICANT: L ELLEMENT (4411301) (MT) (SOUTH) (MAP 16)

COUNCIL DECISION

That Council :

- (1) approve the application for shed extensions on Lot 23 Mortimer Road, Wattleup subject to the following conditions:

Standard Conditions



1. Standard conditions contained in Council Policy PD20 as determined appropriate to this application by the delegated officer under clause 7.6 of Council's District Zoning Scheme N^o 2;
- (2) issue a Form 2 Notice of Approval to Commence Development to the applicant.

9.2 (CDC12/98) - ANCILLARY ACCOMMODATION ON SPECIAL RURAL LOT - LOT 34 BORONIA ROAD, BANJUP - OWNER/APPLICANT: J & K RUEDIGER (5500120) (MT) (EAST) (MAP 20)

COUNCIL DECISION

That Council :

- (1) approve the application for ancillary accommodation on Lot 34 Boronia Road, Banjup subject to the following conditions:

Standard Conditions

1. Standard conditions contained in Council Policy PD20 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 owner entering a legal agreement, prior to obtaining a building licence, which shall bind the owner, their heirs and successors in title, requiring that the occupier of the dwelling shall be a member of the family of the occupier of the main dwelling. The applicant is to meet the costs of the legal agreement.

Footnotes

1. The applicant must make application to the 'Public Health Department – Waste Water Section' for approval for the dwelling.

- (2) issue a Form 2 Notice of Approval to the applicant.



**9.3 (CDC12/98) - OVERSIZE SATELLITE DISH - LOT 882;
9 NAYLOR CLOSE, ATWELL - OWNER/APPLICANT: J
& E BLASIAK (5516448) (MT) (EAST) (MAP 20)**

COUNCIL DECISION

That Council :

- (1) advise the landowner that the satellite dish may remain in its present location subject to the following:
 1. trees being planted on the property to screen the dish from view from Tapper Road & Lydon Boulevard, to Council's satisfaction.

**9.4 (CDC12/98) - RENEWAL OF APPROVAL FOR HOME
OCCUPATION (HAIR BEAUTY SALON) - LOT 60; 9
GUMINA PLACE, MUNSTER - OWNER/APPLICANT: S
I & C CICCARONE (3317180) (MT) (COASTAL) (MAP 8)**

COUNCIL DECISION

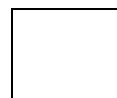
That this matter be deferred to the next Community Development Committee Meeting, until further investigations are made in relation to submissions received from neighbouring residents.

**9.7 (CDC12/98) - INTERNALLY ILLUMINATED
DIRECTIONAL SIGN - BEELIAR DRIVE / HAMMOND
ROAD INTERSECTION, YANGETUP VETERINARY
CLINIC (4516) (APS) (EAST)**

COUNCIL DECISION

That Council approve the internally illuminated directional sign for Yangebup Veterinary Hospital at the intersection of Beeliar Drive and Hammond Road.

**9.9 (CDC12/98) - LIGHT TOWER - PT LOT 172 BAKER
COURT, NORTH LAKE - OWNER: WAPC -
APPLICANT: INTERNATIONAL GOLF INVESTMENTS
(1117347) (CC) (NORTH) (MAP 13)**



COUNCIL DECISION

That Council :

- (1) recommend that the Western Australian Planning Commission approve the proposal to install the light tower subject to the following conditions:

Standard Conditions

1. Standard conditions and footnotes as contained in Council Policy PD 20 Standard Development Conditions and Footnotes as determined appropriate to this application by delegated officer under clause 7.6 of the City of Cockburn Town Planning Scheme-District Zoning Scheme No. 2;

Special Conditions

1. operational times for the light towers being restricted to Monday to Sunday until 9:30pm and not at all Christmas Day and Good Friday and prior to 6:30am every day of the week.
 2. The applicant implementing a tree-planting program of a least 20 fast growing species to attenuate light spill to the adjacent residential area. Planting to occur in the locations shown on the plan attached and species to be approved by the Council's environmental department.
 3. Aiming of floodlights to be in accordance with the submitted plan and the maximum total power consumption for each light tower not to exceed 5000 watts.
 4. The operation of the light towers to comply with the Australian Standard AS 4282 'Control of Obtrusive Effects of Outdoor Lighting-1997' .
- (2) advise the International Golf Investments that Council is prepared to agree to a variation to the lease to extend the hours of operation from 8am-6pm to 6:30am-9:30pm subject to the Commission's approval of the light tower .
- (3) advise International Golf Investments and the Western Australian Planning Commission of the Council's decision.



**11.1 (CDC12/98) - DEDICATION OF PORTION OF LOT 9
WARTON ROAD, BANJUP TO 'ROAD PURPOSES'
(450373) (KJS)**

COUNCIL DECISION

That Council request the Minister for Lands to dedicate the road widening shown on Diagram of Survey 65048, pursuant to Section 56 of the Land Administration Act 1997.

**11.2 (CDC12/98) - LEASE OF COUNCIL FREEHOLD - LOT
67 BOURBON STREET, HAMILTON HILL (2200364)
(KJS)**

COUNCIL DECISION

That Council :

- (1) negotiate a lease of Lot 67 Bourbon Street, Hamilton Hill to Fremantle Housing Association Inc;
- (2) comply with Section 3.58 of the Local Government Act 1995;
- (3) the final negotiation details are to be resolved between Fremantle Housing Association Inc and the Director of Finance.

**11.5 (CDC12/98) - DEVELOPMENT COSTS AND SALE OF
LOTS 380, 381, 382 AND 383 CONGDON AVENUE,
BEELIAR (3318530; 3318531; 3318532; 3318533)
(KJS)**

RECOMMENDATION

That Council resolve to:

- (1) pay subdivision costs of \$73,503 for Lots 380, 381, 382 and 383 Congdon Avenue, Beeliar to Urban Focus;
- (2) make the payments in four instalments of \$18,375 with each payment to follow the sale of each of the four lots;
- (3) commission a real estate agent in the vicinity of Congdon Avenue to sell Lots 380, 381, 382 and 383 on behalf of the City of Cockburn;
- (4) ensure that the conditions of sale are in compliance with Section

3.58 of the Local Government Act 1995;

- (5) lodge net proceeds from sales into a Land Development Reserve Fund.
- (6) that Council be informed of the recommended sale price before the lots are advertised for sale.

14.1 (CDC12/98) - FRESHWATER DRIVE - CLOSURE OF RIGHT TURN AT ARMADALE ROAD (451130) (JR) (EAST)

COUNCIL DECISION

That:

- (1) East Ward Councillors liaise with Atwell Community Association regarding the Freshwater Drive residents' request to have the median strip in Armadale road closed; and
- (2) Council advise Dr. Carmen Lawrence of Council's decision as set out above.

14.2 (CDC12/98) - COUNCIL DRAINAGE EASEMENT - PT LOT 458 AND LOT 501 HAMMOND ROAD, SUCCESS - APPLICANT: RICHARD NOBLE & CO (450012) (5500017) (AJB/JR) (EAST)

COUNCIL DECISION

That Council advise Richard Noble & Co that:

- (1) Council is not prepared to excavate and modify the open drain in the easement on Pt Lots 458 and Lot 501 Hammond Road given that the works may alter the hydrological regime of Lake Copulup and that such works would be contrary to the adopted South Jandakot Drainage Management Plan which is to be implemented in this area within the next 3 years;
- (2) Council will not consider any proposals for development in the area until due consideration has been given to a submission from Development Planning Strategies on behalf of Gold Estates and other land owners in the area north of Russell Road to lift the deferment for the Urban Deferred area in the Metropolitan Region Scheme and a request to rezone the land



to residential in City of Cockburn District Zoning Scheme No. 2.

**14.3 (CDC12/98) - REINSTATEMENT OF MELL ROAD
(450158) (CLR LEES) (BKG) (COASTAL)**

COUNCIL DECISION

That:

- (1) Council widen the road by at least .5 m on the southern side;
- (2) kerbing be installed on the southern side to be completed from the subdivision to Hamilton Road;
- (3) the Director, Engineering discuss with ratepayers the type of kerbing and driveways to be installed; and
- (4) funding for the project be agreed to by Ward Members as a matter of urgency.

18.1 (CDC12/98) - COMMUNITY BUS (8850) (RA)

COUNCIL DECISION

That Council place on its 1999/2000 budget for consideration, the sum of \$21,000 for the purchase of a new 22 seater bus subject to the balance of funds required, being obtained from the Department of Health and Family Services and the Lotteries Commission.

**18.3 (CDC12/98) - REVIEW RECREATION SERVICES -
USER MANAGEMENT AGREEMENTS (8153) (RA)**

COUNCIL DECISION

That Council :

- (1) establish a revised Recreation Advisory Committee effective from 2nd May 1999;
- (2) the revised Recreation Advisory Committee comprise the following membership:

- Two (2) Councillors
 - Recreation Services Co-ordinator
 - Three (3) Cockburn Domestic Sports Council Representatives selected by the Sports Council.
 - Three (3) Community representatives appointed by Council following a public call for nominations.
 - Three (3) Recreation Industry or Recreation Organisation representatives appointed by Council following a call for nominations;
- (3) include as additions to the current User Management Agreements for Club/Changerooms located on Active Reserves the following Council commitments:
- all senior clubs who have signed current User Management Agreements will have 20% of the players' ground usage fee reimbursed to the Management Group for their particular Club /Changerooms;
 - all junior clubs who have signed current User Management Agreements will not be required to pay the players' ground usage fee;
 - will pay those Water Authority connection charges which are beyond the standard connection charge for non sewerred sites which is currently \$144;
 - to make minor changes to the current User Management Agreements subject to the approval of the Manager, Community Services to reflect the unique circumstances of a particular facility;
 - the reimbursement of senior players' ground usage fees and the waiving of junior ground usage fees will be effective as of the 1999 Winter sports season subject to the signing of a User Management Agreement.

**20.1 (CDC12/98) - REPORT ON FINANCIAL STATEMENTS
(5005) (NM)**

COUNCIL DECISION

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



20.2 (CDC12/98) - LIST OF CREDITORS PAID (5605) (NM)

COUNCIL DECISION

That Council receive the List of Creditors Paid for November 1998 for information.

22.1 (CDC12/98) - UPGRADE OF COUNCIL CHAMBERS AUDIO SYSTEM (LJCD) (4602)

COUNCIL DECISION

That the matter be recommitted to the next Community Development Committee Meeting for further consideration.

CARRIED

AT THIS POINT THE TIME BEING 9:33PM, MR SMITH FROM KINHILL PTY LTD WAS INVITED TO ADDRESS COUNCIL AND ANSWER ANY QUESTIONS IN REGARDS TO TENDER 46/98 CONSTRUCTION OF COOGEE BEACH JETTY.

19.1 (CDC12/98) - TENDER NO. 46/98 - CONSTRUCTION OF COOGEE BEACH JETTY (1903) (JR) (COASTAL)

COUNCIL DECISION

Moved Clr Howlett seconded Deputy Mayor Ostojich, that a Special Meeting of Council be held as soon as practicable, to discuss this matter and that Council invite Mr Smith to attend that meeting to be available to answer any questions.

CARRIED

AT THIS POINT THE TIME BEING 10:03PM, MAYOR GRLJUSICH THANKED MR SMITH FOR MAKING HIMSELF AVAILABLE TO ANSWER QUESTIONS. MR SMITH LEFT THE CHAMBERS.



7.3 (CDC12/98) - PROPOSED SCHEME AMENDMENT NO. 188 - JANDAKOT GROUNDWATER PROTECTION POLICY (92188) (SMH/AKG)

COUNCIL DECISION

Moved Clr Elpitelli seconded Clr Pecotic, that:

- (1) Council not proceed with Amendment No. 188;
- (2) Council request the Water and Rivers Commission to address and relocate the non-conforming industries presently located over the Jandakot Water Mound;
- (3) a meeting be arranged with the Mayor, Councillors, Council's Planning Director and Environmental Manager and the Water and Rivers Commission, to reflect the concerns of the ratepayers in the area, as the present proposal does not meet this criteria.

CARRIED

8.3 (CDC12/98) - PROPOSED SUBDIVISION -JAA LOT 576 ANNOIS ROAD, BIBRA LAKE - OWNER: HOMESWEST - APPLICANT: CHAPPELL & LAMBERT (108818) (111467) (92137) (SA) (NORTH)

COUNCIL DECISION

Moved Mayor Grljusich seconded Clr Elpitelli, that

- (1) this matter not be proceeded with until such time as the Structure Plan reflects the better distribution of public open space in this area;
- (2) Council examine the possibility of purchasing extra public open space land within the development area; and
- (3) a meeting be requested with Satterley Real Estate in relation to Items (1) and (2) above and that all interested Councillors be invited to attend.

CARRIED



9.5 (CDC12/98) - PROPOSED SAND EXTRACTION - JAA 451, JAA PT 410 RAILWAY PARADE AND LOT 1 MIGUEL ROAD, BIBRA LAKE - OWNER: PEAT RESOURCES - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (4413031) (CC) (SOUTH) (MAP 8)

COUNCIL DECISION

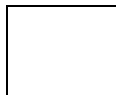
Moved Clr Lee seconded Clr Elpitelli, that Council :

- (1) approve the application for sand excavation from portion of Pt 410 Railway Parade and Lot 1 Miguel Road, Bibra Lake subject to the following conditions.
1. Excavation levels on portion of Pt Lot 410 and Lot 1 reserved for future Spearwood Avenue and Cocos Drive not to be less than design levels as shown on Cossill & Webley Plans Nos 5532-01-001A, 5532-01-002A, and 5532-01-005A.
 2. A guarantee in a form and from a bank acceptable to the City for the sum of \$20,000 to be lodged with the City prior to the issue of an excavation licence. The guarantee is to be held by the City as a surety for the applicant's compliance with Condition 1 of this approval. The guarantee to be returned upon receipt by Council of certification from a licensed surveyor that finished levels for reserved land are not below the levels as shown on Cossill & Webley Plans Nos 5532-01-001A, 5532-01-002A, and 5532-01-005A.
 3. The carrying on of development must not cause a dust nuisance. The developer is to comply with the commitments for dust management contained in the report prepared by Development Planning Strategies titled 'Excavation Licence Application- Sand Quarry Stage-1 Lot 451, Pt Lot 410 and Lot 1 Railway Parade, Bibra Lake' dated February 1998.
 4. No excavation to occur within 5 metres of the common boundaries of the subject land and Pt Lot 26 Howson Way, Lot 101 Miguel Road, and the Miguel Road and Railway Parade reservations, unless written agreement from adjoining land landowners is obtained consenting to excavation within 5 metres of the common boundary.
 5. This approval remains valid for a period of three (3) years only. If development is not completed within this time the approval shall lapse. Where an approval has lapsed, no



further development shall be carried out without the further approval of the Council having first been obtained.

6. No excavation is to occur in the within the Railway Parade reservation.
7. No burning of cleared vegetation to be carried out on site.
8. Excavation works being restricted to between the hours of 7am and 6pm Monday to Saturday, and not at all on Sunday or public holidays.
9. No on site storage of materials other than those excavated from the site, or for the purpose of site rehabilitation and access.
10. Access to and from the site being restricted to existing access arrangements to Howson Way via Lot 28 Howson Way, Bibra Lake.
11. Site rehabilitation, batter stabilisation, topsoil and overburden use, and haulage routes for trucks going to and leaving the site, to be in accordance with the commitments contained in the report prepared by Development Planning Strategies titled 'Excavation Licence Application- Sand Quarry Stage-1 Lot 451, Pt Lot 410 and Lot 1 Railway Parade, Bibra Lake' dated February 1998.
12. Nothing in this approval or conditions of approval shall exclude compliance with all relevant written laws in the commencement or carrying out of development.
13. All storm-water being contained and disposed of on-site.
14. A bund to be created at the 5 metre buffer to Miguel Road reserve.
15. An excavation licence being obtained from the Council prior to the commencement of excavation on the site.
16. The operator entering into a legal agreement with the City to indemnify the City in respect to the future cost of relocation or reinstatement of the Gas Main and Sewer line located in the Railway Parade reserve resulting from the lowering of the future Spearwood Avenue. The legal agreement is to be to the City's satisfaction and prepared by the City's solicitors at the cost of the applicant and entered into prior to the issue of an excavation licence.



17. A buffer being maintained to Miguel Road in accordance with the Revised Plan submitted by the Applicant dated 10/12/98.
18. Trees being planted in the buffer by the proponents (to the satisfaction of the Director, Planning) in those areas where the natural vegetation is denuded and the proponents watering said trees for two seasons or until the new plantings are established.

Footnotes

1. The applicant is advised that in respect to condition 16 the cost of relocating or reinstating the gas main is estimated to be \$26,500 and the cost for removing the sewer line is estimated to be \$3,000.
- (2) issue a Form 2 Notice of Approval to the applicant;
- (3) advise the Western Australian Planning Commission and the applicant of the Council's decision.

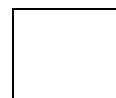
CARRIED

9.6 (CDC12/98) - MURDOCH PINES GOLF & RECREATION PARK - COMPLIANCE WITH DEED AND DEVELOPMENT APPROVAL - PT LOT 172 BAKER COURT, NORTH LAKE - OWNER: WAPC - APPLICANT: INTERNATIONAL GOLF INVESTMENTS (1117347) (CC) (NORTH) (MAP 13)

COUNCIL DECISION

Moved Mayor Grljusich seconded Cllr Humphreys, that Council :

- (1) advise International Golf Investments that Council is prepared to agree to a variation to the lease of 1st of July 1995 between the City of Cockburn, International Golf Investments and the Western Australian Planning Commission, to allow for an extension of time until no later than 30 June 2001 to construct all the facilities as shown in Annexure 3 of the lease subject to the following:
 1. International Golf Investments lodging an application for approval to commence development with Council for the facilities contained within Annexure 3 of the lease;



2. International Golf Investments obtaining development approval (re-approval) from the Western Australian Planning Commission for all the facilities contained within Annexure 3 of the lease;
 3. the consent of the Western Australian Planning Commission to allow for the time extension to construct all the facilities;
- (2) in the event that International Golf Investments does not lodge an application for approval to commence development required in (1)1 above, and/or International Golf Investments does not pay rental fees due for the year ended 30 June 1998, to both the City of Cockburn and the Western Australian Planning Commission, as provided for in the Lease Agreement between the parties by 31 December 1998 and/or International Golf Investments does not obtain development approval as required under (1)2 above, and/or the Western Australian Planning Commission does not consent to the time extension as required in (1)2 above, the Council will proceed to issue a Notice of Default as provided for in the lease;
- (3) advise the Western Australian Planning Commission of the Council's decision and request its approval to the lease variation proposed.
- CARRIED**

13.1 (CDC12/98) - COCKBURN VOLUNTARY EMERGENCY SERVICE (C.V.E.S.) ADVISORY COMMITTEE (1240) (DMG)

- COUNCIL DECISION**
Moved Clr Humphreys seconded Clr Lee, that Council:
- (1) cancel the appointments of Mr R Hopkins, as Co-ordinator of the Cockburn Voluntary Emergency Service Advisory Committee, and of Mr R Odgers as Deputy Co-ordinator;
 - (2) appoint Mr R Odgers as Co-ordinator and Mr P Howell as Deputy Co-ordinator to the Committee.
- CARRIED BY ABSOLUTE MAJORITY OF COUNCIL**



18.2 (CDC12/98) - COCKBURN WETLANDS EDUCATION CENTRE (4617) (RA)

COUNCIL DECISION

Moved Clr Lees seconded Clr Humphreys, that Council write off \$789.49 of the \$974.15 total debt owed by the Cockburn Wetlands Education Centre provided that the Cockburn Wetlands Education Centre enters into a User Management Agreement or Lease Agreement with Council for the use of the Wetlands Education Centre before June 1999 with the final negotiation to be resolved between the Director of Community Services and the Cockburn Wetlands Education Centre.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

DECLARATION OF FINANCIAL INTEREST

Clr Gianoli declared a financial interest in CDC Item 8.1, the nature being that Evans & Gianoli of which he is a partner, is acting for a number of Owners within this scheme.

Clr Gianoli declared a financial interest in CDC Item 8.2, the nature being that Southside Realty of which he is a partner, is acting as Selling Agent for one of the Owners within this scheme.

Clr Gianoli declared a financial interest in CDC Item 11.3, the nature being that Evans and Gianoli of which he is a partner, is acting for a number of Owners within this scheme.

Clr Gianoli declared a financial interest in CDC Item 11.4, the nature being that Evans and Gianoli of which he is a partner, is acting for a number of Owners within this scheme.

AT THIS POINT THE TIME BEING 10:28PM, CLR GIANOLI LEFT THE MEETING.



- 8.1 (CDC12/98) - REVISED STRUCTURE PLAN FOR CELL 6 YANGETUP - LAND BOUNDED BY STOCK ROAD, BEELIAR DRIVE, THE RAILWAY AND THE BIBRA LAKE INDUSTRIAL AREA - OWNERS: VARIOUS - APPLICANT: BSD CONSULTANTS (100883) (SA/AB) (COASTAL)

COUNCIL DECISION

Moved Cllr Lees seconded Mayor Grljusich, that this item be referred back to the Community Development Committee to enable the preparation of a detailed report.

CARRIED

DECLARATION OF FINANCIAL INTEREST

Mayor Grljusich declared a financial interest in CDC Item 8.2, the nature being that he owns land in the Packham Development Area which he has subdivided.

AT THIS POINT THE TIME BEING 10:31PM, MAYOR GRLJUSICH LEFT THE MEETING. DEPUTY MAYOR OSTOJICH ASSUMED THE PRESIDING MEMBER'S POSITION.

- 8.2 (CDC12/98) - PACKHAM URBAN DEVELOPMENT AREA - PUBLIC OPEN SPACE PAYMENT (SMH) (9235)

COUNCIL DECISION

Moved Deputy Mayor Ostojich seconded Cllr Pecotic, that :

- (1) Council receive the response from the Department of Local Government;
- (2) Council defer further consideration of this matter until the report relating to the investigation into the City of Cockburn has been completed, and advice received from the Department of Local Government regarding the \$222,934, and whether it should be reimbursed, will need to be further assessed; and
- (3) any further recommendations put to Council, contain a timetable of resolution relating to the rest of the public open space issue in relation to the Packham Development Area.



Moved Clr Humphreys seconded Clr Lees, that the motion be put.

CARRIED

MOTION PUT AND LOST

Moved Clr Howlett seconded Clr Waters, 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

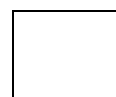
AT THIS POINT THE TIME BEING 11:07PM, MAYOR GRLJUSICH RETURNED TO THE MEETING AND RESUMED THE PRESIDING MEMBER'S POSITION.

11.3 (CDC12/98) - CONSTRUCTION OF BEELIAR DRIVE - LAND ACQUISITION - LOT 76 BIRCHLEY ROAD (450953) (KJS)

COUNCIL DECISION

Moved Clr Lee seconded Clr Lees, that this matter be deferred to the next Community Development Committee Meeting.

CARRIED



**11.4 (CDC12/98) - CONSTRUCTION OF BEELIAR DRIVE
SUBDIVISION AREA CELLS 9 AND 10 - YANGETUP
AND BEELIAR (450953) (KJS)**

COUNCIL DECISION

Moved Cllr Lees seconded Cllr Elpitelli, that Council :

- (1) commence negotiations with Urban Focus, as the representative of the owners of Lots 12 and 26 Birchley Road and 34, 57 and 58 Tindal Avenue, to enable the construction of Beeliar Drive within the approved subdivision known as Cells 9 and 10 Yangebup;
- (2) ensure that the negotiations in Point (1) above result in the owners of properties affected by the MRS road reserve having equity with the other owners in Cells 9 and 10, in terms of their contribution of land value and road construction costs for Beeliar Drive;
- (3) contribute twenty percent (20%) of the total cost of the project as a community benefit proportion, with the remaining eighty percent (80%) being contributed by the subdividers of Cells 9 and 10, in proportion to their land holdings; and
- (4) advise the owners and their representatives, Urban Focus, that the total cost of the project in Point 4 above takes into account the value of the road reserve, including the acquisition of Lot 76 Birchley Road.

CARRIED

AT THIS POINT THE TIME BEING 11:10PM, CLR GIANOLI RETURNED TO THE MEETING. CLR HUMPHREYS LEFT THE MEETING AND DID NOT RETURN.

DECLARATION OF FINANCIAL INTEREST

Clr Separovich declared a financial interest in CDC Item 9.8, the nature being that her husband works for Schaffer Corporation.

Clr Wheatley declared a financial interest in CDC Item 9.8, the nature being that his deceased mother had shares in the Company, of which he will be a likely beneficiary.



AT THIS POINT THE TIME BEING 11:11PM, CLR SEPAROVICH AND CLR WHEATLEY LEFT THE MEETING.

**9.8 (CDC12/98) - SAND EXCAVATION - LOT 77
JANDAKOT ROAD, JANDAKOT - OWNER:
SCHAFFER CORPORATION - APPLICANT:
DEVELOPMENT PLANNING STRATEGIES (5513079)
(CC) (EAST) (MAP 19)**

COUNCIL DECISION

Moved Clr Elpitelli seconded Mayor Grijusich that :

- (1) the application be refused on the grounds that the applicant has not carried out any more rehabilitation than what was expected in accordance with the conditions set upon the development at the time of the original approval; and
- (2) the proposed reduced setback is contrary to Council Policy PD26.

CARRIED

AT THIS POINT THE TIME BEING 11:16PM, CLR SEPAROVICH AND CLR WHEATLEY RETURNED TO THE MEETING.

**18.4 (CDC12/98) - SOUTH FREMANTLE FOOTBALL CLUB
(5301) (RA)**

COUNCIL DECISION

Moved Clr Elpitelli seconded Clr Hunt, that Council :

- (1) donate the cost of the hire of the Cockburn Civic Centre to the South Fremantle Football Club for its Centenary Ball to be held on Saturday May 29th 1999;
- (2) advise the Club that a bond of \$500.00 is payable no later than 29 April 1999, this amount being refunded provided the hall is left in a satisfactory condition;

MOTION LOST

Moved Mayor Grljusich seconded Clr Howlett, that Council:

- (1) donate the cost of the hire of the Cockburn Civic Centre to the South Fremantle Football Club for its Centenary Ball to be held on Saturday May 29th 1999;
- (2) advise the Club that a bond of \$500.00 is payable no later than 29 April 1999, this amount being refunded provided the hall is left in a satisfactory condition;
- (3) a donation of \$3350 to the South Fremantle Football Club for the purchase of Centenary Plaques be considered at the Budget Review in February 1999.

CARRIED

CLR ELPITELLI REQUESTED THAT HIS VOTE AGAINST THE MOTION BE RECORDED.

MEETING CLOSED TO MEMBERS OF THE PUBLIC

Moved Clr Elpitelli seconded Clr Hunt, that pursuant to s5.23(2)(A) of the Local Government Act 1995, the time being 11:29pm, the meeting be closed to members of the public to allow Council to discuss SPC Item 19.1 and SPC Item 19.2 until the Council decides that the meeting be opened to the public.

CARRIED

AT THIS POINT THE TIME BEING 11:29PM, CLR HOWLETT LEFT THE MEETING AND DID NOT RETURN.

AT THIS POINT, THE DIRECTOR PLANNING & DEVELOPMENT AND DIRECTOR ENGINEERING LEFT THE MEETING AND DID NOT RETURN.

AT THIS POINT, THE DIRECTOR COMMUNITY SERVICES AND THE SECRETARY TO CHIEF EXECUTIVE OFFICER LEFT THE MEETING.



19.1 (SPC12/98) - CHIEF EXECUTIVE OFFICER'S PERFORMANCE ASSESSMENT (003) (RWB)

COUNCIL DECISION

Moved Deputy Mayor Ostojich seconded Clr Pecotic, that Council revoke the Delegated Authority of the Strategic and Policy Committee to act as Council in considering the Chief Executive Officer's Quarterly Report and Performance Review and that its issues in future, be dealt with by Full Council.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

19.2 (SPC12/98) - CHIEF EXECUTIVE OFFICER'S QUARTERLY PERFORMANCE REVIEW (003) (RWB)

COUNCIL DECISION

Relates to Council's decision for Item 19.1 above.

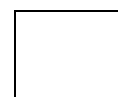
MEETING OPEN TO MEMBERS OF THE PUBLIC

Moved Clr Elpitelli seconded Clr Hunt, that the meeting be opened to the public, the time being 11:45pm.

CARRIED

AT THIS POINT, THE DIRECTOR COMMUNITY SERVICES AND SECRETARY TO THE CHIEF EXECUTIVE OFFICER RETURNED TO THE MEETING.

AT THIS POINT THE TIME BEING 11:46PM, CLR WATERS LEFT THE MEETING.



8.7 (OCM12/98) - APPOINTMENT OF ADDITIONAL COUNCILLOR TO THE ARBORCULTURAL COMMITTEE (CLR LEE) (4704)

COUNCIL DECISION

Moved Clr Lee seconded Clr Elpitelli, that Clr Separovich and Mayor Grljusich be appointed members of the Arborcultural Committee.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

9. ADMINISTRATION

9.1 (OCM12/98) - CITY OF SPLIT - 1700th ANNIVERSARY (RS) (1021)

RECOMMENDATION

That Council approve the additional expenditure of \$125 for the purchase of a gift for the City of Split to mark their 1700th Anniversary.

COUNCIL DECISION

Moved Clr Elpitelli seconded Clr Hunt, that Council approve the additional expenditure of \$125 for the purchase of a gift for the City of Split to mark their 1700th Anniversary.

CARRIED

Background

Council, at its Special Meeting of the 30th September 1998, resolved "*that a gift up to the value of \$500 be purchased by the Mayor and forwarded to the Mayor of Split, Mr Ivan Skaric, to mark the 1700th Anniversary of the City of Split*".

Submission

N/A

Report

The Mayor selected a didgeridoo as an appropriate gift. The cost was \$550 and a stand to display the didgeridoo cost an



additional \$75 - total \$625 which is \$125 more than the maximum set.

Mayor Grljusich acknowledged that the gift was above the value set by Council and has offered to pay the difference should Council determine not to increase the value of its contribution.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Sufficient funds are available in the Sister City Expenses Account 110462.

AT THIS POINT THE TIME BEING 11:48PM, CLR WATERS RETURNED TO THE MEETING.

9.2 (OCM12/98) - APPOINTMENT OF SOUTH WARD COUNCILLORS TO STANDING COMMITTEES (1701) (DMG)

RECOMMENDATION
That in the event Council continues to operate with Standing Committees, Clr Separovich be nominated to represent South Ward on the Strategic and Policy Committee and to be Deputy on the Community Development Committee.
TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION
Moved Mayor Grljusich seconded Clr Elpitelli, that Clr Separovich be nominated to represent South Ward on the Strategic and Policy Committee and to be Deputy on the Community Development Committee.
CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

Background

With the election of a new South Ward Councillor at the Extra Ordinary Election on the 12th December 1998, it is now



appropriate for Council to appoint South Ward representatives to the Standing Committees of Council, should Council resolve to continue with the operation of a Committee system.

Submission

N/A

Report

The elected Ward representatives have agreed to be delegates to one of the Standing Committees, with the other being automatically the Deputy.

Clr Lee has indicated his preference to remain on the Community Development Committee. Therefore, it is appropriate to nominate Clr Separovich as the Ward representative for the Strategic and Policy Committee and as Deputy for the Community Development Committee.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Before closing, Mayor Grljusich thanked Councillors, staff and residents for their input over the last twelve months as it has been a very productive year. He wished all the best for Christmas and a safe festive season to all.

Clr Waters, on behalf of the Councillors and Staff, wished the Mayor and family all the best for Christmas.

Meeting closed at 11:50pm.

CONFIRMATION OF MINUTES

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

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

