

CITY OF COCKBURN**SUMMARY OF MINUTES OF ADJOURNED ORDINARY COUNCIL
MEETING HELD ON MONDAY, 22 JUNE 1998 AT 7:30 p.m.**

	Page
1. APPOINTMENT OF PRESIDING MEMBER [IF REQUIRED]	1
2. APOLOGIES & LEAVE OF ABSENCE.....	1
3. ADMINISTRATION.....	2
3.1 (AOCM6/98) - Item 8.2 (OCM6/98) Packham Urban Development Area - Public Open Space Payment (SMH)(9235)	2
3.2 (AOCM6/98) - Legal Advice - Subdivision of Lot 17 Hamilton Road, Spearwood - Peremate Holdings Pty Ltd (104081) (SMH) (COASTAL)	4

CITY OF COCKBURN

MINUTES OF ADJOURNED ORDINARY COUNCIL MEETING HELD ON MONDAY, 22 JUNE 1998 AT 7:30 P.M.

PRESENT:

COUNCILLORS

Mr S T E Battalis	-	Deputy Mayor
Mr S Lee	-	Councillor
Mr C Elpitelli	-	Councillor
Mrs S Hunt	-	Councillor
Mr J Ostoich	-	Councillor
Mr L Humphreys	-	Councillor
Mr L Howlett	-	Councillor
Mrs N Waters	-	Councillor
Mr B P Wheatley	-	Councillor
Mr M Pecotic	-	Councillor (Arrived at 7:33pm)
Mr J McNair	-	Councillor

IN ATTENDANCE

Mr R W Brown	-	Chief Executive Officer
Mr D M Green	-	Director, Administration & Community Services
Mr S M Hiller	-	Director, Planning & Development
Mr S Ryan	-	Manager, Planning
Mrs S Ellis	-	Secretary to Chief Executive Officer

The Presiding Member declared the meeting open at 7:31pm.

1. APPOINTMENT OF PRESIDING MEMBER [IF REQUIRED]

As Mayor Grljusich was absent from the meeting, Deputy Mayor Battalis assumed the Presiding Member's position.

2. APOLOGIES & LEAVE OF ABSENCE

Mayor J. Grljusich - Apology
 Clr R. Lees - Apology



AT THIS POINT THE TIME BEING 7:33PM, CLR PECOTIC JOINED THE MEETING.

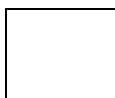
3. ADMINISTRATION

3.1 (AOCM6/98) - Item 8.2 (OCM6/98) Packham Urban Development Area - Public Open Space Payment (SMH)(9235)

RECOMMENDATION

That Council resolve to:

- (1) receive the report from the Department of Local Government entitled "*Audit of Monies Paid by Council in Relation to the Packham Development Area*", dated May 1998, the legal advice from Council's Solicitor McLeod & Co dated 16 February 1998 and 29 May 1998 and Urban Focus' responses dated 23 December 1997 and 30 March 1998;
- (2) seek the advice of the Department of Local Government in respect to:-
 1. the refund of \$63,700 to Urban Focus from the Council's Section 20C Public Open Space Account; and
 2. the Council's payment of \$222,934 to Urban Focus in April 1995, being considered by the Council as a payment of interest monies from the Section 20C Public Open Space Account, separate from the principal held in the Account collected as cash-in-lieu payments from subdividers within the Packham Urban Development Area, as the means by which the Council can satisfy the intent of Section 20C of the Town Planning and Development Act;
- (3) seek reimbursement of the \$222,934 from Urban Focus, in the event that the Department of Local Government does not support the Council in respect to the advice sought in (2) 2. above, by a negotiated arrangement between Urban Focus and the Council. This arrangement being via the acquisition of future public open space in the balance of Stage 2 and Stage 14 of the Packham Urban Development Area and the subsequent reimbursement of funds by Urban Focus to the Council's Section 20C fund ;



- (4) utilise the Section 20C Public Open Space funds held in the Cash-in-lieu Account to acquire part of a public open space buffer that may be required as part of a revised structure plan for the northern portion of the Packham Urban Development Area around the Watsons' factory in Hamilton Road, Spearwood.
- (5) advise the Department of Local Government that the Council proposes the following in respect to "private arrangement" subdivision proposals :
1. Council has initiated Amendment No 94 to its District Zoning Scheme No 2 which is currently awaiting public advertising consent from the Western Australian Planning Commission. This amendment will enable equitable cost sharing arrangements for public open space and other public infrastructure to be incorporated into the Scheme.
 2. An amendment to the existing Packham Urban Development Area Policy will be made to delete reference to "water and sewerage" services ; and an addition be made to the Policy as follows :

Council will only accept Section 20 C contributions from subdividers who are not participants in an Owners' Scheme which has already provided land for public open space or from subdividers who have not made a private arrangement with an Owners' Scheme for the provision of public open space
- (5) amend Policy PD 14 "Packham Urban Development Area" as outlined in (5) 2. Above.

COUNCIL DECISION

Moved Cllr Wheatley seconded Cllr McNair, that:

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



- a) Correspondence regarding the \$63,700 payment from Urban Focus to the Council;
 - b) The Council resolution regarding the Packham Development Area dated 6 June 1989;
 - c) The Structure Plan and the Structure Plan Report for that area;
 - d) The drainage scheme and the proposals regarding collections to the Packham Development Drainage Trust Fund; and
 - e) Schedule showing the 20A and 20C contributions which is an annexure B to the Deed as prepared by McLeod & Company under the letter dated 22 June 1998 but to which that annexure is not attached.
- (3) Council advise the Department of Local Government that it is not satisfied with the Audit Report and request it address the matter further to fully deal with the questions raised and report back to Council as a matter of priority;
 - (4) the Chief Executive Officer, Deputy Mayor Battalis, Clr Ostoich, Clr Howlett and Clr Pecotic settle the terms of reference for the appropriate letter to be forwarded to the Department of Local Government; and
 - (5) the matter be referred back to the next Strategic and Policy Committee meeting.

MOTION PUT AND CARRIED

DURING DISCUSSION OF THE ABOVE ITEM, THE TIME BEING 8:15PM CLR ELPITELLI LEFT THE MEETING AND RETURNED AT 8:19PM.

3.2 (AOCM6/98) - Legal Advice - Subdivision of Lot 17 Hamilton Road, Spearwood - Peremate Holdings Pty Ltd (104081) (SMH) (COASTAL)

Council's Solicitor, Mr Denis McLeod, was in attendance to provide Council with an update on this matter, in line with the relevant Council decisions of the 16th June 1998 (ie: CDC Item 23.1 and OCM Item 8.2)



COUNCIL DECISION

Moved Clr Wheatley seconded Clr Waters, that this matter be referred back to the next Strategic and Policy Committee meeting and be dealt with as further information comes to hand.

ADJOURNMENT OF MEETING

Resolved that the meeting be adjourned for ten (10) minutes to allow Councillors to read the information circulated, the time being 8:37pm.

CARRIED

RESUMPTION OF MEETING

Resolved that the meeting be re-convened, the time being 8:47pm.

CARRIED

MEETING BEHIND CLOSED DOORS

Moved Clr Pecotic seconded Clr Waters, that the meeting go behind closed doors, the time being 8:48pm.

CARRIED

MEETING OPEN TO THE PUBLIC

Moved Clr Ostojich seconded Clr Humphreys, that the meeting be opened to the public, the time being 10:15pm.

COUNCIL DECISION

**ORIGINAL MOTION WITHDRAWN WITH PERMISSION OF
COUNCIL**

Moved Clr Ostojich seconded Clr Pecotic, that:



- (1) Subject to:
 - (i) the recitals including references to responses from the Minister for Local Government and Minister for Planning, which do not prohibit the entry into the agreement referred to herein;
 - (ii) approval of Peremate Holdings Pty Ltd;
 - (iii) that the funds be held by Council in trust for payment when the other equalisation payments for the Packham Development Area are resolved; and
 - (iv) all monies only to be paid from Account 20C held by the Council;
- (2) Council enter into a Deed of Agreement substantially in the form of the Deed provided to Council under cover of the letter from McLeod & Company dated 22 June 1998;
- (3) Council provides the Chief Executive Officer with the authority to progress the matter within the scope of the above decision; and
- (4) It be Council's intent to use the land for Public Open Space, however, it is prepared to be guided by the Western Australian Planning Commission in this regard.

MOTION CARRIED UNANIMOUSLY

DURING DISCUSSION OF THE ABOVE ITEM THE TIME BEING 10:34PM, CLR OSTOJICH LEFT THE MEETING AND RETURNED AT 10:36PM.

COUNCIL DECISION

Moved Clr Howlett seconded Clr Wheatley, that Council's gratitude be expressed to Mr McLeod for his assistance and also to Council's officers for the efforts in resolving this matter.

CARRIED

Meeting closed at 10:48pm.



Council Meeting

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

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

