

CITY OF COCKBURN

SUMMARY OF MINUTES OF SPECIAL COUNCIL MEETING HELD ON TUESDAY, 13 APRIL 2004 AT 5:00 PM

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CITY OF COCKBURN

MINUTES OF SPECIAL COUNCIL MEETING HELD ON TUESDAY, 13 APRIL 2004 AT 5:00 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor (Arrived at 5.01pm)
Mr I Whitfield	-	Councillor
Mrs S Limbert	-	Councillor
Mr M Reeve-Fowkes	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr R. Brown	-	Chief Executive Officer
Mr D. Green	-	Director, Community Services (Arrived at 5.03pm)
Mr A. Crothers	-	Director, Finance & Corporate Services
Mrs V. Bacich	-	Assistant Secretary to Executive Secretary

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 5.00pm.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

3. DISCLAIMER (Read aloud by Presiding Member)

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

AT THIS POINT, THE TIME BEING 5.01PM, CLR TILBURY JOINED THE MEETING.



4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)

Nil

5 (SCM 13/04/2004) - APOLOGIES AND LEAVE OF ABSENCE

Clr A. Edwards Apologies
Clr L. Goncalves Apologies

AT THIS POINT, THE TIME BEING 5.03PM, DON GREEN JOINED THE MEETING.

6. PUBLIC QUESTION TIME

Nil

7. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS

Nil

8 (SCM 13/04/2004) - PURPOSE OF MEETING

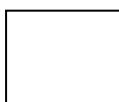
The purpose of the meeting is for Council to consider the request by the W.A. Croatian Association (Inc.) for the City to purchase Lot 21 Progress Drive Bibra Lake from the Association, in accordance with the contract of sale between the Association and the City of Cockburn.

9. COUNCIL MATTERS

9.1 (MINUTE NO 2360) (SCM 13/04/2004) - OFFER BY W.A. CROATIAN ASSOCIATION (INC.) (WACA) TO PURCHASE LOT 21 PROGRESS DRIVE, BIBRA LAKE (1117890; 1117891) (DMG) (ATTACH)

RECOMMENDATION

That Council declines the offer of first refusal to re-purchase Lot 21 Progress Drive Bibra Lake, from the W.A. Croatian Association (Inc.), pursuant to Clause 3.6 of the Contract of Sale between the City of Cockburn and the Association, stamped 4 May 2000.



COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr M Reeve-Fowkes that Council purchases the land at the price nominated in the Valuation Report provided by the Department of Land Information, Valuation Services (previously known as the Valuer General's Office) on 7 April, 2004, in accordance with its entitlement as provided in Clause 3.6 of the Contract of Sale between the City of Cockburn and the W.A. Croatian Association, stamped 4 May, 2000, with the required funds to be drawn from the Land Development Reserve Fund.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0

Explanation

Council has had considerable prior dealing in relation to the land and therefore, has corporate knowledge that is valuable to its future development. It is considered that there is a community benefit associated with Council involvement in the progress of the land's development, in whatever form that may take, and it is noted that purchase of the land does not affect the Council's financial position in the immediate term.

Background

In May 1998, the Valuer General's Office was requested to provide a market valuation (unserviced) for Lot 21 Progress Drive and the property was valued on the basis of the information in the diagram attached marked A.

The land in question was sold to the WA Croatian Association (Inc) for the sum of \$220,000 in accordance with the provided valuation for an unserviced lot with development restrictions. The sale was governed by a Contract of Sale and clause 3.6 thereof (see attached marked B) stated that "*If the City wishes to exercise the right of first refusal the City must, within 14 days ... serve on the Association an executed Contract of Sale.*" Council has certain obligations in that the purchase price is to be determined by the Valuer General.

Before subdivision of the original Lot 14 Progress Drive could be effected, the conditions of subdivision approval had to be cleared so as to create the lots the subject of the subdivision. Lot 21 Progress Drive was created for the purpose of selling it to the WA Croatian Association for the development of clubrooms and Lot 22 was to be leased to the Association and the Association had to develop a soccer pitch on Lot 22 within a specific time. The Association failed to satisfy the terms of the Lease for Lot 22 and therefore, Council issued a Notice of Default to the Association to rectify the default within 28 days. The default was not rectified within the specified time and therefore Council decided to



cancel the Lease. The Association acknowledges that the anticipated potential of the development cannot be achieved and has decided to sell Lot 21 Progress Drive.

To clear the original conditions of subdivision relating to Lot 14 Progress Drive, Council supervised the provision of services to the Lot. The Water Corporation provided the sewer connection. The water connection to the property was funded by the Association (\$64,891) and the provision of electricity funded jointly by Council (\$6,881) and the Association (\$13,763).

Submission

By letter received by Council on 31 March 2004, the WACA has informed Council that it proposes to sell Lot 21 Progress Drive Bibra Lake, and offers Council the first right of refusal to purchase the land pursuant to the original Contract of Sale.

Report

Having regard for the information above, Council requested the Valuer General to provide a market valuation for Lot 21 Progress Drive as a serviced lot, bearing in mind the substantial area of the Lot which remains non-developable because of conservation values.

This information was received by Council on 7 April 2004, and is provided under separate cover as a confidential attachment.

In assessing the Valuation Report, it is not considered that Council will benefit in any substantial way through the re-purchase of the property, bearing in mind its limited usage potential.

Similarly, the sale of the property by WACA to any third party could only be on the basis of its limited development capacity, owing to its land use zoning and location.

Unless Council had a specific intention for the future use of Lot 21, it is recommended that Council declines the first right of refusal for its purchase, as provided for in the Contract of Sale between WACA and the City.

The remaining two lots within the location, being Lot 22 and Part Lot 14, will continue to be owned in freehold by the City and would not require any amendment to their current form, in the event Council wished to pursue development suited to the land in future.

This scenario would also apply in the event Council decided to purchase Lot 21, as the three separate lots could be considered for future development in either a "broad acre" form, or within the scope of their separate boundaries.



On balance, there would appear to be no commercial or other advantage in Council re-purchasing Lot 21 at this time.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Nil, unless Council determined to purchase the land, in which case, funds would need to be drawn from the Land Development Reserve Fund.

Legal Implications

This matter is subject to a Contract of Sale between Council and WACA, stamped 4 May 2000. Clause 3.6 of the Contract specifically refers.

Community Consultation

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

10. RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

10.1 (MINUTE NO 2361) (SCM 13/04/2004) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (a) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (b) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private;



and
(c) managed efficiently and effectively.

COUNCIL DECISION
MOVED Clr M Reeve-Fowkes SECONDED Clr S Limbert that the recommendation be adopted.
CARRIED 7/0

11 (SCM 13/04/2004) - CLOSURE OF MEETING

Meeting closed at 5.09pm.

CONFIRMATION OF MINUTES

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

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

