

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 17 MARCH 1998 AT 7:30 p.m.

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 17 MARCH 1998 AT 7:30 P.M.

PRESENT:

Mr J Grljusich	-	Mayor
Mr S Lee	-	Councillor
Mr C Elpitelli	-	Councillor
Mrs S Hunt	-	Councillor
Mr R A Lees	-	Councillor
Mr J Ostojich	-	Councillor (Until 10:17pm)
Mr L Humphreys	-	Councillor
Mr L Howlett	-	Councillor
Mrs N Waters	-	Councillor
Mr B P Wheatley	-	Councillor
Mr M Pecotic	-	Councillor
Mr J Gianoli	-	Councillor (Until 11:05pm)
Mr J McNair	-	Councillor (Until 11:05pm)
Mr R W Brown	-	Chief Executive Officer
Mr D M Green	-	Director, Administration & Community Svcs
Mr A T Crothers	-	Director, Finance
Mr S M Hiller	-	Director, Planning & Development
Mr B K Greay	-	Director, Engineering
Mrs S Ellis	-	Secretary to Chief Executive Officer
Mrs B Pinto	-	Secretary to Director, Finance

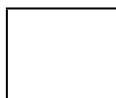
The Presiding Member declared the meeting open at 7.30pm and read a thank you card received from the Manager, Building.

1. APPOINTMENT OF PRESIDING MEMBER [IF REQUIRED]

2. PUBLIC ADDRESS SESSION

Mr John Cooper read a letter which he later tabled, regarding the proposed traffic calming devices planned for the Coolbellup area. He requested that the same consideration be given to Coolbellup as to other suburbs in the district and asked for Councillors to put the item on the agenda for consideration. The Mayor advised that the matter will be referred to the appropriate committee.

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Steven Wright regarding CDC item 23.1 and complaints received regarding his parking a tow truck on the verge of his home and asked Council to reconsider their position. The Mayor advised that Clr McNair will be raising the item for discussion but reminded Mr Wright that Council does have laws for such matters and Council must abide by those laws.

Rex Sallur voiced his concerns regarding the view of South Lake and commented that recently, the view over the lake has changed by soil extraction companies. He asked Council if there are requirements placed on these companies that they be required to do some work to revegetate the area and improve the view. Director Planning advised that there are usually conditions placed on such activities.

Pam Townsend asked the following :-

- 1) At the Council's 1997 Annual General Meeting, there was a motion to endorse traffic calming and set aside funds for such. Has anything been done about this yet and have any guidelines been set as she would be interested to see them; and
- 2) Regarding the Fremantle/Rockingham Transitway, is it proposed that Rockingham Road be widened to more than 2 lanes at any point to accommodate this and if so, stated that it goes against the motions made at the AGM and the wishes of the people in the area. She asked Council to resist widening Rockingham Road for this transitway.

Mayor Grljusich advised of the public meeting to be held tomorrow evening. Director Planning responded that a Study Brief on the traffic calming motion put at the AGM, has not been prepared and if it is to be done, will be available for the next budget period. He further commented that planning for the transitway, is for the alignment only and it is not certain at this stage, if widening will occur.

3. CONFIRMATION OF MINUTES

3.1 (OCM3/98) - Ordinary Meeting of Council - 17/2/98

Moved Clr Pecotic seconded Clr McNair, that the Minutes of the Ordinary Meeting of Council held on the 17th February 1998 be confirmed.

CARRIED

3.2 (OCM3/98) - Special Meeting of Council - 24/2/98



Moved Clr Pecotic seconded Clr McNair, that the Minutes of the Special Meeting of Council held on the 24th February 1998 be confirmed.

CARRIED

3.3 (OCM3/98) - Special Meeting of Council - 26/2/98

Moved Clr Pecotic seconded Clr McNair, that the Minutes of the Special Meeting of Council held on the 26th February 1998 be confirmed.

CARRIED

4. APOLOGIES AND LEAVE OF ABSENCE

Deputy Mayor Battalis - Apology

5. ADDITIONS TO THE AGENDA

Moved Clr Pecotic seconded Clr Humphreys, that the following additions to be Agenda be accepted :-

- 8.5 Cockburn/Yueyang Sister City Relationship (Mayor Grljusich) (1029)
- 8.6 City of Wanneroo Royal Commission Report (Clr Howlett) (1332)
- 8.7 Cocos Drive Earthworks (Clr Howlett) (4500100)

CARRIED

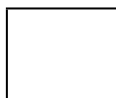
6. WRITTEN DECLARATIONS OF FINANCIAL INTEREST

Community Development Committee Report 10/3/98

Clr Gianoli - Item 8.3 (CDC3/98) Private Street - Birchley Road, Yangebup (450098; 995726)(South) (Coburg Nominees who trade as Urban Focus, is a client of Southside Realty, of which I am a partner)

Clr Gianoli - Item 8.4 (CDC3/98) Offer to Purchase Lot 50 Rockingham Road - Council Freehold Land (3310055)(Coastal) (Coburg Nominees who trade as Urban Focus, is a client of Southside Realty, of which I am a partner)

Clr Gianoli - Item 11.1 (CDC3/98) Lot 50 Rockingham Road - Packham Stage 7 - Urban Focus (3310055) (Coburg Nominees who



trade as Urban Focus, is a client of Southside Realty, of which I am a partner)

Clr Gianoli - Item 20.2 (CDC3/98) Final Approval - Amendment No. 181 - Rezoning Rural to Residential R30 - CSL 152; Lot 17, 266 Hamilton oad, Spearwood - Owner: Peremate Holdings - Applicant: Richard Pawluk & Associates (92181)(Coastal) (Southside Realty of which I am a partner, is the Managing Agent for the owners of this property)

7. DEPUTATIONS

Nil

8. COUNCIL MATTERS

8.1 (OCM3/98) - Strategic & Policy Committee Report - 3/3/98 (1055)

Moved Clr Humphreys seconded Clr McNair, that the report of the Strategic and Policy Committee meeting held on the 3rd March 1998 be received and the recommendations therein adopted, with the exception of items 12.1, 15.4, 15.5, 15.6, 17.1, 17.2 and 17.3 which are to be dealt with separately.

CARRIED

Item 12.1 (SPC3/98) - COCKBURN BOWLING AND RECREATIONAL CLUB - PROPOSAL TO UPGRADE FACILITIES (8003) (DMG) (WEST)

Moved Clr Wheatley seconded Clr McNair, that Item 12.1 of the Strategic and Policy Committee meeting held on the 3rd March 1998 be set aside and that the application be approved in principal, subject to further plans or studies being provided at the next appropriate committee meeting.

MOTION LOST

Item 12.1 (SPC3/98) - COCKBURN BOWLING AND RECREATIONAL CLUB - PROPOSAL TO UPGRADE FACILITIES (8003) (DMG) (WEST)

Moved Clr Ostojich seconded Clr Hunt, that Item 12.1 of the Strategic and Policy Committee meeting held on the 3rd March 1998 be adopted.



MOTION BE PUT

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

CARRIED

MOTION PUT AND CARRIED

Item 15.4 (SPC3/98) - SUBMISSION ON PUBLIC ENVIRONMENTAL REVIEW - INDUSTRIAL INFRASTRUCTURE AND HARBOUR DEVELOPMENT, JERVOISE BAY (9500) (DW) (COASTAL)

Moved Mayor Grljusich seconded Clr Howllett, that Item 15.4 of the Strategic and Policy Committee meeting held on the 3rd March 1998 be adopted.

CARRIED

Item 15.5 (SPC3/98) - KWINANA INDUSTRIES COUNCIL POSITION PAPER ON ENVIRONMENTAL QUALITY OBJECTIVES IN THEIR SPATIAL BOUNDARIES FOR THE SOUTHERN METROPOLITAN WATERS (6111;9500) (DW) (COASTAL)

Moved Mayor Grljusich seconded Clr Humphreys, that Item 15.5 of the Strategic and Policy Committee meeting held on the 3rd March 1998 be set aside and substituted with the following :-

That Council :

- 1) advise the Kwinana Industries Council and Department Environmental Protection that:
 - It is strongly opposed to the concept of exclusion zones as proposed in the KIC paper as it considers that nearshore water quality should be maintained by pollution prevention and management rather than dispersal and exclusion.
 - It has major concerns with the extent of the exclusion zone proposed by KIC especially in relation to the area within Jervoise Bay.
 - It is concerned that whilst the KIC report advises that exclusion zone uses are to be negotiated, its



comments on the draft environmental quality objectives would indicate that a range of current community uses of the proposed exclusion zone areas would be precluded or seriously jeopardised.

- It accepts that unless that pollution control management is improved, some restriction of human uses and taking of filter feeding organisms in the vicinity of outfalls may be required to safeguard human health.
 - It considers that the spatial boundaries of the proposed industry buffer zone shown in the KIC report are excessive and inadequately founded.
 - It is concerned that whilst the KIC paper advises that uses of the buffer zone are to be negotiated, the comments on the draft environmental quality objectives indicate that a range of current community uses within the proposed buffer zone would be precluded or seriously jeopardised.
- (2) administration prepare and distribute a press release outlining Council's implacable opposition to the KIC's position paper.
- (3) write to local Members of Parliament and the Local Government Association, seeking their assistance on the issue.

CARRIED



Item 15.6 (SPC3/98) - OPERATION OF HENDERSON WASTE DISPOSAL SITE (4900) (BKG)

Moved Clr Wheatley seconded Clr Howlett, that Item 15.6 of the Strategic and Policy Committee meeting held on the 3rd March 1998 be adopted.

CARRIED

Item 17.1 (SPC3/98) - LOCAL GOVERNMENT STATUTORY COMPLIANCE ASSESSMENT RETURN (1332) (DMG)

The Mayor and Chief Executive Officer jointly presented the document to Council, read the statement and signed the document.

Moved Clr Howlett seconded Clr Waters, that Item 17.1 of the Strategic and Policy Committee meeting held on the 3rd March 1998 be adopted.

CARRIED

DECLARATION OF FINANCIAL INTEREST

Clr Lees declared a financial interest in Item 17.2. The nature of the interest being as an owner of a shack located at Naval Base Caravan Park.

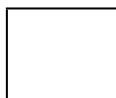
Clr Waters declared a financial interest in Item 17.2. The nature of the interest being as an owner of a shack located at Naval Base Caravan Park.

AT THIS POINT THE TIME BEING 8:21PM, CLRS WATERS AND LEES LEFT THE MEETING.

Item 17.2 (SPC3/98) - NAVAL BASE CARAVAN PARK (1911) (DMG)

Moved Clr Howlett seconded Clr Ostojich, that Item 17.2 of the Strategic and Policy Committee meeting held on the 3rd March 1998 be adopted.

CARRIED



AT THIS POINT THE TIME BEING 8:22PM, CLRS WATERS AND LEES RETURNED TO THE MEETING.

Item 17.3 (SPC3/98) - COUNCIL / STANDING COMMITTEE STRUCTURE (1054) (DMG) (ALL WARDS)

Resolved that Item 17.3 of the Strategic and Policy Committee meeting held on the 3rd March 1998 be set aside and substituted with the following :-

That Council :-

- (1) Retain the present structure, meeting times and Agenda distribution arrangements for the Standing Committee and Ordinary Meetings of Council.
- (2) Briefing sessions between Councillors and appropriate Officers to discuss any agenda items of concern to Councillors, be conducted at a time to be arranged prior to the relevant Meeting.
- (3) the Council Meeting structure be part of an ongoing review process and that a working party be formed consisting of Mayor Grljusich, Deputy Mayor Battalis and Clr Pecotic (Clr Humphreys as Deputy) together with three staff appointed by the Chief Executive Officer to conduct these reviews.

CARRIED

8.2 (OCM3/98CM3/98) - Community Development Committee Report - 10/3/98 (1052)

Moved Clr Waters seconded Clr Howlett, that the report of the Community Development Committee meeting held on the 10th March 1998 be received and the recommendations therein adopted, with the exception of items 8.3, 8.4, 10.1, 10.2, 11.1, 11.2, 11.4, 12.1, 12.2, 13.1, 13.2, 14.1, 15.1, 15.4, 16.1, 17.3, 18.3, 18.4, 20.2, 22.4, 22.5, 23.1 and 23.2 which are to be dealt with separately.

CARRIED

DECLARATION OF FINANCIAL INTEREST



Mayor Grljusich declared a financial interest in Items 8.4 and 11.1. The nature of the interests being that they abound property which he owns.

Mayor Grljusich declared a financial interest in Item 20.2. The nature being that it directly deals with property that he has an interest in.

Clr Howlett declared a financial interest in Item 13.2 and asked that it be declared trivial. The nature being that his wife is employed in the child care industry. The extent being at a centre in Murdoch, which is not within the City of Cockburn.

Moved Clr Wheatley seconded Clr Waters, that the interest declared by Clr Howlett on Item 13.2 be declared trivial, pursuant to s5.68 (1) (b) (ii) (I) of the Local Government Act, 1995 and that he be able to fully participate in the consideration of this item.

CARRIED

Note: Clr Howlett did not vote.

Clr Wheatley declared a financial interest in Item 20.2. The nature arising from his employment and declared it as a matter of protection to himself and the Council.

Item 11.2 (CDC3/98) - POSTANS ROAD - QUARRY TRAFFIC (450349) (JR) (SL) (SOUTH)

Moved Clr Hunt seconded Clr Howlett, that Item 11.2 of the Community Development Committee meeting held on the 10th March 1998 be set aside and that the Officer's Recommendation be adopted.

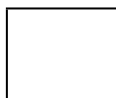
MOTION LOST

COUNCILLOR HOWLETT REQUESTED THAT THE VOTES BE RECORDED :-

FOR: CLRS HUNT, HUMPHREYS AND HOWLETT.

AGAINST: CLRS MCNAIR, GIANOLI, PECOTIC, WHEATLEY, WATERS, OSTOJICH, LEES, ELPITELLI, LEE AND MAYOR GRLJUSICH.

Item 11.2 (CDC3/98) - POSTANS ROAD - QUARRY TRAFFIC (450349) (JR) (SL) (SOUTH)



Moved Clr Elpitelli seconded Clr Wheatley, that Item 11.2 of the Community Development Committee meeting held on the 10th March 1998 be set aside and substituted with the following :-

That Council :-

- (1) proceed with the construction of an eyelet traffic treatment in Postans Road as soon as possible;
- (2) request MRWA to reduce the posted speed limit at the northern vicinity of Postans Road (for approx. 500m) to 60 km/h;
- (3) arrange for extensive permanent signs to be installed advising of road modifications ahead; and
- (4) arrange for a circular letter to be sent to trucking companies operating in the area, informing them of the modifications.

CARRIED

Note: Administratively, that Council advise the Town of Kwinana on the matter.

COUNCILLOR HOWLETT REQUESTED THAT THE VOTES BE RECORDED :-

FOR: CLRS MCNAIR, GIANOLI, PECOTIC, WHEATLEY, WATERS, HUMPHREYS, OSTOJICH, LEES, HUNT, ELPITELLI, LEE AND MAYOR GRLJUSICH.

AGAINST: CLR HOWLETT.

Item 11.4 (CDC3/98) - BERRIGAN DRIVE - DUAL USE PATH (CLR ELPITELLI) (450503)

Moved Clr Elpitelli seconded Clr Gianoli, that Item 11.4 of the Community Development Committee meeting held on the 10th March 1998 be set aside and substituted with the following :-

That a dual use path be installed between Turnbury Green access north west to the bus shelter.

CARRIED

Item 12.1 (CDC3/98) - INSPECTION OF WASTE PROCESSING FACILITIES IN THE U.S.A. 17TH - 25TH APRIL



**1998 - SOUTHERN METROPOLITAN REGIONAL COUNCIL
(4904) (BKG)**

Moved Clr Ostojich seconded Clr McNair, that Item 12.1 of the Community Development Committee meeting held on the 10th March 1998 be set aside.

CARRIED

**Item 12.1 (CDC3/98) - INSPECTION OF WASTE
PROCESSING FACILITIES IN THE U.S.A. 17TH - 25TH APRIL
1998 - SOUTHERN METROPOLITAN REGIONAL COUNCIL
(4904) (BKG)**

Moved Clr Lee seconded Clr Ostojich, that :-

- 1) the matter be reconsidered in its entirety upon completion of the future workshop to be conducted on waste management and taking into account, all issues raised at this meeting; and
- 2) Council inform the Southern Metropolitan Regional Council that at present, Council is not prepared to attend the Study Group Tour of America as it will be conducting a workshop relating to waste management in the future and as soon as a decision is made, Council will advise them accordingly.

CARRIED

**Item 12.2 (CDC3/98) - HENDERSON LANDFILL,
TEMPORARY STORAGE SITE FOR FIRE AND RESCUE
SERVICE (4900) (RJ)**

Moved Clr Lee seconded Mayor Grljusich, that Item 12.2 of the Community Development Committee meeting held on the 10th March 1998 be referred back to the next Community Development Committee meeting for further consideration.

CARRIED

**Item 13.1 (CDC3/98) - BISHOP PARK GAZEBO -
REMOVAL OF WALLS (3314396) (JR) (COAST)**

Moved Clr Humphreys seconded Mayor Grljusich, that Item 13.1 of the Community Development Committee meeting held on the 10th March 1998 be set aside and substituted with the following:-



That :-

- (1) Council retain the walls of the Bishop Park gazebo;
- (2) Council install one or two fixed tables to discourage the playing of any sport inside the gazebo, the cost being charged to new account - Bishop Park Gazebo Modifications and funds be transferred from the Budget item "Bishop Park Toilet Block" - Acc. No. 580853; and
- (3) the petitioners objecting to the Bishop Park gazebo be advised accordingly.
- (4) the administration investigate whether this Council can introduce a local law to assist local Rangers and Police to effectively control vandalism and anti-social behaviour currently being experienced in several parks in the City of Cockburn.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

Item 13.2 (CDC3/98) - COUNCIL'S COMMUNITY BUILDINGS (1953) (RA) (ALL WARDS)

Moved Clr Howlett seconded Clr Waters, that Item 13.2 of the Community Development Committee meeting held on the 10th March 1998 be adopted.

CARRIED

AT THIS POINT THE TIME BEING 9:46PM, CLR WATERS LEFT THE MEETING AND RETURNED AT 9:48PM DURING DISCUSSION OF THE FOLLOWING ITEM.

Item 14.1 (CDC3/98) - USE OF TOXIC CHEMICALS AS MARKING AGENT ON COUNCIL OWNED OR CONTROLLED SPORTING GROUNDS (LJCD) (8153)

Moved Clr Howlett seconded Clr Wheatley, that Item 14.1 of the Community Development Committee meeting held on the 10th March 1998 be set aside and substituted with the following :-

That Council :-



- 1) approve the use of Roundup at the recommended rates advised by the Agricultural Department for the purposes of marking sporting fields within the district, subject to no objections being received from our Insurance Brokers in regard to this decision; and
- 2) prepare a policy on the use of chemicals used on sportsground facilities and particularly where volunteers are involved.

CARRIED

Item 15.1 (CDC3/98) - STREET NAME LINESMANS LANE, JANDAKOT (1050) (RS)

Moved Clr Waters seconded Clr Elpitelli, that Item 15.1 of the Community Development Committee meeting held on the 10th March 1998 be rejected and that the name Linesmans Lane remain as Council's preferred name for this street.

CARRIED

AT THIS POINT THE TIME BEING 9:58PM, CLR PECOTIC LEFT THE MEETING AND RETURNED AT 10:00PM DURING DISCUSSION OF THE FOLLOWING ITEM.

Item 15.4 (CDC3/98) - ROCK CONCERT (CLR ELPITELLI) (1900)

Moved Mayor Grljusich seconded Clr Howlett, that Item 15.4 of the Community Development Committee meeting held on the 10th March 1998 be set aside and substituted with the following:-

That :-

- 1) in view of the fact that the Concert has been cancelled, that Council place an advertisement in the local newspaper informing residents of this decision;
- 2) Council advise those residents in writing who were previously notified of the concert; and
- 3) the administration prepare a policy which would require people who are promoting similar types of events, to conform with certain requirements of Council in order for them to perform the event and that this policy be prepared at the earliest possible time.



CARRIED**Item 16.1 (CDC3/98) - APPLICATION BY R.E. LAWRENCE FOR PUBLIC APOLOGY AND COMPENSATION FOR FALSE ARREST (1164) (LJCD)**

Moved Clr McNair seconded Mayor Grijusich, that Item 16.1 of the Community Development Committee meeting held on the 10th March 1998 be referred back to the next Community Development Committee meeting as there was insufficient time for Councillors to peruse the verbatim transcript of the Court proceedings.

MOTION BE PUT

Moved Clr Waters seconded Clr Wheatley, that the motion be put.

CARRIED**MOTION PUT AND CARRIED****Item 18.3 (CDC3/98) - COOLBELLUP SPORTING ASSOCIATION (INC.) - APPLICATION FOR FINANCIAL ASSISTANCE (1101743) (KL) (RA)**

Moved Clr Humphreys seconded Clr Wheatley, that Item 18.3 of the Community Development Committee meeting held on the 10th March 1998 be set aside and substituted with the following:-

That :-

- 1) Ward members and Council officers meet with the Coolbellup Sporting Association and users of the park in order to discuss the issues associated with this item; and
- 2) the Association provide a business plan to Council for consideration prior to that meeting.

CARRIED

AT THIS POINT THE TIME BEING 10:17PM, CLR OSTOJICH LEFT THE MEETING AND DID NOT RETURN.

AT THIS POINT THE TIME BEING 10:26PM, CLR HUMPREYS LEFT THE MEETING AND RETURNED AT 10:27PM DURING DISCUSSION OF THE FOLLOWING MATTER.

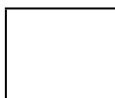


Item 22.4 (CDC3/98) - PROPOSED McDONALD'S FAST FOOD OUTLET - CSL 400; LOT 73, 254 ROCKINGHAM ROAD, SPEARWOOD - OWNER: VOLLEY INVESTMENTS PTY LTD - APPLICANT: BSD CONSULTANTS (2206913) (SR) (WEST) (MAP NO. 7)

Moved Clr Wheatley seconded Clr Waters, that Item 22.4 of the Community Development Committee meeting held on the 10th March 1998 be set aside and substituted with the following :-

That Council approve the application with the inclusion of the following Special Conditions (in addition to any standard conditions contained in Council Policy PD20) :-

- 1) A detailed traffic management plan to be submitted prior to applying for a Building Licence for any part of the development, such plan to comprise details of the proposed design/ modifications to site crossovers, medians and footpaths, together with details of on site channelisation, linemarking and directional signage.
- 2) The above plan shall be modified, having regard to the findings of a Road Safety Audit, if deemed necessary by Council to ensure the safe and efficient movement of traffic to and from the site from Rockingham Road prior to the issue of a Building licence for any part of the development.
- 3) The developer being responsible for all costs associated with the design and implementation of the traffic management and other works on site and within the carriageway and verge of Rockingham Road in 1) and 2) above, excluding the Road Safety Audit cost.
- 4) Twelve months after the commencement of the operation of the total development, a further Road Safety Audit shall be conducted and the developer shall be responsible for the design, cost and implementation of any remedial traffic management works required by the Council, having regard for the Audit findings.
- 5) Satisfactory arrangements being made with the Council for the repositioning of the bus shelter on Rockingham Road.
- 6) Provision of a 2 metre wide separate pedestrian access pathway adjacent to the northern boundary of the site,



connecting to the main undercroft entry ramp to the shopping centre.

- 7) The design of 6) above and access to the McDonalds Restaurant, to be in accordance with Disabled Access requirements.

CARRIED

Item 22.5 (CDC3/98) - REQUEST FOR RECONSIDERATION OF SPECIAL CONDITION NO. 6 OF PLANNING APPROVAL FOR THE NEWMARKET HOTEL SITE - CSL 5; LOT 3, 1 ROCKINGHAM ROAD, HAMILTON HILL - OWNER: KEE VEE PROPERTIES PTY LTD - APPLICANT: THOMPSON ONG & ASSOCIATES (2212274) (9136) (SR)

Moved Clr McNair seconded Clr Pecotic, that the Committee Recommendation for Item 22.5 of the Community Development Committee meeting held on the March 1998 be set aside and substituted with the following :-

That Council :-

- (1) revise Special Condition No. 6 of the revised Planning Approval dated 22 December 1997 for the Newmarket Hotel Site at Lot 3 (No. 1) Rockingham Road, Hamilton Hill by replacing it with the following condition:-

“The owner entering into a Legal Agreement with the Council, prior to the issue of a Building Licence, which requires:-

1. *Appropriate caveat be placed on the title of Lot 3 identifying the liability of Kee Vee Properties Pty Ltd to carry out conservation planning and external restoration works to the Newmarket Hotel building.*
2. *The external restoration works are to be completed within three years of the date of issue of a Certificate of Classification for the new tavern.*
3. *In the event of the subdivision of Lot 3, the caveat requiring restoration works shall continue to be attached to the lot containing the heritage building.”*



- (2) set aside its previous Resolution (Item 22.4 CDC 12/97 - 16/12/97) regarding the proposed subdivision of the site;
- (3) support the proposed subdivision on the basis of the above Legal Agreement and subject to the following:-

Special Condition

A legal agreement providing for reciprocal rights of access and carparking in respect of all proposed lots and adjoining Lots 4, 5, 7 and 10.

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 the Town Planning Scheme - District Zoning Scheme No. 2.

CARRIED

CLR HOWLETT REQUESTED THAT THE VOTES BE RECORDED :-

FOR: CLRS MCNAIR, PECOTIC, WHEATLEY, WATERS, HUMPHREYS, LEES, HUNT, LEE AND MAYOR GRLJUSICH.

AGAINST: CLRS GIANOLI, HOWLETT AND ELPITELLI.



Item 23.1 (CDC3/98) - COMPLAINT CONCERNING COMMERCIAL VEHICLE PARKING -CSL 10; LOT 66, 21 HEADLAND ROAD, HAMILTON HILL - OWNER: STEPHEN WRIGHT (2203282) (SA) (WEST) (MAP NO. 6)

Moved Cllr McNair seconded Mayor Grijusich, that Item 23.1 of the Community Development Committee meeting held on the 10th March 1998 be set aside and substituted with the following:-

That Council issue a permit for one truck only to be parked on the verge.

MOTION WITHDRAWN

Item 23.1 (CDC3/98) - COMPLAINT CONCERNING COMMERCIAL VEHICLE PARKING -CSL 10; LOT 66, 21 HEADLAND ROAD, HAMILTON HILL - OWNER: STEPHEN WRIGHT (2203282) (SA) (WEST) (MAP NO. 6)

Moved Cllr Howlett seconded Cllr Waters, that Item 23.1 of the Community Development Committee meeting held on the 10th March 1998 be set aside and substituted with the following :-

That administration, together with the Ward Members, enter into urgent discussions to try and resolve this matter with Mr Wright as soon as possible to alleviate the requirement for legal action.

CARRIED

Item 10.1 (CDC3/98) - RE-ALLOCATION OF FUNDS - PERSONAL PROTECTIVE CLOTHING JANDAKOT AND SOUTH COOGEE BUSH FIRE BRIGADES (1561) (1562) (JJ)

Moved Cllr Waters seconded Cllr Humphreys, that Item 10.1 of the Community Development Committee meeting held on the 10th March 1998 be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

Item 10.2 (CDC3/98) - RE-ALLOCATION OF FUNDS - FIRE CONTROL BUS - SOUTH COOGEE VOLUNTEER BUSH FIRE BRIGADE (1562) (JJ)



Moved Clr McNair seconded Clr Waters, that Item 10.2 of the Community Development Committee meeting held on the 10th March 1998 be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

Item 17.3 (CDC3/98) - TENDER NO. 5/98 - SUPPLY AND INSTALLATION OF CAPPING SYSTEM - HENDERSON LANDFILL SITE (4900) (RNJ) (COASTAL)

Moved Clr Humphreys seconded Clr Wheatley, that Item 17.3 of the Community Development Committee meeting held on the 10th March 1998 be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

Item 18.4 (CDC3/98) - DEBT WRITE OFF - DISPOSAL SITE ENTRY CHARGE - GO-CAT CONTRACTORS (5651) (KL)

Moved Clr Humphreys seconded Clr McNair, that Item 18.4 of the Community Development Committee meeting held on the 10th March 1998 be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

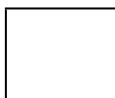
Item 23.2 (CDC3/98) - FLEET AND WORKSHOP ANALYSIS - APPOINTMENT OF CONSULTANT (4411) (4408) (JR)

Moved Clr Lee seconded Clr Lees, that Item 23.2 of the Community Development Committee meeting held on the 10th March 1998 be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

AT THIS POINT THE TIME BEING 10:51PM, CLRS MCNAIR AND GIANOLI LEFT THE MEETING.

Item 8.3 (CDC3/98) - PRIVATE STREET - BIRCHLEY ROAD, YANGEBUP (450098; 995726) (KJS) (SOUTH)



Moved Clr Humphreys seconded Clr Waters, that Item 8.3 of the Community Development Committee meeting held on the 10th March 1998 be adopted.

CARRIED

AT THIS POINT THE TIME BEING 10:52PM, MAYOR GRLJUSICH LEFT THE MEETING AND CLR MCNAIR RETURNED.

MOVED CLR HOWLETT SECONDED CLR ELPITELLI, THAT CLR WATERS ASSUME THE PRESIDING MEMBER'S POSITION IN THE ABSENCE OF THE MAYOR AND DEPUTY MAYOR.

CARRIED

Item 8.4 (CDC3/98) - OFFER TO PURCHASE LOT 50 ROCKINGHAM ROAD - COUNCIL FREEHOLD LAND (KJS) (3310055) (COASTAL)

Moved Clr Elpitelli seconded Clr Pecotic, that Item 8.4 of the Community Development Committee meeting held on the 10th March 1998 be adopted.

CARRIED

Item 11.1 (CDC3/98) - LOT 50 ROCKINGHAM ROAD - PACKHAM STAGE 7 - URBAN FOCUS (3310055) (BKG)

Moved Clr McNair seconded Clr Elpitelli, that Item 11.1 of the Community Development Committee meeting held on the 10th March 1998 be adopted.

CARRIED

AT THIS POINT THE TIME BEING 10:53PM, CLR WHEATLEY LEFT THE MEETING.

Item 20.2 (CDC3/98) - FINAL APPROVAL - AMENDMENT NO 181 - REZONING RURAL TO RESIDENTIAL R30 - CSL 152; LOT 17, 266 HAMILTON ROAD, SPEARWOOD - OWNER: PEREMATE HOLDINGS - APPLICANT: RICHARD



PAWLUK AND ASSOCIATES (92181) (SR) (COASTAL) (MAP NO. 8)

Moved Clr McNair seconded Clr Elpitelli, that Item 20.2 of the Community Development Committee meeting held on the 10th March 1998 be adopted.

CARRIED

AT THIS POINT THE TIME BEING 10:54PM, MAYOR GRLJUSICH, CLR GIANOLI AND CLR WHEATLEY RETURNED TO THE MEETING. MAYOR GRLJUSICH RESUMED THE PRESIDING MEMBER'S POSITION.

CLR LEE LEFT THE MEETING AT 10:54PM AND RETURNED AT 10:55PM.

8.3 (OCM3/98) - Special Community Development Committee Report - 10/3/98 (1052)

Moved Clr Waters seconded Clr Elpitelli, that the report of the Special Community Development Committee meeting held on the 3rd March be received and the decision therein noted.

CARRIED

8.4 (OCM3/98) - Principal Activities Plan (5406) (ATC)

RECOMMENDATION

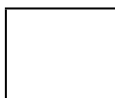
That the Strategic and Policy Committee be given delegated authority by Council to approve the draft Principal Activities Plan for the years 1998/99 to 2001/02 to be advertised for public comment.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Moved Clr Humphreys seconded Clr Waters, that Council adopt the recommendation.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL



8.5 (OCM3/98) - Cockburn/Yueyang Sister City Relationship (Mayor Grljusich) (1029)

Moved Clr Waters seconded Clr Elpitelli, that Council endorse the recommendation of the Cockburn/Yueyang Sister City Committee made at its meeting held on the 11th March 1998 as follows :-

- 1) To acknowledge receipt of the letter dated 25th February 1998 from the Mayor of Yueyang City accepting the wording of the Agreement and the invitation for the Mayor and the CEO to attend the official signing of the Agreement in Yueyang.
- 2) Recommend to Council that the City of Cockburn send a delegation to Yueyang for the official signing of the Agreement at its earliest convenience.

CARRIED

8.6 (OCM3/98) - City of Wanneroo Royal Commission (Clr Howlett) (1332)

Moved Clr Howlett seconded Clr Wheatley, that the matter be considered by Council on receipt of the report to be prepared and submitted to the Strategic and Policy Committee.

CARRIED

8.7 (OCM3/98) - Cocos Drive Earthworks (Clr Howlett) (4500100)

Moved Clr Howlett seconded Clr Elpitelli, that :-

- 1) Council receive a report as a matter of urgency (within 1 week) in an endeavour to identify who has cleared the area and who is using it as a thoroughfare; and
- 2) the closure of the track and access by vehicles be effected immediately.

CARRIED

DECLARATION OF FINANCIAL INTEREST



Mayor Grljusich declared a financial interest in item 9.1. The nature being that he is the owner of property within the Packham Development area.

Clr Gianoli declared a financial interest in item 9.1. The nature being that the Packham Development area is managed by Urban Focus, which has dealings with Southside Realty, of which he is a partner.

AT THIS POINT THE TIME BEING 11:05PM, MAYOR GRLJUSICH LEFT THE MEETING. CLRS MCNAIR AND GIANOLI ALSO LEFT THE MEETING AND DID NOT RETURN.

MOVED CLR ELPITELLI SECONDED CLR HOWLETT, THAT CLR WATERS ASSUME THE POSITION OF PRESIDING MEMBER IN THE ABSENCE OF THE MAYOR AND DEPUTY MAYOR.

CARRIED

9. ADMINISTRATION

9.1 (OCM3/98) - District Zoning Scheme No.2 - Amendment No. 94 - Reconsideration and Revision (92094) (AB)(Attach)

RECOMMENDATION

That Council resolve to :-

- 1) Adopt the modifications to Amendment No. 94 to District Zoning Scheme No. 2 in accordance with the amending text attached to this report.
- 2) Re-submit the amendment documents to the Western Australian Planning Commission for consent to advertise.

COUNCIL DECISION

Moved Clr Lee seconded Clr Elpitelli, that Council adopt the recommendation.

CARRIED

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



9.2 (OCM3/98) - Land Purchase - Lot 76 Birchley Road - Beeliar Drive Construction (4309034) (450953) (KJS) (SOUTH)

RECOMMENDATION

That Council resolve to offer V & D Dropulich \$490,000 for Lot 76 Birchley Road, Yangebup together with a payment of \$67,500 as compensation for the compulsory acquisition of the property.

COUNCIL DECISION

Moved Clr Lee seconded Clr Howlett, that Council adopt the recommendation.

CARRIED

CLR PECOTIC REQUESTED THAT THE VOTES BE RECORDED :-

FOR: CLRS WHEATLEY, WATERS, HOWLETT, HUMPHREYS, HUNT, ELPITELLI, LEE AND MAYOR GRLJUSICH.

AGAINST: CLRS PECOTIC AND LEES.

Note: Clr Elpitelli requested that the Chief Executive Officer arrange for a legal opinion to be provided to Councillors identifying where responsibility lies with regards to compensation for the value of the house.



**9.3 (OCM3/98) - Local Government Week Conference (1336)
(DG)**

RECOMMENDATION

That Councillors Humphreys and Waters attend the Local Government Week Conference on the 23rd and 24th August 1998 including accommodation in accordance with Council Policy A5.12 (8).

COUNCIL DECISION

Moved Cllr Lees seconded Cllr Howlett, that Councillors Humphreys, Waters and Pecotic attend the Local Government Week Conference on the 23rd and 24th August 1998 including accommodation in accordance with Council Policy A5.12 (8).

CARRIED

10. PETITIONS

Nil

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

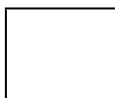
Nil

13. CONFIDENTIAL MATTERS

Nil

14. CLOSING

Meeting closed at 11:34pm.



Council Meeting

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

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

