

## CITY OF COCKBURN

### SUMMARY OF MINUTES OF SPECIAL COUNCIL MEETING HELD ON THURSDAY, 17 SEPTEMBER 1998 AT 7:30 P.M.

	<b>Page</b>
1. APPOINTMENT OF PRESIDING MEMBER [IF REQUIRED].....	1
2. PUBLIC ADDRESS SESSION .....	2
3. APOLOGIES & LEAVE OF ABSENCE.....	2
4. PURPOSE OF MEETING.....	2
5. (SCM9/98) - PROPOSED REVOCATION OF COUNCIL DECISION - 3RD AUGUST 1998 (1103) (DMG) .....	3
6. (SCM9/98) - BUSINESS PLAN FOR A MAJOR LAND TRANSACTION - PROGRESS DRIVE, BIBRA LAKE - FORMAL RESPONSE FROM THE MINISTER FOR THE ENVIRONMENT (1100231) (LCD) .....	4
7. (SCM9/98) - PROPOSED DEVELOPMENT APPROVAL CONDITIONS - SOCCER AND RECREATIONAL DEVELOPMENT - LOTS PT 14 AND 22 PROGRESS DRIVE, BIBRA LAKE (1100231) (NORTH) (SR) .....	6



## CITY OF COCKBURN

### MINUTES OF SPECIAL COUNCIL MEETING HELD ON THURSDAY, 17 SEPTEMBER 1998 AT 7:30 P.M.

---

#### PRESENT:

##### COMMITTEE MEMBERS

Mr J Grljusich	-	Mayor
Mrs S Hunt	-	Councillor
Mr J Gianoli	-	Councillor
Mr J Ostojich	-	Councillor
Mrs N Waters	-	Councillor
Mr B P Wheatley	-	Councillor
Mr S Lee	-	Councillor
Mr R A Lees	-	Councillor
Mr M Pecotic	-	Councillor
Mr L Howlett	-	Councillor
Mr J McNair	-	Councillor
Mr L Humphreys	-	Councillor

##### IN ATTENDANCE

Mr R W Brown	-	Chief Executive Officer
Mr S M Hiller	-	Director, Planning & Development
Mr L Cetinic-Dorol	-	Administrative Support/Research Officer
Mr S Ryan (Observer)	-	Manager, Planning & Development
Mrs B Pinto	-	Secretary/PA, Finance & Corporate Services

The Presiding Member declared the meeting open at 7.30 pm.

#### 1. APPOINTMENT OF PRESIDING MEMBER [IF REQUIRED]

Nil



## 2. PUBLIC ADDRESS SESSION

**Mr Colin Crook**, a ratepayer tabled a letter querying the following:

*Despite the confusion of who the proponents are now, and who the proponents will be after the subdivision of Lot 14, could it be stated in plain English what, if any, responsibilities the Western Australian Croatian Association will have to ensure the preservation of the so-called "conservation section" included in the new Lot 1.*

**Administrative Support/Research Officer** replied that Lot 1 is being formally segregated into a developed area with a conservation section, and that those building requirements will be contained in the development approvals.

## 3. APOLOGIES & LEAVE OF ABSENCE

Clr Elpitelli - Apology

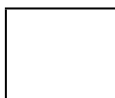
## 4. PURPOSE OF MEETING

- (1) To consider changing the Council decision of the 3<sup>rd</sup> August 1998, relative to the Business Plan for a Major Land Transaction - Progress Drive, Bibra Lake;
- (2) Subject to the outcome of the consideration of (1) above, to consider the response from the Minister for the Environment in answer to Council's request to install the W.A. Croatian Association (Inc.) as the proponent for proposed Lot 1 and proposed Lot 2; and
- (3) Subject to the outcome of the consideration of (1) and (2) above, to determine Development approval Conditions for the proposed development of Soccer and Recreational facilities on Lots 14 and 22 Progress Drive, Bibra Lake.

### **ADJOURNMENT OF MEETING**

MOVED Clr Ostojich SECONDED Clr Lee that the meeting be adjourned at this stage the time being 7.43 pm for 15 minutes.

**CARRIED**



**RESUMPTION OF MEETING**

RESOLVED that the meeting resume at this stage the time being 7.58 pm.

**CARRIED**

**SUSPENSION OF STANDING ORDERS**

MOVED Clr Lee SECONDED Clr Ostojich that Standing Orders be suspended.

**MOTION LOST**

**DURING DISCUSSION OF THE FOLLOWING ITEM:**

**CLR HUMPHREYS LEFT THE MEETING THE TIME BEING 8.51 PM AND RETURNED AT 8.52 PM**

**CLR PECOTIC LEFT THE MEETING THE TIME BEING 8.51 PM AND RETURNED AT 8.54 PM.**

**CLR OSTOJICH LEFT THE MEETING THE TIME BEING 9 PM AND RETURNED AT 9.01 PM.**

**5. (SCM9/98) - PROPOSED REVOCATION OF COUNCIL DECISION - 3RD AUGUST 1998 (1103) (DMG)**

THIS ITEM REQUIRES EIGHT (8) COUNCILLORS TO INDICATE THEIR SUPPORT FOR THE REVOCATION

THE FOLLOWING NINE (9) COUNCILLORS INDICATED THEIR SUPPORT FOR THE REVOCATION OF THS MATTER - COUNCILLORS WHEATLEY, McNAIR, GIANOLI, HUMPHREYS, HOWLETT, LEES, OSTOJICH, PECOTIC AND MAYOR GRLJUSICH

**COUNCIL DECISION**

MOVED Mayor Grljusich SECONDED Clr Gianoli that Council, in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996, revoke part 6 of the resolution of Council dated 3 August 1998 which reads:

"That all of the above being subject to the Minister for the Environment

agreeing to the proponent of the development being the WACA in regards to proposed Lot 1 and proposed Lot 2 and not the City of Cockburn."

MOVED Clr Humphreys SECONDED Clr Ostojich that the motion be put.

**CARRIED**

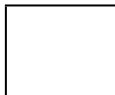
**MOTION PUT AND CARRIED BY ABSOLUTE MAJORITY OF COUNCIL**

**6. (SCM9/98) - BUSINESS PLAN FOR A MAJOR LAND TRANSACTION  
- PROGRESS DRIVE, BIBRA LAKE - FORMAL RESPONSE FROM  
THE MINISTER FOR THE ENVIRONMENT (1100231) (LCD)**

**COUNCIL DECISION**

MOVED Clr Lee SECONDED Clr Ostojich that:

- (1) Council receive the letter from the Minister for the Environment dated 24 August 1998, in response to Council's request to install the WA Croatian Association (Inc.) as the proponent for proposed Lot 1 and proposed Lot 2;
- (2) Council receive the letter from the Department of Environmental Protection dated 15 September 1998, which further addresses the position in relation to joint proponentship for the development;
- (3) Council receive the letter from the WA Croatian Association (Inc.) dated 17 September 1998, that the Association agree to be jointly liable for the conditions and commitments relating to the Lot 21 (previously Lot 1) and Lot 22 (previously Lot 2), as stated in the Ministers letter;
- (4) Council agree that Council and the WA Croatian Association (Inc.) be jointly and severally liable for the conditions and commitments relating to the development of Stage 1 (which is depicted on the plan that forms part of this item business) at least until the project has substantially commenced;
- (5) As soon as regular results have been demonstrated in relation to the monitoring of the ground water, a formal application be made to the Minister for the Environment to install the WA Croatian Association (Inc.) as the proponent for proposed Lot 2 and such shall form part of the lease in respects to the beforementioned property; and
- (6) Once the drainage and revegetation commitments have been complied with to Council's satisfaction on Lot 1 a formal application be made to the Minister for the Environment to install the WA Croatian Association (Inc.) as the proponent of Lot 1.



- (7) Council instruct its solicitors to prepare an agreement outlining the limited liability to Council.

**MOTION WITHDRAWN WITH PERMISSION OF COUNCIL**

MOVED C/r Lee SECONDED C/r Ostojich that:

- (1) Council receive the letter from the Minister for the Environment dated 24 August 1998, in response to Council's request to install the WA Croatian Association (Inc.) as the proponent for proposed Lot 1 and proposed Lot 2;
- (2) Council receive the letter from the Department of Environmental Protection dated 15 September 1998, which further addresses the position in relation to joint proponentship for the development;
- (3) Council receive the letter from the WA Croatian Association (Inc.) dated 17 September 1998, that the Association agree to be jointly liable for the conditions and commitments relating to the Lot 21 (previously Lot 1) and Lot 22 (previously Lot 2), as stated in the Ministers letter;
- (4) Council agree that Council and the WA Croatian Association (Inc.) be jointly and severally liable for the conditions and commitments relating to the development of Stage 1 (which is depicted on the plan that forms part of this item business) at least until the project has substantially commenced;
- (5) As soon as regular results have been demonstrated in relation to the monitoring of the ground water, a formal application be made to the Minister for the Environment to install the WA Croatian Association (Inc.) as the proponent for proposed Lot 2 and such shall form part of the lease in respects to the beforementioned property; and
- (6) Once the drainage and revegetation commitments have been complied with to Council's satisfaction on Lot 1 a formal application be made to the Minister for the Environment to install the WA Croatian Association (Inc.) as the proponent of Lot 1.
- (7) Council instruct its solicitors to prepare an agreement, which will limit Council's liability for the compliance audit to a maximum of \$3,000 and that subject to the WA Croatian Association signing such an agreement, the dealing be proceeded with.

MOVED C/r Ostojich SECONDED C/r Gianoli that the motion be put.

**CARRIED**

**MOTION PUT AND CARRIED BY ABSOLUTE MAJORITY OF COUNCIL**



**CLR OSTOJICH WISHED THAT VOTES FOR AND AGAINST THE MOTION TO BE RECORDED**

**FOR:** CLRS HOWLETT, WHEATLEY, PECOTIC, GIANOLI, McNAIR, LEE, LEES, OSTOJICH AND MAYOR GRLJUSICH

**AGAINST:** CLRS HUNT, WATERS AND HUMPHREYS

**Explanation**

Subsequent to Agenda finalisation additional advice was received from the Department of Environmental Protection and the WA Croatian Association. In addition it was concluded that an absolute majority of Council was required. Therefore an alternative recommendation was circulated.

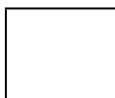
**DURING DISCUSSION OF THE FOLLOWING ITEM CLR LEE LEFT THE MEETING THE TIME BEING 10.15 PM AND RETURNED AT 10.18 PM**

**7. (SCM9/98) - PROPOSED DEVELOPMENT APPROVAL CONDITIONS - SOCCER AND RECREATIONAL DEVELOPMENT - LOTS PT 14 AND 22 PROGRESS DRIVE, BIBRA LAKE (1100231) (NORTH) (SR)**

**COUNCIL DECISION**

MOVED Clr Gianoli SECONDED Clr McNair that:

- (1) Council recommend to the Western Australian Planning Commission that the following Development Approval conditions apply to the development of Lots 21, 22 and Part Lot 14 Progress Drive, Bibra Lake;
  1. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained,
  2. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.,
  3. The lot is included in the Eighth Schedule "District Heritage Significant Place in the Council's District Zoning Scheme No. 2 and therefore the Moreton Bay Fig trees are required to be



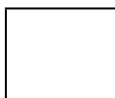


protected and preserved.,

4. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the Council as a separate application;
5. A landscape plan must be submitted to the Council and approved. For the purpose of these conditions a landscape plan shall be drawn to a scale of 1 : 100 and shall show the following:
  - (a) the location and type of existing and proposed trees and shrubs
  - (b) any lawns to be established
  - (c) any natural landscape areas to be retained; and
  - (d) those areas to be reticulated or irrigated.
6. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved, without the written consent of the Council;
7. The landscaping, in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of Council;
8. All existing trees and vegetation within the area designated "Conservation Section" on the attached plan are to be preserved to the satisfaction of the Council.,
9. Satisfactory arrangements being made with the Council for the provision of an easement for sewerage and other services required by the development,
10. Earthworks over the site and batters must be stabilized to prevent sand blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand is blown from the site.,
11. Prior to applying for a Building Licence or commencement any site works a detailed contour plan showing existing contours and proposed contours shall be submitted. For the area of the site within ten [10] metres of Tappers Lake and the Moreton Bay fig trees the contours on the plan shall be depicted at a contour interval of at least 0.3 of a metre.,



12. Prior to applying for a Building Licence or the commencement of site works a detailed plan depicting the development of the soccer pitch area, seating and associated structures shall be submitted.,
13. The development must be connected to the Water Corporation's sewer;
14. All earthworks and/or associated drainage details shall be in accordance with plans and specifications submitted to and approved by the Council;
15. The vehicle parking area shall be sealed, drained and line marked in accordance with the approved plans and specifications,
16. A Building Licence must be issued before any work commences on the site,
17. The applicant providing the Council with a plan showing the exact location of any bores and/or wells on the site prior to applying for a Building Licence;
18. A detailed plan of all food preparation and storage and refuse areas must be submitted with an application for approval to establish a food premises in conjunction with the Building Licence application.,
19. Submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, is to be submitted in conjunction with the Building Licence application.
20. A minimum of four [4] disabled carbays designed in accordance with Australian Standard 2890.1 - 1993 is to be provided in a location convenient to, and connected via a continuous accessible path/s to, the main entrance of the building/facility. Design and signage of the bay/s and path/s is to be in accordance with Australian Standard 1428.1 - 1993. Detailed plans and specifications illustrating the means of compliance with this condition are to be submitted in conjunction with the Building Licence application.,
21. Until the Council has Issued a certificate of Classification under Regulation 20 of the Building regulations 1989, there shall be no approval to use the building for the purposes of the development herein conditionally approved and the land shall not be used for any purpose,



- 22. Refuse bins adequate to service the development shall be provided to the satisfaction of the Council before the development is occupied or used,
  - 23. Prior to the commencement of any on-site works, structural, detailed design and other plans required for a Building Licence application for the Clubhouse and ancillary structures are to be submitted and approved by the Council,
  - 24. Satisfactory arrangements being made with Council for the implementation of the Environmental Management Commitments and Ministerial Conditions comprised in Ministerial Statement number 000475.,
  - 25. The approval is to exclude any works outside the area depicted as Stage 1 on the attached plan.
  - 26. that there be reciprocal rights of access between Lot 1 and Lot 2; and
- (2) the lease agreement provide that the accessway to Lot 2 will not be constructed

ADVISORY FOOTNOTES

- 1. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
- 2. This development has been defined as a public building and shall comply with the provisions of the Health Act 1911 relating to a public building, the Public Building Regulations. An application to construct, extend or alter a public building is to be submitted with the Building Licence application.

**CARRIED**

**MEETING CLOSED 10.20 PM**

**CONFIRMATION OF MINUTES**

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

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

