

## CITY OF COCKBURN

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

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## CITY OF COCKBURN

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

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#### PRESENT:

##### COMMITTEE MEMBERS

|                 |   |            |
|-----------------|---|------------|
| 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 |
| 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 |

##### IN ATTENDANCE

|                    |   |   |
|--------------------|---|---|
| Mr R W Brown       | - | Chief Executive Officer                       |
| Mr D M Green       | - | Director, Administration & Community Services |
| Mr A T Crothers    | - | Director, Finance & Corporate Services        |
| Mr S M Hiller      | - | Director, Planning & Development              |
| Mr B K Greay       | - | Director, Engineering                         |
| Mr L Cetinic-Dorol | - | Admin. Support/Research Officer               |
| 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.

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

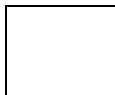
Nil



## 2. PUBLIC ADDRESS SESSION

**Mrs Val Oliver** referred to Item 8.4 of the Council Agenda and asked if the WACA would be paying for the land completely before they start to build and if Council are doing the development of all of it if it is passed tonight, why isn't the whole section done of Lot 14 Progress at the same time? If Council is going to go through with it, it should be the whole land. Mayor Grljusich said that the WACA will pay before work is allowed and the balance of the land is not within the agreement with the WACA.

**Mr Crook** read a letter concerning his comments made at the September CDC meeting and CDC item 10.1 which he later tabled. The Mayor said that all petitions were tabled. Clr Gianoli mentioned that he had a petition that he would table at the correct point of the meeting. Mr Crook commented that Council would be making a decision on this matter before the petition is tabled if it is tabled as item 10 of the Council Agenda. In response to one aspect of Mr Crook's letter, the Mayor responded that Council keeps people informed of what is happening with regard to any matter and he did not think Council will deviate from that process. Mr Crook also requested that his next question be noted in the minutes - "Please explain why the contents of the Clr McNair petition were used to formulate a recommendation before it had even been tabled. When was it handed in to Council?" The Chief Executive Officer advised that he would reply to Mr Crook's question in writing once he ascertained all the facts.



**3. REQUEST FOR LEAVE OF ABSENCE**

**3.1 (OCM9/98) - Leave of Absence - Clr J. Gianoli (1705)**

**COUNCIL DECISION**

Moved Clr Wheatley seconded Clr Humphreys, that Leave of Absence be granted to Clr Gianoli for the period 2<sup>nd</sup> - 12<sup>th</sup> October 1998 inclusive.

**CARRIED**



**4. CONFIRMATION OF MINUTES**

**4.1 (OCM9/98) - Ordinary Meeting of Council - 18/8/98**

Moved Clr Gianoli seconded Clr Lees, that the Minutes of the Ordinary Meeting of Council held on the 18<sup>th</sup> August 1998 be confirmed.

**CARRIED**

**4.2 (OCM9/98) - Special Meeting of Council - 25/8/98**

Moved Clr Humphreys seconded Clr Gianoli, that the Minutes of the Special Meeting of Council held on the 25<sup>th</sup> August 1998 be confirmed.

**CARRIED**

**5. APOLOGIES AND LEAVE OF ABSENCE**

Deputy Mayor T. Battalis - Apology  
Clr J. McNair - Apology

**6. ADDITIONS TO THE AGENDA**

- 8.7 Legal Opinions (Clr Gianoli) (1157)
- 8.8 Crime Control Measures (Clr Wheatley)(8955)
- 8.9 Alterations to Advertised Agendas (Clr Lee)(1052)
- 8.6 Performance Management Reporting System - Transfer of Funds (ATC) (2223)

Moved Clr Wheatley seconded Clr Gianoli, that the above items be added to the Council Agenda.

**CARRIED**

**7. DEPUTATIONS**

Nil

**8. COUNCIL MATTERS**

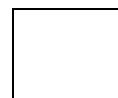
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**8.1 (OCM9/98) - Strategic & Policy Committee Report - 1/9/98 (1055)**

Moved Cllr Humphreys seconded Cllr Gianoli, that the report of the Strategic and Policy Committee meeting held on the 1<sup>st</sup> September 1998 be received and the following recommendations adopted:

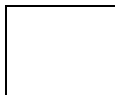


**Item 8.1 (SPC9/98) - DELEGATED AUTHORITY - VANCE THOMPSON (3108) (VG)**

**COUNCIL DECISION**

That Council:

1. Grant delegated authority to VANCE THOMPSON to enable him to approve or refuse to approve building plans under Section 374 (1b) of the Local Government (Miscellaneous Provisions) Act 1960.
2. This delegation be included in Council's Delegated Authority Register.

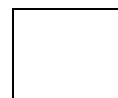


**Item 8.2 (SPC9/98) - HENDERSON INDUSTRIAL AREA - AMENITY STUDY - MAX MARGETTS AND ASSOCIATES (9500) (SMH)**

**COUNCIL DECISION**

That Council:

1. Receive the Henderson Industrial Area Amenity Study, prepared by Max Margetts and Associates, for South Metro Development and the City of Cockburn, dated June 1998.
2. Use the recommendations contained in Section 5 of the report as the basis of a development control policy and amenity enhancement strategy for the area.

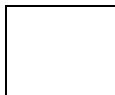


**Item 12.3 (SPC9/98) - MODIFICATIONS TO AMENDMENT  
NO 137 - DISTRICT ZONING SCHEME NO. 2 - OMNIBUS  
AMENDMENT (92137) (SA) (ALL)**

**COUNCIL DECISION**

That Council:

- (1) adopt Amendment No. 137, incorporating the modification as requested by the Western Australian Planning Commission in their letter dated 31 July 1998; and
- (2) in anticipation of the Hon. Minister's advice that final approval will be granted, sign, seal and forward the modified documents to the Western Australian Planning Commission.
- (3) note on record that Council has exhausted all efforts to try and maintain the bushland in these areas as an amenity for the future residents of the City.

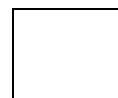


**Item 15.1 (SPC9/98) - OBJECTIONS TO APPLICATIONS  
FOR PROSPECTING LICENCES - RESERVE 24309,  
HENDERSON (3412067) (DW) (COASTAL)**

**COUNCIL DECISION**

That Council:

1. Confirm the actions of officers in objecting to Prospecting Licence applications 701302 and 701319 by John Albert Smedley and Danehill Nominees respectively.
2. Authorise the Manager Environmental Services to continue with the carriage of the matter, on behalf of Council.
3. Approach the Minister for Mines, outlining Council's concerns in relation to the applications and urging that they be refused.



**Item 15.2 (SPC9/98) - CITIES FOR CLIMATE PROTECTION PROGRAMME (9132) (DW) (ALL)**

**COUNCIL DECISION**

That Council:

1. Agree to participate in the "Cities for Climate Protection" Programme, at a cost to be determined and not exceeding three thousand, five hundred dollars (\$3,500.00), as a pro-active environmental improvement strategy.
2. This programme be carried out in conjunction with the Southern Metropolitan Regional Council.
3. Commits to undertake the following key milestones as part of the programme:-
  - (a) An energy and emissions inventory for the Council and the community.
  - (b) Forecast of future energy use and emissions.
  - (c) Establishment of an emissions reduction target.
  - (d) Development of a local action plan - a public programme on how to meet targets.
  - (e) Implementation of agreed policies and measures.
4. That costs associated with the contribution and resourcing of the programme be drawn from Council's Budget allocation to the Southern Metropolitan Regional Council and Environmental Management Strategy.

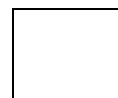


**Item 15.3 (SPC9/98) - SOUTH-WEST GROUP POSITION PAPER - SOUTHERN METROPOLITAN ENVIRONMENTAL QUALITY OBJECTIVES (6111;9500) (DW) (COASTAL)**

**COUNCIL DECISION**

That Council:

1. Advise the South-West Group that it supports the proposals in relation to the Draft Environmental Quality Objectives for the southern metropolitan coastal waters, as detailed in the CoastWise position paper.

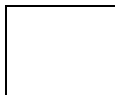


**Item 16.1 (SPC9/98) - FACSIMILE EDITION - COCKBURN:  
THE MAKING OF A COMMUNITY (760500) (DKF)**

**COUNCIL DECISION**

That:

- (1) the distribution of this publication cease until a solution is found to those errors identified; and
- (2) the matter be referred to the next Strategic and Policy Committee for further consideration.



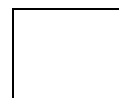


**Item 19.1 (SPC9/98) - CHIEF EXECUTIVE OFFICER'S  
PERFORMANCE REVIEW (003)**

**COUNCIL DECISION**

That Council receive the report.

**CARRIED**



**DECLARATION OF FINANCIAL INTEREST**

**Mayor Grljusich** declared a financial interest in SPC9/98 Item 12.1 and 12.2. The nature being that as he is a partner of Peremate Holdings, the decision may encompass land which he owns.

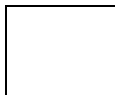
**Mayor Grljusich** declared a financial interest in SPC9/98 Item 17.1. The nature being that this item deals with the Packham development area and he is a partner of land associated with that area.

**Clr Gianoli** declared a financial interest in SPC9/98 Items 12.1, 12.2 and 17.1. The nature being that he is a partner in Southside Realty who is acting as a selling agent for owners of land in that area.

AT THIS POINT THE TIME BEING 7:55PM, MAYOR GRLJUSICH AND CLR GIANOLI LEFT THE MEETING.

Moved Clr Elpitelli seconded Clr Howlett, that Clr Ostojich assumes the position of Presiding Member.

**CARRIED**



**Item 12.1 (SPC9/98) - PROPOSED AMENDMENT NO. 193 -  
OWNER DEVELOPMENT AREAS (92193) (AG)**

**COUNCIL DECISION**

Moved Cllr Howlett seconded Cllr Lees, 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. 193

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 12 OWNER DEVELOPMENT AREAS and inserting the following:-

**12.1 Objective**

12.1.1 The objective of this Part is to:-

- (a) provide for the equitable sharing of costs for the planning, design and installation of common infrastructure and facilities between owners, in an Owner Development Area.
- (b) Co-ordinate the timely provision of infrastructure and facilities.

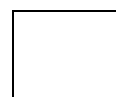
**12.2 Designation**

12.2.1 Each Owner Development Area (ODA) is described in the **Tenth Schedule**.

12.2.2 Each Owner Development Area is delineated on the Scheme Maps by a border as contained in the legend to the Development Plans and identified by the reference "ODA".

**12.3 Cost Sharing**

12.3.1 All landowners within an Owner Development Area shall be required to contribute to the common infrastructure costs of that Area in accordance with the provisions of this Clause, and any specific requirements set out in the **Tenth Schedule** .



- 12.3.2 Unless a landowner has by a written agreement with the Council made satisfactory arrangements for contribution to common infrastructure costs for the relevant Owner Development Area, no development shall be approved by the Council under this Scheme and no development whatsoever shall be commenced or carried out within that Owner Development Area, until a contribution arrangement for that Owner Development Area has been incorporated in the **Tenth Schedule** and the relevant landowner has made arrangements satisfactory to the Council for payment of the landowner's cost contribution.
- 12.3.3 It is not the purpose of the preceding Clause to prevent a landowner from building a single house or outbuilding associated with a single house on a lot which is not otherwise developed and which has not been subdivided since the coming into operation of this Clause, before the landowner has made arrangements satisfactory to the Council for payment of the landowner's cost contribution, and is the only development excluded from the scope of this Clause.
- 12.3.4 This Clause does not affect the power of the Council to require the making of an infrastructure cost contribution by the issuing of a notice under other provisions of this Part or in accordance with any contribution arrangement for any Owner Development Area.
- 12.3.5 The contribution arrangement for any Owner Development Area shall be prepared in accordance with the following principles:-
- (a) Provide for contribution to only such common infrastructure costs as the Council considers are fair and reasonable for landowners to contribute to in the relevant Owner Development Area;
  - (b) Matters requiring land contribution, such as public open space, shall be treated as common infrastructure costs with any necessary adjustments to establish, where appropriate, a money equivalent;
  - (c) Require contribution by landowners only to such proportion of the costs of any common infrastructure item as the Council considers to be fair and reasonable for that Owner Development Area;
  - (d) Provide a method of apportionment of common infrastructure costs which the Council considers to be fair and equitable for the relevant Owner Development Area;
  - (e) Allow for contributions to all or any items in part or whole in land or land and money and for adjustments in land or money or both in cases where an owner contributes or is required to contribute more than that owner's equitable proportion for any purpose;



- (f) The cost contribution of any landowner shall be based upon the proportion that the area of that landowner's land bears to the total area of land within the Owner Development Area;
- (g) In calculating both the area of a landowner's land and the total area of land in an Owner Development Area, the area of land provided or required in that Scheme shall exclude:-
  - (i) roads designated under the Metropolitan Region Scheme as controlled access highways, other major highways and important regional roads; and
  - (ii) government primary and secondary schools;
- (h) Common infrastructure costs shall be based on amounts expended, but where no expenditure has occurred, shall be based on the best and latest estimates obtained by the Council.

12.3.6 The contribution arrangement for any Owner Development Area shall not have effect until it has been incorporated into the Tenth Schedule.

12.3.7 Where a Contribution Arrangement contains estimated costs, such estimates may be revised from time to time by the Council in accordance with the best and latest information obtained by the Council until the expenditure on the relevant item of common infrastructure cost has occurred.

12.3.8 Where any cost contribution has been calculated on the basis of an estimate of any common infrastructure cost, the Council may:-

- (a) adjust the cost contribution of any landowner in accordance with revised estimates and/or the final expenditure; or
- (b) accept a cost contribution based upon estimated costs as a final contribution;

And may enter into agreements with landowners accordingly.

## **12.4 Collection of Contributions to Infrastructure Costs**

12.4.1 Each landowner within an Owner Development Area shall pay the landowner's Cost Contribution:-

- (a) at the time of subdividing the landowner's land within the Owner Development Area, or any part of it, and before the Council confirms to the Commission that conditions of subdivision approval supervised by the Council have been complied with prior to the Commission endorsing its approval on the diagram or plan of survey or the subdivision of the relevant land; or



- (b) at the time of carrying out any development or commencing any new or extended use on the landowner's land within the Owner Development Area; or
- (c) at the time of applying to the Council or the Commission for approval of or to commence any new or extended use, or any other development on the landowner's land within the Owner Development Area; or
- (d) when called upon by the Council to make payment as provided hereafter in this Clause,

Whichever first occurs.

- 12.4.2 Whether or not a landowner has reached the stage of subdividing or carrying out any use or development on its land it shall be liable to pay to the Council its cost contribution or such part thereof as the Council from time to time requires, as from the date of posting to it by or on behalf of the Council by pre-paid post addressed to its last address known to the Council, of a notice informing it of the amount of its cost contribution or the part then required and calling upon it to make payment.
- 12.4.3 Each landowner shall be liable to pay to the Council interest upon the amount of its cost contribution or the part then required from it as and from the time the cost contribution becomes payable under the provisions of this Clause.
- 12.4.4 The rate of interest shall be 3% per annum above the rate payable on funds obtained or obtainable from time to time on overdraft for the purpose of the carrying out of works under this Part from the Council's bankers, and such interest shall be compounded at the same intervals as the compounding of interest on any borrowings by the Council for the purpose of carrying out common infrastructure works or other works of a like nature, or at quarterly rests if there are no such borrowings.
- 12.4.5 Landowners shall be liable for the interest payable by them under this Clause from the date of posting to them of the notice referred to in the preceding Clause.
- 12.4.6 Within **90 days** of the posting to a landowner of the notice referred to in **Clause 12.4.2** that landowner shall pay the sum required of it together with any interest accrued due to the date of payment, but where the landowner pays the sum required within **30 days** of the posting of the notice there shall be deducted 1 month's interest.
- 12.4.7 Whether or not it has received a notice in accordance with **Clause 12.4.2** a landowner shall not pursuant to **Clause 4** of the Western Australian Planning Commission Regulations submit a diagram or plan of survey for the subdivision of any land within the relevant Owner Development Area or request that the approval of the Commission be endorsed on any such diagram or plan, until the landowner has paid or made arrangements satisfactory to the



Council for payment of its cost contribution or the portion which the Council then requires to be paid, and interest as hereinbefore referred to.

## **12.5 Enforcement and Agreements**

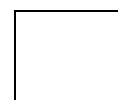
12.5.1 No landowner shall apply for planning approval or carry out any subdivision or other development of land within the Owner Development Area in which the landowner's land is situated, other than the continuation of an existing lawful use of the land, until the whole of any cost contribution then due in respect of that land has been paid, or arrangements satisfactory to the Council have been made by agreement or otherwise for payment.

12.5.2 If within the **90 days** stipulated in **Clause 12.4.6** from the posting to a landowner of the notice referred to in **Clause 12.4.2**, the landowner fails to make such payment, then the Council in addition to any other method of enforcement or other action available to it under the Scheme or otherwise, may do either or both of the following:-

- (a) take action in any civil court of competent jurisdiction to recover the payment as a debt; or
- (b) commence proceedings by way of complaint in the Court of Petty Sessions pursuant to subsection (4) of **Section 10 of the Act** and for the purpose of that subsection, the non-payment within the time specified shall be a contravention or failure to comply with the provisions of this Scheme.

12.5.3 If a landowner fails to make payment to the Council of a cost contribution due by the landowner pursuant to provisions of this Part, or interest accrued due thereon, the Council forthwith or after giving such notice as to the Council shall seem appropriate in the circumstances, may compulsorily acquire the whole or a portion of the landowner's land within the relevant Owner Development Area and sell the same and after deducting from the proceeds of sale the cost contribution then due together with all interest accrued thereon and after the payment of such moneys as shall be due upon any encumbrance notified on the title to the land, the Council may put aside a sufficient sum to provide for any future cost contribution by that landowner under this Part and the Council shall pay any balance to that landowner or recover from the landowner any amount by which the balance of the proceeds of sale falls short of the monies required to be paid.

12.5.4 For the purpose of **Clause 12.5.3** the Council may with the approval of the Commission subdivide the landowner's land and resume only such portion as shall seem to the Council necessary to discharge the liabilities of the landowner under this Part and the Council may transfer back to that landowner any land not required and the costs of acquisition, subdivision and transfer shall be added to the liability of the landowner under this Part.



12.5.5 In the event of the Council exercising its powers under **Clauses 12.3 or 12.4**, it shall have all the powers of a landowner in the subdivision, development and disposal of the subject land under the terms of this Part.

12.5.6 If the Council incurs costs in seeking to enforce payment by a landowner of any moneys due by the landowner under this Part, and to the extent that such costs are not recovered by the Council by order of any court, those costs shall be added to the cost contributions due by the landowner under this Part and may be recovered by the Council from the landowner as if they were a cost contribution.

**12.6 Charge**

12.6.1 The cost contribution or estimated cost contribution of a landowner and any interest thereon shall be a charge upon the land of that landowner within the Owner Development Area in respect of which the cost contribution is required to be paid, and the Council may lodge a caveat in respect of that charge against the landowner's title as from the time of the provisions of this Part coming into operations.

**12.7 Shortfall or Excess in cost contributions**

12.7.1 If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular Owner Development Area, the Council shall make good the shortfall from its municipal fund, but nothing in this Clause shall be taken to restrict the right or power of the Council to impose a differential rate to a specified Owner Development Area in that regard.

12.7.2 If there is an excess in the total of cost contributions when all cost contributions have been made or accounted for in a particular Owner Development Area, the Council shall use the excess funds in the provision of additional facilities in the Owner Development Area.

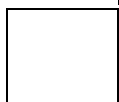
**12.8 Valuation**

12.8.1 If it is necessary for the purpose of this Part to ascertain the value of any land, such value shall be determined by a Licensed Valuer appointed by the Council.

12.8.2 If an owner objects to the value so determined, the owner may give notice of such objection to the Council within **21 days** after having been informed of the said value or the revised value.

12.8.3 If the valuer does not agree to change the value to a figure acceptable to the owner, the value shall be determined by arbitration in accordance with **Clause 12.8.8**.

12.8.4 The value placed upon the land of an owner may be revised from





time to time by a valuer appointed in accordance with the provisions of **Clause 12.8.1**, and provided that it is necessary as a result of such revision, the valuer may reconsider the values placed on other land and make such revisions as it considers just and equitable.

- 12.8.5 If a valuation made by the valuer is changed as a result of an objection, the valuer may reconsider the values placed on other lands and make such revaluations as it considers just and equitable.
- 12.8.6 Subject to the provisions of **Clause 12.9.1** in assessing the value of land for compensation purposes, the value shall be the capital amount that an unencumbered estate in fee simple of the land en globo might reasonably be expected to realise upon sale assuming that all improvements thereon (except site improvements the benefit of which are incomplete at the time of valuation) had not been made.
- 12.8.7 The time of valuation shall be the date Council serves notice on the owners in the Owner Development Area that the Council proposes to commence work in that Owner Development Area and of its intention to acquire any land required to be acquired at that time.
- 12.8.8 Where for any purpose under the Scheme land is required to be valued and there is a dispute or difference between the Council and the landowner regarding that value, the dispute or difference shall be resolved as follows:
- (a) by arbitration in accordance with the **Commercial Arbitration Act of 1985**: or
  - (b) by some other method agreed upon by the Council and the landowner; and
  - (c) in any case mediation may be attempted without prejudice to the use of any other method of determination,
- 12.8.9 For the purpose of **Clause 12.8.8**, the value shall be determined:-
- (a) as at the date of acquisition of the land by the Council or the date of election to purchase or acquire if that occurs earlier, unless the Scheme stipulates some other date as the date of valuation: and
  - (b) without regard to any increase or decrease in value attributable wholly or in part to the Scheme.

## **12.9 Land Acquisition**

- 12.9.1 The Council may acquire by agreement or compulsorily any land required for the carrying out of any common infrastructure work,



and in that regard the Council may exercise the powers conferred by **Section 13 of the Act**.

**12.10 Appeal**

12.10.1 Any proponent, applicant or owner aggrieved by the decision of the Council in the apportionment of infrastructure costs, may appeal against that determination or requirement under the Act, where the decision of the Minister or the Town Planning Tribunal shall be the final arbiter on the fairness, reasonableness or equity of any provision in any cost arrangement.

(2) Inserting the Tenth Schedule into the Scheme Text.

(3) Adding the following definitions, in alphabetical order, into the Seventh Schedule – Interpretations:-

**Common Infrastructure** means those infrastructure items requiring cost contributions by owners within a development area upon the subdivision or other development of that area, being stipulated as “ common infrastructure in relation to that area.

**Common Infrastructure Costs** means the cost of a common infrastructure item of any development area required to be contributed by the owners subdividing or otherwise developing land within that area.

**Facilities** means the amenities other than services reasonably required or expected to be provided in a fully developed area of a kind in question and without limiting the generality of the foregoing may include such items as public open space and community purpose sites.

**Infrastructure** means such services and facilities as are or may reasonably be required to enable land to be subdivided and otherwise developed into lots put to their ultimate use, with services and facilities appropriate to the relevant land in the relevant locality in its ultimately developed state.

**Owner** means in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity:-

- (a) is entitled to the land for an estate in fee simple in possession; or
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land: or



- (c) is a lessee or licensee from the Crown: or
  - (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee, in possession, or otherwise.
- (4) Adding to the legend on the Scheme Map the reference to Owner Development Areas (ODA).
- (5) Substitute the proposed "Tenth Schedule - Owner Development Areas" contained in the attachment to the SPC Agenda (SPC9/98 12.1) dated 1 September 1998 with the amended replacement Schedule circulated by the Director Planning and Development to all Councillors by memo dated 2 September 1998.

**CARRIED**



**Item 12.2 (SPC9/98) - PROPOSED AMENDMENT NO. 192 -  
DEVELOPMENT AREAS AND DEVELOPMENT PLANS  
(92192) (AG)**

**COUNCIL DECISION**

Moved Clr Howlett seconded Clr Humphreys, that Council:

(1) Adopt the following amendment :-

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

AMENDMENT NO. 192

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. Deleting the text in Part 8 and replacing it with the following:-

**8.1 DEVELOPMENT AREAS AND DEVELOPMENT PLANS**

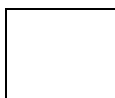
8.1.1 The purpose of a Development Area is to define areas requiring the preparation and adoption of a Development Plan which promotes the orderly and proper planning of the Development Area, having regard to the area's characteristics and the needs of the existing and future community.

8.1.2 The boundaries of the Development Areas have been based on identifiable man-made and natural edges which enclose either an area of similar topographical characteristics or common community interest.

8.1.3 The boundaries of a Development Area may be modified by the Council after having notification by one or more of the following:

(a) notice of the proposed changes shall be served on the Owners and occupiers of Land within the affected area determined by the Council stating that submissions may be made within **21 days** of the service of such notice;

(b) notice of the proposed changes shall be published in a newspaper circulating in the Development Area stating that submissions may be made to the Council within **21 days** from the publication thereof;



(c) a sign or signs displaying notice of the proposed changes shall be erected in a conspicuous position on the Land for a period of **21 days** from the date of the erection of the sign or signs or service or publication of the notice referred to in paragraph (a) or (b) of this Clause.

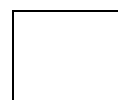
## **8.2 Objective**

8.2.1 The objective of Development Plans is to provide for some or all of the following:-

- (a) provide for the development of a functional and cohesive community consistent with orderly and proper planning and in the interest of the amenity of the area;
- (b) encourage a variety of lot sizes and dwelling types within the area consistent with a cohesive and attractive built environment;
- (c) enhance the area with the provision of open space and recreation networks and facilities;
- (d) plan for school sites and for other appropriate educational facilities within the area;
- (e) provide appropriate retail and commercial facilities to service the needs of residents of the area and with a view to the integration of retail areas with other commercial and business areas and with social and recreational services so as to maximise convenience;
- (f) provide retail and commercial centres, business parks, services areas and industrial areas to satisfy the need for such services within the area and to provide local employment opportunities;
- (g) plan for the orderly and proper development of rural land for subdivision, agriculture production and supply of basic raw materials;
- (h) plan for the optimum convenience of road and other transportation to and within the area;
- (i) ensure that all development in an area is consistent with the Development Plan for that area;
- (j) provide infrastructure for subdivision and development within the area.

## **8.3 Development and Subdivision**

8.3.1 No development shall occur or subdivision be supported within a Development Area unless it is in accordance with the provisions



and requirements of an approved Development Plan which has been incorporated into the Scheme in accordance with the provisions of **Clauses 8.4 and 8.7**.

8.3.2 Development of land within a Development Area and subdivision recommendations made by the Council shall comply with the permissibility of Use Classes under the Scheme in each zone, the permissible residential densities and any **Clause 11 Policy**, development standards within an approved Development Plan or the conditions of any development approval relating to the land.

8.3.3 All Development Plans shall include the following provisions as required within each Development Area:-

- (a) Land Uses;
- (b) Local Reservations;
- (c) Public Reserves;
- (d) Roads and Transportation;
- (e) Residential Planning Code Densities;
- (f) Owner Development Areas;
- (g) Heritage Places and Conservation Areas;
- (h) Building Envelopes;
- (i) Aged Persons Housing;
- (j) Any other matter relevant to the orderly and proper planning of the Development Area;

8.3.4 No new development or use of land within a Development Area shall be commenced or carried out until the Development Plan for the Development Area has been approved by the Council.

**8.4 Preparation of Development Plans**

8.4.1 Where it is proposed to substantially modify or substitute one Development Plan for another, the planning process requires that the following be prepared:-

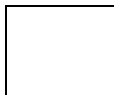
- (a) Constraints Map;
- (b) Structure Plan; and
- (c) Development Plan.

**8.5 Constraints Map**

8.5.1 A Constraints Map shall be prepared for a Development Area or as the reference for the preparation of a Structure Plan which is intended to be the basis for substantially modifying or be a substitution for an approved Development Plan.

8.5.2 The Constraints Map shall be prepared at a scale not greater than 1:5,000 nor less than 1:10,000.

8.5.3 The Constraints Map shall illustrate and provide information relating to the following as appropriate for the planning of the Development Area:-



- (a) contours and land form;
- (b) soils, basic raw materials and quarries;
- (c) drainage;
- (d) wetlands;
- (e) aboriginal, heritage and scientific sites;
- (f) vegetation, flora and fauna habitats;
- (g) coastal management and protection areas;
- (h) existing infrastructure;
- (i) buildings and structures;
- (j) roads;
- (k) unexploded bombs;
- (l) buffer areas;
- (m) groundwater and water catchment areas;
- (n) any other information relevant to the orderly and proper planning of the Development Area or sub area or any other information required by the Council.

8.5.4 Where considered necessary the Council can require confirmation from any relevant government agencies of the data or information that forms part of the Constraints Map.

8.5.5 The Constraints Map, together with a supporting report may be prepared in conjunction with the preparation of the Structure Plan.

## **8.6 Structure Plan**

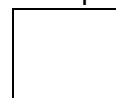
8.6.1 The Council shall not consider a Development Plan submitted to it for adoption by a proponent until the Council has adopted a Structure Plan in accordance with the following provisions of this paragraph unless it has determined otherwise in accordance with **Clause 8.7.26**.

8.6.2 If the Council adopts the Structure Plan it shall request the Commission to approve the Plan as a basis for its decision making in respect to subdivision planning, land use and development.

8.6.3 Unless otherwise agreed by the Council any proposed Structure Plan presented to the Council for approval shall be prepared to a scale not greater than 1:5,000 nor less than 1:10,000.

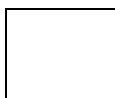
8.6.4 A proposed Structure Plan shall include such land as is necessary to satisfy the Council as to the orderly and proper planning of the Development Area generally and to that end shall not necessarily be limited to the land within the Development Area.

8.6.5 A proposed Structure Plan should generally accord with any approved regional structure plan for the area and shall be sufficient in its detail to establish the urban form, and the proposals in general terms for the disposition of Land Use Areas and residential densities, movement systems, and services, and other matters which in the opinion of the Council are relevant to the orderly and proper planning of the Development Area, and



where appropriate the Structure Plan should contain policy statements on the general aims and objectives to be achieved in the various components of the Development Area.

- 8.6.6 A proposed Structure Plan shall show such detail as the Council requires and without limiting the generality of the foregoing, shall include information dealing with the following:-
- (a) Major transportation and movement systems;
  - (b) Hierarchy of Centres;
  - (c) Land use;
  - (d) Major community facilities;
  - (e) Landscape protection areas;
  - (f) Major conservation and recreation areas;
  - (g) Proposals for sewerage, drainage and other physical infrastructure services.
- 8.6.7 The Structure Plan shall clearly demonstrate the influence that the constraints referred to in **Clause 8.5.3** have had on the form and rationale to the Structure Plan.
- 8.6.8 A proposed Structure Plan should include information sufficient to demonstrate the contemplated method of implementation of its proposals.
- 8.6.9 The proposed Structure Plan when presented to the Council shall be accompanied by or shall include a Report or information describing and explaining existing site conditions, the objectives of the Plan, policies, guidelines and development standards, and such other explanatory material as is necessary to provide the Council with a full understanding of the scope, purpose and intent of the Plan.
- 8.6.10 Where a proposed Structure Plan is, in the opinion of Council, lacking in detail on some aspect or component, Council shall, as soon as is practicable, notify the proponent of the deficiencies in the Plan.
- 8.6.11 The proponent shall circulate the proposed Structure Plan to all relevant Government Agencies for comment, with any comments returned directly to the Council for consideration prior to adoption as the basis for preparing the Development Plan.
- 8.6.12 The Council may decide after considering the Structure Plan together with any comments received from any Government Agencies to adopt the Structure Plan, adopt the Structure Plan with modifications or not adopt the Structure Plan as the basis for preparing the Development Plan.
- 8.6.13 The proponent has **14 days** after the notification from the Council of its decision in **Clause 8.6.12** to provide a further submission to the Council.
- 8.6.14 At the expiration of the **14 days**, the Council shall advise the



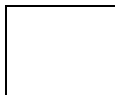


- Commission of its decision, and seek the approval of the Commission to its decision to adopt the Structure Plan, adopt the Structure Plan with modifications or not adopt the Structure Plan.
- 8.6.15 An adopted Structure Plan shall be kept at the Council's administrative offices and shall be made available for inspection by any member of the public during office hours.
- 8.6.16 The Council may adopt or permit any change or departure from an approved Structure Plan which in the opinion of the Council does not:-
- (a) change the intent of the Plan;
  - (b) have a detrimental impact upon any person;
  - (c) affect the interest of any authority or body providing or likely to provide services within the area of the Structure Plan.
- 8.6.17 The Commission shall be notified of any change or departure from the Structure Plan.
- 8.6.18 The Structure Plan shall be adopted by the Council and the Commission prior to the submission of the Development Plan to the Council unless the Council has agreed to deal with the Structure Plan and the Development Plan simultaneously under **Clause 8.7.26**.
- 8.6.19 The Council shall not consider a Development Plan until it has been advised by the Commission that it has adopted the Structure Plan.
- 8.7 Development Plan**
- 8.7.1 The Council shall not approve any application for Development Approval and shall not support any application for subdivision of land within the Development Area or sub area until the Council has incorporated the Development Plan relating to the land in accordance with the provisions of this Clause.
- 8.7.2 The general purpose of a Development Plan is to refine the proposals in the Structure Plan affecting the Development Area or sub area and to guide development of land to which the plan relates.
- 8.7.3 Any owner of land within the Development Area may submit to the Council for consideration a Development Plan for that land, though the Council may require that the area dealt with by the Development Plan be reduced or expanded to reflect what the Council considers to be required for the Development Area or sub area.
- 8.7.4 Any such plan shall conform with the land use, policies, guidelines, development standards and objectives contained in an



adopted Structure Plan.

- 8.7.5 Any proposed Development Plan presented to the Council for consideration shall be prepared to a scale not greater than 1:5,000 and not less than 1:2,000.
- 8.7.6 A proposed Development Plan shall show such detail as the Council requires to ensure that the development of the land within the Development Area or sub area would be consistent with orderly and proper planning and the achievement of the highest appropriate level of amenity and without limiting the generality of the foregoing, shall include information or detail dealing with the following:-
- (a) the definition of reserves and zones, in accordance with the range of reservation and zones set out in **Clauses 2.2 and 3.1.1** respectively of the Scheme;
  - (b) proposed residential densities;
  - (c) proposed transportation systems, road layouts and vehicular traffic, cycle, and pedestrian networks, underpass locations, and public transport routes;
  - (d) provision for major Use Classes including residential, shopping, commercial, office, educational, civic, employment centre, open space, recreational, and community facilities;
  - (e) indicative lot pattern and general location of any major buildings;
  - (f) the integration of land use and development;
  - (g) Owner Development Areas;
  - (h) details as appropriate relating to:-
    - (I) access restrictions;
    - (II) aged persons housing;
    - (III) building envelopes;
    - (IV) Conservation Areas;
    - (V) Heritage Places;
    - (VI) setback controls;
    - (VII) special or detailed development requirements.
  - (i) any other information considered necessary for the orderly and proper planning and development of the Development Area or sub area, or any other information required by the Council.
- 8.7.7 The Development Plan shall clearly demonstrate its relationship to the Structure Plan and the influence the constraints referred to in **Clause 8.5.3** has had on the form and rationale to the Development Plan.



- 8.7.8 A proposed Development Plan should include information sufficient to demonstrate the contemplated method of implementation of its proposals, and where the Development Plan applies to an Owners Development Area the appropriate requirements be included in the Tenth Schedule.
- 8.7.9 A proposed Development Plan when presented to the Council shall be accompanied by or shall include a Report or information describing and explaining existing site conditions, the objectives of the plan, policies, guidelines, and development standards and such other explanatory material and details as is necessary to provide the Council with a full understanding of the scope, purpose and intent of the plan.
- 8.7.10 Where a proposed Development Plan is, in the opinion of the Council, lacking in detail on some aspect or component Council shall, as soon as practicable, notify the proponent of the deficiencies in the Plan.
- 8.7.11 Unless the Council decides in the case of any particular Development Plan that it is unnecessary to apply the provisions of this Clause, the Council shall not approve a Development Plan unless and until:-
- (a) The proposed Development Plan has first been advertised for public inspection by one or more of the methods of advertising proposals for development as set out in **Clause 8.1.3** of the Scheme;
  - (a) Such notification and information as the Council considers appropriate has been given by the Council or by the proponent at the direction of the Council or the Commission and to all public authorities or other bodies providing or likely to provide services to the area when developed and to such other authorities or persons as the Council nominates;
  - (c) The Council has submitted a copy of all submissions received as a result of the advertising to the Commission; and
  - (d) The Council has considered all submissions received as a result of the advertising together with any comment or advice given by the Commission within **21 days** or such greater period as the Council approves from the date of submitting the submissions to the Commission.
- 8.7.12 A proposed Development Plan shall be deemed to be refused by Council where a decision on the proposal has not been determined by the Council within **3 months** of Council's receipt of the proposal or within such further time as may be agreed in writing between the applicant and the Council.
- 8.7.13 Where the Council, in its opinion, is not able to determine a



proposed Development Plan due to:-

- (a) the requirements of some other written law; or
- (b) the proposal lacking in detail on some aspect or component

the **6 month** period shall not begin to run until such impediment has been removed or rectified to the satisfaction of the Council.

8.7.14 The Council after considering all submissions and comments received by it in accordance with the preceding provisions of this Clause may refuse to approve the proposed Development Plan, or may approve the Development Plan with or without modifications.

8.7.15 The Council shall not make a final decision to refuse approval of a proposed Development Plan until the proponent (if any) has been allowed an opportunity to provide a further submission to the Council.

8.7.16 Any such further submission shall be lodged within **14 days** of notification of Council's intention to refuse approval.

8.7.17 The Council shall proceed without delay to its determination if the proponent waives the right to make a further submission.

8.7.18 If the Council approves the Development Plan it shall request the Commission to approve the Plan as a basis for its decision making in respect to subdivision, land use and development.

8.7.19 The Council shall give notice of its approval or its refusal to approve a proposed Development Plan by such means as to the Council seems proper, but in any event shall publish notice of an approval in a newspaper circulating in the District and shall give notice in writing of its decision to the Commission and the proponent as soon as practicable after the decision is made.

8.7.20 An approved Development Plan shall be kept at the Council's administrative offices and shall be made available for inspection by any member of the public during office hours.

8.7.21 The Council may approve any change or departure from an approved Development Plan which in the opinion of the Council does not:-

- (a) change the intent of the Plan;
- (b) have a detrimental impact upon any person other than the proponent;
- (c) affect the interest of any authority or body providing or likely to provide services within the area of the Development Plan; and



(d) conflict with the Structure Plan for the area;

but any other proposed change or departure shall be advertised and notified in accordance with **Clause 8.7.11** before the Council considers whether to approve or permit it.

8.7.22 The Council when exercising its discretion in regard to the approval to a Development Plan shall have regard to the matters listed in **Clause 8.2** of the Scheme.

8.7.23 An approved Development Plan together with all approved amendments shall apply in relation to the land within the Development Area or sub area to which the Development Plan applies.

8.7.24 Once approved the Development Plan shall be the basis upon which the Council will make recommendations in respect to subdivision and make decisions in relation to land use and development.

8.7.25 Where an application for subdivision is generally in accordance with an approved Development Plan, the application is not required to be referred to the Council for consideration and shall be approved under **Clause 7.6** subject to conditions as appropriate.

8.7.26 The Council may deal simultaneously with a Structure Plan and a Development Plan but may not approve a Development Plan without having first adopted a Structure Plan for the locality.

## **8.8 Commission Initiated Development Plans**

8.8.1 If in the opinion of the Commission a Development Plan ought to be prepared for any area in respect of which:

- (a) a landowner presently wishes to subdivide land; and
- (b) in the opinion of the Commission subdivision of land in some form would be appropriate if a Development Plan was approved for the area; but
- (c) no landowner is presently proposing a Development Plan;

the Commission may require the Council to prepare a Development Plan or cause a Development Plan to be prepared and submitted to the Commission within a time stipulated by the Commission, being not less than 3 months.

8.8.2 If the Council is unable, or considers that it will be unable, to complete a Development Plan for submission to the Commission within the time stipulated by the Commission, the Council may request an extension of time and the Commission may:



- (a) grant an extension time; or
  - (b) inform any landowner wishing to subdivide that the Commission will consider an application for approval to subdivide.
- 8.8.3 If the Commission pursuant to **Clause 8.8.2** informs a landowner that the Commission will consider a subdivision for land within an area without a Development Plan for that area having been approved, then notwithstanding the provisions of **Clause 12.4.7** the landowner may apply for subdivision approval.
- 8.8.4 If a landowner applies for subdivision approval in the circumstances referred to in **Clause 8.8.3**:-
- (a) if the Commission determines the application before it has approved a Development Plan for the relevant area, the Commission shall nevertheless endeavour to deal with the application for subdivision approval so far as is practicable as if a Development Plan for that area, whether in the course of preparation or not, had been approved; but
  - (b) if before the determining of the application for subdivision approval the Commission approves a Development Plan for the relevant area, the Commission shall apply that Development Plan in the determination of the application.
- 8.8.5 In the event that the Council prepares or causes to be prepared a Development Plan for an area, all costs or expenses reasonably incurred by the Council shall be recoverable by the Council from landowners in the area as if the costs or expenses were common infrastructure costs as defined in Part 12.
- 8.9 Structure Plan and Development Plan Application**
- 8.9.1 Structure Plans and Development Plans shall apply to each Development Area.
- 8.9.2 Prior to changing reserves and zones within a Development Plan specified in **Clause 8.7.6**, the proponent shall prepare to the Council's satisfaction a Structure and/or a Development Plan for all or part of a Development Area as a pre-requisite to the Council adopting a Structure Plan and/or Development Plan for all or part of a Development Area.
- 8.9.3 The approval of the Development Plan by the Council and the Commission amends the Development Plan for the affected Development Area.
- 8.9.4 An approved Development Plan together with all approved amendments shall apply in relation to the land within the area of the Development Plan as if it was an Amendment of the Scheme and the Scheme provisions shall be given full effect within the



area accordingly. Without limiting the generality of the foregoing, within the zones designated in the Development Plan, the use classes referred to in First Schedule - Zoning Table shall have the same permissibility as set out in those Tables.

8.9.5 Development and subdivision of land within the Estate shall be in accordance with the approved Development Plan for the particular area, and in particular, shall comply with the permissibility of land uses under the Scheme, the permissible residential densities and any policy guidelines, development standards and conditions included within an approved Development.

#### **8.10 Advertising**

8.10.1 where a Structure Plan or Development Plan has been advertised before the gazettal of Amendment 192 in a manner which would have complied with the provisions of **Clause 8.7.11**, had those provisions been in operation at the time of the advertising, such advertising shall be deemed to satisfy the requirements hereof, as if the gazettal had occurred before the advertising.

#### **8.11 Appeal**

8.11.1 Any proponent, applicant or owner aggrieved by the decision of the Council may appeal against that determination or condition or requirement pursuant to the Act in respect to:-

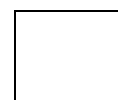
- (a) refusing to adopt a proposed Structure Plan, or in regard to any requirements imposed by the Council as a condition of its adoption of a proposed Structure Plan.
- (b) refusing to approve a proposed Development Plan, or in regard to any requirements imposed by the Council as a condition of its incorporation into the Scheme of a proposed Development Plan.

8.11.2 Any proponent, applicant or owner aggrieved by the decision of the Council may appeal against in accordance with **Clause 7.5**.

(2) Inserting the Ninth Schedule listing the Development Areas.

(3) Adding the following definitions, in alphabetical order, in to the Seventh Schedule - Interpretation:-

**Development Plan** means a plan which has been adopted by the Council and applied to each Development Area on the Scheme Map, and shows either generally or in detail the land uses, local reservations, roads, existing and proposed subdivision, and any other matter relevant to the orderly and proper planning and development of each Development

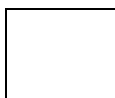


Area.

**Structure Plan** means a plan covering a Development Area that shows in a general way, with less detail than a Development Plan, how the essential services, transport and broad land uses will come together, and in particular, such a plan must show how sub-areas can be brought together in accordance with principles of orderly planning, and adopted by the Council, in accordance with the Scheme.

- (4) Amending the Scheme Map to include the Development Areas.
- (5) Adding to the legend on the Scheme Map the reference for Development areas.
- (6) Substitute the proposed "Ninth Schedule - Development Areas" contained in the attachment to the SPC Agenda (SPC9/98 12.2) dated 1 September 1998 with the amended replacement Schedule circulated by the Director Planning and Development to all Councillors by memo dated 2 September 1998.
- (7) Substitute the proposed "Development Areas" Map contained in the attachment to the SPC Agenda (SPC9/98 12.2) dated 1 September 1998 with the amended replacement Development Areas Map circulated by the Director Planning and Development to all Councillors by memo dated 2 September 1998.

**CARRIED**





**Item 17.1 (SPC9/98) - PACKHAM URBAN DEVELOPMENT  
AREA POLICY (9235) (SR) (WEST)**

**COUNCIL DECISION**

Moved Clr Pecotic seconded Clr Elpitelli, that the Policy be recommitted to the SPC meeting for consideration, based on results of the audit process requested by Council.

**CARRIED**

CLR HOWLETT REQUESTED THAT THE VOTES BE RECORDED:

FOR: CLR PECOTIC, CLR WHEATLEY, CLR LEES, CLR ELPITELLI,  
CLR LEE, CLR OSTOJICH

AGAINST: CLR WATERS, CLR HOWLETT, CLR HUMPHREYS, CLR  
HUNT

AT THIS POINT THE TIME BEING 8:25PM, MAYOR  
GRLJUSICH AND CLR GIANOLI RETURNED TO THE  
MEETING. THE MAYOR RESUMED THE PRESIDING  
MEMBER'S POSITION.



**Item 15.4 (SPC9/98) - WASTE MINIMISATION PROGRAM  
(6109) (BKG)**

**COUNCIL DECISION**

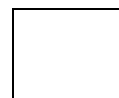
Moved Cllr Lee seconded Cllr Elpitelli, that the matter be deferred to a Special Workshop to be convened to discuss a full report on the Waste Minimisation Program.

**CARRIED**



**8.2 (OCM9/98) - Community Development Committee Report - 8/9/98 (1052)**

Moved Cllr Lees seconded Cllr Gianoli, that the report of the Community Development Committee meeting held on the 8<sup>th</sup> September 1998 be received and the following recommendations adopted:



**Item 8.1 (CDC9/98) - SOUTHWELL COMMUNITY CENTRE - LEASED TO CO-SCOPE (4610) (RA)**

**COUNCIL DECISION**

That Council:

- (1) enter a lease agreement with Co-Scope Job Link for 5 years for the Southwell Community Centre for \$100/week plus C.P.I. with the Group to carry out all maintenance of the building other than structural maintenance subject to:
  - Agreement by the Department of Land Administration for Council to lease the building.
  - Compliance with Section 3.58 of the Local Government Act 1995.
- (2) the final negotiation details to be resolved between Co-Scope Job Link and the Director of Administration and Community Services.

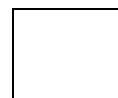


**Item 9.1 (CDC9/98) - AMENDMENT TO LOCAL LAW  
RELATING TO DOGS (4313663) (DMG) (SOUTH)**

**COUNCIL DECISION**

That Council:

- (1) Make a Local Law to amend its Local Law Relating to Dogs by amending the Sixth Schedule, as follows:-
  - (i) By deleting Reserve 36587 Yangebup Road, Yangebup (known as The Perena Rocchi Reserve), and;
  - (ii) By adding Reserve 40452 Yangebup Road, Yangebup, (known as Milgun Reserve)



**Item 9.2 (CDC9/98) - COMMISSIONING CEREMONIES -  
JANDAKOT AND SOUTH COOGEE FIRE STATIONS (5061)  
(JJ)**

**COUNCIL DECISION**

That:

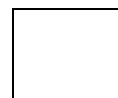
- (1) a Commissioning Ceremony for the Jandakot Fire Station be held on 31<sup>st</sup> October, 1998, in conjunction with the Jandakot Volunteer Bush Fire Brigade's 30 years celebration;
- (2) a Commissioning Ceremony for the South Coogee Fire Station be held on a date to be advised by the South Coogee Bush Fire Brigade;
- (3) a list of invitees be provided by the Chief Bush Fire Control Officer for approval by the Mayor in conjunction with the Jandakot and South Coogee brigades;
- (4) Council make a donation for the total cost of the two commissioning ceremonies and the functions be organised through the Mayor's office.



**Item 13.1 (CDC9/98) - BEELIAR ACTIVE RESERVE  
DEVELOPMENT (9519) (RA) (SOUTH)****COUNCIL DECISION**

That Council:

- (1) enter a joint development agreement with Homeswest, Education Department of Western Australia and Uniting Church St Lukes School for the Beelihar Heights Reserve and to reimburse Homeswest by the 1<sup>st</sup> July 2001 60% of the cost of the bore, reticulation and grassing of the playing field areas;
- (2) enter a cost share arrangement with the Education Department of Western Australia for the maintenance and utilities costs for the Beelihar Heights Reserve playing fields with the work to be carried out by Council who will pay 60% of the costs with the Education Department to pay 40%;
- (3) place on its 2000/2001 budget sufficient funds to reimburse Homeswest 60% of the cost of the bore, reticulation and grassing of the Beelihar Heights Reserve.



**Item 13.3 (CDC9/98) - ANNUAL REPORT ON THE OPERATIONS OF THE SOUTH LAKE LEISURE CENTRE FOR THE 1997/98 FINANCIAL YEAR (8143) (GMAC)**

**COUNCIL DECISION**

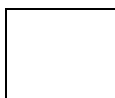
That Council receive the Annual Report from the Manager - South Lake Leisure Centre on the financial operations for the 1997/98 financial year.

**Item 15.1 (CDC9/98) - SOUTH LAKE LEISURE CENTRE LICENCE AGREEMENT (8143) (RA)**

**COUNCIL DECISION**

That Council:

- (1) enter a Licence Agreement with the Education Department of Western Australia on the basis that should the Education Department not renew the initial 21 year licence option or withdraw from the Licence Agreement at any time during the initial or subsequent Licence Agreement period it will pay to Council the then assessed market value of the facilities constructed by Council on the land;
- (2) the final negotiation details to be resolved between the Education Department of Western Australia and the Councils Chief Executive Officer.





**Item 17.1 (CDC9/98) - REPORT ON FINANCIAL STATEMENTS (5505) (NM)**

**COUNCIL DECISION**

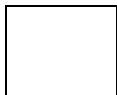
That Council receive the Report on the Financial Statements for the month of August 1998.



**Item 17.2 (CDC9/98) - LIST OF CREDITORS PAID (5605)  
(KL) (ATTACH)**

**COUNCIL DECISION**

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



**Item 17.3 (CDC9/98) - POLICY ON DONATIONS TO SCHOOLS (5304) (KL)**

**COUNCIL DECISION**

That Policy F1.4(c) - Donations to Schools be amended by adding the words :*to a maximum of \$200.00 per financial year.*



**Item 17.4 (CDC9/98) - REQUEST FOR DONATION -  
FREMANTLE DISTRICT MOBILE POLICING FACILITY (1320)  
(KL)**

**COUNCIL DECISION**

That Council contribute \$1,000 from Account No.315536 (Police Facilities Donation) towards the purchase of bicycles for the Fremantle District Mobile Policing Facility, on the proviso that the other five Councils in the South West Group contribute to the project.

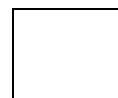


**Item 18.1 (CDC9/98) - KERBSIDE RECYCLING  
COLLECTION, SORTING AND RECOVERY SERVICE:  
EXERCISE OF OPTION (6109) (WJH) (ALL)**

**COUNCIL DECISION**

That Council:

- (1) exercise its option to extend the fortnightly kerbside recycling collection, sorting and recovery service contract with Green Recycling, for a period of 12 months, at the current contract price of 34 cents per household per collection; and
- (2) require the Environmental Services Section to finalise the contractual arrangements necessary to reflect Council's resolution (1) above.

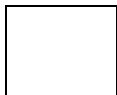


**Item 18.2 (CDC9/98) - REPEAL OF POLICY PD 35  
ABATEMENT OF NOISE FROM CONSTRUCTION AND  
DEMOLITION SITES (6105) (DD) (ALL)**

**COUNCIL DECISION**

That Council:

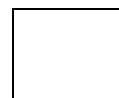
- (1) repeal Policy PD 35 ABATEMENT OF NOISE FROM CONSTRUCTION AND DEMOLITION SITES.



**Item 18.3 (CDC9/98) - REQUEST: FUNDING FOR WORK TO IMPLEMENT FINDINGS OF THE STABLE FLY MANAGEMENT PROJECT (6302) (WJH) (ALL)**

**COUNCIL DECISION**

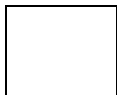
That Council not contribute to the Stable Fly Management Steering Group in the Budget review deliberations in 1999.



**Item 19.2 (CDC9/98) - PROPOSED WOODY PEARS  
RESERVE (CASH-IN-LIEU EXPENDITURE) - PT LOT 90  
SUDLOW ROAD, BIBRA LAKE (100249) (SR)**

**COUNCIL DECISION**

That Council not proceed with the expenditure of cash-in-lieu trust funds for the purchase of an open space area from portion of Pt Lot 90 Sudlow Road, Bibra Lake.





**Item 21.1 (CDC9/98) - HOME OCCUPATION (MINING VEHICLE ENGINE AND PARTS STORAGE) - LOT 3 MUIR COURT, BANJUP - OWNER: L & K CRANNAGE - APPLICANT L CRANNAGE (5514613) (MT) (EAST) (MAP NO 21)**

**COUNCIL DECISION**

That Council defer this item to the next Community Development Committee meeting to enable further liaison with the applicant on the proposal.

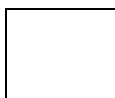


**Item 21.2 (CDC9/98) - PROPOSED "SELF SERVE" CAR WASH - CSL 400; LOT 707, 252 ROCKINGHAM ROAD, SPEARWOOD - OWNER: S & L MEDIN - APPLICANT: HENRY COOKE - BOWMAN COOKE PROPERTY GROUP (2212056) (SA) (WEST) (MAP 7)**

**COUNCIL DECISION**

That Council:

- (1) refuse the proposed "self serve" 4 bay car wash on Lot 707, 252 Rockingham Road, Spearwood in accordance with the modified plan (dated 19 August 1998) as the proposal is inconsistent with orderly and proper planning objectives for the site by reason of the following:-
  1. The proposed development constitutes an over-development of the site;
  2. The proposed development will exacerbate existing traffic and parking difficulties on the site;
  3. The proposed development is deficient in terms of the Scheme requirement for 10% site landscaping;
  4. The proposed hours of operation will create unacceptable amenity impacts in terms of light spill and noise.



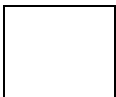
**Item 21.4 (CDC9/98) - RETIREMENT VILLAGE - 262 UNITS, HEALTH CARE CENTRE, PARKING AND RECREATION FACILITIES - PT LOT 433 HAMMOND ROAD, SUCCESS - OWNER: IPSARO FARMING PTY LTD - APPLICANT: RICHARD PAWLUK & ASSOCIATES (4309279) (CC) (SOUTH) MAP NO 15)**

**COUNCIL DECISION**

That Council:

- (1) refuse the application for Aged Persons Dwelling, Pt Lot 433 Hammond Road, Success for the following reasons:
  1. The proposed development is contrary to the Council's Aged Persons Accommodation Guidelines by reason of the development being located in excess of the Policy's recommended 800 metres (walking distance) to any local or district commercial and community facilities.
  2. The Council is not prepared to support any residential development within the 500 metre midge nuisance buffer of Lake Kogolup in accordance with its Policy.
  3. The proposed development is contrary to recent State and Local Structure Planning initiatives as outlined in the Draft Thomsons Lake Regional Centre Structure Plan which indicates the future use of the land for non-residential purposes and approval could prejudice the orderly and proper planning of the area.
  4. Approval to the development would create an undesirable precedent for similar proposals on land considered unsuitable for residential development;
- (2) issue a MRS Form 2 Notice of Refusal;
- (3) advise the applicant of the Council's decision and that the decision of the Western Australian Planning Commission is also required;
- (4) advise the Western Australian Planning Commission of the Council's decision accordingly.





**Item 21.5 (CDC9/98) - MURDOCH PINES GOLF AND RECREATION AUDIT - PT LOT 172 BAKER COURT, NORTH LAKE - OWNER: WESTERN AUSTRALIAN PLANNING COMMISSION - APPLICANT: INTERNATIONAL GOLF INVESTMENTS (1113119) (1117347) (CC) (NORTH) (MAP 13)**

**COUNCIL DECISION**

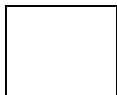
That Council:

- (1) advise Murdoch Pines Golf & Recreation Park of the need to submit the following information in respect to the current outstanding matters of the Lease, Development Approval Conditions and unauthorised development on site, for Council's consideration:
  1. a letter of intent detailing the time frame for the removal of the transportable structures and the time frame for the construction of the approved facilities (pro-shop, caretakers cottage & kiosk);
  2. a letter of intent detailing the time frame for the construction of parking and access way areas including, the proposed level of construction i.e. bitumen or lime stone base, and the proposed parking capacity;
  3. satisfactory details of the illuminated sign on being submitted to Council;
  4. a letter of approval from Western Power for the development or landscaping of land within the Western Power easement.
  5. Planning approval of the Western Australian Planning Commission being gained for installation of lighting towers as part of the Driving Range;
- (2) upon provision of the requirements of (1) 1 to 4 above, the Council would be prepared to consider a variation to the Lease Agreement to enable the current activities on site to continue and to allow for an extension of the development time table to a mutually agreeable date;
- (3) in the event that no response is forthcoming to the requirements of (1) 1 to 4 above by the 31 October 1998, Council will proceed to issue a Notice of Default, as provided for in the Deed between Council, Western Australian Planning Commission and International Golf Investments Pty Ltd, relative to any outstanding matters of non-compliance with the Deed;



- (4) in respect to requirement (1) 5, Council is aware of the Western Australian Planning Commission's approval procedure and shall consider the matter of the lighting towers when 2 above is satisfied.

**CARRIED**



**Item 8.2 (CDC9/98) - CONDITIONS OF HIRE - ATWELL,  
YANGEBUP AND JANDAKOT HALLS (4616) (RA)**

**COUNCIL DECISION**

Moved Clr Humphreys second Clr Howlett, that :-

- (1) Council adopt the fee schedule for the usage of the Atwell and Yangebup Community Centres and Jandakot Hall as detailed;
- (2) Council advertise the fees in accordance with Section 6.19 of the Local Government Act 1995;
- (3) the Hall Co-ordinator make recommendations to the Manager, Community Services in reference to the 50% reduction of the cost of hire to community groups.
- (4) performance standards be developed, monitored and reported to the Community Development Committee on a six monthly basis.

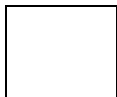
**CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**



**DECLARATION OF FINANCIAL INTEREST**

**Chief Executive Officer** declared a financial interest in CDC9/98 Item 10.1. The nature being that he lives and owns property in Gerald Street.

AT THIS POINT, CLR GIANOLI TABLED A PETITION REGARDING GERALD STREET.





**Item 10.1 (CDC9/98) - GERALD STREET ACCESS  
(450037) (JR) (WEST)**

**COUNCIL DECISION**

Moved Clr Ostojich seconded Clr Humphreys, that the matter be deferred to the next Community Development Committee meeting for further investigation.

**MOTION LOST**

CLR OSTOJICH REQUESTED THAT HIS VOTE IN FAVOUR OF THE MOTION BE RECORDED.

Moved Clr Waters seconded Clr Lees, that the Committee's recommendation be adopted subject to the addition of:

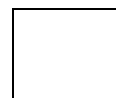
- (6) that the residents of the affected areas from Bullfinch to Rockingham Roads and from Phoenix to Spearwood Avenue, be letter dropped to seek their views in relation to the traffic problems experienced in that area.

**MOTION LOST**

Moved Clr Howlett seconded Clr Ostojich, that:

- (1) Council receive the petitions from residents;
- (2) administratively, prepare a brief for the engagement of a consultant in accordance with Council policy which would include options for approaching the community, surveys and other relevant matters as determined by the administration;
- (3) the use of funds to be determined in consultation with West Ward Councillors;
- (4) the information be consolidated into a report;
- (5) a community meeting be arranged in accordance with the West Ward Councillors;
- (6) a report addressing all of these matters be provided to the November Community Development Committee Meeting;
- (7) advise the petitioners of Council's decision.

**CARRIED**



**Item 10.2 (CDC9/98) - PROPOSED COCOS DRIVE CONNECTION TO NORTH LAKE ROAD - COCOS PARK INDUSTRIAL ESTATE - OWNER: CROWN/WHITE RIVER PTY LTD - APPLICANT: LOMBARDO & CO/G BLACK & OTHERS (450010) (SR/JR)**

**COUNCIL DECISION**

Moved Cllr Howlett seconded Cllr Waters, that Council:

- (1) recommit this item to the next Community Development Committee meeting and that those people who have partly financed this proposal be given an opportunity to comment on the report that is being presented to Council;
- (2) convene a site meeting with Ward Councillors, other interested Councillors, appropriate Council staff, the consultant representing Fred Uloth and Associates, representatives from the business areas that have contributed to the Study and also a representative from each of the local community groups to view the area.

**CARRIED**



**DECLARATION OF FINANCIAL INTEREST**

The Presiding Member read a letter from **Clr Gianoli** declaring a financial interest in CDC9/98 Item 10.3. The nature being that Evans & Gianoli, of which he is a partner, are developers for a number of owners within this scheme.

AT THIS POINT THE TIME BEING 9:31PM, CLR GIANOLI LEFT THE MEETING.



**Item 10.3 (CDC9/98) - CONSTRUCTION OF BEELIAR  
DRIVE - SPEARWOOD AVENUE TO WATSON ROAD  
(450953) (KJS)**

**COUNCIL DECISION**

Moved Cllr Howlett seconded Cllr Humphreys, that Council defer action on this matter to the October Community Development Committee Meeting pending advice back from affected land owners.

**CARRIED**



AT THIS POINT THE TIME BEING 9:33PM, CLR GIANOLI RETURNED TO THE MEETING.

**Item 12.1 (CDC9/98) - COOGEE BEACH JETTY - REMOVAL (1903) (JR) (COASTAL)**

**COUNCIL DECISION**

That Council:

- (1) remove Coogee Beach jetty for public safety reasons;
- (2) advise the Swimming & Water Safety Section of the Education Department of WA that the Coogee Beach jetty is unavailable for vacation swimming classes this summer; and
- (3) ensure construction of the new Coogee Beach jetty be scheduled for commencement by no later than the 1<sup>st</sup> February 1999.

**CARRIED**



**Item 13.2 (CDC9/98) - BIBRA LAKE / MANNING PARK  
AMUSEMENT RIDES (1101399) (RA) (JH) (NORTH) (WEST)**

**COUNCIL DECISION**

Moved Clr Howlett seconded Clr Humphreys, that Council:

- (1) permit Jero's Amusement Rides to operate a kiddies ride on carriage on weekends at either Bibra Lake or Manning Park for a six month period from the 1<sup>st</sup> October 1998 to the 31<sup>st</sup> March 1999 under the following conditions:
  1. Vehicle to be operated no closer than 15m from the lakes edge.
  2. Vehicle to operate away from gatherings of people and should there be a lack of space to operate the service cease for the day or until an area becomes available.
  3. The vehicle is not to be serviced, degreased or cleaned in the reserve or carpark areas.
  4. The vehicle shall be fitted with an appropriate muffler complying with ADR 28/01.
  5. Refuelling shall only be carried out on the bituminised car park area.
  6. The vehicle shall not operate along the formed concrete dual-use paths but shall be permitted to cross them from time to time.
  7. The vehicle route shall be varied to ensure that the grassed areas do not wear unevenly.
  8. The vehicle shall not exceed a speed of 8km/hr and shall give way to all pedestrians, wildlife and cyclists.
  9. A fee of \$155 for the 6 month period be paid in advance and all other fees paid in advance.
  10. Evidence in regard to insurance be provided to Council Administration prior to establishment of the activity and of each renewal.
  11. Council receive in writing, a schedule of the locations of the activities.



- (2) provided the above conditions are met to the satisfaction of Council and there be no written complaints received by Council, extend the permit until 31<sup>st</sup> March 2001 subject to Council consideration of the fee payable;
- (3) authorise the Director of Community Services to cease the operation of Jero's Amusement Rides at any time should in his view the level of community complaints justify this action.

**CARRIED**

DURING DISCUSSION OF THE ABOVE ITEM, CLR PECOTIC LEFT THE MEETING AT 9:42PM AND RETURNED AT 9:44PM.

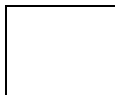


**Item 14.1 (CDC9/98) - YING LI GYMNASTICS NON-PAYMENT OF OUTSTANDING ACCOUNT FOR THE HIRE OF THE JOE COOPER RECREATION CENTRE - ACTION TO RECOVER DEBT (8141) (LJCD)**

**COUNCIL DECISION**

Moved Cllr Wheatley seconded Cllr Pecotic, that Mr Ying Li be given the opportunity as a matter of compromise, to pay within fourteen (14) days, 50% of the outstanding amount and that if this amount is paid within that time, the matter be considered settled.

**CARRIED**





**Item 14.2 (CDC9/98) - COMMUNITY GROUP -  
NEWSLETTER SUBSIDY (8163) (RA)**

**COUNCIL DECISION**

Moved Mayor Grljusich seconded Clr Elpitelli, that Council:

- (1) gauge the requirements of the community throughout the district and through that, work out a schedule of amounts required by the groups and the funds be available on that basis once the publication has been published and proof and demonstration that the expenses were actually incurred before Council makes payment.

Amendment to Motion

Moved Clr Howlett seconded Clr Waters, that Council:

- (1) gauge the requirements of the community throughout the district and through that, work out a schedule of amounts required by the groups and the funds be available on that basis once the publication has been published and proof and demonstration that the expenses were actually incurred before Council makes payment.
- (2) advise the Yangebup Progress Association of Council's decision and for them to submit an application in regard to the process above, so that they take whatever steps necessary to progress the publication of the Bush Telegraph in accordance with Council's decision.

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

**CARRIED**

**AMENDMENT PUT AND LOST**

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

**CARRIED**

**ORIGINAL MOTION PUT AND CARRIED**

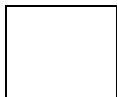
CLR HOWLETT REQUESTED THAT THE VOTES BE RECORDED.



OCM 15/9/98

FOR: CLR GIANOLI, CLR PECOTIC, CLR WHEATLEY, CLR HUMPHREYS, CLR OSTOJICH, CLR ELPITELLI, MAYOR GRLJUSICH.

AGAINST: CLR WATERS, CLR HOWLETT, CLR LEES, CLR HUNT, CLR LEE.



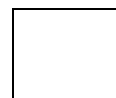
**Item 14.3 (CDC9/98) - FREMANTLE ACCORD (1054) (RS)**

**COUNCIL DECISION**

Moved Clr Howlett seconded Clr Wheatley, that Council:

- (1) Support and become a member of the Fremantle Accord;
- (2) Nominate Clr Humphreys to represent Council and attend Accord Meetings;
- (3) Nominate Clr Elpitelli as deputy member.

**CARRIED**



**Item 14.4 (CDC9/98) - JANDAKOT TENNIS COURTS  
(8046) (RA)**

**COUNCIL DECISION**

Moved Clr Howlett seconded Clr Ostojich that:

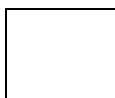
- (1) the matter be referred back to the Community Development Committee so that the matter of the Management Agreements could be taken into consideration; and
- (2) the Council agree to allow the group to use the facility on an adhoc basis until the matter is resolved in accordance with the fee structure (the fees for the usage of the courts be \$3/hour per court for day usage and \$8/hour per court for night usage).

**MOTION LOST**

Moved Clr Wheatley seconded Clr Elpitelli, that Council:

- (1) enter into an agreement with the Jandakot Primary School Parents and Citizens to operate the Jandakot Tennis Courts for one (1) year under the following conditions:-
  1. they be responsible for all utility costs and minor maintenance up to \$300.
  2. the fees for the usage of the courts be \$3/hour per court for day usage and \$8/hour per court for night usage.
- (2) subject to the arrangements operating to the satisfaction of the Director of Community Services, extend the agreement for a further 2 years.

**CARRIED**



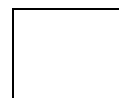
**Item 16.1 (CDC9/98) - REPEAL OF LOCAL LAWS (1116)  
(DMG)**

**COUNCIL DECISION**

Moved Clr Humphreys seconded Clr Gianoli, that Council make a Local Law to Repeal the following Local Laws:-

- (1) Erection and Use of Petrol Pumps in or near any Street or Way, as published in the Government Gazette on 11 April, 1935, and amended, and;
- (2) Long Service Leave to be Granted to Employees of the Fremantle District Road Board as published in the Government Gazette on 18 July, 1952 and amended.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL**



**Item 19.1 (CDC9/98) - DISTRICT ZONING SCHEME NO 2 - AMENDMENT NO. 182 - LOTS PT 1 AND LOT 781 FORREST ROAD, SOUTH LAKE - FINAL ADOPTION (92182) (SMH)**

**COUNCIL'S DECISION**

Moved Clr Humphreys seconded Clr Elpitelli, that Council:-

- (1) not deal with this matter at this time and that Council seeks from the Hon. Minister for Planning, an extension of time for dealing with the consideration of submissions for Amendment No. 182 until such time as Amendment No. 155 has been finalised;
- (2) as requested, receive the Chief Executive Officer's report to Council as to why Amendment No. 182 has been presented for Council consideration prior to Amendment No. 155 being finalised;
- (3) should Amendment No. 155 be approved, resubmit Amendment No. 182 to the Community Development Committee to deal with.

**CARRIED**

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



**Item 21.3 (CDC9/98) - PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING SHOPPING CENTRE AND DEVELOPMENT OF R60 HOUSING - LOTS 1000, 4 GRAY COURT AND LOT 1001, 98 FORREST ROAD, HAMILTON HILL - OWNER: ABERMAIN NOMINEES PTY LTD (2203738) (2203798) (SA)**

**COUNCIL DECISION**

Moved Clr Wheatley seconded Clr Gianoli, that Council:

- (1) approve the proposed alterations and additions to the existing shopping centre on Lot 1001, 98 Forrest Road & Lot 1000, 4 Gray Court, Hamilton Hill in accordance with the approved plan subject to the following conditions:

Standard Conditions:

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

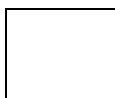
Special Conditions:

1. No street trees are to be removed without the prior written consent of the City of Cockburn;
2. Prior to applying for a building licence, the developer to submit a detailed contour plan showing existing and proposed contours of the site after completion of the proposed development. The contours on the plan to be at 0.1m intervals for the Forrest, Fortini and Wheeler road verges and the adjacent 5 metre perimeter of the site;
3. Arrangements to be made to the satisfaction of Council for the provision of a detailed 1:250 scale or similar plan showing traffic management/speed control devices and road pavement treatment for Forrest Road to be approved by the Council prior to applying for a Building Licence;
4. Arrangements to be made to the satisfaction of Council for the funding or provision by the developer of these traffic management/speed control and road pavement treatments prior to applying for a Building Licence;
5. Arrangements to be made to the satisfaction of Council



for a contribution to be made by the developer towards the provision/upgrading of pedestrian footpaths in Forrest Road, Fortini Court and Wheeler Road in the vicinity of the shopping centre site;

6. The service yard is to be designed and constructed in a manner which facilitates a future roof enclosure should this be determined necessary by Council for reasons of noise attenuation;
  7. Facilities for visitor/customer bicycle parking to be provided in close proximity to the main entrance and in a manner which does not impede the movement of pedestrians or other vehicles;
  8. A road widening adjacent to the Forrest Road frontage of 60m<sup>2</sup> area is to be ceded free of cost; such land to be in the form of an approximately one (1) metre wide strip and corner truncation between the Fortini Court/Forrest Road intersection and the shopping centre access driveway;
  9. The developer entering into a legal agreement to the satisfaction of Council to ensure the preservation of clear sight lines adjacent to the abovementioned road widening area within the proposed residential lot;
  10. The Wheeler Road building frontage of the shops to be set back a minimum of one (1) metre and a 'shop front' type facade substituted for the proposed blank wall;
  11. Arrangements to be made to the satisfaction of the Council for the incorporation of relief panels and/or feature brickwork, security lighting and anti-graffiti treatments on the Wheeler Road building facade;
- (2) advise those people who made submissions of Council's decision, accordingly.



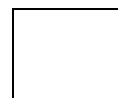


**Item 21.6 (CDC9/98) - PROPOSED RECYCLING OF GREEN WASTE, LIMESTONE RUBBLE AND ROUGH FILL - JAA 236; LOT 1 ROCKINGHAM ROAD, HENDERSON - OWNER: COMSE NOMINEES PTY LTD - APPLICANT: EVERY READY RESOURCES (3411117) (SA) (COASTAL) (MAP 10)**

**COUNCIL DECISION**

Moved Mayor Grljusich seconded Clr Humphreys, that the matter be deferred to the next Community Development Committee meeting for the two solicitors to complete their discussions in relation to this matter.

**CARRIED**

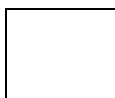


**8.3 (OCM9/98) - Request for Donation - Villa Dalmacia Charity Ball (5003) (ATC)**

**COUNCIL DECISION**

Moved Mayor Grijusich seconded Cllr Wheatley, that Council donate \$1,000 towards the Villa Dalmacia's Gala Charity Ball to be held on the 24<sup>th</sup> October 1998 at the Hyatt Regency Hotel.

**CARRIED**



**8.4 (OCM9/98) - Business Plan For A Major Land Transaction - Progress Drive, Bibra Lake - Formal Response From The Minister For The Environment (1100231) (LJCD)(Attach)**

THIS ITEM REQUIRED FIVE (5) COUNCILLORS TO INDICATE THEIR SUPPORT FOR THE REVOCATION.

THE FOLLOWING SIX (6) COUNCILLORS SUPPORTED THAT THIS MATTER BE DISCUSSED AGAIN: CLR GIANOLI, CLR PECOTIC, CLR WHEATLEY, CLR OSTOJICH, CLR ELPITELLI AND MAYOR GRLJUSICH.

**COUNCIL DECISION**

Moved Mayor Grljusich seconded Clr Pecotic, that subject to the written acceptance by the W.A. Croatian Association, that Council:

- (1) 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) 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."
- (3) 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 of the project excluding the development on proposed Lot 1 (which is depicted on the plan that forms part of this item of business) at least until the project has substantially commenced; and
- (4) 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 before mentioned property.

**MOTION LOST DUE TO LACK OF ABSOLUTE MAJORITY**

AT THIS POINT THE TIME BEING 11:23PM, CLR HUMPHREYS



LEFT THE MEETING AND RETURNED AT 11:25PM DURING DISCUSSION OF THIS MATTER.

Moved Clr Lee seconded Clr Waters, that Council seek clarification from the Minister for the Environment, as to why it is understood that the City of Cockburn should be the Managers of the project and does the joint proponents take in the new Lot 21.

Amendment To The Motion

Moved Clr Howlett seconded Clr Waters, that Council:

- (1) seek confirmation from the WACA that they are prepared to accept the conditions as outlined in regards to the letter from the Minister; and
- (2) that this matter be progressed as a matter of urgency and that, as soon as this information is available, that the Mayor call a Special Meeting of Council to deal with the item.

**AMENDED MOTION PUT AND LOST  
ON THE CASTING VOTE OF THE PRESIDING MEMBER**

**ORIGINAL MOTION PUT AND LOST  
ON THE CASTING VOTE OF THE PRESIDING MEMBER**

Moved Clr Howlett seconded Clr Elpitelli, that this matter be referred to a Special Meeting of Council as a matter of urgency and that, prior to that meeting, that:

- (1) the details of the Minister's letter be conveyed to the W.A Croatian Association and a written response sought; and
- (2) all other details related to this matter, be consolidated into a report and provided to that meeting.

**MOTION PUT AND LOST**

Moved Clr Ostojich seconded Clr Elpitelli, that this matter be deferred to a Special Meeting of Council to be held on Thursday, 17<sup>th</sup> September 1998 at 7:30pm.

**CARRIED**

AT THIS POINT THE TIME BEING 11:46PM, THE ADMIN. SUPPORT/RESEARCH OFFICER LEFT THE MEETING AND DID NOT RETURN.





**8.5 (OCM9/98) - Proposed Development Approval Conditions - Soccer and Recreational Development - Lots Pt 14 and 22 Progress Drive, Bibra Lake (1100231) (North) (SR)**

**COUNCIL DECISION**

Moved Clr Howlett seconded Clr Wheatley, that this matter be discussed at the Special Council Meeting to be held on the 17<sup>th</sup> September 1998 at 7:30pm.

**CARRIED**



**8.6 (OCM9/98) - Performance Management Reporting System - Transfer of Funds (ATC) (2223)**

**COUNCIL DECISION**

Moved Clr Humphreys seconded Clr Elpitelli, that:

- (1) an amount of \$90,000 be allocated for the purchase of a Performance Management Reporting System being funded by the transfer of \$38,000 from account number 135311 (Corporate Development Adviser/Consultant), \$12,000 from account number 110475 (Commercial Services Consultant) and \$40,000 being transferred from the Computer Reserve Fund; and
- (2) Clr Ostojich be nominated as Council's representative as part of the selection process.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL**

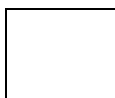


**8.7 (OCM9/98) - Legal Opinions (Clr Gianoli) (1157)**

**COUNCIL DECISION**

Moved Clr Ostoich seconded Clr Gianoli, that this matter be referred to the next Strategic and Policy Committee Meeting and all of the previous decisions relative to this matter be contained in the report.

**CARRIED**



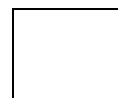


**8.8 (OCM9/98) - Crime Control Measures (Clr Wheatley) (8955)**

**COUNCIL DECISION**

Moved Clr Wheatley seconded Clr Elpitelli, that this matter be referred to the next Community Development Committee meeting to address the appropriate Crime Control Measures that the Council is going to take in view of the funds allocated on the 1998/99 budget.

**CARRIED**



**8.9 (OCM9/98) - Alterations to Advertised Agendas (Clr Lee)  
(1052)**

**COUNCIL DECISION**

Moved Clr Lee seconded Clr Elpitelli that, in the future, planning matters be moved to the front of the Community Development Committee meeting agendas.

**CARRIED**





**9. ADMINISTRATION**

**9.1 (OCM9/98) - South Metropolitan Regional Council - Member Representative - Procedure to Appoint (RWB) (4904)**

**COUNCIL DECISION**

Moved Clr Ostojich seconded Clr Humphreys, that the method of determining the Councillor to be appointed as Council's representative to the South Metropolitan Regional Council, be on the following basis:

- (1) To verbally receive nominations from Councillors wishing to nominate as a Member of the South Metropolitan Regional Council at the Council Meeting of the 15<sup>th</sup> September 1998, immediately following consideration of this item (Item 9.1).
- (2) Nominations received be listed on a white board.
- (3) By a show of hands, Councillors indicate their support for one Councillor only.
- (4) The Councillor with the most support be appointed as representative to the South Metropolitan Regional Council.
- (5) Should an outright position not be evident, then a further show of hands be held for those Councillors receiving the most votes following the first count.
- (6) Should an outright position not then be evident, the Mayor exercises his casting vote.
- (7) That the foregoing procedure be applied to both the Member and Deputy Member positions.
- (8) Following the withdrawal from the meeting of Councillors having nominated, that the financial interest of a \$100 meeting fee of the Councillors who have nominated, be declared trivial and these Councillors be entitled to participate fully in the decision making process as though they did not have an interest upon their return to the meeting.

**CARRIED**

**9.2 (OCM9/98) - South Metropolitan Regional Council - Member Representative (RWB) (4904)**



**COUNCIL DECISION**

AT THIS POINT, NOMINATIONS FOR THE POSITION OF MEMBER TO THE SOUTH METROPOLITAN REGIONAL COUNCIL WERE RECEIVED FROM CLR LEES, CLR ELPITELLI AND CLR HOWLETT.

**DECLARATION OF FINANCIAL INTEREST**

**Clr Lees** declared a financial interest in OCM9/98 Item 9.2. The nature being that a meeting fee of \$100 is applicable and requested that this interest be declared trivial.

**Clr Elpitelli** declared a financial interest in OCM9/98 Item 9.2. The nature being that a meeting fee of \$100 is applicable and requested that this interest be declared trivial.

**Clr Howlett** noted that due to his personal work commitments, the meeting fee of \$100 would not be available to him and therefore, he does not have a financial interest in this item.

AT THIS POINT THE TIME BEING 12:06AM, CLR LEES AND CLR ELPITELLI LEFT THE MEETING.

**TRIVIAL INTEREST**

Moved Clr Ostojich seconded Clr Waters, that the financial interests declared by Clr Lees and Clr Elpitelli, be declared trivial pursuant to s5.68 (1) (b) (ii) (I) of the Local Government Act, 1995 and that they be able to fully participate in the consideration of this item.

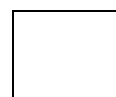
**CARRIED**

AT THIS POINT THE TIME BEING 12:07AM, CLR LEES AND CLR ELPITELLI RETURNED TO THE MEETING.

Moved Clr Humphreys seconded Clr Ostojich, that Council:

- (1) appoint Clr Lees as the Member to the South Metropolitan Regional Council; and
- (2) appoint Clr Elpitelli as the Deputy Member to the South Metropolitan Regional Council.

**CARRIED**



**9.3 (OCM9/98) - 7th National Conference on Local Government and Community Development - 14-16 October 1998, Sydney (DMG) (1027)**

**COUNCIL DECISION**

Moved Clr Gianoli seconded Clr Lees, that Council nominate Clr McNair and Clr Waters as delegates to attend the 7<sup>th</sup> National Conference on Local Government and Community Development to be conducted in Sydney from the 14<sup>th</sup> to 16<sup>th</sup> October 1998.

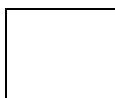
**CARRIED**

**9.4 (OCM9/98) - 5th Biennial Conference - Australian Library and Information Association - 25-28 October 1998, Adelaide and 2nd National Friends of Libraries Australia Conference - 24 October 1998, Adelaide (DMG) (1027)**

**COUNCIL DECISION**

Moved Clr Lees seconded Clr Wheatley, that Council nominate Councillor Hunt and Clr Waters as delegates to attend the 5<sup>th</sup> Biennial Conference of the Australian Library and Information Association to be conducted in Adelaide from the 25<sup>th</sup> to 28<sup>th</sup> October 1998; including the Friends of Libraries Conference on the 24<sup>th</sup> October 1998.

**CARRIED**



**9.5 (OCM9/98) - Review of Council Meeting/Committee Structure (1054) (DMG)**

**COUNCIL DECISION**

Moved Mayor Grijusich seconded Clr Howlett, that Council convene a Special Meeting of Council on Thursday, 22<sup>nd</sup> October 1998 to review the matter.

**MOTION WITHDRAWN WITH PERMISSION OF COUNCIL**

Moved Clr Wheatley seconded Clr Howlett, that Council:

- (1) Subject to (2) below, retains the current Council and Committee Meeting Structure and times for the months of October, November and December 1998; and
- (2) Convene a Special Meeting of Council on Thursday, 22<sup>nd</sup> October 1998 at 7:30pm (Dinner at 6:30pm), to review the matter and to consider the recommendations of the Working Group which has previously been established by Council to investigate this issue.

**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 12:20am.

**CONFIRMATION OF MINUTES**

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

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

