

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 16 MARCH 1999 AT 7:30 P.M.

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 16 MARCH 1999 AT 7:30 P.M.

PRESENT:

COMMITTEE MEMBERS

| | | | |
|------------------|---|--------------|-----------------------|
| Mr J Grljusich | - | Mayor | |
| Mr J Ostojich | - | Deputy Mayor | (Departed at 11:27pm) |
| Mr R A Lees | - | Councillor | |
| Mr C Elpitelli | - | Councillor | |
| Mrs S Hunt | - | Councillor | |
| Mr S Lee | - | Councillor | |
| Mrs M Separovich | - | Councillor | |
| Mr L Humphreys | - | Councillor | |
| Mr L Howlett | - | Councillor | (Departed at 11:10pm) |
| Mrs N Waters | - | Councillor | |
| Mr M Pecotic | - | Councillor | (Departed at 12:02am) |
| Mr J Gianoli | - | Councillor | (Departed at 11:52pm) |
| Mr J McNair | - | Councillor | (Departed at 10:55pm) |

IN ATTENDANCE

| | | | |
|-----------------|---|--|-----------------------|
| Mr R W Brown | - | Chief Executive Officer | |
| Mr D M Green | - | Director Community Services | (Departed at 12:03am) |
| Mr A T Crothers | - | Director, Finance & Corporate Services | |
| Mr S M Hiller | - | Director, Planning & Development | (Departed at 12:03am) |
| Mr B K Greay | - | Director, Engineering | (Departed at 12:03am) |
| Mrs S Ellis | - | Secretary to Chief Executive Officer | (Departed at 12:03am) |

The Presiding Member declared the meeting open at 7:30pm.

Mayor Grljusich invited Mr Wal Riley from the Australian Red Cross and Mr Wally Hagan to come forward and receive a cheque for \$6,000 from the City of Cockburn towards the Red Cross Annual Door Knock Appeal. Mr Riley



thanked the City of Cockburn for the efforts of the Council and the ratepayers in assisting the Red Cross in their efforts to raise over \$500,000 this year.

WRITTEN DECLARATION OF FINANCIAL INTEREST

Mayor Grljusich advised that the Chief Executive Officer has provided him with a written declaration of financial interest from Cllr Gianoli which will be read aloud at the appropriate time.

1. APPOINTMENT OF PRESIDING MEMBER [IF REQUIRED]

2. PUBLIC ADDRESS SESSION

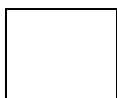
Mr Leo Turley addressed Council in support of the keeping of pigeons by Mr Arthur Ledo at 11 Steinbeck Avenue Spearwood. He tabled some documents in regards to this matter. Mayor Grljusich advised that this matter will be discussed at the next Community Development Committee meeting.

Mrs Mary Jenkins urged Council to consider a sound Policy for Bed and Breakfast Accommodation in the region. She advised that some Councils treat it as a home occupation and others have developed sound policies for this matter. Mrs Jenkins commented that the Council's Internet Site was excellent however it did not mention where to stay in Cockburn. Also, the Draft Policy for Tourism did not mention accommodation.

Ms Elsa Morelino spoke on behalf of the Portuguese Club of Cockburn in support of Mr Arthur Ledo and the keeping of pigeons.

Mr Gwynn Davies spoke in regards to SPC Item 14.1, Lot 202 Russell Road Banjup. He asked if any Councillors would like to ask him questions regarding the Bushplan - no questions were asked. Mayor Grljusich stated that this matter would be discussed later in the evening.

Ms Sue Haste spoke in regards to CDC Item 9.1 and asked Council to support her efforts to run short stay accommodation. It was her opinion that Coogee has a lot to offer tourists and Cockburn could only benefit from such an endeavour. She felt that short stay accommodation would assist short term workers at local industries, families with seriously ill members in local hospitals and tourists as an example. She added that the neighbours have been supportive. The Mayor responded that this matter would be discussed later.



Mr David Lombardo spoke to CDC Item 7.4. He said that the proposal complements the site requirements and the site layout will ensure that any dust and noise emanating from the site, is managed so that it does not impact on neighbouring residents. He asked Council to support the Committee's recommendation.

Mr Steve Williams also spoke to CDC Item 7.4 and asked Council to support the Committee's recommendation. He said that the Council needs to understand that there is a need for the community to recycle and processing waste is part of that. Director Planning added that the Committee has recommended to increase the area to 5 hectares and proceed with the proposal.

Chief Executive Officer read aloud a letter from Mr Colin Crook regarding Council's Standing Orders. As the letter requests, a written response will be provided.

Mayor Grljusich advised that he and Clr Separovich recently attended the Local Agenda 21 Conference and read a brief outline of the conference. The Mayor invited interested Councillors or public, to take the opportunity to read the outcomes of the conference by contacting his office.

Mayor Grljusich mentioned that Mr Alan Beale had developed a video in relation to Cockburn's history, the development of Cockburn and in particular, our coast. He said that the video was very well narrated and would be kept by the Chief Executive Officer if anyone would like to view it.

3. WRITTEN REQUEST FOR LEAVE OF ABSENCE

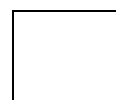
Nil

4. CONFIRMATION OF MINUTES

4.1 (OCM3/99) - ORDINARY MEETING OF COUNCIL - 16/2/99

Moved Clr Lee seconded Clr Gianoli, that the Minutes of the Ordinary Meeting of Council held on the 16th February 1999 be confirmed as a true and accurate record.

CARRIED



5. APOLOGIES AND LEAVE OF ABSENCE

Clr B. Wheatley - Apology

6. ADDITIONS TO THE AGENDA

Moved Clr Howlett seconded Clr Humphreys, that the following items be added to the Agenda:

- 8.3 Leave of Absence - Clr Pecotic (1705)
- 8.4 Fremantle to Rockingham Transitway (Mayor Grljusich) (9636)
- 9.4 Purchase of Additional Public Open Space on Lot 576 Cnr Annois and Parkway Roads, Bibra Lake - Satterley Real Estate (KS) (108818)

CARRIED

7. DEPUTATIONS

Nil

8. COUNCIL MATTERS

8.1 (OCM3/99) - STRATEGIC & POLICY COMMITTEE REPORT - 2/3/99 (1055)

Moved Clr Lees seconded Deputy Mayor Ostojich, that the report of the Strategic and Policy Committee Meeting held on the 2nd March 1999 be received and the following recommendations be adopted:

7.1 (SPC3/99) - SALE OF AMCOR LAND (APM) POSSIBLE RELOCATION OF PERTH ZOO (1101294) (SMH)

COUNCIL DECISION

That Council :

- (1) receive the report;
- (2) write to the Minister for the Environment advising her of the opportunity that may exist to relocate the Perth Zoo to the land being offered for sale by Amcor (Australian Paper Manufacturers) on North Lake Road, Bibra Lake;



(3) the officers report be used as the basis of the submission to the Minister.

10.1 (SPC3/99) - MEMORANDUM OF UNDERSTANDING IN PARTNERSHIP - CITY OF COCKBURN AND FIRE & EMERGENCY SERVICE AUTHORITY

COUNCIL DECISION

That Council not enter into a Memorandum of Understanding with the Fire and Emergency Services Authority.

15.1 (SPC3/99) - REVIEW OF RESERVE FUNDS (5000) (ATC)

COUNCIL DECISION

That Council set aside money in the appropriate Reserve Funds to allow for the orderly funding of major projects and that the Reserve Funds be reviewed on an annual basis subject to the date for the Proposed Coolbellup Recreation Centre being brought forward to the financial year 2000/2001, to coincide with the redevelopment of Coolbellup.

16.2 (SPC3/99) - LOCAL GOVERNMENT ELECTIONS - ELECTORAL COMMISSION (1700) (DMG)

COUNCIL DECISION

That Council reconsider the issue of the Electoral Commissioner being responsible for the conduct of in-person elections at the same time it reconsiders the issue of Postal Voting for the 2001 local government elections.

16.3 (SPC3/99) - TAPE RECORDING OF FEBRUARY, 1999, COUNCIL MEETING (1054) (DMG)

COUNCIL DECISION

That Council retain the tape recording of the Ordinary Council Meeting conducted on the 16th February 1999, in a safe place pending the finalisation of the "Packham Urban Development Area - Public Open Space" matter following which, the tape be dealt with in accordance with Council Policy.

17.1 (SPC3/99) - PLANNING APPROVAL - CONDITION RESPONSIBILITY POLICY (9001) (SMH)

COUNCIL DECISION

That Council:

- (1) receive the report;
- (2) adopt Policy "PD44 Planning Approval - Condition Responsibility" and include it in the Council's Policy Manual;
- (3) That point 7. of that policy to read as follows:
 7. Where a condition has been included on a planning approval on the advice or request of a public authority, the Council may advise the authority of its decision to identify the authority and the reasons for doing so as appropriate.

17.4 (SPC3/99) - RURAL - WATER PROTECTION ZONE (MRS) POLICY (9003) (SMH)

COUNCIL DECISION

That Council :

- (1) receive the report;
- (2) adopt Policy "PD43 Rural - Water Protection Zone (MRS) Policy" as attached to the Committee's Agenda and include it in the Council Policy Manual.

18.1 (SPC3/99) - INTERNAL AUDIT - CHARTER AND ESTABLISHMENT OF INTERNAL AUDIT GROUP (5017) (ATC)

COUNCIL DECISION

That the matter be deferred to the next Strategic and Policy Committee Meeting for further consideration.



18.2 (SPC3/99) - PERFORMANCE REVIEW - CHIEF EXECUTIVE OFFICER (003) (RWB)

COUNCIL DECISION

That :

- (1) the system of Performance Review for the Chief Executive Officer be developed on the basis of the model produced by the Western Australian Municipal Association;
- (2) the review committee be made up of the Mayor and elected members of the Audit Committee; and
- (3) the quarterly report presented to Council by the Chief Executive Officer, be not considered a performance report but rather, an information report on matters of interest to Council.

CARRIED

7.2 (SPC3/99) - MODEL OF THE CITY CENTRE (9633) (SMH)

COUNCIL DECISION

Moved Clr Pecotic seconded Clr Elpitelli, that Council:

- (1) declare the area between Phoenix Road, Gerald Street, Spearwood Avenue and Sussex Street as the City Centre; and
- (2) proceed with construction of a scale model of the area between Phoenix Road, Gerald Street, Spearwood Avenue and Sussex Street.

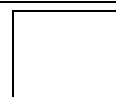
Amendment To Motion

Moved Mayor Grijusich seconded Clr Gianoli, that the motion be amended by the addition of the following sub-recommendation (3) :

- (3) Council maintains its Administrative and Civic Centre at the present location for the foreseeable future.

AT THIS POINT THE TIME BEING 8:13PM, DEPUTY MAYOR OSTOJICH LEFT THE MEETING.

Moved Clr Elpitelli seconded Clr Pecotic, that the amendment be put.



CARRIED

AMENDMENT PUT AND LOST

AT THIS POINT THE TIME BEING 8:15PM, DEPUTY MAYOR OSTOJICH RETURNED TO THE MEETING.

ORIGINAL MOTION PUT AND LOST

CLR PECOTIC REQUESTED THAT THE VOTES BE RECORDED.

FOR: CLR MCNAIR, CLR GIANOLI, CLR PECOTIC AND MAYOR GRLJUSICH.

AGAINST: CLR WATERS, CLR HOWLETT, CLR HUMPHREYS, CLR SEPAROVICH, CLR LEE, CLR HUNT, CLR ELPITELLI, CLR LEES AND DEPUTY MAYOR OSTOJICH.

Moved Clr Howlett seconded Clr Humphreys, that Council:

- (1) not declare the area between Phoenix Road, Gerald Street, Spearwood Avenue and Sussex Street as the City Centre; and
- (2) not proceed with construction of a scale model of the area between Phoenix Road, Gerald Street, Spearwood Avenue and Sussex Street.

CARRIED

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

**9.1 (SPC3/99) - FORUM FOR ELECTION CANDIDATES
(1700) (DMG)**

COUNCIL DECISION

Moved Clr Lee seconded Clr Gianoli, that Council not proceed with public forums for election candidates.

CARRIED

DEPUTY MAYOR OSTOJICH REQUESTED THAT THE VOTES BE RECORDED.

FOR: CLR MCNAIR, CLR GIANOLI, CLR PECOTIC, CLR WATERS, CLR HUMPHREYS, CLR LEE, CLR HUNT



AND CLR LEES

**AGAINST: CLR HOWLETT, CLR SEPAROVICH, CLR ELPITELLI,
DEPUTY MAYOR OSTOJICH AND MAYOR
GRLJUSICH**

**11.1 (SPC3/99) - APPOINTMENT OF DATES FOR COUNCIL
MEETINGS (1070)(DMG)**

COUNCIL DECISION

Moved Clr Pecotic seconded Clr Howlett, that Council conduct its Ordinary Meetings on the second and fourth Tuesday of each month commencing at 7:30pm from May 1999 with the following exceptions during the period of the Council elected for 1999-2001:

December 1999 - first and third Tuesday
April 2000 - second Tuesday and fourth Wednesday
December 2000 - second Tuesday only

CARRIED

**11.2 (SPC3/99) - PROPOSAL TO MAKE A LOCAL LAW -
STANDING ORDERS (1054) (DMG) (ALL WARDS)**

COUNCIL DECISION

Moved Clr Humphreys seconded Clr Elpitelli, that Item 21.1 paragraph (3) of the Draft Standing Orders as presented, be amended to read:

(3) A Member or employee expected to disclose an interest under this section in a matter, may leave the Chamber or room of the meeting while the matter is discussed and voted upon, unless the meeting resolves to request that the person remain to give an explanation or for any other purpose, in which case, the person may leave the meeting immediately afterwards until the matter has been voted upon.

CARRIED

CLR HOWLETT REQUESTED THAT THE VOTES BE RECORDED.

**FOR: CLR MCNAIR, CLR GIANOLI, CLR PECOTIC, CLR
HUMPHREYS, CLR SEPAROVICH, CLR LEE, CLR
HUNT, CLR ELPITELLI AND MAYOR GRLJUSICH**

AGAINST: CLR WATERS, CLR HOWLETT, CLR LEE AND

DEPUTY MAYOR OSTOJICH

Moved Clr Humphreys seconded Clr McNair, that Council make a Local Law relating to the Conduct of Proceedings and the Business of Council (Standing Orders), as contained in the attachment to the Strategic and Policy Committee Agenda (2nd March 1999) and as amended at Item 21.1.

**MOTION LOST DUE TO LACK OF SPECIAL
MAJORITY OF COUNCIL**

**11.3 (SPC3/99) - CONTACT AND AVAILABILITY OF
COUNCIL STAFF (1060) (DMG)**

COUNCIL DECISION

Moved Clr Pecotic seconded Clr Elpitelli, that Council change the present system of telephone communications in order that staff can be more accessible to Councillors and ratepayers

MOTION LOST

Moved Clr Howlett seconded Deputy Mayor Ostojich, that Council require no change to the present system of telephone communications and access provided by the City of Cockburn to the public.

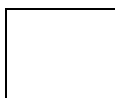
CARRIED

**14.1 (SPC3/99) - SUBMISSION ON PERTH'S BUSHPLAN
(6119) (DW) (ALL)**

COUNCIL DECISION

Moved Clr Humphreys seconded Mayor Grljusich, that Council require staff to forward a submission on Perth's Bushplan which incorporates the issues highlighted in the officer's report and nominates the areas identified on Map 4 for consideration as additional Bushplan sites with the exception of that area identified as area 9 owned by Peet & Co and that area identified as area 10 owned by Satterley & Co, which is not the subject of current public open space negotiations.

CARRIED



15.2 (SPC3/99) - EXCAVATION AND REMOVAL OF THREE RUBBISH TIPSITES AROUND BIBRA LAKE (1054) (4900) (NORTH) (BKG)

COUNCIL DECISION

Moved Clr Separovich seconded Mayor Grljusich, that Council place sufficient funds on the 1999/00 budget, to enable the investigation and implementation of actions to minimise the amount of nutrients entering the lake.

CARRIED

15.3 (SPC3/99) - BUSINESS PLAN FOR RECYCLING TRANSFER STATION AT THE HENDERSON LANDFILL SITE (1054) (4900) (COASTAL) (BKG)

COUNCIL DECISION

Moved Clr Elpitelli seconded Clr Pecotic, that the matter be deleted.

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

CARRIED

MOTION PUT AND LOST

Moved Clr Howlett seconded Clr Waters, that Council not proceed with developing a business plan for the construction of a recycling transfer station at Henderson Landfill Site as Council has resolved to participate in the Southern Metropolitan Regional Council project at Canning Vale.

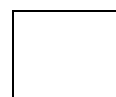
CARRIED

CLR PECOTIC REQUESTED THAT THE VOTES BE RECORDED.

FOR: CLR MCNAIR, CLR WATERS, CLR HOWLETT, CLR HUMPHREYS, CLR SEPAROVICH, CLR LEE, CLR HUNT, CLR LEES, DEPUTY MAYOR OSTOJICH AND MAYOR GRLJUSICH

AGAINST: CLR GIANOLI, CLR PECOTIC AND CLR ELPITELLI

AT THIS POINT THE TIME BEING 9:36PM, CLR ELPITELLI LEFT THE MEETING.



16.1 (SPC3/99) - LOCAL GOVERNMENT STATUTORY COMPLIANCE ASSESSMENT RETURN - 1998 (1332) (DMG)

Mayor Grljusich read aloud the contents of the certification of the Local Government Statutory Compliance Assessment Return - 1998.

COUNCIL DECISION

Moved Clr Lees seconded Clr Howlett, that Council adopt the Local Government Statutory Compliance Assessment Return, 1998 Program.

CARRIED

AT THIS POINT THE TIME BEING 9:39PM, CLR ELPITELLI RETURNED TO THE MEETING.

17.2 (SPC3/99) - LEGAL OPINIONS - POLICY (1157) (DMG)

COUNCIL DECISION

Moved Clr Pecotic seconded Clr McNair, that Councillors be given the opportunity to frame legal advice questions together with the Chief Executive Officer and Directors.

AT THIS POINT THE TIME BEING 9:40PM, CLR SEPAROVICH LEFT THE MEETING AND RETURNED AT 9:42PM.

MOTION LOST

Moved Clr Humphreys seconded Clr Waters, that Council retain Council's Policy A1.15 - Obtaining Legal Advice, at this time without amendment.

CARRIED

17.3 (SPC3/99) - ALTERATION TO STAFF EMPLOYMENT POLICY (2350) (RS)

COUNCIL DECISION

Moved Clr Pecotic seconded Clr Elpitelli, that Council adopt an employment policy that would, in time of staff placements, ensure that Council staff as far as practicable, represents Cockburn's ethnicity.



CLR LEE REQUESTED THE CHIEF EXECUTIVE OFFICER'S ADVICE WITH REGARDS TO STATUTORY AND LEGAL REQUIREMENTS RELATIVE TO THIS MATTER. MR BROWN REPLIED THAT THE PROPOSED RESOLUTION WAS AGAINST THE LAWFUL REQUIREMENTS OF THE LOCAL GOVERNMENT ACT 1995 AND THE EQUAL OPPORTUNITY ACT.

MOTION LOST

CLR ELPITELLI REQUESTED THAT THE VOTES BE RECORDED.

FOR: CLR MCNAIR, CLR PECOTIC, CLR ELPITELLI AND MAYOR GRLJUSICH

AGAINST: CLR GIANOLI, CLR WATERS, CLR HOWLETT, CLR HUMPHREYS, CLR SEPAROVICH, CLR LEE, CLR HUNT, CLR LEES AND DEPUTY MAYOR OSTOJICH

Moved Clr Howlett seconded Clr Humphreys, that Council note the position of the Chief Executive Officer in regards to the application of equal employment opportunity, as it applies to appropriate legislation.

CARRIED

8.2 (OCM3/99) - COMMUNITY DEVELOPMENT COMMITTEE REPORT - 9/3/99 (1052)

Moved Clr Lee seconded Clr Waters, that the report of the Community Development Committee Meeting held on the 9th March, 1999 be received and the following recommendations adopted:

7.2 (CDC3/99) - PROPOSED AMENDMENT NO. 201 - SCHEME TEXT AMENDMENT TO VARY THE RESIDENTIAL PLANNING CODES (9003) (SR)

COUNCIL DECISION

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. 201

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. amending the Scheme Text by the addition of Clause 5.3.6 as follows:

"Notwithstanding the R Codes, the Council may approve a single house or grouped dwelling with open space provision below the minimum for the relevant R Code specified in Table 1 of the R Codes, provided that:

- (a) the variation does not represent a reduction of open space of more than 5 percent of the area of the lot on which the development is situated;
- (b) approval of the variation would not result in the development adversely affecting the amenity of any adjacent lot;
- (c) the lot on which the development is situated is a 'Lot' pursuant to either the Town Planning and Development Act (1928) or the Strata Titles Act (1985)."

DATED THE 16TH DAY OF MARCH 1999

CHIEF EXECUTIVE OFFICER

- (2) sign the amending documents, and forward a copy to:-
 1. The Environmental Protection Authority in accordance with Section 7A(1) of the Act; and
 2. The Western Australian Planning Commission for information.
- (3) forward a copy of the signed documents to the Western Australian Planning Commission with a request to advertise the amendment, following receipt of formal advice from the Environmental Protection Authority that the Scheme or Scheme



Amendment should not be assessed under Section 48A of the Environmental Protection Act.

7.3 (CDC3/99) - AMENDMENT NO. 111 - REZONE PORTION OF PT LOT 152, LOT 10 AND PORTION OF LOT 1 PEARSON ROAD, SUCCESS FROM RURAL TO RESIDENTIAL R80B - OWNER: PEET & CO - APPLICANT: TURNER MASTER PLANNERS (92111) (CC) (EAST)

COUNCIL DECISION

That Council :

- (1) adopt the recommendations made in the schedule of submissions;
- (2) request the Hon. Minister for Planning grant final approval to the amendment as modified by Council's resolution of 19 August 1997; and
- (3) advise the applicant and the Western Australian Planning Commission of the Council's decision.

10.3 (CDC3/99) - LEGAL ACTION - COMPENSATION / RESTITUTION CLAIM - WESTERN RESOURCE RECOVERY - LOT 197 COCOS DRIVE, BIBRA (9006) (441267) (SMH)

COUNCIL DECISION

That Council :

- (1) receive the correspondence dated 24 February 1999 from Western Resource Recovery;
- (2) refer the correspondence from Western Resource Recovery to:-
 1. Council's Solicitors, McLeod & Co, for legal advice;
 2. Western United Insurance Brokers for its information;
- (3) advise Western Resource Recovery, that its claim for compensation / restitution from the Council has been referred to Council's Solicitors for advice, following which the Company will be advised of the Council's position in respect to the matter.

11.2 (CDC3/99) - CLOSURE OF PORTION OF PROUT WAY, BIBRA LAKE PURSUANT TO SECTION 58 OF THE LAND ADMINISTRATION ACT 1997 (451151) (KJS) (NORTH)

COUNCIL DECISION

That Council request the Minister for Lands to close portion of Prout Way, Bibra Lake subject to the owner of Lot 330 Prout Way:

- (1) providing a drainage sump within Lot 330 to accommodate stormwater drainage off the new Prout Way road pavement to the satisfaction of Director, Engineering; and
- (2) constructing a new road pavement within the balance of the section of Prout Way to the satisfaction of Director, Engineering; and
- (3) indemnify the City of Cockburn against all costs associated with the relocation of services within Prout Way.

11.3 (CDC3/99) - SALE OF 75 BRITANNIA AVENUE, BEELIAR (3411614) (KJS)

COUNCIL DECISION

That Council sell by public tender, Council owned property at 75 Britannia Avenue Beeliar, subject to compliance with the provisions of the Local Government Act 1995.

11.5 (CDC3/99) - UNLAWFUL LAND USE - SOIL BLENDING - LOTS 1 & 2 JOHNSTON ROAD & LOT 186 ACOURT ROAD, JANDAKOT - OWNER: SOILS AIN'T SOILS PTY LTD (5513386) (5513560) (5513304) (PT) (EAST)

COUNCIL DECISION

That Council authorise further legal action against Peat Resources and Soils Ain't Soils for continued unlawful activities on Lots 1 & 2 Johnston Road and Lot 186 Acourt Road, Jandakot.



14.1 (CDC3/99) - SOLOMON ROAD, JANDAKOT - ROADWORKS (450058) (CLR ELPITELLI)

COUNCIL DECISION

That Council :

- (1) complete roadworks on Solomon Road between Armadale and Dollier Roads only; and
- (2) construct kerbing between Armadale and Cutler Roads.

16.1 (CDC3/99) - REPLACEMENT DEED - SPEARWOOD DALMATINAC CLUB (INC.) (2200281) (LJCD)

COUNCIL DECISION

That this item be deferred to the next Community Development Committee meeting pending further information being provided by the West Ward Councillors who attended a meeting with representatives of the Club.

17.3 (CDC3/99) - THE CULTURE, LIBRARY AND THE ARTS BILL (700300) (DKF)

COUNCIL DECISION

That Council advise the Western Australian Municipal Association of its concern at the five key issues as identified by the Public Libraries Stakeholders' Forum and endorses the options recommended for the treatment of the legislation; and that it will lobby all members of the Western Australian Parliament who represent Cockburn, in an endeavour to secure the necessary improvements to the legislation.

18.1 (CDC3/99) - DISPLAY CABINET - COCKBURN/SPLIT SISTER CITY COMMITTEE (5300) (LCD)

COUNCIL DECISION

That Council :

- (1) delegate Mayor Grljusich and Y Radich to approach an appropriate cabinetmaker to design the required cabinet and ascertain the cost of the display cabinet; and
- (2) once the cost of the display cabinet has been determined, place that sum on the 1999/2000 budget estimates for consideration

18.2 (CDC3/99) - COCKBURN/SPLIT SISTER CITY AGREEMENT (5300) (LCD)

COUNCIL DECISION

That Council :

1. Establish four Subcommittees of the Committee to investigate matters concerning Cultural, Educational, Recreational and Sporting and Economic issues to foster the advancement of the Sister City Agreement; and
2. Appoint the following persons to the Subcommittees:
 - I. Silivich: A. Radich and Y Radich - Cultural Subcommittee
 - S. Separovic and A. Radich - Educational Subcommittee
 - A. Zorotovic and N. Bleus – Recreational & Sporting Subcommittee
 - A. Zorotovic and Clr Pecotic – Economic Subcommittee

20.1 (CDC3/99) - REPORT ON FINANCIAL STATEMENTS (5505) (NM)

COUNCIL DECISION

That Council receive the Report on the Financial Statements for the month of January 1999.

20.2 (CDC3/99) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

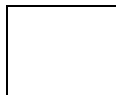
COUNCIL DECISION

That Council receive the List of Creditors Paid for February 1999 for information.

20.4 (CDC3/99) - REQUEST FOR DONATION - LORD MAYORS APPEAL - ESPERANCE FLOODS (5300) (KL)

COUNCIL DECISION

That Council donate \$2,000 towards the Esperance Shire Council Flood Appeal from Account No.845500.



20.5 (CDC3/99) - DEBT WRITE OFF - RECREATION CENTRE HIRE - M. HELSEMANS (5651) (KL)

COUNCIL DECISION

That Council write off an amount of \$79.50 owed by Mr. M. Helsemans.

21.1 (CDC3/99) - ANNUAL KENNEL LICENCE RENEWAL - COLWYN KENNELS - CSL 404; LOT 37, 80 COOGEE ROAD, MUNSTER - OWNER: LANDCORP - APPLICANT: DR B MOORE (3411277) (WJH) (COASTAL) (9)

COUNCIL DECISION

That Council :

- (1) renew the Licence to keep an approved kennel establishment on Lot 37, Number 80, Coogee Road, Munster for the 1999 licence period;
- (2) require the proprietor to continue to implement the recommendations of the Animal Behaviourist in order to minimise noise emissions from barking dogs
- (3) require the proprietor of the kennel to provide half-yearly reports regarding the progress being made to relocate the kennel operations.

21.2 (CDC3/99) - ANNUAL KENNEL LICENCE RENEWALS - JAA LOT 148 CORNER WARTON AND ACOURT ROADS (6400) (WJH) (EAST) (MAP 23)

COUNCIL DECISION

That Council approve the renewal of the kennel licences for the following kennel premises for the 1999 licence period,

| | |
|--------------------|--------------------------------|
| P.L. Alder | Lot 7 Hybrid Court, Banjup |
| J.E. Clifton | Lot 4 Hybrid Court, Banjup |
| W.T. & Y.N. Currey | Lot 20 Warton Road, Banjup |
| C. Dagostino | Lot 16 Hebe Road, Banjup |
| M.S. Franklin | Lot 11 Barfield Road, Jandakot |
| R. J. Gledhill | Lot 18 Hybrid Court, Banjup |
| S & D Henley | Lot 3 Hybrid Court, Banjup |
| G. S. Jaffe | Lot 21 Hybrid Court, Banjup |

| | |
|-----------------------|----------------------------|
| M.F. Lejeune | Lot 6 Hybrid Court, Banjup |
| D.V. Ray | 21 Imlah Court, Jandakot |
| L.J Wines & S. Hogben | Lot 1 Hybrid Court, Banjup |

21.3 (CDC3/99) - CRABMEAT PROCESSING - LOT 26 (NO. 213) HAMILTON ROAD, SPEARWOOD - OWNER: J & M DA SILVA (3309011) (SR) (WEST) (MAP 8)

COUNCIL DECISION

That Council :

- (1) advise the landowners of Lot 26 (No. 213) Hamilton Road, Spearwood that they have six (6) months to cease the unauthorised storage of whole crabs;
- (2) in the event that the use has not ceased at the expiry of the six (6) month period, Council's Solicitors be instructed to initiate legal action against the owners for the breach of the Council's District Zoning Scheme No. 2;
- (3) Mr Bill Thomas MLA be advised accordingly.

22.1 (CDC3/99) - WAMA - PROPOSED HERITAGE LOW INTEREST LOAN SCHEME (1332) (9135) (SA) (ALL)

COUNCIL DECISION

That Council advise the Western Australian Municipal Association (WAMA), that it is not prepared to make a financial contribution towards the Heritage Low Interest Loan Scheme.

CARRIED

7.1 (CDC3/99) - PROPOSED SCHEME AMENDMENT NO. 202 - JANDAKOT GROUNDWATER PROTECTION POLICY (92202) (SMH)

COUNCIL DECISION

Moved Clr Elpitelli seconded Clr 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. 202

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. Amending the Scheme Map as depicted on the proposed Map by:-
 - (a) inserting a new zone "Resource Zone" which is delineated and depicted on the Scheme Map according to the legend.
 - (b) deleting reference to "Special Rural Zone" from the Scheme Map and the legend.
 - (c) rezoning land from the Rural and the Special Rural Zones to the Resource Zone.
 - (d) providing for land to have additional uses.

2. Amending the Scheme Text by:-
 - (a) inserting after Clause 1.8.1 new Clause 1.8.2 as follows:-

"1.8.2. In this clause the reference to the Statement of Planning Policy No. 6 means the Statement of Planning Policy No. 6 Jandakot Groundwater Protection Policy adopted as a Statement of Planning Policy of the Western Australian Planning Commission pursuant to s.5AA of the Act and published in the Government Gazette on 12 June 1998 together with all amendments or additions thereto."
 - (b) renumbering subsequent clauses 1.8.3 to 1.8.7 inclusive accordingly.
 - (c) deleting from Clause 3.1.1 reference to Special Rural and substituting it with:-

"Resource".



(d) substituting Clause 3.2.1 with a new Clause:-

"3.2.1 (a) Subject to this Part and Parts 4 and 5 the various purposes for which a person may use Land are set out in the first column of the Zoning Table in the First Schedule. The various Zones created by the Scheme are indicated at the head of that Table. Whether a person may use Land in a particular Zone other than the Resource Zone for a particular purpose is determined by reference to the symbol appearing alongside that use class in the column relating to the Zone in which that Land is situated.

(b) The purposes for which a person may use Land in the Resource Zone are detailed in the Statement of Planning Policy No. 6 Jandakot Groundwater Protection Policy subject to the notation in the column under the Resource zone in the First Schedule - Zoning Table."

(e) amending the First Schedule - Zoning Table by deleting "Special Rural" from the last column under zones together with the words in the column "as per Schedule 6" and replacing it with "Resource" and the following notations in that column:-

| First Schedule ZONING TABLE | | | | | | | | | |
|--|--------------|------------|----------------|------------------|------------------|----------------------|----------------------|-------|----------|
| Use Classes | Zones | | | | | | | | |
| | Residential | Commercial | Light Industry | General Industry | Noxious Industry | Special Industry 'A' | Special Industry 'B' | Rural | Resource |



Use Classes and permissibility provided for in accordance with Notes (1), (2) and (3) to the First Schedule

- (f) adding the following notes to the foot of the First Schedule - Zoning Table:-

"Notes: (1) Those uses and permissibility prescribed in Table 1 of the Statement of Planning Policy No. 6 Jandakot Groundwater Protection Policy excluding the uses Cattery, Dog Kennels and Poultry Farm (housed) which shall be deemed "X" not permitted.

(2) Cattery and Dog Kennels may be permitted within the Resource zone in accordance with the Second Schedule - Additional Uses.

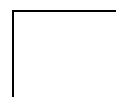
(3) The Use Classes of Plant Nursery (wholesale and retail) and Equestrian Activity prescribed in Table 1 of the Statement of Planning Policy No. 6 Jandakot Groundwater Protection Policy shall only be permitted on a lot which has an area in excess of 4 hectares."

- (g) substituting Clause 5.5 with the following new Clause:-

"5.5. Rural Zone and Resource Zone."

- (h) substituting Clause 5.5.1 with the following new Clause:-

"5.5.1 General Provisions



In respect to any land in the Rural Zone and the Resource Zone the following General Provisions shall apply:-

- (1) Water Supply
 - (a) Where Land is to be subdivided and the Water Authority of Western Australia or the subdivider decides that a reticulated water supply is not to be provided the subdivider of the Land shall be responsible for providing a Potable Water supply equivalent to not less than 90,000 litres per annum to each Lot at his own expense or in lieu thereof shall make arrangements satisfactory to the Council, which will guarantee that prospective purchasers of the Lots are advised that no reticulated water supply can be provided by the Water Corporation and those purchasers will therefore be obliged to make their own arrangements to obtain a Potable Water Supply.
 - (b) In the absence of an underground or piped water supply, each dwelling shall be connected to a rain water storage tank of a capacity of not less than 90,000 litres.
- (2) Buildings
 - (a) A person shall not erect more than one single house on each lot.
 - (b) When considering an application for Planning Consent, the Council may either refuse or conditionally approve any application for any Building it considers to have more than one storey.
- (3) Building Envelopes
 - (a) On Land the subject of a Building Envelope a person shall not erect or cause, permit or suffer to be erected any Building or portion of a Building other than within the Building Envelope.



(b) Where an application is received from a landowner to amend the area; dimensions or location of a Building Envelope the Council may:-

- (i) agree to relocate the Building Envelope.
- (ii) agree to amend the dimensions or area of the Building Envelope but in any event the maximum area of a Building Envelope shall not exceed 4000m².
- (iii) refuse to amend the dimensions, area or location of the Building Envelope.

(4) Minimum Building Setbacks

A person shall not erect or cause, permit or suffer to be erected any Building or portion of a Building nearer to a Boundary of a Lot than the minimum Building Setback distance which shall be:

- (a) In the case of the Street Alignment : 20 metres
- (b) In all other cases : 10 metres
- (c) Notwithstanding paragraphs (a) and (b) no person shall:-
 - (i) clear or suffer to permit to be cleared any flora within a distance of 50 metres from the alignment of Berrigan Drive Jandakot, Tapper Road Banjup and Warton Road Banjup except for the purposes of complying with the requirements of the Bush Fires Act, constructing a dedicated road or vehicular accessway.
 - (ii) erect a building on Lots 101, 103, 104, 105, 106, 107 and 119 closer to Solomon Road Jandakot than 100

metres from the lot boundary fronting the Solomon Road reserve.

(5) Clearing of Flora

- (a) Subject to paragraph (b) of this sub-clause, a person shall not clear or cause, permit or suffer to be cleared any flora except for the construction of a vehicular accessway and for the purpose of complying with the requirements of the Bush Fires Act unless the Council has in its discretion granted Planning Consent.
- (b) A person shall not clear or cause, permit or suffer to be cleared any flora nearer to a Boundary of a Lot than the minimum Building Setback distances referred to in sub-clause (4) of this Clause from any street alignment except for the construction of a vehicular accessway and for the purpose of complying with the requirements of the Bush Fires Act.
- (c) The Council, in considering any application for Planning Consent to clear flora on any Land shall have regard to the effects of the proposed clearing on erosion, water quality and other elements of the physical environment and may consult with any relevant government authority for advice and recommendations. In granting Planning Consent for the clearing of flora, the Council shall have due regard to any advice or recommendations received.
- (d) The Council may, by notice served upon any Owner or occupier of Land to require the preservation of specified trees or groups of trees and thereafter no Owner or occupier shall cut remove or otherwise destroy or cause or suffer to be cut removed or otherwise destroyed any tree or trees so specified unless the Council rescinds the requirement.
- (e) The Council may by notice served upon any Owner or occupier of Land upon



which a Building is erected require that person within the time limited by the notice to plant trees on that Land if the total of the number of the trees then existing on that Land within the minimum building setback distance under sub-clause 1(4) together with the number specified in the notice does not exceed the product of the length in metres of the street alignment, or if more than one the longest street alignment, divided by four.

- (f) Wherever, in the opinion of the Council, Land is being grazed or stocked to cause topsoil to be exposed or trees to be ring-barked to the general detriment of the natural beauty of the area or so that the Land is not being improved or developed to the best possible advantage, the Council may refer the matter to the Department of Agriculture for investigation and recommendation. Having due regard to the recommendations of the Department, the Council may by notice to the Owner or occupier order the reduction of number of, or removal of stock or the protection of trees by fencing or lattice binding within the time limited by the notice.

(6) Fencing

Fences shall be erected in accordance with Schedule Two of the Council's Fencing By-Laws.

(7) Water Table and Effluent Disposal

- (a) The minimum vertical distance of land on which a building is to be erected above the highest known water table as determined by the Water and Rivers Commission or the Health Department of WA shall be 1.2 metres.
- (b) Every Single House and dwelling in the Rural Zone shall be connected to an approved domestic waste effluent disposal system where:-



- (i) the vertical distance between the bottom of the domestic waste effluent disposal system is greater than 1.2 metres above the highest known water table for the land, and the horizontal distance between the proposed system and a wetland or a public water supply bore is greater than 100 metres, the Council may approve the installation of a septic effluent disposal system.
 - (ii) the vertical distance between the bottom of the domestic waste effluent disposal system is less than 1.2 metres, and the horizontal distance between the proposed system and a wetland or a public water supply bore is less than 100 metres, the owner of the land shall install an alternative domestic waste water treatment system, subject to the approval of the Council and the Health Department of WA.
- (c) Every Single House and dwelling in the Resource Zone shall be connected to an approved domestic waste effluent disposal system where:-
- (i) the vertical distance between the bottom of the domestic waste effluent disposal system is greater than 2 metres above the highest known water table for the land, and the horizontal distance between the proposed system and a wetland or a public water supply bore is greater than 100 metres, the Council may approve the installation of a septic effluent disposal system.
 - (ii) the vertical distance between the bottom of the domestic waste effluent disposal system is less than 2 metres, and the horizontal distance between the proposed system and a wetland or a public water supply bore is less than



100 metres, the owner of the land shall install an alternative domestic waste water treatment system, subject to the approval of the Water and Rivers Commission."

- (i) adding a new Clause 5.5.2 as follows:-

"5.5.2 Resource Zone

- (1) Development of land within the Resource Zone shall, as applicable, be carried out in accordance with the stated objectives and requirements of the Statement of Planning Policy No. 6 Jandakot Groundwater Protection Policy.
- (2) Every application for planning consent which is annotated as an 'AA' use in Table 1 - Land Use Suitability for the Rural - Water Protection Zone in Statement of Planning Policy No. 6 - Jandakot Groundwater Protection Policy shall be referred to the Water and Rivers Commission for advice and any other authority considered relevant to the application by the Council prior to the Council making its determination.
- (3)
 - (a) The Water and Rivers Commission together with any other referral authority shall have 28 days from the date of the referral of an application from the Council to provide written advice to the Council on the application.
 - (b) Before making a decision to approve, approve with conditions or refuse an application for planning consent within the Resource Zone, the Council shall have due regard for the advice from the Water and Rivers Commission and any other authority to which the application was referred.
 - (c) In the event that the Water and Rivers Commission or any other

referral authority does not provide a written response in accordance with paragraph (a), then the Council shall assume that the Water and Rivers Commission or any other referral authority has no comment to make and shall determine the application.

(4) Any conditions included in a planning consent issued by the Council for the use or development of land in the Resource Zone which is based on the advice of the Water and Rivers Commission or any other authority, the authority recommending the condition be included on the planning consent shall be responsible for monitoring and enforcing the relevant conditions.

(5) Where the Council is not prepared to accept the advice or a recommendation from the Water and Rivers Commission or any other authority in relation to any particular application for planning consent, the Council will refer the matter to the Western Australian Planning Commission for determination.

(j) amending Clauses 5.10.1 and 5.10.2 by deleting reference to Special Rural Zone and adding a new clause after 5.10.2 (g):-

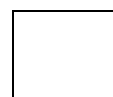
"(h) not more than one commercial vehicle may be parked on the lot."

(k) adding to the Second Schedule - Additional Uses the following:-

| Street | Particulars of Land | Additional Use Permitted |
|------------------|--|--------------------------|
| 15. Acourt Road | JAA 148 Lots 21 to 24 (inclusive) | Cattery and Dog Kennels |
| 16. Hebe Road | JAA 148 Lots 14 to 16 (inclusive) | Cattery and Dog Kennels |
| 17. Hybrid Court | JAA 148 Lots 1 to 9 (inclusive) 17 to 20 | Cattery and Dog Kennels |



| | | |
|---|------------------------|-------------------------|
| | (inclusive) | |
| 18. Warton Road | JAA 148 Lots 13 and 25 | Cattery and Dog Kennels |
| <p style="margin-left: 40px;">(l) deleting the Sixth Schedule - Special Rural Zone.</p> <p style="margin-left: 40px;">(m) amending the definition of Commercial Vehicle in the Seventh Schedule - Interpretations to read:-</p> <p style="margin-left: 80px;">"Commercial Vehicle means any vehicle used or intended to be used in a business or trade which has a tare weight of 3.5 tonnes."</p> <p style="text-align: center; margin-top: 20px;">Dated this..... day of..... 1999</p> <p style="text-align: right; margin-right: 100px;">Chief Executive Officer</p> <p style="margin-left: 20px;">(2) refer the amendment to the Environmental Protection Authority for assessment under Section 7A2 of the Town Planning and Development Act;</p> <p style="margin-left: 20px;">(3) subject to the advice of the Environmental Protection Authority the amendment be advertised for public comment in accordance with the Town Planning Regulations and Western Australian Planning Commission Planning Bulletin No. 29 dated December 1998.</p> <p style="margin-left: 20px;">(4) seek advice from both the Water and Rivers Commission and the Department of Environmental Protection, as to what action these authorities intend to take to relocate those existing land uses from the Rural Water Protection Zone which have the potential to pollute.</p> <p style="text-align: right; margin-top: 20px;"><u>CARRIED</u></p> | | |



- 7.4 (CDC3/99) - AMENDMENT NO. 203 - PROPOSED ADDITIONAL USE: RECYCLING OF GREEN WASTE, LIMESTONE RUBBLE AND ROUGH FILL - PORTION OF LOT 1 OF JAA 236 ROCKINGHAM ROAD, HENDERSON - OWNER: COMSE NOMINEES - APPLICANT: EVERY READY RESOURCES (3311117) (CC) (COASTAL)

COUNCIL DECISION

Moved Clr Lee seconded Clr Separovich, that Council not proceed with the amendment.

CARRIED

CLR ELPITELLI DID NOT VOTE ON THIS MATTER.

THE CHIEF EXECUTIVE OFFICER REMINDED CLR ELPITELLI OF HIS DUTY TO VOTE AND THAT IT WAS A REQUIREMENT OF THE LOCAL GOVERNMENT ACT 1995. HOWEVER, CLR ELPITELLI CHOSE NOT TO VOTE.

DECLARATION OF FINANCIAL INTEREST

Deputy Mayor Ostojich declared an interest in CDC Item 9.1. The nature and extent being that the property in question is in his street and requested that Council consider the matter trivial.

Moved Clr Humphreys seconded Clr Lees, that the interest declared by Deputy Mayor Ostojich on CDC Item 9.1, be declared trivial pursuant to s5.68 (1)(b)(ii)(l) of the Local Government Act 1995 and that he be able to fully participate in the consideration of this item.

CARRIED

- 9.1 (CDC3/99) - SHORT STAY ACCOMMODATION - LOT 249, 16 TOULON GROVE, COOGEE - OWNER/APPLICANT: G & S HASTE (3316369) (CC) (COASTAL) (MAP 8)

COUNCIL DECISION

Moved Deputy Mayor Ostojich seconded Clr Hunt, that Council :

- (1) approve the application for short stay accommodation on Lot 249, 16 Toulon Grove, Coogee subject to the following conditions:



Standard Conditions

1. Standard conditions contained in Council Policy PD17 as determined appropriate to this application by the delegated officer under clause 7.6 of the Council's District Zoning Scheme No. 2.
- (2) advise the applicant of the Council's decision.
- (3) request the Planning Department to prepare an amendment to its scheme to provide for short stay accommodation.

AT THIS POINT THE TIME BEING 10:34PM, CLR HUMPHREYS LEFT THE MEETING AND RETURNED AT 10:35PM.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

9.3 (CDC3/99) - ACOUSTIC BARRIER FOR LOADING DOCK - LOT 63; 254 ROCKINGHAM ROAD, SPEARWOOD - OWNER: VOLLEY INVESTMENTS PTY LTD - APPLICANT: KEN PATERSON ARCHITECTS (2206913) (MT) (WEST) (MAP 7)

COUNCIL DECISION

Moved Clr Elpitelli seconded Clr Howlett, that this matter be deferred to the next meeting of the Community Development Committee to give the parties involved, the opportunity to negotiate the sale and purchase of the property based on the understanding that this may resolve the differences between them.

CARRIED

13.1 (CDC3/99) - APPOINTMENT OF FIRE WEATHER OFFICER TO BUSH FIRE ADVISORY COMMITTEE (1550) (JJ)

COUNCIL DECISION

Moved Clr Lees seconded Clr Humphreys, that Council appoint Mr Frank Massey, Fire Weather Officer, South Coogee Volunteer Bush Fire Brigade as a member of the Bush Fire Advisory Committee.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL



**16.2 (CDC3/99) - CHARGES - COMMUNITY HALLS (1953)
(DMG) (ALL WARDS)**

COUNCIL DECISION

Moved Clr Pecotic seconded Clr Gianoli, that Council receive the information.

CARRIED

**16.3 (CDC3/99) - MEMBERSHIP - MELVILLE-COCKBURN
CHAMBER OF COMMERCE (1224) (DMG)**

COUNCIL DECISION

Moved Clr Elpitelli seconded Clr Pecotic, that Council :

- (1) become a full financial member of the Melville-Cockburn Chamber of Commerce; and
- (2) nominate Mayor Grljusich as Council's Delegate to the Chamber with Clr Lees as Deputy Delegate.

CARRIED

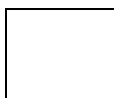
AT THIS POINT THE TIME BEING 10:55PM, CLR MCNAIR LEFT THE MEETING AND DID NOT RETURN.

AT THIS POINT THE TIME BEING 10:56PM CLR SEPAROVICH LEFT THE MEETING.

17.1 (CDC3/99) - USE OF RESERVES (4802) (RA)

COUNCIL DECISION

Moved Clr Pecotic seconded Clr Elpitelli, that Council give delegated authority to the Chief Executive Officer to approve the use of reserves by organisations or individuals holding significant not for profit events with a minimum bond of \$100 and a maximum of \$500 being payable with Ward Councillors being notified of an approved event. This does not include events such as picnics, weddings and local ratepayers parties in such parks.



AT THIS POINT THE TIME BEING 10:59PM, CLR SEPAROVICH RETURNED TO THE MEETING.

MOTION WITHDRAWN

Moved Clr Pecotic seconded Clr Elpitelli, that this matter be deferred to the next Community Development Committee meeting and that officers take those issues highlighted in the withdrawal motion into consideration when preparing the report.

CARRIED

**17.2 (CDC3/99) - COCKBURN VOCATION CENTRE (INC.)
(4604) (RA)**

COUNCIL DECISION

Moved Mayor Grljusich seconded Clr Waters, that Council revise the lease payment for Cockburn Vocation Centre to \$51.72/m² p.a. for 166m² with the balance of the opportunity income of \$8,014 to be considered as a donation with the revised charge to be effective from the 1st October 1998 to 30th June 2000.

CARRIED

**20.3 (CDC3/99) - INSURANCE CLAIM - MR. J. WADE
(5502) (KL)**

COUNCIL DECISION

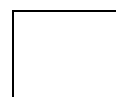
Moved Clr Howlett seconded Clr Waters, that Council make an ex gratia payment of \$150.00 to Mr J Wade for repairs to his vehicle on a "without prejudice" basis.

CARRIED

AT THIS POINT THE TIME BEING 11:08PM, CLR WATERS LEFT THE MEETING.

WRITTEN DECLARATION OF FINANCIAL INTEREST

Mayor Grljusich read aloud the following written declaration of financial interest from Clr Gianoli :



Clr Gianoli

CDC Items 8.1, 8.2, 8.3, 8.4 and 8.5. The nature being that Southside Realty of which he is a partner, is acting as a Selling Agent for owners within this scheme.

CDC Item 9.2. The nature being that Southside Realty of which he is a partner, was the Selling Agent on this block.

CDC Item 10.1. The nature being that Southside Realty of which he is partner, is acting for a number of owners within this scheme.

CDC Item 11.4. The nature being that Evans & Gianoli of which he is a partner, acts for a number of owners in this scheme.

AT THIS POINT THE TIME BEING 11:09PM, CLR WATERS RETURNED TO THE MEETING.

DECLARATION OF FINANCIAL INTEREST

Mayor Grljusich declared a financial interest in CDC Items 8.1, 8.2, 8.3, 8.4, 8.5 and 10.1. The nature being that he is a Director of Peremate Holdings which owns land in the Packham Urban Development Area.

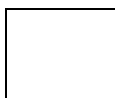
Mayor Grljusich declared a financial interest in CDC Item 10.2. The nature being that he is contemplating taking legal action in regards to this matter.

Mayor Grljusich declared a financial interest in CDC Item 11.1. The nature being that his brother works for Hunter and Lavery as a selling agent.

AT THIS POINT THE TIME BEING 11:10PM, CLR GIANOLI AND MAYOR GRLJUSICH LEFT THE MEETING.

AT THIS POINT THE TIME BEING 11:10PM, CLR HOWLETT LEFT THE MEETING AND DID NOT RETURN.

DEPUTY MAYOR OSTOJICH ASSUMED THE PRESIDING MEMBER'S POSITION.



**(OCM3/99) - COMMUNITY DEVELOPMENT COMMITTEE
REPORT - 9/3/99 (1052)**

Moved Clr Humphreys seconded Clr Lee, that the following recommendations be adopted enbloc :

**8.1 (CDC3/99) - PACKHAM URBAN DEVELOPMENT
AREA - PUBLIC OPEN SPACE CONTRIBUTION (9325)
(104081) (SMH)**

COUNCIL DECISION

That Council defer this matter until the investigation into the Packham Urban Development Area has been completed.

**8.2 (CDC3/99) - PACKHAM URBAN DEVELOPMENT
AREA - PUBLIC OPEN SPACE CONTRIBUTION -
SPECIAL COUNCIL MEETING (9325) (104081) (SMH)**

COUNCIL DECISION

That Council not hold a Special Council Meeting to deal with the Packham Urban Development Area Public Open Space Contributions.

**8.4 (CDC3/99) - SUBDIVISION CLEARANCE - PACKHAM
URBAN DEVELOPMENT AREA - LOTS 22, 503, PT 1,
PT 11 AND 12 HAMILTON ROAD, SPEARWOOD -
APPLICANT: JOHN GIUDICE & ASSOCIATES (101798)
(SMH)**

COUNCIL DECISION

That Council :

- (1) receive the report;
- (2) advise John Giudice and Associates, Surveyors, that the local government (LG) Conditions 1, 11 and 12 relating to the provision of public open space (Section 20A reservations) and cash-in-lieu contributions respectively for Lots 22, 503, Pt 1, Pt 11 and 12 Hamilton Road, Spearwood, have been satisfied and the clearance be issued, subject to:-
 1. written advice from Urban Focus that the subdivider will make a cash-in-lieu payment into the Open Space Trust Account operated by Urban Focus and that the funds collected will be distributed in accordance with the schedule to the Packham Landowners Deed of



Agreement; and

2. the other local government (LG) conditions for the subdivision being satisfied;
- (3) advise the Western Australian Planning Commission that in relation to Condition 12, the Council is satisfied that the cash-in-lieu payment has been collected by the project manager, Urban Focus, in accordance with the Deed of Arrangement with participating landowners in the Packham Urban Development Area;
- (4) provide a copy of the Landowners Deed of Arrangement, to the Commission for the Packham Urban Development Area.

8.5 (CDC3/99) - SUBDIVISION CLEARANCE - PACKHAM URBAN DEVELOPMENT AREA - LOTS 11, 12 AND 13 RIGBY AVENUE, SPEARWOOD - APPLICANT: JOHN GIUDICE & ASSOCIATES (101468) (SMH)

COUNCIL DECISION

That Council :

- (1) receive the report;
- (2) advise John Giudice and Associates, Surveyors, that the local government (LG) Condition 10 relating to the provision of public open space (Section 20A reservations) and cash-in-lieu contributions respectively for Lots 11, 12 and 13 Rigby Avenue, Spearwood, have been satisfied and the clearance be issued, subject to:-
 1. written advice from Urban Focus that the subdivider will make a cash-in-lieu payment into the Open Space Trust Account operated by Urban Focus and that the funds collected will be distributed in accordance with the schedule to the Packham Landowners Deed of Agreement; and
 2. the other local government (LG) conditions for the subdivision being satisfied;
- (3) advise the Western Australian Planning Commission that in relation to Condition 10, the Council is satisfied that the cash-in-lieu payment has been collected by the project manager, Urban Focus, in accordance with the Deed of Arrangement with participating landowners in the Packham Urban Development



Area;

- (4) provide a copy of the Landowners Deed of Arrangement, to the Commission for the Packham Urban Development Area.

10.1 (CDC3/99) - PACKHAM URBAN DEVELOPMENT AREA - PUBLIC OPEN SPACE - QC LEGAL OPINION (9325) (104081) (SMH)

COUNCIL DECISION

That Council defer this matter until the investigation into the Packham Urban Development Area has been completed.

CARRIED

8.3 (CDC3/99) - PACKHAM URBAN DEVELOPMENT AREA - PUBLIC OPEN SPACE - PERMISSION FOR MAYOR GRLJUSICH TO SPEAK (9325) (104081) (SMH)

COUNCIL DECISION

Moved Clr Separovich seconded Clr Waters, that Council :

- (1) decide that the interest declared by Mayor Grljusich is neither trivial, insignificant nor common to a significant number of electors or ratepayers, as provided in Section 5.68(1)(b)(ii)(I) and (II) of the Local Government Act, 1995; and
- (2) not apply to the Minister pursuant to Section 5.69 of the Act, therefore not enabling the Mayor to participate in deliberations on this matter.

CARRIED

AT THIS POINT THE TIME BEING 11:12PM, CLR GIANOLI RETURNED TO THE MEETING.

10.2 (CDC3/99) - RADIO 6PR RUMOUR FILE 10/2/99 - ALLEGATION OF CORRUPTION (1041; 92182) (RWB)

COUNCIL DECISION

Moved Clr Lee seconded Clr Humphreys, that Council instruct McLeod

& Co to seek from Radio 6PR, an apology for the comments made on the "Rumour File" on the 10th February 1999.

CARRIED

**11.1 (CDC3/99) - SALE OF LOTS 380, 381, 382 AND 383
CONGDON AVENUE, BEELIAR (3318530; 3318531,
3318532, 3318533) (KJS)**

COUNCIL DECISION

Moved Clr Lees seconded Clr Humphreys, that :

- (1) the report be received; and
- (2) Hunter and Lavery be commissioned, on behalf of the City of Cockburn, to sell Lots 380, 381, 382 and 383 Congdon Avenue, Beeliar at:

| | |
|---------|----------|
| Lot 380 | \$66,000 |
| Lot 381 | \$68,000 |
| Lot 382 | \$69,000 |
| Lot 383 | \$69,000 |

CARRIED

AT THIS POINT THE TIME BEING 11:14PM, MAYOR GRLJUSICH RETURNED TO THE MEETING AND RESUMED THE PRESIDING MEMBER'S POSITION.

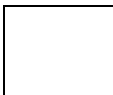
AT THIS POINT THE TIME BEING 11:14PM, CLR GIANOLI LEFT THE MEETING.

**11.4 (CDC3/99) - CONSTRUCTION OF BEELIAR DRIVE -
LAND ACQUISITION - LOT 76 BIRCHLEY ROAD,
BEELIAR (450958) (KJS)**

Mayor Grljusich read aloud, a letter from Mr Dropulich regarding this matter.

COUNCIL DECISION

Moved Clr Lee seconded Clr Waters, that Council :



- (1) purchase Lot 76 Birchley Road, Beeliam from V and D Dropulich, the contract price taking into account a land value of \$36.26 per sq.m, a consideration for the loss of the house, a 10% solatium and the stamp duty payable on a replacement property, a total of \$931,500;
- (2) apply to the State Planning Commission of Western Australia to subdivide the property in accordance with the agreed structure plan of Cells 9 and 10;
- (3) participate as a landowner of Lot 76 with other subdividers within Cells 9 and 10 to effect a resolution of equitable cost sharing arrangements for the construction of Beeliam Drive; and
- (4) agree to the Dropulichs being able to remain in the house for 12 months rent free.

CARRIED UNANIMOUSLY

AT THIS POINT THE TIME BEING 11:27PM, DEPUTY MAYOR OSTOJICH LEFT THE MEETING AND DID NOT RETURN.

AT THIS POINT THE TIME BEING 11:27PM, CLR PECOTIC LEFT THE MEETING.

9.2 (CDC3/99) - ANCILLARY ACCOMMODATION - LOT 26 BRITANNIA AVENUE, MUNSTER - OWNER: D CARRARA & C PARATORE - APPLICANT: WORTHMORE HOMES (3318253) (MT) (COASTAL) (MAP 9)

COUNCIL DECISION

Moved Mayor Grljusich seconded Clr Humphreys, that Council :

- (1) approve the application dated 10 February 1999 for ancillary accommodation on Lot 26; 136 Britannia Avenue, Munster subject to the following conditions:

Standard Conditions

1. Standard conditions contained in Council Policy PD17 as determined appropriate to this application by the delegated officer under clause 7.6 of Council's District Zoning Scheme N° 2;

Special Conditions

1. The owner entering a legal agreement, prior to obtaining a building licence, which shall bind the owner, their heirs and successors in title, requiring that the occupier of the dwelling shall be a member of the family of the occupier of the main dwelling. The applicant is to meet the costs of the legal agreement.
 2. The site plan being amended to show 5 metre setbacks to both side boundaries.
- (2) issue a MRS Form 2 Notice of Approval valid for a period of 2 years.

CARRIED

AT THIS POINT THE TIME BEING 11:28PM, CLR GIANOLI RETURNED TO THE MEETING.

DECLARATION OF FINANCIAL INTEREST

Clr Elpitelli declared a financial interest in CDC Item 9.4. The nature being that he is a Director of a company that conducts business with CSBP.

AT THIS POINT THE TIME BEING 11:29PM, CLR ELPITELLI LEFT THE MEETING.

9.4 (CDC3/99) - PROPOSED LABORATORY / OFFICE / VEHICLE WORKSHOP - PART LOT 9 PHOENIX ROAD, BIBRA LAKE - OWNER: FINI PTY LTD - APPLICANT: SPOWERS ARCHITECTS (1113504) (MT) (NORTH) (MAP 7)

COUNCIL DECISION

Moved Clr Hunt seconded Clr Humphreys, that Council :

- (1) approve the application for a laboratory/office/workshop on Part Lot 9 Phoenix Road, Bibra Lake subject to the following conditions:



Standard Conditions

1. Standard Conditions contained in Council Policy PD17 as determined appropriate to this application by the delegated officer under clause 7.6 of Council's District Zoning Scheme No. 2;
- (2) issue a MRS Form 2 Notice of Approval to the applicant.

CARRIED

AT THIS POINT THE TIME BEING 11:29PM, CLR ELPITELLI RETURNED TO THE MEETING.

8.3 (OCM3/99) - LEAVE OF ABSENCE - CLR PECOTIC (1705)

COUNCIL DECISION

Moved Clr Lees seconded Clr Humphreys, that Council grant a Leave of Absence to Clr Pecotic from the 17th March 1999 to the 30th April 1999 inclusive.

CARRIED

AT THIS POINT THE TIME BEING 11:30PM, CLR PECOTIC RETURNED TO THE MEETING.

8.4 (OCM3/99) - FREMANTLE TO ROCKINGHAM TRANSITWAY (MAYOR GRLJUSICH) (9636)

COUNCIL DECISION

Moved Mayor Grljusich seconded Clr Pecotic, that Council :

- (1) undertake a review, by the Council's Strategic Planning Service, of alternative alignments for the proposed Fremantle to Rockingham Transitway using Cockburn Road and Stock Road, in the event that Rockingham Road is not an acceptable alignment; and
- (2) use this information, as appropriate, as part of any submission

the Council may make in respect to the Fremantle to Rockingham Transitway when the proposal is formally made public by the Department of Transport for community and Council consideration.

CARRIED UNANIMOUSLY

9. ADMINISTRATION

9.1 (OCM3/99) - JERVOISE BAY SOUTHERN HARBOUR DEVELOPMENT - COM-NET (9635) (SMH) (ATTACH)

RECOMMENDATION

That Council resolve to:

- (1) receive the letter dated 1 March 1999 from Com-Net relating to the Jervoise Bay Southern Harbour Development.

COUNCIL DECISION

Moved Mayor Grljusich seconded Clr Waters, that the recommendation be adopted.

MOTION WITHDRAWN

Moved Clr Lee seconded Clr Separovich, that :

- (1) the matter be deferred to the next Strategic and Policy Committee Meeting;
- (2) the Officer's Report to be prepared, contains as much detail as possible on points 1, 2 and 3 of Com-net's letter and include legal advice; and
- (3) Council invite Mrs Duggan and Mrs Smedley to address the Committee as a delegation.

AT THIS POINT THE TIME BEING 11:39PM, CLR LEE LEFT THE MEETING AND RETURNED AT 11:40PM.

CARRIED



Background

The Southern Harbour Project is currently being rezoned under the MRS (Amendment No. 1001/33) from Parks and Recreation Reserve and Waterways Reserve to Industry.

Advertising of the Amendment was between 9 February and 8 May 1998. The Council lodged a submission.

Council at its meeting on 15 December 1998, re-affirmed its strong opposition to the proposed Southern Harbour Project.

In February 1999, the Minister for the Environment issued a conditional approval allowing the development to proceed.

On 27 February 1999, the State Government advertised for Expressions of Interest for a long term manager for the project with construction contracts being advertised on 6 March 1999.

The Council has decided to defer the local scheme Amendment No. 194 which has been prepared to comply with the MRS.

Submission

The submission from Com-Net dated 1 March 1999 is attached for information.

Essentially Com-Net are requesting Council to:-

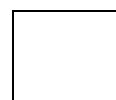
- (1) Use every means at its disposal, including a legal challenge, to halt Amendment No. 1001/33.
- (2) Unite with the South-West Metropolitan Councils to request Parliament to defer its decision in respect to Amendment No. 1001/33 until certain outstanding matters have been addressed to the Council's satisfaction.
- (3) Meet with the convenors of Com-Net, Ms Hazel Duggan and Ms Heather Smedley should the Council accede to Com-net's request or require further information.

Report

This is a matter for Council consideration.

Strategic Plan/Policy Implications

Council's Corporate Strategic Plan states -



Strategy 2.1 "*Promote the Henderson coastal section as the 'Shipbuilding Centre of Australia' in conjunction with a 'Marine Technology Park' .*"

Budget/Financial Implications

Should the Council proceed with any legal challenge, then legal costs will be incurred.

WRITTEN DECLARATION OF FINANCIAL INTEREST

Mayor Grljusich read aloud the following written declaration from Cllr Gianoli :

Cllr Gianoli

Council Agenda Item 9.2. The nature being Southside Realty of which he is a partner, is acting as a Selling Agent for owners within this scheme.

DECLARATION OF FINANCIAL INTEREST

Mayor Grljusich declared a financial interest in Council Agenda Item 9.2. The nature being that he is a Director of Peremate Holdings which own land in the Packham Development Area.

AT THIS POINT THE TIME BEING 11:52PM, CLR GIANOLI LEFT THE MEETING AND DID NOT RETURN.

AT THIS POINT THE TIME BEING 11:52PM, MAYOR GRLJUSICH LEFT THE MEETING.

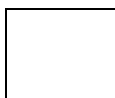
RESOLVED THAT CLR LEES ASSUME THE PRESIDING MEMBER'S POSITION.

CARRIED

9.2 (OCM3/99) - PACKHAM URBAN DEVELOPMENT AREA - CONSULTANCY FOR INVESTIGATION (AUDIT) (9235) (RWB)

RECOMMENDATION

Information relevant to the appointment of a consultant to undertake the Audit of the Packham Urban Development Area, will be provided to



Council. It was not available at the time of agenda preparation.

COUNCIL DECISION

Moved Clr Lee seconded Clr Waters, that the advice received from the Chief Executive Officer regarding this matter be noted.

CARRIED UNANIMOUSLY

Note: The Chief Executive Officer advised that one submission had been received to undertake the audit. The initial price was \$11,000 dependent upon the actual work which would eventuate.

AT THIS POINT THE TIME BEING 11:58PM, MAYOR GRLJUSICH RETURNED TO THE MEETING AND RESUMED THE PRESIDING MEMBER'S POSITION.

AT THIS POINT THE TIME BEING 11:58PM, CLR SEPAROVICH LEFT THE MEETING.

9.3 (OCM3/99) - 18TH INSTITUTE OF MUNICIPAL MANAGEMENT NATIONAL CONGRESS - 16-19 MAY 1999, CANBERRA ACT (1027) (DMG)

RECOMMENDATION

That Council resolve to nominate Clr(s) _____ as delegate(s) to attend the Institute of Municipal Management National Congress to be conducted in Canberra, ACT from the 16th - 19th May 1999.

COUNCIL DECISION

Moved Clr Humphreys seconded Clr Waters, that Clr Lees and Clr Lee attend the Institute of Municipal Management National Congress to be conducted in Canberra, ACT from the 16th - 19th May 1999.

Background

Councillors were circulated with information on this Conference recently and requested to respond in time for the matter to be considered by Council, if interested in attending.



Submission

N/A

Report

The Chief Executive Officer has registered to attend the Conference.

Nominations have also been received from Councillors Lees and Lee to attend. In accordance with Council Policy, the matter is now referred to Council for further consideration.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Funds are provided for in the Councillors Conference Account (110290) with approximately \$17,000 unexpended. The cost per delegate is estimated at \$2,000.

9.4 (OCM3/99) - PURCHASE OF ADDITIONAL PUBLIC OPEN SPACE ON LOT 576 CNR ANNOIS AND PARKWAY ROADS, BIBRA LAKE - SATTERLEY REAL ESTATE (KS) (108818)

COUNCIL DECISION

Moved Clr Waters seconded Clr Humphreys, that Council :

- (1) negotiate the purchase of proposed Lots 7, 8, 9 and 10 Annois Road on the plan of subdivision adjacent to the Bibra Lake Primary School and immediately adjoining the proposed public open space included in the plan of subdivision;
- (2) the Chief Executive Officer be authorised to negotiate the purchase of the lots identified in (1) above, subject to the purchase price not exceeding the funds held in the Council's cash-in-lieu account for the Bibra Lake locality;
- (3) support the creation of a sewer easement across the lots purchased by the Council as close to the southern boundary as is possible;
- (4) require the subdivider to meet all the costs associated with the purchase and the reservation of the land for public open space



under Section 20A; and

- (5) advise Satterley Real Estate of the Council's decision accordingly.

CARRIED

AT THIS POINT THE TIME BEING 12:01AM (Wednesday 17th March), CLR SEPAROVICH RETURNED TO THE MEETING.

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

DECLARATION OF FINANCIAL INTEREST

The **Chief Executive Officer** declared a financial interest in Council Agenda Item 13.1. The nature being that the item refers to his salary remuneration package.

13. CONFIDENTIAL MATTERS

- 13.1 (OCM3/99) - REMUNERATION REVIEW - CHIEF EXECUTIVE OFFICER (003) (ATC)**

MEETING CLOSED TO MEMBERS OF THE PUBLIC

Moved Clr Lees seconded Clr Humphreys, that pursuant to s5.23(2)(a) of the Local Government Act 1995 as it relates to an



employee, the time being 12:02am, the meeting be closed to members of the public to allow Council to discuss Council Agenda Item 13.1 until the Council decides that the meeting be opened to the public.

CARRIED

AT THIS POINT THE TIME BEING 12:02AM, CLR PECOTIC, DIRECTOR COMMUNITY SERVICES, DIRECTOR ENGINEERING, DIRECTOR PLANNING AND THE CHIEF EXECUTIVE OFFICER'S SECRETARY LEFT THE MEETING AND DID NOT RETURN.

RECOMMENDATION

That Council:

- (1) move behind closed doors to consider the remuneration review for the Chief Executive Officer; and
- (2) the Chief Executive Officer's Quarterly Performance Review Report be received.

COUNCIL DECISION

Moved Clr Lees seconded Clr Humphreys, that the Chief Executive Officer's Quarterly Performance Review Report be received.

CARRIED

Moved Mayor Grljusich seconded Clr Elpitelli, that the current salary package for the Chief Executive Officer stay as is.

MOTION LOST

Moved Clr Lees seconded Clr Waters, that the recommendations of Gerald Daniels Australia Pty Ltd dated 11th December 1998 regarding the remuneration package for the Chief Executive Officer, be adopted retrospectively to the 6th October 1998.

CARRIED

CLR LEES REQUESTED THAT THE VOTES BE RECORDED.

FOR: CLR WATERS, CLR HUMPHREYS, CLR LEE, CLR HUNT, CLR ELPITELLI AND CLR LEES

AGAINST: MAYOR GRLJUSICH



Background

The remuneration for the Chief Executive Officer was last reviewed in late 1996. Consultants, Gerard Daniels Australia Pty Ltd (GDA), were employed to review and make recommendations concerning the Chief Executive Officer's remuneration package.

Submission

N/A

Report

A copy of G.D.A's report to the Mayor has been previously circulated as a confidential document.

Included with the report, is a table setting out the Chief Executive Officer's remuneration package if G.D.A's recommendations are accepted.

The Chief Executive Officer's Quarterly Report is provided as a confidential item.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

MEETING OPEN TO MEMBERS OF THE PUBLIC

Moved Cllr Lees seconded Cllr Humphreys, that the meeting be opened to the public, the time being 12:29am.

CARRIED

THE DECISION OF COUNCIL MADE BEHIND CLOSED DOORS, WAS READ ALOUD BY THE CHIEF EXECUTIVE OFFICER.



14. CLOSING

Meeting closed at 12:30am
(Wednesday, 17th March 1999)

CONFIRMATION OF MINUTES

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

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

