

## CITY OF COCKBURN

### SUMMARY OF MINUTES OF SPECIAL COUNCIL MEETING HELD ON WEDNESDAY, 3 JUNE 1998 AT 7:30 p.m.

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## CITY OF COCKBURN

### MINUTES OF SPECIAL COUNCIL MEETING HELD ON WEDNESDAY, 3 JUNE 1998 AT 7:30 P.M.

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**PRESENT:**

Mr J Grljusich	-	Mayor
Mr S T E Battalis	-	Deputy 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
Mr J McNair	-	Councillor
Mr R W Brown	-	Chief Executive Officer
Mr D M Green	-	Director, Administration & Community Services
Mr S M Hiller	-	Director, Planning & Development
Mr L Cetinic-Dorol	-	Manager, Recreation & Special Projects
Mr P Sampson	-	Commercial Services Adviser
Mr M Winchester	-	Customer Services Manager
Mrs S Ellis	-	Secretary to Chief Executive Officer

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

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

**2. PUBLIC ADDRESS SESSION**



**Mr Wally Barrabeck** on behalf of the WA Croatian Association said that it had been 4 years since they placed an offer to purchase the land in question. The issue has gone through 4 years of various studies and he understood that we have all the necessary approvals to proceed. Now they have been told that there are other considerations. He asked that, given the Minister for Environment has given her approval to proceed and they have a membership ready to provide funds to purchase the land, the Council allows them to proceed.

**Mrs Val Oliver** voiced her objection to the development stating that a soccer club in that particular area would be of no use to the community. She felt that a lot of money had already been wasted on the project when the soccer club could be housed in another area quite sufficiently without all the expense and that people should look at that area as a place of conservation and recreation rather than a sporting area.

**Mr Tom Barrett** (tabled his statements) in which he stated that he felt he was speaking on behalf of the other 98% of the public in the district who are not of Croatian descent. He felt there were a number of mathematical errors and some anomalies in the facts and figures shown in the reports.

**Mr Colin Crook** (tabled a letter) and commented that when this decision was taken two years ago, it was taken in a very strange fashion. His tabled letter asked questions regarding events that took place around a Special Council Meeting on the 25<sup>th</sup> November 1996. The Mayor advised that the Chief Executive Officer would respond in writing to his questions.

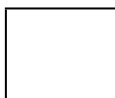
**Mr Tony Srhoy** explained his history in the district and his association with the Croatian society over many years and that he was very proud of his achievements within the district with regards to the development of the Spearwood Dalmatinac Club and the Villa Dalmacia Nursing Home. He urged Council to try and work together with the WA Croatian Association to work out any problems.

### 3. APOLOGIES & LEAVE OF ABSENCE

Nil

### 4. PURPOSE OF MEETING

**4.1 (SCM6/98) - To consider the sale of Lot 14 Progress Drive, Bibra Lake to the WA Croatian Association, together with all other relevant documentation.**



Mayor Grljusich advised Councillors that the heading in the Agenda for item 5. was to be corrected to show that the officer responsible for the item was (LJCD) and not (PS) as shown.

**5. (SCM6/98) - LOT 14 PROGRESS DRIVE BIBRA LAKE (1100231)  
(LJCD)**

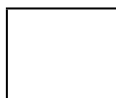
**RECOMMENDATION**

That Council resolve to:

1. Receive the report of the Manager Recreation & Special Projects dated the 28<sup>th</sup> May 1998;
2. Advise Adventure World Pty Ltd that Council is committed to its present program in respects to Lot 14 Progress Drive, Bibra Lake. However, if the present proposed sale does not eventuate, then Council would give due consideration to any proposal put forward in relation to Lot 14 Progress Drive, Bibra Lake;
3. Advise the WA Croatian Association (Inc.) that Council is required by law to advertise for public inspection, a Draft Business Plan detailing all matters associated with a major land transaction and that following a submission period, Council is required to consider any submissions received and that the Business Plan must be adopted by an absolute majority of Council, following the submission period and therefore, matters detailed below are not to be construed as the final position of Council in relation to the dealing.
4. Advertise the Draft Business Plan in accordance with section 3.59 of the Local Government Act 1995, subject to the WA Croatian Association's (Inc.) written agreement to the Draft Business Plan and proposed conditions of the contract of sale and the terms for the Lease.
5. Adopt the following schedule relating to the cost sharing arrangements and allocate the sum of \$222,450.00 on the 1998/99 Municipal Budget, to provide for costs associated with the development; in accordance with the schedule.



	WACA COSTS \$	COUNCIL PRESENT COSTS \$	BUDGET 1998/99 \$	FUTURE COSTS \$
Land_Acquisition	220,000.00			
Stamp Duty	7,000.00			
Electricity	12,000.00		6,000.00	
Sewerage	34,000.00		66,000.00	
Water	65,000.00			
Landscaping	44,000.00			
Consultant's Fees		30,000.00	8,000.00	
CER	4,307.00	4,308.00		
Heritage Survey	5,159.00	5,159.00		
Survey Costs	1,800.00	1,800.00		
NIMP	1,308.00	1,307.00		
Concept Additional Work	1,050.00	1,050.00		
Engineering Plan	1,800.00			
Landscape & Site Access Plan	1,500.00			
Contingency	1,700.00			
Lot 3 Earthworks			50,000.00	
Site Cleaning			20,000.00	
Revegetation	87,100.00		38,700.00	
Conveyancing Fees		400.00		
Legal Costs	1,000.00	556.00		
Valuation Fees		804.00		
Project Management		19,000.00	10,000.00	
Bores	32,000.00			32,000.00
Reticulation	32,500.00			73,000.00
Construct Playing Fields				203,200.00
Car Park				20,000.00
Changerooms				250,000.00
Construct Drainage Swail				5,000.00
Pine Bollards			5,000.00	
Goal Posts				4,000.00
Headworks Charges	4,000.00		8,000.00	
Drainage Headworks Charges	750.00		750.00	
Lease Costs	3,000.00			
Contingency			10,000.00	30,000.00
<b>TOTAL</b>	<b>560,974.00</b>	<b>64,384.00</b>	<b>222,450.00</b>	<b>617,200.00</b>



6. Provide for the sale of Lot 1 Progress Drive in the Draft Business Plan to the WA Croatian Association (Inc.) for the sum of \$220,000.00 based on the Valuer General's valuation dated the 13<sup>th</sup> May 1998.
7. Require that the following conditions be incorporated in the contract of sale and are subject to the final adoption of the Business Plan:
  - a) Registration of a Memorial on the Certificate of Title to ensure that development within the Conservation Section of the lot is restricted to structures like barbecues, gazebos etc.
  - b) Registration of a Memorial on the Certificate of Title to state that the land is in close proximity to a known midge breeding area which has the potential to create a nuisance and can adversely impact on the use and enjoyment of the land.
  - c) The Concept Plan adopted by Council is to form part of the Contract of Sale.
  - d) The conditions and commitments as set out in Statement No. 000475 dated 5<sup>th</sup> May 1998 signed by the Minister for the Environment, form a part of the Contract of Sale.
  - e) The WA Croatian Association (Inc.) contribute on an equal basis to the costs of the Annual Environmental Compliance Audit as stipulated by the EPA conditions and commitments and which is to be undertaken by an independent person.
  - f) The WA Croatian Association (Inc) shall be responsible to clean up any sewerage spillage on Lot 1 and Lot 3 until such time as changerooms are built on Lot 3. Spillage clean ups will then be the responsibility of the offending party.
  - g) If the WA Croatian Association (Inc.) decides for whatever reason, to sell Lot 1, then the City of Cockburn shall have the first right of refusal to purchase the property at the valuation provided by the Valuer General at that time.
  - h) The additional costs incurred by the City to secure approval for the project shall be shared on an equal basis between the WA Croatian Association (Inc.) and the City.
  - i) Terms of settlement shall be one hundred and twenty (120) days.



8. Note that the Draft Business Plan provides for the future development of Lot 3 Progress Drive to include three (3) junior soccer pitches, changerooms and car parking, subject to budgetary constraints and upon demonstrated need for more community soccer pitches.
9. Provide for the lease of Lot 2 to the WA Croatian Association (Inc.) on the following terms:
  - a) the term being twenty (20) years with an option for a further twenty (20) years.
  - b) the annual rental being as if the demised premises were rateable land in accordance with Council Policy F7.1.
  - c) an option clause provided within the lease to allow the WA Croatian Association (Inc.) to purchase Lot 2 at any time during the term of the lease at a price based on the Valuer General's valuation at the time of exercising the option, with such valuation excluding improvements on the land.
  - d) the Nutrient and Irrigation Management Plan forms part of the lease.
  - e) the conditions and commitments as set out in the Statement No. 000475 dated 5th May 1998 and signed by the Minister for the Environment forms part of the lease.
10. Place the funds from the sale of Lot 1 Progress Drive in Council's Land Development Reserve Account to be held as an asset in accordance with Council's Resources Plan.
11. Take no further action in respects to the North Lake Road reservation remnants.

**COUNCIL DECISION**

Moved Clr Elpitelli seconded Clr McNair, that the recommendation be adopted.

Amendment To The Motion

Moved Clr Lee seconded Clr Humphreys, that the sale of the land and the project be dependent upon the transfer of the proprietorship as stated in Item 3.1 (page 2) of the report from the Minister for the Environment which was attached to the Agenda.

**AMENDMENT PUT AND LOST**

Moved Clr McNair seconded Clr Pecotic, that the original motion be put.





**MOTION WITHDRAWN**

Amendment To Motion

Moved Clr Waters seconded Clr Lee, that the sum of \$50,000 for earthworks be removed from the schedule.

**AMENDMENT PUT AND LOST**

Amendment To Motion

Moved Clr Howlett seconded Deputy Mayor Battalis, that Item 5. of the recommendation be amended to read as follows:

5. Adopt the following schedule relating to the cost sharing arrangements and allocate the sum of up to \$222,450.00 on the 1998/99 Municipal Budget, to provide for costs associated with the development; in accordance with the schedule.

**AMENDMENT PUT AND CARRIED**

Amendment To Motion

Moved Clr Howlett seconded Clr Ostojich, that Item 12 be added to the recommendation to read as follows:

12. That Council obtain legal advice from time to time throughout the negotiation phase of the project, to ensure the interests of Council are protected and that the final contract of sale document be presented to Council for consideration before being finalised.

**AMENDMENT PUT AND CARRIED**

**ORIGINAL MOTION WITH AMENDMENTS PUT AND CARRIED**

AT THIS POINT THE TIME BEING 8:01PM, CLR MCNAIR LEFT THE MEETING AND RETURNED AT 8:03PM DURING DISCUSSION OF THE ABOVE MATTER.



AT THIS POINT THE TIME BEING 8:39PM, CLR HUMPHREYS LEFT THE MEETING AND RETURNED AT 8:40PM DURING DISCUSSION OF THE ABOVE MATTER.

AT THIS POINT THE TIME BEING 8:48PM, CLR OSTOJICH LEFT THE MEETING AND RETURNED AT 8:51PM DURING DISCUSSION OF THE ABOVE MATTER.

THE FOLLOWING POINTS ARE NOTED:

1. (Pg 4) With regards to item d), it is noted that the Minister for Environment signed the document on the 4<sup>th</sup> May 1998 and it was published on the 5<sup>th</sup> May 1998.
2. (Pg 26) 4 April 1994 should read 4 April 1995.
3. (Pg 32) An amount of \$10,000 was not shown in the Budget 1998/99 column alongside Project Management.

**Meeting closed at 9:35pm.**

### **Council Meeting**

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

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

