

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 24 AUGUST 1999 AT 7:30 P.M.

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 24 AUGUST 1999 AT 7:30 P.M.

PRESENT:

COUNCIL MEMBERS

Ms J L Smithson - Deputy Chairperson of Joint Commission
Mr M A Jorgensen - Joint Commissioner

IN ATTENDANCE

Mr R W Brown - Chief Executive Officer
Mr D M Green - Director Community Services
Mr A T Crothers - Director, Finance & Corporate Services
Mr S M Hiller - Director, Planning & Development
Mr J Radaich - Manager, Engineering & Works
Mrs B Pinto - Secretary to Director, Finance & Corporate Services

188. (AG Item 1) DECLARATION OF OPENING

In the absence of Cmr Donaldson, the Deputy Presiding Member declared the meeting open at 7.30 pm.

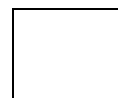
189. (AG Item 2) APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)

Nil

190. (AG Item 3) DISCLAIMER

The Presiding Member read aloud the following disclaimer:

Members of the public who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.



191. (AG Item 5.1) (OCM2_8_1999) - APOLOGIES & LEAVE OF ABSENCE

Cmr J Donaldson

Apology

192. (AG Item 6.1) (OCM2_8_1999) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Cockburn Bowling & Recreational Club - Public Question Time - 10th August 1999 - Club delegates tabled a submission at the Council Meeting held on the 10th August 1999, requesting Council to reconsider its decision not to fund refurbishment works requested by the Club.

The submission raises a number of issues which will require addressing. These issues will necessitate historical research being undertaken in order to confirm their accuracy. This is likely to be a time consuming task and is therefore likely to take some weeks to complete.

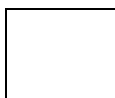
However one of these matters, is that the condition of the asbestos roof, is seen to be of some urgency. Council's Maintenance Manager has examined the roof and, in his opinion, work around the evaporative fans could be repaired. He was of the view that the roof did not require replacement.

However, in the interests of Council fulfilling its duty of care, it has been arranged for another opinion to be provided by a Structural Engineer. Should that opinion recommend specific action to be taken by Council, the matter will be presented to Council for further consideration.

The review of the Club's submission will be provided to Commissioners for information, in the first instance, at the earliest opportunity, dependent upon the time constraints of Council staff.

193. (AG Item 7.1) (OCM2_8_1999) - PUBLIC QUESTION TIME

Mary Jenkins, a resident and ratepayer of Spearwood asked Council if it had accepted and paid for the report prepared by a Victorian Company, regarding the extension of West Coast Highway from Cottesloe to Rockingham. She mentioned, that the Mayor of Cottesloe has reservations in paying the amount, which had been already committed towards this report. She said, that the report had been rejected and ridiculed for reasons that it was too difficult to understand. **Cmr Smithson** asked the Director, Planning and Development



whether he was aware of such a report. The Director, Planning and Development responded that he wasn't sure, but there was a proposal by Councils affected by the Servetus Road extensions and the Cockburn Road Re-alignment, to join together to have prepared a common Study. Council at the time decided not to be a party to that Study. Cmr Smithson replied that she was not aware of the report being mentioned and will take her comments on notice and will be addressed in the next Meeting.

Donna Mackveil, a resident of Coolbellup spoke with regard to the Early Education Program at the Coolbellup Family Centre. She said that the Centre had been advised at the end of June that the funding will cease for the continuation of the Program by Council and Family and Children's Services. She said that there is potential for families to make Coolbellup their home and therefore a service of this nature would most certainly be required to cater to the needs of these families. Currently, the program is well utilised by residents of Coolbellup and some surrounding areas. A request from the Centre to keep the Program running would greatly benefit the community. She tabled a petition with regard to the continuance of Program currently run at the Centre, and therefore requested Council to consider continuing the funding of the Co-ordinator of the Centre, in order that the Program's activities could be arranged. **Cmr Smithson** asked whether there was any correspondence forwarded to Council to this effect. She replied that Centre had written to the Chief Executive Officer, but no response was yet received. Cmr Smithson said that Council would take her comments on notice and respond appropriately in writing.

Mrs. Paratore of Lot 26 Britannia Avenue, Beeliam spoke to Item 13.7 - Proposed Shed and Lean-to Lot 26, 136 Britannia Avenue, Beeliam. She summarised reasons why approval should be granted, that being protection of equipment and personal goods stored in the shed from dust emanating from Cockburn Cement. Based on these reasons she requested Council to favourably consider the application and grant approval. **Cmr Smithson** replied that the application has been recommended for approval and will be dealt with at the appropriate time.

Mary Jenkins queried Item 14.2 with regard to the map, lots zoned R60 at the Shopping Centre behind Lancaster Street and what it actually means. She also queried whether there was sewerage in the area yet or when is it likely to happen? Also when is Spearwood being provided with deep sewerage? **Cmr Smithson** replied that the map is a reference for Item 14.2 for Commissioners to deal with which depicts the drainage reserve. With regard to zoning and sewerage she



requested Director, Planning and Development to provide an explanation. **Director, Planning and Development** said that he was unaware of what the time schedules were for deep sewerage to be provided in the area. He said that Council zoned a number of lots R60 around the Phoenix Shopping Centre in anticipation of the high density at the time. The question will be taken on notice and Council would advise accordingly.

Frank Sander, a ratepayer spoke in relation to Item 14.2 - Revesting of Reserve 28853 Drainage to Road Reserve. He said that should Council have any queries with regard to the proposal, he would be happy to answer any questions. Cmr Smithson and Jorgensen replied that they did not have any questions for him, as the Agenda Item contained all the necessary information required to make a decision.

Clr Laurie Humphreys, a resident and suspended Councillor commended Council on the Survey document which was distributed to residents recently, but had raised several concerns amongst ratepayers. Nothing was mentioned as to how many residents were going to be surveyed. He had queries from residents with regard to the Survey information and what do they do with it. They are very interested in having a say in it. Clr Humphreys asked whether this was available in the Libraries? **Cmr Smithson** replied that the Survey is available from Council if individuals request to have a copy. They are welcome to do so and their comments will be taken on board. Clr Humphreys said the Survey is not clear cut as to who is going to be surveyed. There is also no firm date as to when the research is going to take place. Cmr Smithson replied that the random survey will cover 1,000 residents of Cockburn and is currently being undertaken.

Other comments as has been suggested were rather biased towards the advantages and disadvantages on the various ones. Although he agrees with the information that is in there, he felt the advantages as reported outweigh the disadvantages, and that it could have been more evenly addressed.

The other concern that **Clr Humphreys** made was the direct cost of allowances and expenses attributed to each Councillor amounts to approximately \$14,000. He asked for an explanation as to how these allowances and expenses amounted to \$14,000. It seems very biased that no where does it mention the time and effort that is given in carrying out the duties of a Councillor. He did not see a reason that an individual cost of \$14,000 per Councillor should have been mentioned. What it implies is that it costs residents \$14,000 per Councillor. In his opinion he did not feel that this was a proper way of conducting a survey. Director, Community Services responded that the figure of



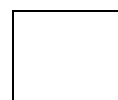
\$14,000 per Councillor is an average based on the governance costs which would have applied by this Council or the previous Council, which is attributed to direct support costs, such as meeting expenses, conferences/seminars and function/reception costs. These are costs that would otherwise not be required by the Local Government system.

The reason for the amount being mentioned in the Survey is simply to relate to the public that there are costs associated with Local Government, that perhaps they may or may not be aware of. Cmr Smithson said, to give the people the opportunity to make an informed decision on things like Councillor numbers and so on, there needs to be some statistical information available to them. That information was purely factual and it is only an average. Cmr Humphreys felt that letting the public know how much each Councillor costs, would have at the same time been better informing them of what Councillors are worth in terms of duties, hours and time spent rather than just the small monetary gain. Cmr Smithson responded on the matter with regard to the pros and cons of the various issues. She said that Council did engage a Consultant, that being Murdoch University to have a close look at the Survey and structure it appropriately, taking into account the advantages and disadvantages. Council did not want to be accused of favouring one side versus the other. Murdoch University advised Council on the Survey content and from that point of view Council has been very balanced in the way the information has been put together.

Cmr Humphreys said that having noted the information that was said, he still will not withdraw his criticism. **Cmr Smithson** said that that criticism has been noted.

Mrs. Nola Waters, a ratepayer and suspended Councillor spoke with regard to Cmr Smithson's comments on the facts on the last page of the survey, in that it was provided to residents to give them an idea of what it costs to maintain that number of Councillors. She felt it would have been more important that people of Cockburn were given an idea of how many hours that fourteen Councillors put in. She said that if they did not think they needed fourteen Councillors, how would they achieve the same outcomes with reduced representation in each ward? She emphasised that it was very important that they were told that this is how much it is going to cost, but should also have been told how many hours Councillors put in. **Cmr Smithson** responded that she will accept the comments raised.

Cmr Jorgensen said that there is a point to be noted in the last paragraph on the last page of the Survey, which does put some balance, where it says:



Reducing the number of Councillors reduces costs to community, but also lessens the spread of representation in the community by elected Councillors.

He said this addresses the issues raised above.

194. (AG Item 8.1) (OCM2_8_1999) - ORDINARY COUNCIL MEETING - 10/8/1999

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the Minutes of the Ordinary Council Meeting held on Tuesday, 10 August 1999 be confirmed as a true and accurate record.

CARRIED 2/0

195. (AG Item 13.1) (OCM2_8_1999) - AUTHORISED PERSONS: PRIVATE SWIMMING POOL INSPECTIONS (3211) (VG)

RECOMMENDATION

That Council authorise the following Council Officers (persons) to inspect land and swimming pools pursuant to Sections 245A. (1) and 245A. (5) and exercise the powers pursuant to section 245A. (6) of the Local Government (Miscellaneous Provisions) Act 1960, within the City of Cockburn, namely;

Vincent Green
Christopher Paul Paton
Vance Thompson
Michael Richard Ward
Mario Lomma

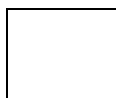
COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

CARRIED 2/0

Background

New Council Officers and previously authorised Council Officers need to be authorised to comply with amendments to the Local Government (Miscellaneous Provisions) Act 1960, to allow private swimming pools to be assessed periodically for compliance with the relevant Regulations within the City of Cockburn.



Submission

N/A

Report

Authorised persons may enter land upon which a private swimming pool is located and issue notices where required and take such measures as considered necessary (within the limitations Council may impose), in order to prevent a swimming pool from being a danger to the public.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil

196. (AG Item 13.2) (OCM2_8_1999) - INFRINGEMENT NOTICES, OFFENCE FOR FAILING TO ENCLOSE A PRIVATE SWIMMING POOL (3211) (VG)

RECOMMENDATION

That Council authorise the person appointed to the position of Principal Building Surveyor and the person appointed to the position of Senior Building Surveyor, to issue infringement notices pursuant to Regulations 38H. and 42 of the Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

CARRIED 2/0

Background

It is a requirement for Council to appoint officers to issue infringement notices in accordance with Regulations 38H and 42 of the Local



Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989.

Submission

N/A

Report

If a notice under Section 245A.(5)(b) of the said Act (requiring a person to bring a swimming pool barrier into compliance within a specified time) has not been executed, a modified penalty of \$100 is applicable.

If a notice under Section 245A.(5)(b) has not been served, a modified penalty of \$75 is applicable.

A person who contravenes Regulation 42(1) of the said Act, commits an offence.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil

197. (AG Item 13.3) (OCM2_8_1999) - PROPOSED RECLASSIFICATION OF LOT 502 (NO 246) SPEARWOOD AVENUE, SPEARWOOD FROM LOCAL RESERVE PUBLIC PURPOSE FIRE STATION TO RESIDENTIAL R15 -OWNER: FIRE BRIGADES BOARD OF WA APPLICANT: SMITH TUCKER PROPERTY SERVICES PTY LTD (92213) (CC) (WEST)

RECOMMENDATION

That Council resolve to:-

- (1) adopt the following amendment:-

Town Planning and Development Act, 1928 (as amended).

RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME



City of Cockburn Town Planning Scheme - District Zoning Scheme No. 2

AMENDMENT 213

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) reclassifying Lot 502 Spearwood Avenue, Spearwood from Local Reserve Public Purpose-Fire Station to Residential R15.
- 2) amending the Scheme maps accordingly.

DATED THIS 24TH DAY OF AUGUST 1999.

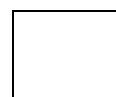
CHIEF EXECUTIVE OFFICER

- (2) forward a copy of the signed document to the Environmental Protection Authority in accordance with section 7A(2) of the Town Planning and Development Act;
- (3) subject to advice of the Environmental Protection Authority being received, that the amendment is not subject to an assessment under Section 48A of the Environmental Protection Act, advertise the amendment in accordance with the Town Planning Regulations and the Western Australian Planning Bulletin No. 29.;
- (4) forward a copy of the signed documents to the Western Australian Planning Commission for information; and
- (5) advise the applicant of the Council's resolution.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

CARRIED 2/0



Background

ZONING:	MRS:	Urban abuts Important Regional Roads Reservation
	DZS:	Local reserve public purpose - fire station
LAND USE:	Disused Fire Station	
LOT SIZE:	2011M2	
AREA:	N/A	
USE CLASS:	P	

Lot 502 is developed with a fire station and owned by the Western Australian Fire Brigades Board. Due to changes in service areas and the development of a new fire station in the locality, the fire station on Lot 502 is surplus to requirements.

In order to maximise the return on the sale of Lot 502, a rezoning of the property to residential zone is sought. The rezoning of the site would allow for a broader range of uses on the site and increase the marketability of the land.

Submission

Consultants on behalf of the landowner have requested Council to amend its Town Planning Scheme by reclassifying Lot 502 Spearwood Avenue, Spearwood from Local Reserve-Public Purpose-Fire Station to Residential R15. *See Agenda Attachments for Location Plan.*

Report

The surrounding land is currently zoned Residential R15 and predominantly developed with single residential housing.

Lot 502 is unsewered and not scheduled to be connected to sewer in current infill sewerage program. The Government Sewerage Policy requires development not to exceed the residential density of R12.5, or for lots to be no less than 700^m² in the inner metropolitan area. A residential code of R15 would allow for development of the land with 3 lots with a lot average of 666 2/3^m².

Although this would be contrary to the Policy, the rezoning is an isolated proposal and unlikely to set a precedent.

The rezoning of the land the Residential R15 is supported on the following grounds:

- the land is surplus to Fire Brigade requirements;
- the proposed zoning is consistent with the surrounding zoning; and
- the rezoning will allow for the development of land with appropriate uses.



Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil

198. (AG Item 13.4) (OCM2_8_1999) - IN PRINCIPLE SUPPORT FOR PROPOSED CURTIN UNIVERSITY STUDY INTO THE JANDAKOT AIRPORT NOISE ENVIRONMENT (1211) (WJH) (ALL WARDS)

RECOMMENDATION

That:

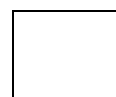
- (1) Council give in principle support to the proposed Curtin University study as detailed in letter received 9th August 1999;
- (2) the City of Cockburn's commitment to the study will be subject to its acceptance of a formal proposal including detailed costings, which shall be received by Council early in 2000; and
- (3) Council advise Curtin University accordingly.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that Council:

- (1) give "in-principle" support to the proposed Curtin University Study as detailed in its letter received on 9th August 1999;
- (2) will consider supporting the study following receipt of a formal proposal early in 2000 which is to include a methodology, time frame and detailed costings; and
- (3) advise Curtin University that should the Council fund the study with an up front payment it will expect to receive a final report and recommendations in accordance with the proposal.

CARRIED 2/0



Explanation

It was felt that should Council make an up front payment, then it would expect that a copy of the report be provided regardless of who takes responsibility for the research.

Background

In March 1996, Council made two resolutions which are relevant to this matter, they are:

"Council advise the Jandakot Noise Action Group (JANAG):-

- 1. That it is willing to participate in and contribute financially towards the alternative study;*
- 2. That it is preferable to await the outcomes of the FAC Study before finalising the methodology, responsibilities and logistics of the proposed alternative study."*

And

"Council allocate an amount of up to \$20,000 as a contribution to a jointly funded noise survey of Jandakot Airport activities with this sum being transferred from Account No.3004 - South Lake Drive - Development Under Powerlines..."

The proposed Study was intended to assess the impact of Airport operations, particularly in relation to circuit training on residences, by carrying out real time noise measurements which can be compared to areas not affected by aircraft. It was intended that the study findings would be used to push for an improvement in the management and control of aircraft noise impacts and possibly assist in the development of an alternative to the Australian Noise Exposure Forecast (ANEF) system.

It was intended that the City of Melville and the City of Canning partly fund the Study with the City of Cockburn. The total cost of the Study was estimated to be in the vicinity of \$50,000.

At that stage, the Federal Airports Corporation (FAC) had commissioned ERM Mitchell McCotter to carry out a study into the noise impacts of aircraft from Jandakot Airport, which included a social survey to assess the validity of the ANEF system. It was considered prudent to await the outcome of that work. This report (known colloquially as the ERM Mitchell McCotter Report) was not completed until December 1997 and not released to the public until several months later.



At about the time of the public release of the ERM Mitchell McCotter Report, it had been determined administratively, to provide in-kind support to a Curtin University study of the impact of aircraft noise. Council formalised its support for this study through a Council Resolution in July 1998. This study was done in collaboration with the City of Melville, Curtin University and the Department of Environmental Protection. The outcomes were reported to Commissioners through the Commissioners' Newsletter in July 1999.

A decision regarding the format of the Alternative Noise Study was further postponed until after the completion of the Curtin report.

Submission

Curtin University has recently advised (refer attachment) that it has accepted a proposal from Joanne Abbiss to complete her Master of Science by thesis. The proposed thesis will build significantly on the above-mentioned Curtin University Study which Joanne was involved in.

"The main aims of the Study will be to:

1. *Determine if the Australian Noise Exposure Forecast (ANEF) dose-response relationship for aircraft noise and community reaction is applicable to general aviation airports.*
2. *Determine if community reaction to the frequency of overflights follows a logarithmic relationship at general aviation airports, as assumed by the ANEF system.*
3. *Determine if any correlation exists between the community reaction to aircraft noise and the difference from assigned levels, as determined by the Environmental Protection (Noise) Regulations 1997.*
4. *Determine an appropriate metric for the prediction of community reaction to aircraft noise from general aviation airports."*

The noise survey and social survey will take place over a twelve-month period in order to account for any seasonal variation in aircraft operations. Interim reports will be provided. A preliminary timeline for the completion of the study is included in the attachment to the agenda.

Curtin University is seeking in-principle support for the project from Council, prior to Joanne preparing the formal project proposal. The proposal including detailed costings is due for completion in December 1999. It is anticipated that the majority of expenditure would be involved in the execution of the social survey, noise measurement, data entry, equipment and laboratory hire as well as an independent review.



Report

The aims of the proposed study align closely with the objectives of the study proposed by JANAG and supported by Council in 1996. Data collected to achieve these aims, will be very useful in communicating information regarding aircraft noise impacts to residents and will assist Council to achieve recommendations 3.13 and 4.7 of the Jandakot Flight Path and Procedures Review. The ANEF system has questionable validity as a planning tool for use around General Aviation Airports such as Jandakot and is even poorer in describing the noise environment likely to be experienced by a person at a given location. It is envisaged that the outcomes of a study such as this, will be able to provide a simpler more relevant indication.

The study proposed by JANAG was primarily concerned with the portion of the population directly under the training circuits. The proposed study includes those circuit-affected areas as well as those areas affected by inward and outward-bound aircraft.

The original commitment to an alternative study and the provision of funding for it, was driven primarily by JANAG. The role of JANAG has declined significantly with the passage of time. Perusal of Council records indicates that Council has not received any correspondence from JANAG for in excess of 18 months. The focus of attention shifted to the Northwest outward-bound track in early 1998 and to the recently completed Flight Path and procedures review in more recent times.

A number of resolutions of Council, have resulted in funds from the account being used for closely related purposes, including contribution to the AMAC sponsored alternative noise metric trial; contribution to the previous Curtin study (\$1000); contribution to the Jandakot Airport Flight Paths and Circuit Training Review (\$5,000). This has reduced uncommitted funding in this account, to approximately \$12,000. \$12,000 is not a lot of money when considering employing consultants to carry out an aircraft noise study. Contribution to the proposed Curtin University study, where the Masters student and undergraduate students will provide most of the necessary human resources, will provide significant leverage for available funds.

The study will be highly creditable. All work carried out, the initial formal proposal, fieldwork, laboratory work, social survey, interim and final reports will be subject to the rigours of a Masters Degree by Thesis. Academic Staff at Curtin University will provide supervision during the course of the study and an independent review of the report will be carried out upon completion.

The City currently employs the Masters candidate, Joanne Abbiss, as a graduate Environmental Health Officer. Joanne was one of the four undergraduate students who carried out the previous Curtin University



study. Joanne is academically talented (named on the Vice-Chancellor's List every semester as an undergraduate) and her continued involvement in this work will lead to the development of significant in-house expertise in the area of aircraft noise. Aircraft noise is an issue which effects many of the residents in the City; in-house knowledge of this kind is another advantage to be gained from supporting the study.

In addition to any future financial contribution, in-kind support such as the loan of equipment and allowances of time to Joanne to set up monitoring equipment, will be facilitated administratively.

The proposal:

- Closely aligns with the aims of the study proposed by JANAG in 1996.
- Provides for interim reports of useable information to Council and will assist in providing data as recommended by the Flight Path and Procedures review.
- Expands on the JANAG aims by monitoring aircraft noise inside and outside of the circuit training areas.
- Provides some leverage over employing contractors for the funds available.
- Will be highly creditable.
- Will lead to the development of significant in-house expertise and therefore is worthy of Council's support.

Strategic Plan/Policy Implications

Aligns with Objective 2.2: 'Ensure that development will enhance the levels of amenity currently enjoyed by the community'.

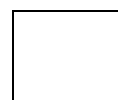
Budget/Financial Implications

Costs of adopting this recommendation will be of a minor administrative nature only and will be covered by normal health service budget.

After consideration of the formal proposal in the New Year, a decision to provide funding can be accommodated through Account Number 200462. Approximately \$12,000 of uncommitted funds is available in this account.

Implications of Section 3.18(3) Local Government Act, 1995

Nil



199. (AG Item 13.5) (OCM2_8_1999) - PROPOSED CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN EPPALOCK GROVE AND SOUTH LAKE DRIVE, SOUTH LAKE. (450743) (PT) (EAST) (MAP 14)

RECOMMENDATION

That Council:

- (1) seek the assistance of the Department of Land Administration (DOLA) to close the pedestrian accessway from Eppalock Grove and South Lake Drive, South Lake;
- (2) request DOLA to seek a valuation taking into account the cost of any service relocation;
- (3) upon receipt of the above valuation, request adjoining residents if they are prepared to purchase the land;
- (4) request DOLA to finalise closure procedures, subject to the adjacent owners agreement to purchase the land; and
- (5) in the event that the adjacent owners are not prepared to purchase the land, the accessway will remain open.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

CARRIED 2/0

Background

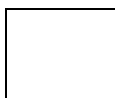
Council received a letter signed by a number of residents who live in the vicinity of the walkway. The letter was requesting Council to investigate the possible closure of the walkway.

Submission

The main grounds for this closure stem from the increasing incidence of theft, vandalism and noise pollution emanating from the walkway.

Report

A limited response was received from residents in the vicinity of the accessway. This may be due to the fact that a number of the residents had signed the initial letter that was submitted to the Council. One



resident phoned in to say that she was not too concerned about the pathway issue (refer to Schedule of Submissions in Agenda Attachments)

The Water Corporation raises an objection as an existing water main is located within the closure. The main can be cut, capped and the reticulation system modified and relocated at a cost of \$874.00 (valid for three months from 23 July 1999) not including the cost of associated restoration works (repair to footpaths/paving disturbed during the works).

Letters received from the other major Government Departments that provide services to the area, advise that they have no objections to the proposal.

The proposed closure was advertised by way of letters to the householders in the catchment area of the accessway.

The people who live adjacent to the accessway, cite problems of anti-social behaviour, rocks and debris being thrown over the fence, break-ins and vandalism.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil

200. (AG Item 13.6) (OCM2_8_1999) - PROPOSED AMENDMENTS TO POLICY PD 16 (9003) (SR) (ALL WARDS)

RECOMMENDATION

That Council:

(1) amend Policy PD 16 as follows:

1. Substitute standard condition **S73** with the following:

S73A *The subdivider undertaking a geotechnical survey on the property to determine the classification of the soil (foundations) under Table 2.1 of Australian Standard 2870-1996.*



S73B *The subdivider providing an engineers report certifying that the soil and any filling or backfilling has been compacted, to a minimum classification of "Class A" under Table 2.1 of Australian Standard 2870 - 1996.*

2. Adding the following standard condition **S69A**:

Before any site works are commenced, the subdivider is to have provided a flora and fauna survey of the land and a management plan identifying measures to minimise the clearing of existing vegetation and to provide for the protection/relocation of fauna.

3. Amending standard condition **S75** by adding the words:

"All retaining walls must be designed to take the live and dead loads of a 1.8 metre high standard fibre cement sheet fence as a minimum requirement."

- (2) advertise the policy amendment for a period of 21 days in accordance with Clause 11.1.1 of District Zoning Scheme No 2.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that Council:

- (1) amend Policy PD 16 as follows:

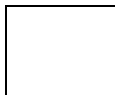
1. Substitute standard condition **S73** with the following:

S73A *The subdivider undertaking a geotechnical survey on the property to determine the classification of the soil (foundations) under Table 2.1 of Australian Standard 2870-1996.*

S73B *The subdivider providing an engineers report certifying that the soil and any filling or backfilling has been compacted, to a minimum classification of "Class A" under Table 2.1 of Australian Standard 2870 - 1996.*

2. Adding the following standard condition **S69A**:

Before any site works are commenced, the subdivider is to have provided a flora and fauna survey of the land and a management plan identifying measures to minimise the clearing of existing vegetation and to provide for the protection/relocation of fauna.



3. Adding the following standard condition **S75A**:

"Retaining walls installed as part of a subdivision for residential development must be designed in accordance with Australian Standard AS 1170 Parts 1 and 2 - 1989, to take live and dead loads imposed by a single storey brick and tile residence placed a minimum of 1 metre from the retaining wall boundary and the design of the retaining wall must also provide for the erection of a 1.8 metre high fibre cement fence placed on or against all boundary retaining walls."

- (2) add new Policy PD 46 as follows:

1. **"PD 46 UNAUTHORISED RETAINING WALLS**

If retaining walls are constructed as part of a subdivision without a building licence being issued by the Council the subdivider shall provide Council with a certificate from a suitably qualified independent structural engineer stating that any or all of the retaining walls comply with Australian Standard AS 1170 Parts 1 and 2 - 1989."

2. Policy PD 46 shall be delegated to the Principal Building Surveyor to enable the Principal Building Surveyor to request the certification from a suitably qualified independent structural engineer to the satisfaction of the Principal Building Surveyor, prior to the issue of any building licence on a lot retained by a retaining wall erected as part of a subdivision without authorisation;

- (3) advertise the policy amendment for a period of 21 days in accordance with Clause 11.1.1 of District Zoning Scheme No 2; and

- (4) note that the "P" Statnad as shown in the background should read "S" Standard.

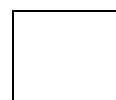
CARRIED 2/0

Explanation

Further to discussions with officers the policy was required to be reviewed as it did not cover all circumstances where there was no reasonable access to the building site.

Background

The reason for reviewing this policy is because of a recent subdivision submitted by Landcorp for twenty-four(24) lots, of which ten(10) were



only classified "P" Standard for soil condition. This is unacceptable as all new lots should be created to the highest Australian standard "A" Standard so that all purchasers are able to construct a dwelling with no additional costs for footing construction.

Given that the standard condition only requires the subdivider to undertake geo-technical reports for a new subdivision, the condition needs to be made more specific to ensure that the condition relates to the standard of soil condition required for subdivided lots.

If this is not done then it presents a potential problem between the builder and the Council's Building Department in terms of footing requirements based on further geo-technical examination and also there is the risk that the purchaser of the new lot may on sell to a new owner without advising them of the poor soil conditions.

Therefore, a new and clearer condition needs to be adopted by the Council.

Submission

Council has adopted a "Bushland Conservation Policy" (PD 8) which, inter alia, requires flora surveys to be carried out at rezoning and structure plan levels to identify the values of bushland on land to be rezoned and/or subdivided. There is a need to provide more effective administrative mechanisms to ensure that such a survey is carried out prior to the commencement of subdivisional earthworks. Similarly, Council Policy PD 42 "Native Fauna Protection Policy" requires that conditions be placed on subdivision approvals to give effect to the fauna survey requirement in relevant circumstances.

Consequently, additions to the Council's standard Subdivision Conditions comprised in Council Policy PD 16 are required.

In addition, it has become necessary to clarify the Council's standards for the foundation conditions of new residential lots created in broadacre subdivisions. This will generally be limited to cases in which land has been subject to extensive fill and cases in which the topography and the general soil profile necessitate the need for such a report. Any clearance of the subdivision will be based upon the advice of a suitably qualified Engineer.

A further minor addition is to specify the minimum design standard for retaining walls constructed as part of the subdivision process.

Report

The Western Australian Planning Commission's Planning Bulletin No. 10 of 1996 provides a commentary on the requirement for Geotechnical



Reports for Subdivision. The Bulletin states that: *"It is accepted practice that development should be able to proceed on a subdivided lot with little or no preparation and on standard footings."* This characteristic translates into a site classification of "A" under Australian Standard 2870 - 1996 for new residential construction.

The City should seek to minimise the potential for new lots to be created which do not meet this standard, as this imposes an additional hidden cost on purchasers for non-standard footings.

The retaining wall specification is to address the current situation in which some developers do not allow for any surcharge on the retaining walls. As every residential lot will have a fence, it is considered reasonable that all retaining walls should be capable of at least withstanding the windloading of a typical 1.8 metre fibro fence.

Strategic Plan/Policy Implications

Policy PD 9 - Bushland Conservation Policy
Policy PD42 - Native Fauna Protection Policy

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil

201. (AG Item 13.7) (OCM2_8_1999) - PROPOSED SHED AND LEAN-TO LOT 26; 136 BRITANNIA AVENUE, BEELIAR - OWNER: C. PARATORE & D. CARRARA. APPLICANT: D. CHEON & ASSOCIATES (3318253) (MT) (COASTAL) (MAP 9)

RECOMMENDATION

That Council:

- (1) characterise the use/development as a 'Use Not Listed' and advertise the proposal in accordance with Clause 6.2 of the Scheme;
- (2) authorise the Director Planning and Development to issue a Form 2 Notice of Approval, subject to no objections being received and subject to the following conditions:

Special Conditions



1. All craypots to be stored under cover.

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;
- (3) in the event that objections are received, the matter is to be reconsidered by Council.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

CARRIED 2/0

Background

ZONING:	MRS:	RURAL
	DZS:	RURAL
LAND USE:	VACANT (HOUSE & ANCILLARY ACCOMMODATION APPROVED & IN PROCESS OF BEING BUILT)	
LOT SIZE:	4048m ²	
AREA:	396m ²	
USE CLASS:	"P"	

This application was considered by Council at its meeting held on 10 August 1999 and was resolved to defer the application to the next meeting.

Submission

The plans indicate a shed 18 metres long by 12 metres wide with an adjoining 18 metres long by 10 metres wide lean-to. The total area is 396m² and the wall height is 4.2 metres. A copy of the submitted plans are included in the Agenda Attachments.

A letter from the landowner dated 27 July 1999 states the shed "*will be used for storage of my business equipment eg craypots, ropes, floats etc.*" A further submission from the owner dated 10 August 1999, reiterates the above and adds that the storage will only be between the months of July to October. Further, the shed will also be used to store



personal goods. A copy of the submission is attached. The applicant has advised that about 80 craypots are to be stored.

A legal opinion was sought from Council's solicitors.

Report

It was previously considered that the storage of craypots should be classed as a "Warehouse" - which is an "X" use in the Rural Zone. Council's solicitors have advised that "Warehouse" does not apply to this application because the definition in Council's Scheme is the "storage of goods". "Goods" are defined in two leading dictionaries as items for retail or sale. The craypots are not for retail or sale and therefore the shed cannot be classed as a warehouse. There is no use within the Scheme Zoning Table applicable to the storage of fishing equipment. Therefore it is a Use Not Listed - and "SA" use.

It is open to Council to find the use is appropriate in the Rural Zone. The solicitors found there is no description in the Scheme of the intent or purpose of the Rural Zone - only what can be assumed from the permitted uses in the Rural Zone. It is difficult therefore, to determine if the use is appropriate.

Given this uncertainty, Council's solicitors have suggested an alternative question to ask in assessing the permissibility of the proposed use. Will the use detract from the "rural purpose or character" of the area? While we have no clear definition of rural character, it is the officer's opinion that the shed will not detract from the rural character of the area.

The storage will be out of view and will not necessitate the pots being moved in or out of the property except once or twice per year. There may be some potential for odour from the pots and the equipment. However there is an acceptable setback from neighbouring dwellings. The shed is quite large in scale, but is not totally out of place in the area. There are a number of existing sheds of similar size nearby, most notably a colourbond shed of similar scale approved recently on a neighbouring property. The lie of the land means the shed will be most visible from the west, where there is primarily land used for market gardening. There are a number of residential dwellings close by but the majority are to the east, the shed will not be visible from this direction. On balance, it is considered the scale of the shed would not detrimentally affect the amenity of the area.

On the basis that the proposed use will not detract from the rural character of the area, it is open to Council to approve the shed and intended use to store fishing equipment.

Clause 3.2.4 of the Scheme first requires that a 'Use Not Listed' be advertised for a 21 day period prior to any Approval being granted.



Strategic Plan/Policy Implications

PD18 "Ancillary Outbuildings (Sheds) in Special Rural and Rural Zones" states:

"Any shed in excess of 200m² in area... (in the) Rural Zone must be referred to Council for development approval. The applicant must provide a statement of proposed use for the outbuilding for Council's determination".

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil

- 202. (AG Item 13.8) (OCM2_8_1999) - PROPOSED DRY NON-HAZARDOUS RECYCLING AND TRANSFER FACILITY - LOT 88 (NO. 31) CUTLER ROAD, JANDAKOT. OWNER: DALLA RIVA (AUST) LTD. APPLICANT: WESTMORE CORPORATION PTY LTD. (5514943) (CC) (EAST)**

RECOMMENDATION

That Council:-

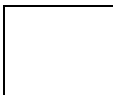
- (1) approve the proposed non-hazardous dry waste recycling facility on Lot 88 Cutler Road, Jandakot subject to the following conditions:-

Standard Conditions

1. Standard Conditions and Footnotes contained in Council Policy PD 17 determined appropriate to this application by delegated officer under clause 7.6 of the City of Cockburn District Zoning Scheme No. 2.

Special Conditions

1. The site is to be fenced to a minimum standard of 1.8 metre high chain mesh fence with 3 strands of barbed wire. The fence is to be clad in a fine mesh material of either shade cloth or some other suitable material to capture wind blown material and be maintained to the satisfaction of the Council.



2. The cross over to the proposed use area is to be constructed and bituminised to the specifications and satisfaction of the Council.
 3. All materials on site are to be stored in such a way as to prevent damage to boundary fencing.
 4. The development is to be restricted to an area of no greater than 2000m² on the western boundary of the site in accordance with the site plan dated 27 June 1999.
 5. No acceptance or storage of putrescible waste (except green waste, cardboard, timber and paper), hazardous waste, liquid waste and intractable waste to occur on site.
 6. Storage of inert non-recyclable waste shall not exceed 200 cubic metres at any one time and green waste storage shall not exceed 100 cubic metres at any one time. All inert non-recyclable and green waste shall be removed from site within 48 hours of delivery.
 7. The use area is to be hard stand with either bitumen or limestone base to the satisfaction of Council.
 8. A sprinkler system is to be installed that is capable of directing water across the entire surface area of the site, to stabilise stockpiles and trafficked areas to the satisfaction of the Council.
 9. No disposal or burning of waste-material of any kind to occur on site.
- (2) issue an MRS Form 2 Notice of approval to the applicant; and
- (3) advise the adjoining landowner of the Council's decision.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

CARRIED 2/0



Background

ZONING:	MRS:	INDUSTRY
	DZS:	GENERAL INDUSTRY
LAND USE:	FACTORY	
LOT SIZE:	3.4 ha	
AREA:	2000m ²	
USE CLASS:	General Industry	

Lot 88 is zoned General Industry under TPS No. 2 and developed with a factory building. The factory use has consolidated over time with approvals for associated uses and additional structures.

A 2000m² portion of the site on the western boundary is leased to Westmore Corporation Pty Ltd and is being used for recovery of recyclable material from building site waste and as a transfer facility for recyclable and non recyclable waste. The Council has issued no approval for this activity.

The Department of Environment has issued a works approval licence for the operation, which limits the type of waste material to be accepted on site to dry non-hazardous waste, limits on the amount of waste material on site at any one time and includes measures to attenuate wind blown waste. The limits imposed by the licence and the area of land, allows for only a small-scale recovery and transfer facility. The current licence tightens requirements on site after the occurrence of several fires.

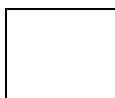
In May 1999, Council received a detailed letter of complaint from an adjoining landowner. Concerns were raised about fires on site, the nature of material on site, damage to boundary fencing, wind blown material to the complainant's land and the unsightliness of the waste material.

Submission

Application has been made to use the 2000m² portion on the western boundary of Lot 88 for the recovery of recyclable materials from building site waste and as a transfer station. The application seeks to formalise the existing situation with Council.

The main physical and operational characteristics of the proposal are:

- building site waste delivered to site and recovery of steel, copper, aluminium, timber with the balance of the waste i.e. vegetation and masonry waste to be transferred to land fill sites.
- site to be hard-stand with limestone base;
- demountable office on site;
- 2 employees; and
- storage of waste disposal bins.



Report

The proposed use is considered Industry-General under TPS No.2, which is a "P" (permitted) use in the General Industry Zone of the Scheme.

Ordinarily, "P" use applications are dealt with under delegation. This application is referred to Council in order to clarify that, although this proposal deals with waste material, it does not fall within the scope of the McNeice ruling on noxious industry.

As comparative background, Council at its Special Meeting of 9 November 1998, refused the proposed liquid waste recycling facility at Lot 196 Cocos Drive, Bibra Lake because the facility incorporated preventative measures. The McNeice ruling has deemed that any industry requiring the incorporation of preventative measures to avoid causing a nuisance to the health of inhabitants in the district, is a noxious industry.

In respect to the proposed facility on Lot 88, the site would require appropriate fencing in order to prevent waste such as plastic bags, paper and other light material from being blown off-site. A water sprinkler system would also be required to stabilise the limestone road base and as protection in the event of fire. It is considered that these measures attenuate potential off-site impacts that may affect the amenity of the locality but do not constitute a nuisance to the health of inhabitants.

As mentioned, the facility is a small-scale operation limited by its Environmental Protection Authority licence and relative small area (2000m²) leased by Westmore Corporation. In the event however, that the proposed use seeks to expand significantly, it may be open to Council to deem that the operation constitutes a Noxious Industry. The subjective test would be that the scale or degree of the potential nuisance, notwithstanding preventative measures such as dust suppression, would impact on the health of adjacent employees.

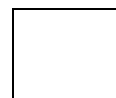
The adjoining land-owners complaints are addressed by the current licence issued by the Department of Environmental Protection and appropriate planning conditions.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A



Implications of Section 3.18(3) Local Government Act, 1995

Nil

203. (AG Item 14.1) (OCM2_8_1999) - LIST OF CREDITORS PAID (5605) (KL)

RECOMMENDATION

That Council receive the List of Creditors Paid for July 1999, as attached.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

CARRIED 2/0

Background

It is a requirement of the Local Government (Financial Management) Regulations 1996, that a List of Creditors be compiled each month.

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil



CONFLICT OF INTEREST

Cmr Smithson stated that she was advised by the Chief Executive Officer that he had a conflict of interest in Agenda item 14.2.

Chief Executive Officer

Agenda Item 14.2 - The nature of the interest being that he lives in close proximity to the proposed Reserve.

THE CHIEF EXECUTIVE OFFICER LEFT THE MEETING AT THIS STAGE THE TIME BEING 8.05 PM.

204. (AG Item 14.2) (OCM2_8_1999) - REVESTING OF RESERVE 28853 DRAINAGE TO ROAD RESERVE - GERALD ROAD, SPEARWOOD (2204035) (KJS)

RECOMMENDATION

That Council:

- (1) request the Department of Land Administration to revest Drainage Reserve 28853 to a Road Reserve, subject to the proponent accepting all costs incurred by Council to date, together with any future costs associated with the reclassification of the Reserve;
- (2) seek approval from the Western Australian Planning Commission for the creation of an under-width road; and
- (3) list for consideration on the 2000/01 Budget, the construction of a footpath from the west end of the proposed accessway through to Shallow Street.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that Council:

- (1) request the Department of Land Administration to revest Drainage Reserve 28853 to a Road Reserve, subject to the proponent accepting all costs incurred by Council to date, together with any future costs associated with the reclassification of the Reserve;
- (2) seek approval from the Western Australian Planning Commission for the creation of an under-width road reserve;



- (3) support the re-vesting of the Drainage Reserve to Road Reserve subject to the applicant accepting all of the costs associated with:-
- (a) the design and construction of a vehicle accessway from Gerald Road and a pedestrian path linking the accessway to Shallow Street and associated works in accordance with the specifications of and to the satisfaction of the Council;
 - (b) the installation of landscaping within the road reserve between Gerald Road and Shallow Street to the satisfaction of the Council and for the developer to be responsible for the maintenance of the landscaping for a minimum period of 12 months following its installation.

CARRIED 2/0

Explanation

It was established that the proposal has a lot of merit, as it helps improve the appearance in the area and enhances the access to the Shopping Centre. Council considered that all the costs should be paid by the developer.

Background

Council, at its Meeting held on 19 January 1999, resolved :

That:

- (1) *Council advertise the proposal to change the vesting of Reserve 28853;*
- (2) *subject to there being no substantial objections to (1), request the Department of Land Administration to re-vest Drainage Reserve 28853 as a road reserve; and*
- (3) *Council seek approval from the Western Australian Planning Commission for the creation of an under width road.*

Submission

The owner of 19 Gerald Road, Spearwood, F. Sander, has written to Council requesting a determination following the advertising of the proposal.



Report

Two Concept Plans were prepared showing a mews-type set out within the reserve, one gaining access off Gerald Road, the second gaining access off Shallow Street.

Several respondents in Gerald Road objected to an access onto this road, because they felt that Gerald Road was already a dangerous road and that additional access onto this road would exacerbate the problem, whilst the house directly opposite the proposed road, felt that car headlights would reflect directly on their house.

A resident in Shallow Street adjoining the reserve, objected to the accessway in Shallow Street, as they felt that cars using the road would cut across their verge and possibly run off the road when taking the corner too fast, thus putting them, as occupants in danger. Site inspection reveals that a speed reducing plateau has been placed in Shallow Street opposite the reserve. It would be difficult to incorporate this device into the proposed new road layout.

Access onto Gerald Road is preferable to Shallow Street, due to the design problems associated with the existing traffic management device.

A recent traffic count in Gerald Street near the proposal, recorded 888 vehicles per day with an 85 percentile of 68 kms per hour. Gerald Road would be classified as an access road under the Western Australian Planning Commission policy. These counts are not inconsistent with that classification.

The owner of 19 Gerald Road has indicated that if the proposal is adopted, then he will apply for subdivision of his property to create two additional lots to front the proposed accessway. Two additional houses will not have a significant impact on traffic volumes in Gerald Road. The proposal will have no greater impact than the normal battle axe leg of a more traditional multi-unit development, in terms of headlights shining onto houses on the opposite side of the existing road.

The Manager, Planning has supported the proposal as being a logical consequence of the R60 zoning for this area.

The owner of 19 Gerald Road has undertaken to meet the full cost of the road pavement for the accessway off Gerald Road at an estimated cost of \$14,000, along with some landscaping.

The proposal, if adopted, should result in a mews type development in keeping with the R60 zoning. Pedestrians will be able to use the pavement providing enhanced access to and from the Phoenix Shopping Centre. The two houses that are expected to be constructed fronting the



accessway, will tend to discourage anti-social behaviour which can occur in areas such as this.

It would be reasonable for Council to expect all costs and works associated with the reclassification to be borne by the proponent. The proponent pursuant to Section 28A of the Town Planning and Development Act may be able to recover a proportion of the construction costs, if and when other owners who adjoin the reserve subdivide.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

All costs to be borne by the proponent.

Implications of Section 3.18(3) Local Government Act, 1995

Nil

THE CHIEF EXECUTIVE OFFICER RETURNED TO THE MEETING THE TIME BEING 8.10 PM.

205. (AG Item 14.3) (OCM2_8_1999) - RATES INCENTIVE DRAW (5233) (KL)

RECOMMENDATION

That Council approve the funding of up to \$2,100 to fund an additional three prizes (to a maximum of \$700 per Assessment), for the reimbursement of Rates and Charges for the 1999/00 Rates Incentive Draw, with funds being drawn from the General Donations Account No.315547.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

CARRIED 2/0



Background

Tenders were called in 1996 for the provision of banking services for a period of 3 years. The successful tenderer was the National Australia Bank. The tender period expired on 31 July 1999. The basic arrangement of the tender was that the City would retain \$10 million of invested funds with the National Australia Bank, in exchange for fee free banking.

Submission

N/A

Report

The Manager of Finance has been in negotiations with Council's current Bankers (National Australia Bank) for some months to re-confirm terms and conditions for banking services. A reply was finally received from the National Australia Bank, the same day as the rates notices were being finalised with the printers.

The options which were offered to the City by the Bank were not favourable to Council. The Director, Finance and Corporate Services and Manager, Finance felt it would be more advantageous to Council to cancel the arrangement with the Bank, which resulted in the Rates Incentive Draw prizes of \$1,200, \$500 and \$300 no longer being available. As a result of this action, the Chief Executive Officer consulted with the Chairperson of Commissioners to increase the previous single prize offered by the City of reimbursement of Rates and Charges to the value of \$700.00, to four prizes of reimbursement of Rates and Charges to the value of \$700.00 each.

Strategic Plan/Policy Implications

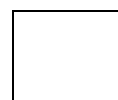
N/A

Budget/Financial Implications

The General Donations Account No.315547 has a budget of \$8,000.00 which will be sufficient to meet the increased cost of this initiative. Last year's budget was \$8,000.00 of which \$6,044.00 was spent.

Implications of Section 3.18(3) Local Government Act, 1995

Nil



206. (AG Item 14.4) (OCM2_8_1999) - INTERNAL AUDIT COMPLIANCE QUOTATION (5017) (KL)

RECOMMENDATION

That Council accept the quotation submitted by Barrett and Partners for \$36,000 to conduct the Internal Audit Compliance process over a 4 year period, to be completed by 30 June 2003.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the matter be deferred to the next meeting.

CARRIED 2/0

Explanation

The matter was deferred as Cmr Donaldson was away at a conference. Council felt that his input on the matter would be beneficial as he was on the Internal Audit Committee. It was also stated that a delay in making a decision at tonight's meeting would have no material affect on the issue.

Background

At its meeting held on 20 April 1999, Council adopted an Internal Audit Charter. Under the Local Government (Financial Management) Regulations 1996, the Chief Executive Officer is required to undertake reviews of the appropriateness and effectiveness of the Financial Management Systems and procedures of the local authority.

Submission

N/A

Report

Quotations were requested from 3 firms to undertake the process of compliance audit over a 4 year period, commencing 1 July 1999 and ceasing on 30 June 2003.

Based on an overall assessment of the quotes submitted, the most advantageous quotation submitted to Council, is that by Barrett and Partners.

Barrett and Partners are currently Council's external auditors, however this does not present a conflict of interest, as the external and internal audits are conducted by separate departments.



This possible conflict of interest was raised by Council at its April Meeting when the issue of the Audit Charter was being discussed.

The Department of Local Government's view is, it is common practice in the business environment to have the same organisation do both internal and external audits, provided the organisation has two separate divisions, which Barrett and Partners do have.

The quotations submitted by the accounting firms contain an implementation strategy which will be pursued by the Audit Committee. The composition of this Committee was agreed to by Council at its meeting on 11 May 1999.

As part of accepting the Internal Audit Charter, Council has resolved to establish an Internal Audit Group. A part of the Audit Committee's brief is to review and/or initiate any other act necessary to ensure compliance with other policies, plans, procedures, laws and regulations.

Quotations submitted also provided an hourly rate to cover any compliance work the Audit Committee may require to be undertaken for specific issues which require investigation. Barrett and Partners have quoted the lowest rate to provide any compliance work which may be necessary.

Although their quotation to undertake the Financial Management Review was not the lowest, combining the two tasks together, means that the package provided by Barrett and Partners provides the most cost effective solution for Council.

Strategic Plan/Policy Implications

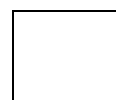
N/A

Budget/Financial Implications

Council has provided \$25,000 in Account No.110477 to conduct the first stage of the audit during 1999/00.

Implications of Section 3.18(3) Local Government Act, 1995

Nil



207. (AG Item 14.5) (OCM2_8_1999) - OFFER TO LEASE RESERVE 31607 SPEARWOOD AVENUE, BIBRA LAKE - BUNNINGS BUILDING SUPPLIES (1117498) (KJS)

RECOMMENDATION

That Council accept the offer from Bunnings Building Supplies to lease 1,132 sq.m. of Reserve 31607 for an annual rental of \$6,792 for the purposes of car parking, subject to final endorsement by the Department of Land Administration.

COUNCIL DECISION

MOVED Cmr Smithson SECONDED Cmr Jorgensen that the matter be deferred to the next meeting.

CARRIED 2/0

Explanation

The matter was deferred on the recommendation of the Chief Executive Officer as there were shortfalls in the recommendation with regard to the requirements of advertising and a sworn valuation of the land to be obtained.

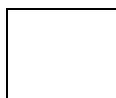
Background

Council at its Meeting held on 20 April 1999 resolved to:

- (1) *request the Department of Land Administration to relocate Drainage Reserve 31607 from its current position to a location north of its current location and abutting Spearwood Avenue;*
- (2) *issue a management order (vesting) for the purpose of drainage and parking for the City of Cockburn with a power to lease;*
- (3) *on completion of (2) and (3) above, enter into negotiations with Bunnings to lease portion of the reserve for parking purposes associated with the development on Lot 301 Spearwood Avenue; and*
- (4) *that Bunnings pay all costs associated with (1), (2) and (3) including legal and construction costs.*

Submission

Bunnings has written to the City with an offer to lease portion (1,132 sq.m.) of Reserve 31607 for the purpose of car parking. The terms of the lease are \$6,792 per annum for 10 years with two 5 year options.



Report

The Department of Land Administration has had the new boundary surveyed and is currently attending to the legal aspects of the land transactions. The Reserve will be for the purpose of Drainage and car parking with a power to lease.

The offer by Bunnings is a typical commercial lease, being 10% of the land value in dollars per sq.m., multiplied by the area of the lease. Council's Property System shows that Bunnings recently purchased the adjoining site for \$60 per sq.m.. The offer is considered to be fair and reasonable.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

N/A

208. (AG Item 15.1) (OCM2_8_1999) - PROPOSED POLICY F1.14 - EVALUATION OF TENDERS (4401) (DMG/JR)

RECOMMENDATION

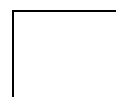
That Council adopts the attached Policy F1.14 - Evaluation of Tenders and this be included as information for tenderers in the tender documentation prepared for each Contract.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that Policy F1.14 - Evaluation of Tenders be adopted as follows:

- (1) CITY OF COCKBURN
TENDER ASSESSMENT CRITERIA

Tenders for the supply of equipment, works or services to the



City of Cockburn will be evaluated at the sole discretion of the City and will be based on, but not limited to, the following criteria, to ascertain the most advantageous tender for the Council:

1. **INTERPRETATION OF BRIEF**

Tenderer to demonstrate understanding of Council's requirements.

2. **INSURANCE**

Certification that all necessary Insurance Policies are held and current and, if necessary, can be provided on request to the City.

3. **EVIDENCE OF STABILITY**

Including:

- Length of time the company has been in continuous existence;
- Length of time the company has provided the specified service;

4. **SAFETY MANAGEMENT PLAN**

(a) The provision of a Safety Management Plan indicating:

- Leadership and commitment;
- Policy and strategic objectives;
- Organisation and responsibilities;
- Planning and procedures (manuals); and
- Performance monitoring (Lost Time Injury Data), or

(b) Attendance at an appropriate briefing conducted by the City on Occupational, Health and Safety matters relative to the Tender and, if required, the subsequent provision of a Plan to include reference to those issues mentioned at 3(a) as required by the City.

5. **ORGANISATION STRUCTURE**

Organisational structure that shows lines of responsibility.

6. **QUALITY ENDORSED COMPANY**

Preference will be given in the evaluation process to tenderers demonstrating the achievement of, or progress towards, Quality Assurance Certification.



7. **MANAGEMENT RESOURCES**
Experience, qualifications and relevant expertise of tenderer's management team.
8. **LABOUR RESOURCES**
Experience, qualifications, expertise and number of personnel available and source of labour
9. **PLANT AND EQUIPMENT RESOURCES**
 - Appropriateness
 - Quality
 - Quantity
 - Age
 - Maintenance programs
10. **DELIVERY OF SUBJECT TENDER**
Ability of the Tenderer to provide the specified equipment, works or services at the specified times in addition to any existing or future contracts currently obligated to.
11. **EXPERIENCE**
Experience of the Tenderer in delivery of the type of specified equipment, works or services to the City or other similar authorities and/or organisations.
12. **REFERENCES**
References from other organisations the Tenderer is or has been contracted to which attest to competent standard of performance.
13. **PRICE**
Tendered price within budgeted allowance.
14. **IMPLEMENTATION STRATEGY**
Strategies, techniques, processes and procedures tenderers intend to use in delivering the specified equipment, works or services.
15. **ENVIRONMENTAL PRACTICES**
Preference may be given to tenderers displaying sound Environmental Protection Practices or Policies related to the delivery of the equipment, works or services being provided.
16. **FINANCIAL CAPABILITY**
Able to demonstrate, if required by the City, the capacity

to fund the contract, the subject of the Tender, prior to acceptance.

- (2) Canvassing of City of Cockburn Councillors or staff, will result in the elimination of that Tender from the selection process. Tenderers may contact relevant Council staff only for the purposes of obtaining further information required to assist with the preparation of their tender.
- (3) Tenders submitted which are not compliant with Specifications prepared by the City for each Contract, will not be considered in the selection process.
- (4) Tenders received after the notified closing date and time will not be considered in the selection process.
- (5) Neither the lowest priced, nor any other Tender, will necessarily be accepted.
- (6) The City reserves the right to negotiate with each or any Tenderer, provided that any such negotiations do not result in the Tender price being amended, nor any significant difference being made to the specified equipment, works or services being provided.
- (7) The Tender selection process, including any reports and recommendations made to Council, or any decisions made under the Delegated Authority of Council, relative to any Tender, shall be based on, and made in accordance with, this assessment criteria.
- (8) In evaluating tenders, weightings should be given to the assessment criteria wherever possible and allocated weightings included in the tender documentation.

CARRIED 2/0

Explanation

Minor amendments to the proposed Policy were suggested to ensure a methodical approach is made in evaluating tenders and that the tenderer is able to demonstrate an understanding of Council's requirements.

Background

At the Ordinary Meeting of Council held on Tuesday, 22 June 1999, consideration was given to the Tender for the Cleaning of the South Lake Leisure Centre (Item 116). It was resolved that a policy be formulated on the criteria to be applied in assessing tenders.



Submission

N/A

Report

Accordingly, the list of criteria which are generally used in the evaluation of tenders for Council, have been identified and are listed in the proposed Policy. As all tenders are different, with some for the supply of plant and equipment, others for services, materials, building works, consultancies etc., it is considered that the listed criteria should be used as a basis only, with specified criteria identified for individual tenders, being applied at the time of considering the acceptance of each Tender.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil

209. (AG Item 15.2) (OCM2_8_1999) - TENDER NO. 40/99 - MAINTENANCE OF PUBLIC OPEN SPACE AND LANDSCAPED AREAS, ATWELL ESTATES (AWC)

RECOMMENDATION

That Council accept the tender submitted by Lovegrove Turf Services Pty Ltd for Tender No. 40/99 - Maintenance of Public Open Space and Landscaped Areas, Atwell Estates for the sum of \$153,720 per year for a period of 3 years commencing 1st September 1999.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

CARRIED 2/0

Background

From 1 July 1999, total responsibility for care and maintenance of the public open space and landscaped areas within ten of the eleven stages of the subdivisional development known as Beeliar Parklands, in the suburb of Atwell, reverted to the Council. Consequently, specifications were prepared to reflect the level of maintenance that would be required to maintain these areas to the standard that had been established by the developers, at the time of construction. A review of the City's maintenance activities indicated that additional equipment and personnel resources would be required by the City, to undertake this maintenance. Due to the time that would be required to establish the required resources, a decision was taken to outsource the work with the exception of the Atwell Sports oval, which would continue to be maintained by the Council's workforce.

Submission

Tenderer	Cost per Year \$
1. Lovegrove Turf Services	\$153,720
2. Landscape Development	\$171,370
3. Mandurah Distinctive Landscaping	\$186,563
4. Perdita Lawn & Garden Services	\$195,250
5. Kim Gorey	\$241,180
6. Hadlows Horticulturalists	\$320,000
7. Environmental Industries	\$208,269

Report

On Saturday 24th July 1999, tenders were called for the maintenance of public open space and landscaped areas in Atwell for a three year period, by advertisement in *The West Australian* newspaper.

Seven tenders were received, each of them complying with the requirements of the tender documents. The lowest tender was received from Lovegrove Turf Services, an experienced and well established business in the turf and landscape industry in Western Australia.

Predetermined tender evaluation criteria were detailed in the tender documents and used to evaluate the submission received. (Refer to Agenda attachment for details).

Strategic Plan/Policy Implications

N/A



Budget/Financial Implications

There are funds provided in the 1999/2000 budget for the first year of the contract.

Implications of Section 3.18(3) Local Government Act, 1995

Nil

210. (AG Item 16.1) (OCM2_8_1999) - COCKBURN BASKETBALL ASSOCIATION (8000) (RA)

RECOMMENDATION

That Council provide up to \$45,000 for the replacement of the eastern portion of the roof on the Wally Hagan Stadium in early 2000, with the funds to be drawn from the Community Recreation Facilities Reserve Fund, conditional on the Cockburn Basketball Association entering the prepared lease.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that:

- (1) Council provide up to \$45,000 for the replacement of the eastern portion of the roof on the Wally Hagan Stadium in early 2000, with the funds to be drawn from the Community Recreation Facilities Reserve Fund, conditional on the Cockburn Basketball Association entering the prepared lease; and
- (2) a draft policy be prepared for consideration, in relation to the fair and equitable distribution of financial assistance for recreational buildings and facilities used by local clubs and organisations.

CARRIED 2/0

Explanation

As Council receives numerous requests for financial assistance from time to time, it was felt that a policy needed to be formulated to determine Council's position with regard to what financial assistance would be provided to local clubs and organisations.



Background

The Cockburn Basketball Association (Inc.) have leased the Wally Hagan Stadium from the City of Cockburn since December 1978, with the current lease having expired in December 1998. The drafting of the new lease is complete however, the Association wish to address the question of replacement of the roof which leaks and creates a hazard to players on the courts. The western half of the roof was replaced in early 1999 with funds being drawn from the Association (\$12,500), City of Cockburn (\$12,500) and the State Government's Community Sporting Recreation Facilities Fund (\$12,500).

Submission

The Cockburn Basketball Association has written to Council requesting that it make a commitment to the replacement of the eastern section of the roof and reimburse the cost of its contribution toward the western portion of the roof, being \$12,500.

Should the Association be given this commitment, they will sign the new lease that has been drawn up.

Report

The Wally Hagan Stadium is a significant facility which includes 4 courts with one (1) of these courts having seating to accommodate approximately 400 people. These are extensive club facilities with sponsors boxes which are also utilised by the State Basketball League's Cockburn Cougars, based at the Centre. The facilities are very well utilised providing indoor court facilities for approximately 3,000 players per week. This usage is broken down as follows:-

DOMESTIC COMPETITION

During the winter months, Cockburn Basketball Association attracts:

- (1) 92 junior teams which equates to 736 junior players.
- (2) 70 senior teams which equates to 560 senior players.

During the summer months, Cockburn Basketball Association attracts:

- (1) 110 junior teams which equate to 880 junior players.
- (2) 85 senior teams which equate to 680 senior players.

SBL COMPETITION

The SBL competition runs over the winter months and has the Cockburn Cougars playing 13 home games for the men and women, plus finals.



Over the course of the SBL season, 520 players will use the courts and an additional 1300+ spectators.

WABL COMPETITION

The WABL competition runs over the winter months and has the Cougars teams playing 13 rounds of home games at the Cockburn Basketball Association. It is expected that 2200 WABL players will use the facilities during the course of the season.

SCHOOL BOOKINGS

Local High Schools and Primary Schools use the stadium on a weekly basis. A typical week will see over 250 school students use the facilities.

NETBALL

Monday morning ladies netball has 80 players participating per week.

An average participation of approximately 3,000 per week over the year, with spectator level likely to be of at least this level.

The Association advise that the patronage of the facility has waned in recent years due, in part, to the development of other new facilities in the region such as the Lakeside Recreation Centre, South Lake Recreation Centre and Melville Recreation Centre and a decline in the popularity of basketball. The Association has taken active steps to retain and gain new members through the development of school holiday programs, school visits and the employment of Development Officers. It is the view of the Association, that it would not be viable if it has to pay the capital cost of a new roof in the near future. The Association advise that they would be happy to sign the new lease if the matter of the replacement roof was resolved. The proposed lease is for a period of 10 years effective as of December 1998 and includes a commitment by the Association, to repay a self-supporting loan.

The lease is a peppercorn with the Association paying all outgoings.

While planning for Community/Recreational Facilities does not extend beyond 30 June 2003 at this stage, it is anticipated that Community/Recreational Facilities Reserve Fund will cover all requirements for facilities until the financial year 2006/07 when a new library facility will be required in the Thomsons Lake area. Loan funds will be required above any funds held in the Reserve at that time to a \$5M plus facility. The proposed \$45,000 transfer will not impact until that time.



Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The Association currently has a self-supporting loan of \$172,065 which it is paying off over the next 10 years at six monthly repayments of \$11,368. This was for refurbishment of the building carried out in 1985 with repayment of the loan due from the date of expiration of the original lease in December 1998. The renewal of the eastern portion of the roof on the Wally Hagan Stadium, will cost in the vicinity of \$45,000. Funds are available in the Community Recreation Facilities Reserve Fund.

Implications of Section 3.18(3) Local Government Act, 1995

Nil

211. (AG Item 16.3) (OCM2_8_1999) - AUTHORISED OFFICER - PART 4 CITY OF COCKBURN CONSOLIDATED LOCAL LAWS (1015) (DMG)

RECOMMENDATION

That Council:-

- (1) cancel Delegated Authority DA-A16 "Use of Beaches and Reserves" and;
- (2) appoint the Coordinator - Recreation Services as an "Authorised Officer" in accordance with Clause 2.1.1 of the City of Cockburn (Local Government Act) Local Laws, for the purpose of administering Part IV - Division 4 of the Local Laws.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.

CARRIED 2/0

Background

Council has previously delegated the function of dealing with oval and reserve bookings. The effect of this delegation, is that the Coordinator -



Recreation Services is able to decide all applications for the recreational use of Council reserves. However, as there is a requirement to record each transaction taken under delegated authority, this process has become very unwieldy.

Submission

N/A

Report

The use of Council ovals and reserves for both active and passive recreational purposes, is an ongoing function of the Coordinator, Recreation Services.

Council's Local Law Relating to the Use of Beaches and Reserves, governs the process by which permission may be given to persons or groups wishing to use Council reserves on an ongoing or casual basis.

The current wording of the Local Law requires "Council" to grant permission for these uses and has therefore been the subject of the delegation. However, as mentioned previously, it is the recording of each transaction which has caused a time management concern for the officer, because each transaction has to be recorded on the automated Council recording system (CATS).

It is therefore recommended that this delegation be cancelled and that the Coordinator, Recreation Services be appointed an Authorised Officer for the purposes of dealing with applications for the use of Reserves.

Strategic Plan/Policy Implications

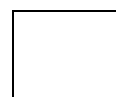
N/A

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil



212. (AG Item 23.1) (OCM2_8_1999) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

MOVED Cmr Jorgensen SECONDED Cmr Smithson that Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (a) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (b) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (c) managed efficiently and effectively.

CARRIED 2/0

MEETING CLOSED 8.20 PM.

CONFIRMATION OF MINUTES

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

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

