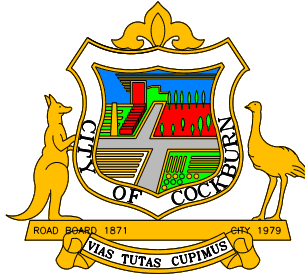


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

**FOR
TUESDAY 8 JUNE 1999**

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 8 JUNE 1999 AT 7:30 P.M.

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 8 JUNE 1999 AT 7:30 P.M.

1. **DECLARATION OF OPENING**

2. **APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)**

3. **DISCLAIMER (To be read aloud by Presiding Member)**
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.

4. **ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)**

5. **APOLOGIES AND LEAVE OF ABSENCE**

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. PUBLIC QUESTION TIME

8. CONFIRMATION OF MINUTES

8.1 (OCM1_6_1999) - ORDINARY MEETING OF COUNCIL - 25/5/1999

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

10. DEPUTATIONS AND PETITIONS

11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (if adjourned)

Nil

12. ADDITIONS TO THE AGENDA

13. COUNCIL MATTERS

13.1 (OCM1_6_1999) - REVISED EQUAL EMPLOYMENT OPPORTUNITY POLICY - A5.1 (2350) (AG) (ATTACH)

RECOMMENDATION

That Council adopts the revised Policy A5.1 - Equal Employment Opportunity, as attached to the Agenda.

COUNCIL DECISION

Background

For a number of years now, Council has applied an Equal Opportunity Policy and this policy is regularly reviewed and updated to ensure that it reflects all the provisions of the Equal Opportunity Act (1984), and changes in contemporary Human Resource Management standards.

Just recently the policy was again reviewed, so as to reflect the City of Cockburn's commitment to 'diversity' within its workforce, as well as applying a prohibition on staff using Council's Information Technology (IT) facilities to access pornographic and offensive material. The concern being that, this behaviour has the potential to compromise the City of Cockburn on matters such as sexual harassment.

This prompting the need to make some definitive statements about what is prohibited under this aspect of the policy.

The Policy concludes by reaffirming that it is the Chief Executive Officer who has the responsibility for ensuring that the policy is actioned and complied with, including the notation that should any person knowingly contravene the Equal Opportunity Act, or the Policy, then that person would face disciplinary action.

In the new recommended policy, those paragraphs that reflect these changes have been highlighted and these can be compared to the old or 'current' Policy, which is also attached for ease of comparison.

It is this revised policy that is attached for adoption by Council.

Submission

N/A

Report

As stated above.

13.2 (OCM1_6_1999) - WARD BOUNDARIES AND COUNCILLOR REPRESENTATION (1035) (DMG) (ALL WARDS) (ATTACH)

RECOMMENDATION

That :

- (1) Council engage the services of a Market Research Consultant to undertake an opinion survey of the District on the topics of Councillor / Ward Representation, Method of Election of Mayor and Postal Voting;
- (2) the survey document be approved by Commissioners prior to the commencement of the research program; and
- (3) the Minister for Local Government be informed of Council's decision.

COUNCIL DECISION

Background

At its November 1998 Meeting, Council resolved to:-

- (1) take no action in respect of changing Ward boundaries at this stage, due to the insignificant effect any change would have on the current status;
- (2) consider the matter further in early 1999 following the preparation of a Report covering a variety of options open to Council, in accordance with Schedule 2.2 of the Local Government Act 1995, for possible implementation in time for either the 2001 or 2003 elections.

In addition, at its January 1999 Meeting, Council resolved to:-

- retain the present method of choosing the office of Mayor (by election by Members of Council), and; (by separate resolution);
- not to conduct the Local Government Elections to be held in the City of Cockburn in 1999 as Postal Elections nor declare the Electoral Commissioner to be responsible for the conduct of the elections. (A motion to conduct the

elections by postal voting was lost due to a lack of a Special Majority of Council)

Submission

N/A

Report

In accordance with the November, 1998, decision of Council, and as a result of the current scenario involving the suspension of Council, it is now appropriate for the issue of Ward and Councillor Representation to be reviewed.

The Report referred to in the November, 1998, resolution is in the final stages of preparation and has examined those issues as highlighted in the attachments to the Agenda.

However, as a final check on the relevance of these issues to the views of the community, it is considered appropriate to conduct a survey of electors, prior to Council adopting a final position on this important issue.

It is proposed that a Market Research Consultant, with experience in conducting such surveys, be commissioned to undertake a random survey of the electors, similar to the manner in which the Community Needs Survey was undertaken during 1997/98.

It is expected that a concise draft survey form will be produced in conjunction with the appropriate senior staff, prior to being provided to the Commissioners for approval.

Once the final document is approved, the survey can be conducted on an equal random basis across the District, during August, 1999, with results likely to be available by October, 1999.

It is considered appropriate that the outcome of the public comment researched in this way would produce good information to be regarded alongside the detailed data to be provided in the Report currently being prepared.

In addition, there is an opportunity to seek the opinions of the community in regard to other issues recently deliberated by Council, these being the method of election of Mayor and the possibility of introducing Postal Voting, even though the merits of Postal Voting have been extensively documented as a result of the recent Council elections held throughout the State.

Strategic Plan/Policy Implications

Corporate Strategic Plan Strategies 1.12 and 1.14 refer.

Budget/Financial Implications

Funds available in A/C 500475 "Community Needs Analysis"
Anticipated cost - \$20,000

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

Nil

13.3 (OCM1_6_1999) - LEGAL REPRESENTATION FOR PRESENT AND FORMER ELECTED MEMBERS AND STAFF OF THE CITY - POLICY A1.18 (1030) (RWB) (ATTACH)

RECOMMENDATION

That Council: -

- (1) adopt Policy A1.18 "Legal Representation" as attached to the Agenda; and
- (2) delegate authority to administer the Policy to the Chief Executive Officer.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

With the Minister for Local Government's decision to further inquire into the operations of the City, legal advice/representation may be required for present and former elected members and staff.

It is appropriate therefore for Council to consider a broad policy, which provides for legal representation.

Submission

A requirement for financial assistance for legal advice has been received from: -

Clr L.P. Humphreys
Mr J.P. Grljusich
Mr M. Pecotic
Mr J. Ostojich
Mr J. Gianoli

Report

The Departmental Inquiry under Part 8 - Division 1 of the Local Government Act 1995 into Council, has already resulted in legal expenses being incurred by former Councillors. Requests have been received for Council to accept the responsibility for the cost of legal representation for that inquiry and for the recently commenced Ministerial Inquiry under Part 8 - Division 2 of the Act.

The City of Joondalup and Shire of Wanneroo have adopted a policy, which sets down the guidelines for the provision of legal representation for present and former Councillors and staff. The policy was developed due to the inquiry into Wanneroo.

The City of Canning, which was also subject to investigation, did not provide any financial assistance for legal advice/representation for members or staff.

It is considered appropriate that Council adopt a policy which provides for financial assistance for legal representation for present and former Councillors and staff, whilst undertaking their Council duties.

It is important that the policy provides guidelines on the circumstances in which expenses would be met by Council, legal representation to be used, a process to be followed and the maximum assistance to be provided.

There are two types of inquiries under the Local Government Act.

The first, under Part 8 – Division 1, conducted by the Executive Director of the Local Government Department. This takes the form of an investigation to provide advice to the Minister as to what action he should consider in relation to the performance of a Council and whether or not he should instigate a further inquiry under Part 8 – Division 2 of the Act.

Based on the first inquiry, the Minister decided to suspend the Council and conduct a second legally based inquiry into the Council. This inquiry has commenced.

The decision by Council in respect to the proposed Policy, needs to consider whether an inquiry includes any inquiry such as a Departmental Audit, Ombudsman's inquiry or similar, or whether or not a Division 1 Inquiry and a Division 2 Inquiry under the Act, are to be treated the same or differently.

It is recommended that an inquiry for the purpose of the Policy, be restricted to an inquiry under the Local Government Act. In addition, the Policy should only apply to an inquiry undertaken by the Minister under Part 8 - Division 2 of the Act.

A Division 1 Inquiry is deemed to be an informal investigation, more in line with an audit, with the outcome being to advise the Minister. There is no formal legal process and therefore, there should be no requirement for legal representation.

Should a person seek legal advice under those circumstances, they do so of their own volition.

In the case of a Division 2 Inquiry, which is conducted by an Appointed Inquiry Panel and supported by Legal Counsel, there is the potential for legal representation to be required for a member or staff where allegations are made during the course of the inquiry.

Given this, the Policy should be limited to a Division 2 Inquiry under the Act.

If Council were of the view that Division 1 Inquiries should be included, a directive will be required as to whether the Division 1 and Division 2 Inquiries are to be treated as separate or joint Inquiries.

Strategic Plan/Policy Implications

The matter deals with the adoption of a new policy.

Budget/Financial Implications

The draft budget provides for \$100,000 for the cost of the inquiry including legal expenses.

Any expenses incurred will be drawn from this fund.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM1_6_1999) - PROPOSED CLOSURE OF PEDESTRIAN ACCESSWAY - BETWEEN SOUTH LAKE DRIVE AND PLACID COURT, SOUTH LAKE (450436) (PT) (EAST) (MAP 14) (ATTACH)

RECOMMENDATION

That:

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

COUNCIL DECISION

Background

Council received a letter from residents requesting Council to investigate the closure of the walkway. These residents lived at properties that were directly adjoining the walkway.

It was resolved by Council at its Meeting held 28 April 1987 to close the pathway, with gates being placed at either end. The gates were supposed to be unlocked daily at 8:00 am and locked again at 5:30 pm by members of the South Lake Progress Association. Over time the gates have remained locked.

Submission

The main grounds for this closure stem from the increasing incidence of theft, people hiding in the locked pathway, break-ins, vandalism, drug use and anti social behaviour emanating from the locked walkway.

Report

There was no response from any of the 22 residents who live in the vicinity of the walkway and who were informed of Council's investigation into the possible closure of the pathway. This could be attributed to the fact that the pathway has been locked up and the gates **have not** been unlocked for well over a year.

Telstra has plant in the vicinity of the walkway and raises an objection to the proposal. The objection will be withdrawn where a 3m easement is created over their network in the vicinity of the proposal.

The Water Corporation also raises an objection as an existing water main is located within the closure. The main can be cut, capped and the reticulation system modified, relocated at a cost of \$2,030 (valid for three months from 17 May 1999) not including the cost of associated restoration works such as repairs to the footpaths.

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

In most cases the closure of a pedestrian accessway will impact on the residents that live in the vicinity of the pathway. This is because the residents may rely on the access the pathway provides to pedestrians to services such as schools, shops and bus stops. This proposed closure is front of Tarndale Way, a road that leads directly to South Lake Primary School. Taking into consideration that the pathway has been locked up for over a year, the lack of responses from residents living in the vicinity of the accessway and the fact that Council has previously resolved to closed the pathway, it would appear that impact of the closure of the pedestrian accessway will be far less than the continual nuisance that emanates from the accessway.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

14.2 (OCM1_6_1999) - PROPOSED BIBLE COLLEGE AND CHURCH - LOT 7 PRINSEP ROAD, JANDAKOT (5500006) (CC) (EAST) (MAP 19) (ATTACH)

RECOMMENDATION
 That Council:

(1) refuse the application to develop a Church and Bible College on Lot 7 Prinsep Road, Jandakot for the following reasons:

1. The proposal is not supported by the Water and Rivers Commission because the land is within the Jandakot Ground Water Protection Policy (SPP No. 6).
2. The proposal would have a detrimental impact on the residential and rural amenity of adjoining and nearby landowners through additional traffic and associated noise and headlights, and by the size of parking area and bulk of the building proposed which is out of scale with adjacent residential and rural development.
3. Approval to the proposal would create an undesirable precedent for developments of a similar scale to locate in the Rural zone, which would collectively jeopardise rural amenity.

COUNCIL DECISION

Background

ZONING:	MRS:	Rural-Water Protection
	DZS:	Rural (Proposed Resource zone Amendment 202)
LAND USE:	Undeveloped Rural land with 2 dwellings	
LOT SIZE:	8 hectares	

AREA:	
USE CLASS:	AA use Place of Public Worship

Lot 7 is predominantly an undeveloped rural lot of natural bushland. It has not been identified in bush plan as regionally significant.

Two dwellings and associated structures exist in the middle of the site and in the north east corner.

The lots to the north and the east are rural lots and similar in character to the subject site being mostly natural bushland developed with a residence.

The lot to the south is zoned Public Purpose in TPS No. 2 and is occupied by the Alinta Gas depot.

The adjacent side of Prinsep Road has recently been subdivided for residential lots with some still being offered for sale. Behind these lots is the Glen Iris Golf Course.

Prinsep Road has ready access to the Kwinana Freeway via Berrigan Drive.

Submission

Application has been made to develop the front portion of Lot 7 for a Church and Bible College. See agenda attachments for site plan and elevations.

The physical and operational characteristics of the proposal are as follows:

- A main building with a floor area of 4070m² comprising a main hall and stage, foyer, youth hall and other facilities such as kitchen, toilets, and other special rooms;
- building height of 8.9 metres (outward appearance two storey);
- 1011 car parking bays.
- site coverage of development approximately 40 percent;
- balance of the site 60 percent retained as bushland;
- 8 full time staff;
- 2 Sunday services from 9:00am to 6:00pm;

- facilities to be used for work-shops, meetings and other activities from Monday to Saturday up to 9:00 pm and;
- site connected to sewer.

The applicant anticipates that Sunday services will attract up to 1000 people (500 cars) at the beginning. Meetings, workshops and activities from Monday to Saturday may attract smaller groups of possibly 15 to 50 people.

Report

Council has resolved to rezone Rural and Special Rural land in Jandakot and Banjup (including Lot 7) to Resource zone to bring the Scheme into line with the MRS Rural-Water Protection zone and the WAPC SPP6 (Statement of Planning Policy No. 6-Jandakot Ground Water Protection Zone).

Under the Rural zone the proposed use is considered a Place of Public worship which is a discretionary use (AA use). Under SPP6 the use is not listed and there is a general presumption in the Policy not to allow such uses.

Council Policy (PD 43 Rural Water Protection Zone (MRS) Jandakot states that Council shall have due regard to the advice of the Waters and Rivers Commission.

The Waters and Rivers Commission does not support the proposal on the grounds that it increases potential for contamination to the priority two area of the Jandakot Underground Water Pollution Control Area. Potential sources of contamination include storm water run-off from car park areas, fertiliser to maintain grounds and from a general intensification of use on site.

Current traffic volumes on Prinsep Road for Monday to Friday average 1760 movements and on Saturday and Sunday 400 to 500 movements.

Anticipated attendance of 1000 at each Sunday services is likely to generate 4 instances of intense traffic movement with a total of 2000 extra vehicle movements on Prinsep Road, and if ultimate capacity is reached, then increased by 4000 vehicle movements.

Traffic movements from Monday to Saturday are likely to be less intense but span most of the day up to 9:00 pm. Given the capacity of parking however, the potential for traffic movements

to increase on these days is significant, especially for special events.

7 submissions of objection were received from nearby landowners. Concerns included increase traffic, scale of development, noise, youth vandalism, ground-water contamination, property devaluation and degradation of residential and rural amenity.

There are planning considerations for and against approval to the proposal.

For

The scale of the building and the parking area is comparable to the adjacent Alinta Gas depot.

The proposed use is a discretionary use for which Council can consider approval.

The site has fairly ready access to Kwinana Freeway and traffic impacts mostly confined to residents on Prinsep Road with possible congestion problems at intersections on route to and from Kwinana Freeway.

The site can be connected to sewer. The potential for ground water contamination may be limited to stormwater run off containing oil and petrol from parking areas.

General community benefit derived from additional facilities in the locality.

Against

The Water and Rivers Commission do not support the proposal on the grounds that it increase potential for ground water contamination from oil and petrol from car park areas.

There is a presumption against allowing uses not listed in SPP6 in the Ground-Water Protection Zone.

The proposal has potential to add up to 4000 traffic movements on Prinsep Road on Sundays, and may result in traffic congestion at intersections on route to and from Kwinana Freeway. Special events at the evening, or on weekends, have similar traffic generation potential. Use of the facility up to 9:00pm indicates an intermittent but regular flow of traffic throughout the day to and from the site. These additional traffic movements and associated impacts (noise and headlights) are

likely to have a detrimental impact on the residential amenity of current and future residents on the adjacent side of Prinsep Road.

The facility is out of scale with the surrounding development, especially in comparison to adjacent residences and the rural land north and east. It is considered inappropriate for facilities of this size to locate in close proximity to residential and potential special rural type development.

Although the applicant has not indicated any intentions, at this stage, to expand or develop associated facilities on the balance of the land, it represents room to grow and if the current proposal were allowed, it may be difficult for Council to resist expansion proposals. Clearly, expansion would exacerbate potential negative impacts already discussed.

The proposal will affect the residential and rural amenity of nearby landowners.

It is considered the planning considerations against the proposal outweigh those in favour, accordingly the proposal should be refused.

Strategic Plan/Policy Implications

PD 43 Rural Water Protection Zone (MRS) Jandakot

Budget/Financial Implications

N/A

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

Nil

14.3 (OCM1_6_1999) - TENDER NO. 12/99 - INSPECTION OF PRIVATE SWIMMING POOLS (3211) (CP)

RECOMMENDATION

That Council:

- (1) accept the tender submitted by Nicholls & Son Pty Ltd for Tender No. 12/99 - Inspection of Private Swimming Pools for an all inclusive price of \$25.00 for a maximum of three inspections

per pool;

- (2) authorise the following persons to inspect private swimming pools within the District of the City of Cockburn for the purpose of ascertaining whether the requirements of Part 10 of the Local Government Act 1960, Building Regulations 1989, have been complied with as required by Section 245A(5) of the Local Government (Miscellaneous Provisions) Act 1960, namely:

Cyril Ernest Nicholls
June Rose Nicholls
Matthew Adam Nicholls

- (3) set the pool inspection levy at \$35 per pool owner based on the tender price together with Council's administrative costs.

COUNCIL DECISION

Background

Under Section 245A of the Local Government (Miscellaneous Provisions) Act 1960, Council is required to inspect all private swimming pools within the municipality on a regular basis so that not more than four years elapses between inspections.

Accordingly the next swimming pool inspection program must be completed by the 30th June 2000.

The swimming pool legislation requires private swimming pools to be inspected by authorised persons to ensure that pool fencing / gates and barriers comply with the Building Regulations.

The Local Government (Miscellaneous Provisions) Act 1960 allows a local government for a financial year to impose a uniform charge on all owners of properties with private swimming pools to cover the estimated cost of carrying out the inspections. The Building Regulations 1989 state that the charge shall not exceed \$50.

In response to requests from the Royal Life Saving Society and subsequent support from the WA Municipal Association, the Minister for Local Government introduced in November 1997 changes to the Local Government Act.

The changes introduced relate to the wording 'authorised officer' in Section 245A of the Local Government (Miscellaneous Provisions) Act. As a result the Local Government Act has been changed to read an 'authorised person' in the areas where 'authorised officer' previously appeared. The changes have now made it possible for Council to engage a private contractor to provide and undertake inspections of private swimming pools.

Accordingly, giving due consideration to the competition policy that now exists in local government and offering a cost efficient and quality service to ratepayers it was decided to put the inspection of private swimming pools within the municipality to tender.

Report

The City of Cockburn called for tenders for the inspection of private swimming pools on the 14th April 1999. The tender closed on the 28th April 1999 which resulted in two tenders being submitted.

The tenderers were the Royal Life Saving Society and C E Nicholls and Son Pty Ltd.

Examination of the tenders has established that both have complied with the conditions of tendering and are capable of supplying the services for the inspection of private swimming pools in accordance with the tender specification.

Both tenderers have undertaken pool inspection services for other local authorities and have proven to complete the services with a high degree of compliance and professionalism. The plaudits from other local authorities in regard to the services provided by the tenderers is exemplary.

The tender required that the tenderers submit a price on a rates basis per pool inspection and provide a company profile and outline procedures and ability to provide the service.

The Royal Life Saving Society has tendered a price of \$32.95 per pool inspection. This price includes a follow up second inspection where required and a price of \$12.95 for any additional inspection. Based on approximately 2,500 pools to be inspected a total price of \$82,375 is established on two inspections.

Nicholls and Son Pty Ltd has tendered two prices for consideration, firstly a price of \$22.00 per pool inspection and \$22.00 for any additional inspection.

Based on approximately 50% of pools requiring a second follow up inspection, a total price of \$82,500 to inspect 2,500 pools is established.

The second of Nicholls and Sons prices is an all inclusive tender price of \$55,000 to undertake up to a maximum of three inspections per pool if required and associated matters. The above is based on a listing of 2,200 pools at \$25.00 per pool. As it has been established that approximately 2,500 pools exist an adjustment of the price on consultation with the tenderer arrives at a price of \$62,500. (\$25.00 per pool)

In establishing a pool levy charge on owners of properties with swimming pools the administration costs of Council must be taken into account. On examination and undertaking clarification discussions with the tenderers regarding which administration expenses are covered in the tender prices, the R.L.S.S. can reduce the estimated administration costs by approximately \$10,000.

Tabulating the estimated administration costs with the tender prices the following levy estimates are derived for each tenderer.

R.L.S.S.	Nicholls & Son
Approx. \$38	Approx. \$35

In considering the tenders an examination of the tenderers' employee numbers, plant, training and knowledge of the relevant legislation was made. The Royal Life Saving Society demonstrated to have a superior resource base and training program for their pool inspectors. The RLSS have provided detail of a comprehensive pool inspector training program undertaken by their inspectors and a detailed prospectus of the Home Pool Education and inspection services that can be provided.

There is confidence that both tenderers can perform the service of inspecting private swimming pools to establish compliance. But with the sensitive nature of pool inspections, the ability of the tenderer to increase public awareness of the forthcoming inspections and providing education to the community, is seen as important in terms of reinforcing the objectives behind the inspection program. That being to prevent the tragic loss of young lives from drowning.

The RLSS have detailed examples of the public awareness strategies that would be employed and emphasised the Society's commitment to the community by the provision of additional services at no additional cost.

In summary the lowest priced tender provided is from Nicholls and Son Pty Ltd, and it is with confidence from referees that they can complete the pool inspection service to desired outcomes.

The Royal Life Saving Society have the ability to provide a value added service to the community at no cost, however, this service is outside the City of Cockburn's specification for the Inspection of Swimming Pools. The lowest pool levy inspection fee to be applied to pool owners is important in the selection of a tender. Accordingly, Nicholls and Son Pty Ltd is recommended to undertake the Inspection of Swimming Pools for the all inclusive tender price of \$25.00 per pool for a maximum three inspections per pool.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The selection of a tender will have implications on the Pool Levy to be imposed.

Pool levy charge of \$35.00 per pool owner based on a full recovery of expenses which incorporates \$25.00 per inspection and \$10.00 for administration costs.

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

Nil

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM1_6_1999) - REQUEST FOR FUNDS - KWINANA AIR BUFFER ZONE ACTION GROUP (9311) (ATC)

RECOMMENDATION

That Council:

- (1) receive the request from the Kwinana Air Buffer Zone Action Group; and
- (2) advise the Group that Council:
 1. is prepared to assist in the provision of Council owned venues for it to conduct public meetings by donating the hire cost to the Group, subject to the venue being available.
 2. is not prepared to be involved in either the distribution of leaflets or the provision of funds in support of the Association's campaign against the proposals contained in the FRIARS report because the Council, as a decision making authority, must remain impartial so that it can fairly represent the views of all its residents and ratepayers.

COUNCIL DECISION

Background

In its 1997/98 Budget Council allocated \$5,000 on a dollar for dollar basis to assist the K.A.B.Z. Action Group pay for the cost of a professional submission, on behalf of property owners with the Kwinana Air Buffer Zone, relating to the FRIARS discussion paper of March 1997. A claim for a contribution of \$2,002.23 was subsequently made by the Group which was paid on 1 September 1997. The unspent funds were not carried forward to the 1998/99 Budget.

Submission

A letter has been received from the Chairman of the K.A.B.Z. Action Group requesting funds to assist in the preparation of a submission on the FRIARS Draft Strategy released in March 1999 with public submission closing on 30 June 1999. The Chairman states that the group was under the impression that the undrawn balance (\$2,997.67) of Council's original allocation (\$5,000) was still available to the group to use. He is aware that these funds were not carried forward to the 1998/99 budget. He further states that the Group "obviously should have made

representations to you in the intervening period but we did not foresee an almost two year delay". He states that the funds are still required and appeals to Council to reinstate the undrawn balance (\$2,997.67) in Council's 1999/00 Budget.

Report

The Council is well aware of the FRIARS draft report and the recommendations contained in it.

There has been a great deal of public concern and involvement in this study, particularly the residents and landowners in the Wattleup and Hope Valley localities.

The Council's Planning Department has prepared comprehensive submissions on the FRIARS proposals and this has been available to the public and because of this has been distributed widely.

The Council is concerned about the implications of the report in particular the impact of the buffers, the industrial rezoning and transportation proposals on the Wattleup community, and also the localities of Henderson and Munster.

The view of the Planning Department is that the Council should remain neutral in respect to its community position although it has the right and obligation to determine its own position in respect to the study in its role as the responsible planning authority for the City of Cockburn. Its position may well be similar to that of the Group.

The reason why it is important not to become aligned with one group of ratepayers within the community on this or any other issue, is because as a community decision maker it should not only be independent but be seen to be independent where it may be required to make a fair and unbiased decision in respect to matters that effect the overall community.

For the Council to provide moral or financial assistance to one group could be seen to compromise it in any future decisions it may need to make in relation to this matter.

In view of this, the Council could quite clearly be able to provide venues for the Group to meet and conduct its public or network meetings, but not become involved in leaflet distribution or the provision of funds.

It should only become actively involved in the matter if it is prepared to distribute leaflets for both the "for" and "against" case, and have control over the accuracy of the information that is being disseminated. If it contemplates becoming financially involved, then again it should provide equal funds to support the "for" and "against" case.

Usually when one side of an issue gains support from a statutory authority such as a local government, the recipient often gains heightened expectations that the authority will support them in the end, even when this may not be possible for a variety of unforeseen reasons or changed circumstances.

Council's position above is consistent with its decision in August 1997 not to provide funds to the Wattleup Citizens' Association to undertake a program of opposition of FRIARS. Council was prepared however to assist by providing free venues to conduct public meetings.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Any cost of venue hire will be off-set by income to Council halls, therefore there will be no overall effect on Council's budget. Council will be required to provide a donation for the use of the facility. The cost is unknown because the venues and the number of occasions is not determined.

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

Nil

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (OCM1_6_1999) - LEACHATE TREATMENT PLANT - OPERATIONS CONTRACT (4900) (RNJ)

RECOMMENDATION

That Council, pursuant to Regulation 11(2) part "f" of the Local Government Act (Function and General) Regulations:-

- (1) extend the annual operations contract of QED Australia Pty Ltd for a further 12 months commencing 1st June 1999 without inviting public tenders; and
- (2) accept QED Australia Pty Ltd treatment rate of \$3.75/m³ which maintains the current rate under the revised contract conditions.

COUNCIL DECISION

Background

Following the successful commissioning of the Leachate Treatment Plant at Henderson Landfill in February 1998, quotations were sought from 3 operators for its ongoing operation. QED Australia were chosen because they were the cheapest, had the necessary qualified personnel and had chemical and biological supply contracts in place. It was also seen as beneficial to both parties that QED Australia could further develop their process to suit the leachate conditions at Henderson Landfill.

The plant has now been successfully operated by QED Australia for the past 12 months treating approximately 11,500m³ of leachate at a cost of \$3.75/m³.

Submission

N/A

Report

Council's Waste Services have drafted a revised operations contract with the assistance of Halpern Glick Maunsell to address minor problems arising over the past 12 months. These changes related to improved monitoring of leachate and bore water at the Henderson site and improved maintenance of the infiltration basin. It was also felt that the implementation of an ammonia probe in lieu of daily litmus testing for this analyte was necessary given the occurrence of several out of specification readings for the treated effluent in regard to the concentration of ammonia.

QED Australia agreed to maintain their rate of \$3.75/m³ for the following 12 months under the revised contract conditions. Given that Cell 1 has now been capped and Cell 2 is expected to be capped by the end of this year, Waste Services would expect to treat less leachate in the next 12 months than that previously treated.

Consequently, the 1999/00 operations contract value is expected to be less than \$40,000. However, it may be more than this and even exceed \$50,000 dependent upon the quantity treated. Therefore it is considered that Council consider the implications of the Function and General Regulations.

Given the unique nature of this chemical/biological process and the current need for QED Australia to re-commission the plant so that it will be operational for this winter, it is felt that it will not be beneficial for City of Cockburn to call for tenders for this work. Under regulation 11(2) part "f" of the Local Government Act (Function and General), City of Cockburn can exempt from being required to invite public tenders on the basis that given the "unique nature of the service it is unlikely that there is more than one potential supplier" capable of re-commissioning and operating the plant.

Accordingly, it is proposed to accept QED Australia's rate of \$3.75/m³ for treatment of the leachate generated at Henderson Landfill site for a further 12 months commencing 1st June 1999.

Strategic Plan/Policy Implications

The need to effectively manage the risk of leachate contamination of the groundwater is fundamental to Council's Strategic Plan and DEP's monitoring of the Landfill Site.

Budget/Financial Implications

Adequate funds are available to meet the balance of treatment costs expected this financial year and further funds have been allocated for treatment in 1999/00.

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

Nil

16.2 (OCM1_6_1999) - TENDER NO.13/99 - UPGRADE OF ADMINISTRATION BUILDING AIRCONDITIONING EQUIPMENT (4602; 4463) (JR) (WEST) (ATTACH)

RECOMMENDATION

That Council:

- (1) accept the tender from AMEC Engineering Pty Ltd for Tender No. 13/99 - Upgrade of Administration Building Air Conditioning Equipment in the sum of \$122,648 for the base upgrade;
- (2) fund the shortfall in Account No. 115750 "Administration Centre - Airconditioning System Upgrade" for the base upgrade project from the Council's Reserve Fund "Major Buildings Refurbishment" and the Budget be amended accordingly;
- (3) accept the additional price of \$47,778 from AMEC Engineering Pty Ltd for Tender No. 13/99 to upgrade the equipment servicing Council's formal areas, being the second stage in upgrading the Administration Centre air conditioning equipment; and
- (4) fund the additional price to upgrade the equipment servicing Council's formal areas from the Council's Reserve Fund "Major Buildings Refurbishment" and the Budget be amended accordingly.

TO BE PASSED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

There is an allocation of \$125,000 on the current Budget to upgrade the airconditioning equipment servicing the office areas in the older (northern) part of the Council's Administration Centre. Consequently, Council's mechanical services consultant, De Saxe Adams and Associates Pty Ltd, have developed plans and specifications in this regard. Accordingly, to streamline the tender process, Registrations of Interest were invited from suitably qualified and experienced air conditioning contractors to tender on the upgrade of the air conditioning equipment. Fourteen (14) contractors registered their interest in undertaking the project.

Under delegated authority extended to the Director - Engineering & Works by Council and the Chief Executive Officer under Section 3.57 of the Local Government Act (1995) and pursuant to Section DA-F5 of the City of Cockburn Delegated Authority Register, tenders were then invited from the following contractors who registered their interest:

- AMEC Engineering Pty Ltd
- Airtech Pty Ltd
- Atlas Building Services Pty Ltd
- Australian Airconditioning Services Pty Ltd
- Centigrade WA Pty Ltd
- Designair Group
- Direct Engineering Services Pty Ltd
- Envar Engineers and Contractors Pty Ltd
- Haden Engineering Pty Ltd
- HVAC Construction Ltd
- Jako Industries Pty Ltd
- Mechanical Project Management Pty Ltd
- Scott Mechanical Services Pty Ltd
- T O'Connor

Submission

Ten (10) submissions were received at the close of tender, details of which are shown in the attachment.

Report

Based on the criteria of financial capacity, resources (management, labour, plant and equipment), experience in similar projects, ability to complete works on program and track record, Council's consultants for the project, De Saxe Adams and Associates, had no reason to eliminate the lowest tenderer, AMEC Engineering. AMEC Engineering are a Quality Endorsed Company. The scope of work included in AMEC's pricing has been confirmed, complies with the tender specifications and is acceptable.

The tender called for providing 3 prices for the project: -

1. Base Upgrade Price includes upgrading the air conditioning system servicing the office areas in the old section of the Administration Building. It involves the replacement of the main evaporative condenser (water tower) with roof mounted air cooled condensers, two new

compressor sets, commissioning of a Direct Digital Control (DDC) System for desktop management of the air conditioning system and all associated works.

2. Additional Price Formal Areas is the price to upgrade the air conditioning system servicing the occasional formal Council areas in the old section of the Administration Building. It includes the conversion of the 3 existing package units from water cooling (the second water tower) to air cooling, DDC System operation and all associated works.
3. Additional Price Heater Banks involves replacing of the duct heater banks servicing the formal areas due to age and the possibility of deteriorating duct insulation linings.

The current Budget allocation of \$125,000 for the project was based on undertaking the works in the Base Upgrade Price inclusive of all consultant fees and on-costs. Additional prices were obtained as the competitive nature of the tender may allow the extra works to be considered.

The works in the Base Upgrade Price will involve short-term disruption of up to 4 weeks to staff working conditions, particularly with noise and air conditioning. Noise disruption would also occur for the Formal Areas' work. Consequently, the consultant recommends that, if finance is available, both these works be carried out concurrently to reduce disruption and to maintain the competitive pricing. He also recommends that the Heater Banks works be held over pending further investigation during the upgrading works as these works can be carried out with minimum disruption at a later date.

If AMEC Engineering is engaged to undertake the Base Upgrade and Formal Area works, then the Budget requirements are as follows: -

• Base Upgrade Price	122,648
• Additional Price Formal Areas	47,778
• Consultant Fees	17,043
• On-costs	1,704
• Contingencies	5,827
	<u>195,000</u>

Consequently, there would be a shortfall in the order of \$70,000 on the current Budget to undertake the work as recommended.

It is considered that AMEC Engineering should be engaged for the base upgrade and the formal area upgrade of the air conditioning system. The shortfall should be funded from Council's Reserve Fund for Major Buildings Refurbishment, which was specifically established for such upgrades.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The project as recommended can be funded if adequate funds are transferred from the Major Buildings Refurbishment Reserve Fund. A transfer of about \$15,000 would still be required if only the base upgrade is proceeded with.

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

Nil

16.3 (OCM1_6_1999) - TENDER NO. 9/99 - SALVAGE AND RECOVERY RIGHTS - HENDERSON LANDFILL SITE (AS) (4433) (COASTAL) (ATTACH)

RECOMMENDATION

That Council accept the tender of \$3,800 submitted by Clinton John Scott for Tender No. 9/99 - Salvage and Recovery Rights - Henderson Landfill, for a period of one year with the option of extending for a further year following review of this operation.

COUNCIL DECISION

Background

At the Council meeting held on 25 May 1999 the acceptance of Tender No. 9/99 was deferred to allow Patricks Recycling to discuss their submission with Council staff.

Submission

N/A

Report

The Acting Landfill Supervisor has had further discussions with Mr Humphries of Patricks Recycling. The documentation submitted has also been examined by Council staff.

Patricks Recycling was created in the past 8 months. Georges Recycling started operating at the Henderson Landfill Site on a trial basis and Patricks Recycling have taken over.

Patricks Recycling have taken a month by month lease of premises in Wellard Street. The material they sell at those premises comes from the tipsite.

They also collect aluminium cans, steel cans etc. which they sell to the buyers of that material.

Five letters were submitted by Patricks Recycling from their customers. These letters state they use the shop to purchase low price goods and state that Patricks is doing a good job. They supported Mr Humphries getting the tender so he could keep being employed.

Mr Humphries also supplied a letter. One of the sentences states:

"With regard to experience, given time and opportunity to operate in a legal and businesslike manner we will have gained the experience that Council requires."

The Acting Landfill Supervisor has been dealing with this organisation over the past 5 months and they do not have extensive experience in running a business.

After considering Patrick Recycling's further submissions it is still recommended that the tender be awarded to Clinton John Scott.

This recommendation is based on:

- (1) the tenderer's 12 year involvement with a similar contract at Gosnells.
- (2) the references from the Gosnells Council staff that Clinton John Scott has always been reliable and efficient.
- (3) the tenderer can show he has markets for a wider range of material including white goods.

- (4) the site at Gosnells has closed so there will be no competing operation at that site.
- (5) the tenderer has undertaken to degas all refrigerators brought to the site.
- (6) as an experienced operator there is expected to be less involvement by Council staff.

Strategic Plan/Policy Implications

Recycling of household waste is an important component of Council's Waste Minimisation Policy.

Budget/Financial Implications

There is no cost to Council from this proposal.

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

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

Nil

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20. CONFIDENTIAL BUSINESS

Nil

21. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION

Nil

22. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil

23. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

24. RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

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.

25. CLOSURE OF MEETING