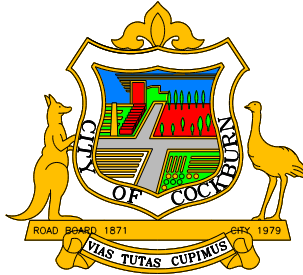


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

**FOR
TUESDAY 17 OCTOBER 2000**

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 17 OCTOBER 2000 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, 17 OCTOBER 2000 AT 7:30 P.M.

1. **DECLARATION OF OPENING**

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

Nil

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**

6.1 **(Ocm1_10_2000) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Mr Danny Kriwopischin - Public Question Time - Ordinary Council Meeting - 15 August 2000 - with respect to the removal of scrap metal from the Henderson Landfill Site, queried why a Council employee was allowed to collect scrap metal from the landfill site.

A response dated 21st September, advised that Occupational Health & Safety advice was that the practice of scavenging should not be allowed because it would be too dangerous and a risk to health, to allow unsupervised and untrained personnel to search through the rubbish whilst tipping and disposal operations were being carried out. Consequently, Council resolved that nobody from the public be permitted to scavenge at the site and that a separate transfer station be constructed so that no trailers or members of the public would be allowed to go to the tipping face.

It is anticipated that some waste disposal employees, who are fully trained and experienced with the operations and dangers of Council's landfill site, may remove items from the waste stream in a controlled manner as long as it is done in their own time, in a safe manner and does not cause disruption to the orderly disposal of waste at the site.

Mrs Heather Smedley - Public Question Time - Ordinary Council Meeting - 19 September 2000 - in regards to the Lake Coogee Wetlands Crossing Structure, requested clarification on whether Council would be responsible for initial capital costs as well as ongoing maintenance of the bridge. In addition, she was concerned about a document called "The Woodman Point Enhance Group" which is being distributed by the Water Corporation and which she felt, was very misleading. Mrs Smedley queried if Council was aware of the document.

A response dated 29 September 2000, advised that Council will not be responsible for any initial capital costs associated with the bridge or connecting pathway to Fawcett Road. Council's only commitment is to signage.

The Woodman Point Alliance (WA21) provides Council with copies of information sheets, newsletters etc. Council does not have a document titled as above and WA21 similarly have no record. Council is in possession of the Newsletter "Viewpoint", the Woodman Point Environmental Enhancement Project which carries an article titled "Benefits to flow from Woodman Point Project".

7. PUBLIC QUESTION TIME

Nil

8. CONFIRMATION OF MINUTES

8.1 (Ocm1_10_2000) - ORDINARY COUNCIL MEETING - 19/9/00

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

12. COUNCIL MATTERS

12.1 (Ocm1_10_2000) - PROPOSED AMENDMENT TO STANDING ORDERS LOCAL LAW (1148) (DMG) (ATTACH)

RECOMMENDATION

That Council make a Local Law to amend its Local Law relating to Standing Orders, as shown in the attachment to the Agenda.

TO BE PASSED BY SPECIAL MAJORITY OF COUNCIL

COUNCIL DECISION

Background

At the August 2000 Council Meeting, a proposal to amend Council's Standing Orders Local Law was adopted for the purposes of advertising the amendments for public comment.

Submission

N/A

Report

Following the closure of the period to receive public submissions (October 5, 2000) Council is now required to consider the proposed amendments in response to any submissions received. No comment or submissions have been received.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

N/A

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

Nil

12.2 (Ocm1_10_2000) - APPOINTMENT OF AUTHORISED PERSONS PURSUANT TO SECTION 9.10 (1) OF THE LOCAL GOVERNMENT ACT 1995 FOR THE PURPOSE OF ADMINISTERING THE CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (1116) (LCD)

<p>RECOMMENDATION That Council:</p> <p>(1) formally appoints the persons herein mentioned pursuant to section 9.10 (1) of the Local Government Act 1995 to administer the City of Cockburn (Local Government Act) Local Laws 2000 as so hereafter mentioned:</p>	
<p>Authorised Person</p>	<p>Area of Responsibility</p>
<p>Belinda Jane Sheppard Matthew George Kaiser Angela Geraldine Moss Gray Marshall Godfrey Linda May Windram Brett Douglas Plant Stephan Raymond Filer</p>	<p>Divisions 3, 4, 5 and 6 of Part II – Animals.</p> <p>Part III – Reserves, Foreshores and Beaches except section 3.3 (t) and section 3.4 (f), (g), (j), (k) and (l) thereof.</p> <p>Divisions 2, 5 and 6 of Part V – Dangerous and Offensive Things.</p> <p>Part VI – Hawkers, Stallholders and Street Traders.</p> <p>Divisions 4 and 5 of Part VII – Management and Control of Council Property.</p>

<p>William John Hardy Joanne Abbiss Stephen Brian Goodridge Anthony Edward Turner Paul Stuart MacDonald</p>	<p>Sections 8.22 and 8.23 of Part VIII – Signs, Hoardings, Bill Posting.</p> <p>Part IX – Streets and Public Places except sections 9.4, 9.5, 9.6, 9.7 and 9.8 thereof.</p> <p>Part X – Traffic and Vehicles except section 10.4.</p> <p>Part XI – Law, Order and Security.</p> <p>Divisions 4, 5, 6, 7 and 8 of Part II – Animals.</p> <p>Divisions 3, 4, 5 and 6 of Part V – Dangerous and Offensive Things.</p> <p>Part VI – Hawkers, Stallholders and Street Traders.</p>
<p>Vince Green Michael Richard Ward Edwin Roy O’Meara Mario Mauro Lomma</p>	<p>Part IV – Buildings.</p> <p>Division 6 of Part V – Dangerous and Offensive Things.</p> <p>Part VIII – Signs, Hoardings, Bill Posting.</p>
<p>Beverley Lyn Nelson Andrew Hugh Ward Yvonne Mary Coyne James Ashley Bell Dee Ann Dowd</p>	<p>Section 3.3 (t) and section 3.4 (f), (g), (j), (k) and (l) of Division 2 of Part III – Reserves, Foreshores and Beaches.</p> <p>Divisions 2 and 3 of Part VII – Management and Control of Council Property.</p> <p>Section 9.5 (b) of Part IX – Streets and Public Places.</p>
<p>William John Hardy Robert Neilson Jack Andrew William Stevenson Gary Wayne Ware</p>	<p>Divisions 4 and 5 of Part VII – Management and Control of Council Property.</p>
<p>Geoffrey Neville Amos</p>	<p>Division 5 of Part IX – Streets and Public Places.</p>
<p>John Radaich</p>	<p>Sections 9.4, 9.5, 9.6, 9.7 and 9.8 of Part</p>

	IX –Streets and Public Places except section 9.5 (b). Section 10.4 of Division 3 of Part X – Traffic and Vehicles; and
(2) issue to each authorised person a Certificate stating the authority for production as required, pursuant to Section 9.10(2) of the Local Government Act, 1995.	

COUNCIL DECISION

Background

The City of Cockburn (Local Government Act) Local Laws 2000 will be published in the Government Gazette on the 9 October 2000.

Submission

An advertisement will appear in The West Australian informing the public that the City of Cockburn (Local Government Act) Local Laws 2000 will be in force as from the 24 October 2000.

Report

Although the local laws will be published on the 9 October 2000 they do not become law until fourteen days after the date of publication. That is, the local laws become enforceable as from the 24 October 2000.

To facilitate the administration of the local laws various Authorised Persons are required to be appointed and the recommendation above sets out the names of the personnel to be appointed.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

13. PLANNING AND DEVELOPMENT DIVISION ISSUES

13.1 (Ocm1_10_2000) - INSPECTION OF PRIVATE SWIMMING POOLS (3211) (VG)

RECOMMENDATION

That Council authorise Council Building Surveyor Edwin Roy O'Meara to inspect private swimming pools and serve notices as required and allowed by Section 245A of the Local Government (Miscellaneous Provisions) Act 1960.

COUNCIL DECISION

Background

Section 245A requires a local government to cause an "authorised person" to enter land and inspect private swimming pools periodically to ascertain whether the Regulations have been complied with and to serve notices upon pool owners when appropriate.

Mr O'Meara is considered to have the experience and qualifications to be an "authorised person" to carry out these tasks.

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

13.2 (Ocm1_10_2000) - POLICY PD54 - DESIGN GUIDELINES FOR EAST JANDAKOT INDUSTRIAL AREA AND NORTH LAKE ROAD FRONTAGE - BERRIGAN DRIVE TO THE KWINANA FREEWAY (9003) (AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt Policy PD54 "Design Guidelines for East Jandakot Industrial Area and North Lake Road frontage between Berrigan Drive and the Freeway" as attached to the Agenda (Attachment A) and include it in Council's Policy Manual;
- (2) adopt Delegated Authority DA - PD47 "Design Guidelines for East Jandakot Industrial Area and North Lake Road frontage between Berrigan Drive and the Freeway" as attached to the Agenda (Attachment B) and include it in Council's Delegated Authority Register;
- (3) amend PD16 "Standard Subdivision Conditions and Reasons for Refusal" and PD17 "Standard Development Conditions and Footnotes" and include a new Condition D27A:-

"Jandakot East.

D27A - The development is to comply with the requirements of the "Design Guidelines for East Jandakot Industrial Area and North Lake Road Frontage, Berrigan Drive to the Freeway."

TO BE PASSED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council at its meeting held on 15 August 2000 resolved to adopt Policy PD54 "Design Guidelines for East Jandakot Industrial Area and the North Lake Road Frontage Between Berrigan Drive and the Freeway" for the purpose of advertising the Policy in accordance with clause 11.1.1 of District Zoning Scheme No. 2 and to send a copy of the Policy to the directly affected landowners (Item 13.7).

Submission

N/A

Report

A copy of the Policy was forwarded to all affected landowners for comment and advertisements were in the August 19 and 26 editions of the Cockburn Herald.

No submissions were received.

The Policy and Delegated Authority DA - PD 47 "Design Guidelines for East Jandakot Industrial Area and the North Lake Road Frontage Between Berrigan Drive and the Freeway" (see Agenda attachments) are now submitted for final adoption by Council.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City

- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

The Planning Policies which apply to this item are:-

PD19* Landscape Standards for Commercial/Industrial Development

Budget/Financial Implications

N/A

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

Nil.

13.3 (Ocm1_10_2000) - COMMERCIAL VEHICLE PARKING - BUSES - LOT 9, 72 JANDAKOT ROAD, JANDAKOT - OWNER: DAO TRUYEN HUYNH (5500014) (PT) (MAP 19) (ATTACH)

RECOMMENDATION

That Council instruct its solicitors to initiate legal action against the owners and tenant of Lot 9, 72 Jandakot Road, Jandakot if the commercial vehicles are not removed from the property by 21 October 2000 for contravening Council’s District Zoning Scheme No. 2.

COUNCIL DECISION

Background

ZONING:	MRS:	Rural
	DZS:	Resource Zone
LAND USE:	Commercial Vehicle Parking	
LOT SIZE:	8.0188 hectares	
AREA:	N/A	
USE CLASS:	X	

The property has two residences that face Jandakot Road and are set back from the street. Council received a complaint on 26 April, 2000 in relation to the number of buses being parked on the property. An initial letter was sent on 1 May, 2000 to the Managing Agent of the property informing him to cease using the property for commercial vehicle parking. The agent then passed the letter onto the tenant who runs a bus company.

On 5 May 2000 Sandra Kato who is the tenant informed me she had signed a lease on the property. She had not known commercial vehicle parking was an “X” use in the resource zone. She said she would contact the agent.

On 5 June 2000 a further site inspection revealed that the “not-permitted” bus depot was still operating.

On 7 June 2000 a second letter was sent outlining that the tenant had 28 days to relocate the buses on the property or the issue would be referred to Council.

On 9 June 2000 Daniel Polini contacted Council to again discuss the possibility of keeping the buses on site. Council’s position on the site was again reinforced to him. He said he would contact the tenant.

On the 30 August a further inspection of the property from the street revealed that the buses were still parked on the property. After discussions with both Sandra Kato and Daniel Polini both parties said that the lease expired on 21 October 2000 and if Council would hold off

action until that time. On expiry of the lease the buses would be removed.

Submission

The property Manager has requested a further extension until the 21 October 2000. Daniel Polini from Ray White Realty, Leeming, has stated that the lease expires on the above date and that he will not renew the lease due to Council's action. He has been assured that the buses will be removed from the premises at the expiry of the lease. Refer to agenda attachments for a copy of the submission.

Report

Council has previously granted the owner five months to cease operations of the non-approved bus depot. The tenants are breaching clause 5.11 of Council's District Zoning Scheme No.2. for undertaking development without approval. The land is also located in the Resource Zone and therefore the said use cannot be approved as commercial vehicle parking is an "X" use in that zone.

Council should consider the fact that the matter could take some time before it goes to court and if significant progress is made with relocation during that time, legal action can be halted.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Area which applies to this item is:

2. Planning Your City

To ensure that the development will enhance the levels of amenity currently enjoyed by the community.

Budget/Financial Implications

N/A

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

Nil

13.4 (Ocm1_10_2000) - PROPOSED RESTAURANT / FAST FOOD OUTLET, CARETAKERS RESIDENCE, CLUB PREMISES, CHILD CARE CENTRE AND EDUCATIONAL ESTABLISHMENT - LOT 5 (NO. 408) NORTH LAKE ROAD, BIBRA LAKE - OWNER: E P SMITH - APPLICANT: STEPHEN JENNINGS (1117218) (RH) (MAP 13) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the proposed restaurant/fast food outlet, caretakers residence, club premises, child care centre and educational establishment on Lot 5; 408 North Lake Road, subject to the following conditions;

Standard conditions

- 1. Standard conditions contained in Council Policy PD 17 as determined appropriate to this application by the delegated officer under clause 7.6 of Council's District Zoning Scheme No.2;

Special Conditions

- 1. The design of the club premises will incorporate suitable noise attenuation measures.
- (2) issue a MRS Form 2 Notice of Approval to Commence Development;
- (3) advise those who made a submission of Council's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	PRIVATE RECREATION
	DZS:	COMMERCIAL: RESTRICTED USE – PRIVATE RECREATION
LAND USE:	VACANT	
LOT SIZE:	2016 sq.m.	
AREA:	923 sq.m.	
USE CLASS:	SA	

Submission

Council received an application for the proposed restaurant, fast food outlet, caretakers residence, club premises, child care centre, and educational establishment, dated 31 August 2000. The submitted plans indicated the construction of a two (2) storey building, containing on the ground floor a reception area, a school information centre/educational establishment, café/restaurant and take-away food establishment, and child care centre. The upper floor will contain a caretakers residence and club premises.

The café/take away food operation will be open seven (7) days a week, 8am to 11pm, requiring three (3) staff.

The school information centre will operate from Monday to Saturday, 8:30am to 5:30pm, with one (1) staff.

The child care centre will operate with five (5) staff, Monday to Friday from 7am to 7pm.

The club premises will require two (2) staff and operate from 3pm to 1am, five days per week, though primarily after school hours, weekends and during vacations. The nature of the operation as a Steiner youth club and lifeskills centre for students and graduates will offer computer training and a venue for meetings, celebrations and artistic performances.

In accordance with the requirements of Council's District Zoning Scheme No. 2, the proposal was advertised for public information for 21 days and was referred to twenty seven (27) surrounding land owners. Only two submissions were received, one in favour and one opposing the development. A schedule of the submissions is included in the agenda attachments.

Report

Concerns raised as a result of the submissions from a neighbouring landowner were that the hours of opening of the café/takeaway area and the club were unacceptable. Another concern was the invasion of privacy from the second level development. As the development would be approximately 95 metres across North Lake Road from the closest residential backyard it is not expected that this will affect the residential amenity of any neighbouring or surrounding residences.

There is concern that noise from the club premises will create a nuisance. It is not intended that the premises be used as a 'disco or nightclub', but rather as a Steiner Youth Club as previously described. The development must comply with the assigned level of noise as specified in the Environmental Protection (Noise) Regulations 1997.

People using the premises will be club members, drawn primarily from the Waldorf School community and associated organisations.

The premises may be licensed under the provisions of the Liquor Act 1970, if the owner/applicant chooses to apply. It will be open to Council to give such an application further consideration if and when the case arises.

Such a use is consistent with the zoning of the land (Private Recreation) and ties in with its predominant purpose, therefore it is recommended that the proposal be approved.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City

- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

The Planning Policies which apply to this item are:-

PD1*	Compliance With Conditions of Planning Approval
PD17*	Standard Development Conditions and Footnotes
PD19*	Landscape Standards for Commercial/Industrial Development

Budget/Financial Implications

N/A

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

Nil

Implications of Proposed Town Planning Scheme No.3

Nil

13.5 (Ocm1_10_2000) - PROPOSED HOME OCCUPATION (SOFT TISSUE MASSAGE THERAPY) - LOT 15; 25 HERMIONE WAY, COOLBELLUP - OWNER/APPLICANT: A & D SCHALLER (1103413) (SA) (MAP 6) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the proposed home occupation (soft tissue massage therapy) on Lot 15, 25 Hermione Way Coolbellup subject to the following conditions:
 1. Standard conditions contained in Council Policy PD 17 as determined appropriate to this application by the delegated officer under clause 7.6 of the Town Planning Scheme - District Zoning Scheme No. 2;
- (2) issue an MRS Form 2 Notice of Approval valid for a period of 24 months;
- (3) advise those who made submissions of Council's decision accordingly, advising them that a Home Occupation Approval can be withdrawn by the Council upon receipt on substantial complaints from the neighbours.

COUNCIL DECISION

Background

ZONING:	MRS:	URBAN
	DZS:	RESIDENTIAL R15
LAND USE:	RESIDENCE	
LOT SIZE:	728M2	
AREA:	N/A	
USE CLASS:	"AA"	

Submission

Council received an application, dated 7 September 2000 for a proposed home occupation (soft tissue massage therapy). The applicant/owners (husband and wife) wish to operate a soft tissue massage therapy practice, which involves the applicants using a certain type of massage to treat patients/clients. Both applicants hold Diplomas in Health Science.

The business will operated five days a week, Monday to Friday 9am to 6pm, and occasionally on Saturdays 9am to 1pm. The applicants intend to see a maximum of eight (8) clients a day, between them.

In accordance with the requirements of Council's District Zoning Scheme No. 2, the proposal was advertised for public comment for a period of twenty one (21) days. Seven (7) neighbouring landowners were advised of the proposal, and two (2) submission were received both objecting to the proposal. Refer to the Schedule of Submissions in the Agenda Attachments for further details.

Report

The proposed home occupation application complies with Council's District Zoning Scheme No. 2 requirements. The objections raised in the submissions were:

1. as the streets have no footpaths, and there will be an increase in traffic which poses an increased risk to young children;
2. massage practice is not conducive with a neighbourhood setting;
3. the increase in traffic and people in the street may lead to more criminal activity in street, and "clients" may "case the joint" ;
4. a quiet residential street is not an appropriate place to conduct a commercial business;
5. the proposed use would impact on the personal and property security of neighbours, and affect their enjoyment of their homes.

The issues relating to increased criminal activity, clients "casing the joint" and the impact of the proposed use on personal and home security are not relevant planning matters.

The issues relating to increased traffic and the impact of the proposed home occupation on the amenity of the street are valid planning concerns. However the proposed home occupation should have little impact on the volume of traffic or the amenity of the street, as the applicants are only able to have one client at a time, and a maximum of eight clients a day, and the clients will park in the driveway of the residence.

There is an approval condition which states that a Home Occupation Approval can be withdrawn by the Council upon receipt of substantial complaints from the neighbours, therefore if these issues, relating to traffic or residential amenity, or any other planning issues becomes problematic, Council Officers will investigate and take the necessary

action. It is therefore recommended that the proposed home occupation be approved, subject to approval conditions.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City

- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

The Planning Policies which apply to this item are:-

PD17* Standard Development Conditions and Footnotes

Budget/Financial Implications

N/A

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

Nil

13.6 (Ocm1_10_2000) - PROPOSED DEMOLITION OF HERITAGE SITE (DADLEY HOME) - RECOMMENDATION TO WAPC - LOT 1; 707 ROCKINGHAM ROAD, MUNSTER - OWNER/APPLICANT: LANDCORP (3317851) (SA) (MAP 9) (ATTACH)

RECOMMENDATION

That Council:

- (1) does **not** support the proposed demolition of the heritage site (Dadley Home) on Lot 1, 707 Rockingham Road, Munster for the following reasons:
 1. the site is currently listed on Council's Municipal Heritage Inventory, as a "C" Heritage Management site;
 2. the Heritage Council of WA advised that the demolition

- should not be supported and that a detailed heritage assessment is to be undertaken prior to any approval for redevelopment or demolition;
3. supporting the proposal will set an undesirable precedent for demolition of other Council Heritage Listed sites;
- (2) advise the Western Australian Planning Commission, Landcorp, the Heritage Council of WA and those who made submissions of Council's decision accordingly;
 - (3) advise Landcorp that as the landowner they are required to comply with the Government Heritage Property Disposal Process, and undertake a detailed Heritage Assessment for submission to the Register Committee of the Heritage Council prior to disposal, development or demolition of a State Government owned property and refer a copy of the Heritage Council of WA guidelines to Landcorp for their information;
 - (4) refund the application fee of \$100 to Landcorp.

COUNCIL DECISION

Background

ZONING:	MRS:	Rural
	DZS:	Rural (Public Work)
LAND USE:	Heritage Site - House and sheds	
LOT SIZE:	10121m2	
AREA:	N/A	
USE CLASS:	N/A	

The subject site is listed in Council's Municipal Heritage Inventory as Place No. 11. The Inventory was formulated in 1997, and was adopted by Council, as part of Amendment No. 172, in October 1999. The site was given a "C" management Category which means:

"Retain and conserve if possible - endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme; more detailed Heritage assessment to be undertaken before approval given for any major redevelopment or demolition; photographically record the place prior to any major redevelopment or demolition. Located within the proposed Jervoise Bay Marine Technology Park."

An extract from the Municipal Inventory which relates to this site is attached to the Agenda.

Submission

The owner/applicant (Landcorp) submitted an application to Council to demolish the residence and adjoining stone sheds on the lot. At the time of submitting the application, the applicant was unaware that the subject site was Heritage listed in Council's Municipal Inventory. Please refer to Agenda Attachments for further details of the proposal.

The application was advertised for public comment for a period of twenty one (21) days in accordance with Council's requirements, Clause 5.8.6 of District Zoning Scheme No. 2. A total of five (5) submissions were received, all concerned and objecting to the proposed demolition. One submission was a standard letter, which was signed by thirty two (32) people. Refer to Agenda Attachment for submission details.

The application was also referred to the Heritage Council of WA for assessment and advice. The Heritage Council advised the following:

"The proposed demolition is not supported for the following reasons:

1. *With respect to the recommendations of the City of Cockburn's Municipal Inventory of Heritage Places "C" management classification, it is recommended:*

that a heritage assessment is undertaken prior to any approval for redevelopment or demolition.

2. *The owner, Landcorp, are required to comply with the requirements of the Government Heritage Property Disposal Process, and undertake a Heritage Assessment for submission to the Register Committee of the Heritage Council prior to disposal, development or demolition of a State Government owned property.*

Report

The application was received at Council in August 2000. The application was advertised for public comment, in accordance with the requirements of District Zoning Scheme No. 2 Clause 5.8 (Heritage Clause). However, it came to the attention of Council that the application is considered a "Public Works", and as such the Council is required to refer the application to the Western Australian Planning Commission for determination. The application has been referred to the Commission, and Council's recommendation will be referred to the Commission for its consideration when it determines the application.

It is recommended that the Council advise the Commission that the application to demolish the Dadley home and stone sheds **not** be approved for the following reasons:

1. The site is currently listed in Council's Municipal Heritage Inventory, and as such should be conserved and preserved. The house and sheds have aesthetic and historic significance. The property was previously a poultry farm and was one of the first large commercial poultry farms in the district. The actual buildings are an excellent example of hand cut limestone masonry and construction. The house and sheds are considered to be in good condition;
- 2.. The advice from the Heritage Council of WA that it does **not** to support the proposal;
3. The community is in favour of retaining and preserving the site, and if possible finding an alternative use for the buildings.

Council should be setting a standard in retaining Council Heritage Listed sites, and setting an undesirable precedent for demolition of other Listed sites.

The landowner, Landcorp, are to complete a detailed Heritage assessment and make a submission to the Heritage Council of WA in accordance with Government Heritage Property Disposal Process prior to any disposal, development or demolition of the state government owner property. This does not appear to have been done.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To conserve the character and historic value of the human and built environment."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Planning Policies which apply to this item are:-

PD21 Public Works

Budget/Financial Implications

N/A

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

The Marine Industries Technology Park is a declared "public work" and therefore Council has no power to approve or refuse a development application. The decision is to be made by the WAPC. The Council can, however, make a recommendation for the WAPC's consideration.

Implications of Town Planning Scheme No. 3

Nil.

13.7 (Ocm1_10_2000) - PROPOSED DOUBLE GARAGE - HERITAGE SITE - LOT 407; 33 LINTOTT WAY, SPEARWOOD - OWNER: I & K SEPAROVICH - APPLICANT: HERITAGE OUTDOOR (3210191) (SA) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the proposed double garage on Lot 407, 33 Lintott Way, Spearwood in accordance with the amended plans attached to the Agenda and subject to the following conditions:

Standard Conditions:

1. Standard conditions contained in Council Policy PD 17 as determined appropriate to this application by the delegated officer under clause 7.6 of the Town Planning Scheme - District Zoning Scheme No. 2;

Special Condition:

1. Applicant to submit revised plans indicating the following:
 - a. relocation of the proposed garage to be setback in alignment with the existing residence (13 metres from the primary street frontage);
 - b. redesign of the facade to the proposed garage to a more sympathetic design, in context with the existing heritage building. The applicant to detail materials, colours and finishes to be used.

These details must be submitted to Council for approval prior to issue of a building licence.

- (2) issue an MRS Form 2 Notice of Approval valid for a period of 24 months;
- (3) advise those who made submissions of Council's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	DZS:	Residential R12.5
LAND USE:	Residence	
LOT SIZE:	1000m2	
AREA:	N/A	
USE CLASS:	"AA"	

The subject site is listed on Council's Municipal Heritage Inventory, Place No. 52. The Inventory was formulated in 1997, and was adopted by Council, as part of Amendment No. 172, in October 1999. The site has been classified as a "B" Management Category which means:

"High level of protection appropriate: provide maximum encouragement to the owner under the Town Planning Scheme to conserve significance of the place. A more detailed Heritage assessment to be undertaken before approval given for any major redevelopment."

An extract of the Municipal Inventory which relates to this site is attached to the Agenda.

Submission

The submitted plans indicate the construction of a double garage, 27.6m2 in area, with panel doors. The garage will be have colour bond walls, zinalume roof and concrete floor. The height of the garage is not specified.

The application was advertised for public comment for a period of 21 days in accordance with Council's District Zoning Scheme No.2, Clause 5.8. Seven (7) letters were sent out, and three (3) submissions were received. Refer to Agenda Attachments for submission details.

Report

It is recommended that the proposed application for the double garage be approved subject to several conditions including:

1. Applicant to submit revised plans indicating the relocation of the proposed garage to be setback in alignment with the existing residence (13 metres from the primary street frontage);
2. Applicant to redesign the facade to the proposed garage to a more sympathetic design, in context with the existing heritage building. The applicant to detail materials, colours and finishes to be used.

If the revised plans indicate the construction of a garage which is sympathetic to the existing building, the building licence can then be processed and issued.

It should be noted that the landowner of the site has submitted a request to Council that the subject site be removed from Council's Municipal Heritage Inventory. The owner believes that house no longer has heritage value. This matter has been referred to the Heritage Council of WA for consideration and advice, and will be referred to the November round of Council meetings.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To conserve the character and historic value of the human and built environment."*

- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Planning Policies which apply to this item are:-

PD17* Standard Development Conditions and Footnotes

Budget/Financial Implications

N/A

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

Nil

13.8 (Ocm1_10_2000) - REQUEST TO AMEND MRS FROM URBAN DEFERRED TO PARKS AND RECREATION RESERVE - LOTS 4107 AND PT 3 ARGYLE PLACE, YANGETUP (4413000/9019) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) request the Western Australian Planning Commission to consider amending the Metropolitan Region Scheme to reclassify the western portion of Lots 4107 and Pt 3 Argyle Place, Yangebup, from Urban Deferred to Parks and Recreation Reserve to form part of the Beeliam Regional Park ; and
- (3) advise the Yangebup Progress Association of the Council's decision.

COUNCIL DECISION

Background

Land which was previously owned by Homeswest, namely Lots 401 and 402 Yangebup Road, Yangebup, was sold to the Association for Christian Education and Mater Christi Catholic Primary School (MacKillop) respectively. The land has now been developed for educational purposes.

Under the MRS these lots, together with the lots immediately to the south, namely Lots 4107 and Pt 3 Argyle Place are also zoned Urban Deferred for their western portion with the balance being reserved for Parks and Recreation.

To be consistent with the MRS, the Council's local scheme shows the zoned portion of the land Rural.

The Lots 4107 and Pt 3 are owned by the Crown and DOLA respectively and are currently undeveloped bushland. The bushland is in good condition and forms an integral part of the Beeliam Regional Park.

Submission

On the 4 October 2000 the Yangebup Progress Association wrote to the Council about its concern that the bushland on Lots 4107 and Pt 3 should be conserved, and form part of the Beeliam Regional Park.

Report

The proposal has merit and should be supported.

Given that the major part of Lots 4107 and Pt 3 are already reserved, and the fact they are both State owned, should enable this request to be seriously considered by the WAPC.

The Council should therefore request the WAPC to consider amending the MRS accordingly.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
- *"To conserve the character and historic value of the human and built environment."*

The Planning Policies which apply to this item are:-

PD8*	Bushland Conservation Policy
PD49	TPS2 Amendments following Final Adoption of Proposed TPS3.

Budget/Financial Implications

N/A

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

Nil.

14. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

**14.1 (Ocm1_10_2000) - LIST OF CREDITORS PAID (5605) (KL)
(ATTACH)**

RECOMMENDATION

That Council receive the List of Creditors Paid for September 2000, as attached to the Agenda.

COUNCIL DECISION

Background

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

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

14.2 (Ocm1_10_2000) - REIMBURSEMENT OF LEGAL EXPENSES - DOUGLAS INQUIRY (1335) (ATC)

RECOMMENDATION

That Council further reimburse legal expenses incurred by the following staff during the Douglas Inquiry, as follows:

(1)	Mr S Hiller	\$930.00
(2)	Mr S Ryan	\$930.00

COUNCIL DECISION

Background

A number of Council staff incurred legal expenses during the Douglas Inquiry. Reimbursements have been made to date in accordance with Council policy and decisions. Several staff incurred legal costs in excess of amounts approved. At its meeting on 15 August 2000 Council decided to defer an item recommending reimbursement to Mr S. Hiller and Mr S Ryan the sum of \$930.00 each pending legal advice.

Submission

Claims for reimbursement of legal expenses above previously approved amounts have been received from Mr S Hiller and Mr S Ryan.

Report

Confidential legal advice on the matter of legal expenses incurred during the Douglas Inquiry has now been received and distributed under separate cover.

In accordance with Council Policy A1.18 - Legal Representation and Council decisions at its meeting on 26 October 1999, Mr S Hiller and Mr S Ryan have been reimbursed a total of \$6,000 each for legal expenses incurred during the Douglas Inquiry. However, each officer incurred legal expenses of \$6,930.00 and are now claiming \$930.00 each being the difference between total costs and amount previously reimbursed.

As no adverse findings were made in respect of these officers it is recommended that reimbursement of \$930.00 to each officer be made as requested.

Strategic Plan/Policy Implications

Policy A1.18 - Legal Representation allows for reimbursement of \$3,000. Additional reimbursements must be approved by Council. Council at its Meeting on 26 October 1999 extended an amount to \$6,000 for each of these officers.

Budget/Financial Implications

Funds are available in Account No.110312 - Investigation Expenses.

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

Nil

14.3 (Ocm1_10_2000) - POSSIBLE RECOVERY OF LEGAL EXPENSES PAID TO EX-COUNCILLORS AND STAFF DURING THE DOUGLAS INQUIRY (1335) (ATC) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the confidential report of the Director of Finance and Corporate Services;
- (2) rescind Policy A1.18
- (3) advise former Councillors J Grljusich, M Pecotic, J Ostojich and B Wheatley and former employee J Scharf that the City considers that, by virtue of Clauses 18 and 19 of Policy A1.18, the authorisation of financial assistance in respect of the Douglas Inquiry be revoked.

COUNCIL DECISION

Background

A number of payments were made to ex-Councillors and staff during the course of the Douglas Inquiry under conditions set out in Policy A1.18 and other Council decisions on 12 October 1999.

Submission

N/A

Report

A confidential report by the Director, Finance and Corporate Services concerning the possible recovery of legal expenses paid to ex-Councillors and staff during the course of the Douglas Inquiry has been forwarded under separate cover. In accordance with the decision of Council at its meeting on 15 August 2000 independent legal advice on the question of Inquiry legal costs was sought from Watts and Woodhouse, Solicitors and Legal Consultants. The legal advice concludes that:

- (1) Policy A1.18 can be considered as having been rescinded.
- (2) The authorisations of financial assistance to former Councillors Grljusich, Pecotic, Ostojich and Wheatley should be revoked by virtue of Clauses 18 and 19 of Policy A1.18.
- (3) In the case of Mr. Brown the nature of the findings do not fall under the provisions of Clauses 18 and 19.

The legal advice further suggests that the appropriate resolutions based on the conclusions should be:

- (1) The confidential report of the Director, Finance and Corporate Services be received and the advice noted.
- (2) Policy A1.18 be rescinded.
- (3) The City write to former Councillors Grljusich, Pecotic, Ostojich and Wheatley and to former employee John Scharf, to advise that the city considers that, by virtue of Clauses 18 and 19 of the Policy A1.18, the authorisation of financial assistance is revoked.

Strategic Plan/Policy Implications

The recommendation involves the rescinding of Policy A1.18 - Legal Representation.

Budget/Financial Implications

An amount of \$70,209 is allocated in the 2000/01 Budget for Investigation Expenses. Approximately \$15,000 of this amount is committed awaiting invoices.

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

Nil

15. ENGINEERING AND WORKS DIVISION ISSUES

Nil

16. COMMUNITY SERVICES DIVISION ISSUES

16.1 (Ocm1_10_2000) - KENNEL LICENCE FEES & CHARGES (6400) (AGM)

RECOMMENDATION

That Council the following Kennel Licence Application Fee Schedule be adopted:

- (1) Licence Application/Renewal Application, Administration, and Annual Inspection Fee - \$10.00 per adult dog, in relation to kennel numbers for 2000/01; and
- (2) the fee be increased to \$15.00 per adult dog for the 2001/2002 - budget period.

COUNCIL DECISION

Background

Currently there are 16 kennels in the City of Cockburn housing between 10 and 60 dogs in each establishment; most of these are small businesses operating for profit. The current fee charged is \$100.00 per kennel. The current Council registration fee for an unsterilized dog is \$30.00. With an average of 35 dogs to each licensed establishment, the cost to each Kennel if each dog were registered, would be approximately \$1000.

Council conducts annual inspections of the kennels to ensure that they are licensed, comply with Council's Local Laws and maintain a healthy environment for the dogs housed there.

Submission

N/A

Report

The current fee which is charged is for the application or renewal of the licence only and does not cover the Rangers time inspecting the premises and for other administrative and financial procedures. Over the years Council has also been involved in complex and time consuming disputes with neighbours over dog kennel issues. There is a great deal of inequity in the current fee schedule where a kennel with a 10 dog capacity pays the same as a kennel with a sixty dog capacity. It is therefore recommended that the current fee be amended in line with the size of the kennel's capacity to a charge of \$10.00 per adult dog, which equates to less than 50% of the annual licence fee normally charged.

It is proposed that this amount will increase to \$15.00 per adult dog for the 2001/2002-budget period.

Strategic Plan/Policy Implications

Key Result Area – Planning the Development of the City to achieve a high level of convenience, amenity and a sense of community.

Budget/Financial Implications

The income from kennels will increase from \$1,600 to approximately \$5,600.

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

Nil

16.2 (Ocm1_10_2000) - PROPOSED CATAMARAN AND WINDSURFER HIRE BUSINESS (2200418) (DMG)

RECOMMENDATION

That Council:

- (1) approve the application for a catamaran and windsurfer beach hire business to operate from Catherine Point Reserve, subject to the following conditions:

1. A Licence Fee of \$2,500 (plus GST, if applicable) per annum being payable in advance to the City of Cockburn;
 2. The operator providing copies of Insurance Policies indemnifying Council against any third party claims which may arise as a result of the activity;
 3. The operator agreeing to reinstate any damage which may result from the activity to any natural or man-made facility provided for within the precinct of the activity (e.g. walkways, sand dunes, access areas or pavements);
 4. The Licence may be revoked by Council on the provision of six (6) month's notice to the Licensee, without reason, or upon a shorter period of notice should Council have reasonable cause to warrant such shorter period, in which circumstances a pro rata refund of the annual Licence Fee will be paid to the Licensee; and
 5. The operator be required to liaise with Council Community Services staff to discuss the potential to establish structured and/or casual foreshore recreational activities which would complement the operation; and
- (2) advise the applicant that prior to commencing the hire business he must apply for and receive approval from the Department of Transport, Marine Branch.

COUNCIL DECISION

Background

Council has received an application from Mr Matthew Elliott of Hamilton Hill, seeking to establish a catamaran/windsurfer hire business at Catherine Point.

Mr Elliott is an experienced operator, having conducted a similar business in Darwin for many years during the 1990's.

A reference of Mr Elliott's capabilities is provided with his application.

Submission

Hire Equipment

6 x 14ft Mauri Catamarans

Approved public hire vessel of the Department of Transport's Marine Branch WA, Sheltered Waters

Vessel Life Jackets

1 x Plastic Canoe Oar

Crews 2 Adults

Limited to age 16 years and over

Bicycle Helmets

Operating Times

October, November, December, January, February and March

Thursday to Tuesday

10am to Sunset

Location

Catherine Point

Southern end of South Fremantle Dog Beach

Chart reference 82.49

Public Access

With the limited number of vessels proposed, operational impact to the surrounding car parking facility will not cause parking concerns. Clients will be required to walk either from the South Fremantle Beach car park, the Old Power Station Beach car park or the car park situated behind the proposed location, which is a distance of approximately 200 metres.

This beach was also selected due to the low level of public swimming. The ideal swimming beaches are situated at a closer proximity to the two major beachfront car parks. With highly visible warning signs placed on the sand and removable floating warning buoys, little to no impact or risk to the general beach public is anticipated.

The bay in this area has excellent natural or man-made identification markers, requiring little to no use of buoys.

Public toilets are situated in easy walking distance at South Beach.

Sailing Boundaries

Width: Catherine Point and the Power Station rock jetties

Inner Limit: 100 metres from the rock jetty tips outer rock jetty, except beach landing zone

Outer Limit: North Mole Lighthouse

Rescue Craft

1 x 16ft Aluminium Deep V Hull Runabout

Report

Council's coastal beach frontage available for public access stretches from Woodman Point in the south to South Beach at the northern boundary adjoining the City of Fremantle.

Within this coastal strip there exists one recreational hire business, being a Jet Ski hire operation located at Coogee Beach.

The proposal to add windsurfing and catamaran sailing to the aquatic recreational options for beachgoers would appear to be a beneficial one.

The proponent has chosen a site which will have negligible impact on other beach users and will hopefully serve to attract more people to a beach which is currently under-utilised in terms of public beach patronage.

The proponent appeals as a good choice to operate such an activity based on prior experience and knowledge of the industry standards and quality of equipment. He also appears to have a sound knowledge of client requirements and suggests that the activity could assist in attracting people to enjoy the facilities provided by Council and the State Government at Point Catherine.

Mr Elliott is also enthusiastic about providing some equipment to accommodate alternative beach recreation options, such as volley ball, frisbees and football sports, which have been successfully implemented in his previous operations.

With this in mind, it is possible that Council's Community Services area could utilise the operation to supplement such activities as holiday programmes or promotional events.

Overall, the proposition is considered to be one which would add value to the North Coogee facilities and hopefully act as a catalyst to attract more public to enjoy these excellent, but under utilised facilities.

The conditions imposed on the operator are considered sufficient to protect Council from any unforeseen adverse impact or liability the activity may cause. Therefore, on balance, it is suggested that conditional approval for the operation be granted.

Strategic Plan/Policy Implications

Key Result Area "Facilitating the Needs of Your Community" refer.

Budget/Financial Implications

Additional income of \$2,500 per annum to Council.

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

Nil

16.3 (Ocm1_10_2000) - THE LIBRARY AND INFORMATION SERVICE OF WESTERN AUSTRALIA - PROPOSAL TO CLOSE AND DISPERSE CORE STACK (740000; 740100) (DKF) (ATTACH)

RECOMMENDATION

That Council write to the Acting Chief Executive Officer of The Library and Information Service of Western Australia, with a copy to the Chairperson of the Library Board of Western Australia and the Western Australian Municipal Association to urge that the proposal to close, disperse and discard Core Stack be halted and that its future be negotiated as part of the agreements between the Memorandum of Understanding between the Western Australian Municipal Association and The Library and Information Service of Western Australia.

COUNCIL DECISION

Background

Council has received correspondence (attached) from the Acting Chief Executive Officer of The Library and Information Service of Western Australia (LISWA) advising that it is undertaking a programme to close and disperse Core Stack. This programme entails the closure of the stack and over the course of the next two years and the dispersal of its materials to the State Reference Library, Battye, public library maintenance stack, local stock collections in public libraries and finally to discard whatever remains. LISWA claims that, "Western Australians will have smarter access to adult non-fiction library materials with lasting information content."

Submission

N/A

Report

Core Stack was established some thirty two years ago to be a repository for the last copy of adult non-fiction public library stock. The

collection was to be and is available for interlibrary loan. It currently contains some 66 500 items.

While the role and the content has changed since its inception with the addition of fiction and ex heavy demand items it has remained an important source of interlibrary loans and a resource for people undertaking serious research.

LISWA has stated that the stack has of recent times not been able to be satisfactorily managed and maintained and that much of the stock is old, obsolete and in poor condition. It is also understood that there is considerable pressure on space in the Alexander Library Building.

These claims are undoubtedly true, however there are a number of other important issues and factors which require consideration.

- Lack of consultation with public libraries and local government.
The subject has never been raised at either the Resources Supply or Future Directions standing committees which are the appropriate places within the Communications Framework where the matter should have been discussed. LISWA says that it is following the recommendations of Project Bib Doc. Bib Doc is a LISWA in house programme which has not involved public libraries.
- Dispersal of the material.
LISWA's programme involves the dispersal of part of the collection to public libraries as local stock. The proposal raises several problems. Building guidelines for public libraries have never included space for any "stack" as it has not been considered necessary. Much of the material is not, due to its physical condition, suitable for public library collections and as local stock it will no longer be on the central location database. This means that it will be "lost" from the statewide collection. The concept of a statewide collection is a central tenant of public library service in Western Australia.
- LISWA's central role in the Western Australian library system.
The proposal as it stands will allow LISWA to again step away from its central responsibilities thus moving more of the load, physical and financial onto local government. It is really the most fundamental issue which needs to be addressed.

This and indeed other such projects are ones which impact on or have the potential to impact on local governments throughout the state. This ought not to be undertaken in such a unilateral manner. Local government and the state are close to the point of negotiating what should become a new relationship with respect to the management of public library services in Western Australia. It is inappropriate for either party to put in place such significant and far reaching changes before

this new relationship is agreed upon. Because of this it is recommended that council call for the programme to be halted until the framework agreements which are to be negotiated under the auspices of the Memorandum of Understanding have been properly developed.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Has the potential to add to the Library Service's operating costs and place pressure on its other resources.

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

Nil.

16.4 (Ocm1_10_2000) - TENDER FOR CLEANING OF THE SOUTH LAKE LEISURE CENTRE (10155; 8143) (GMac) (ATTACH)

RECOMMENDATION

That Council:

- (1) accept the tender for cleaning the South Lake Leisure Centre submitted by Office Cleaning Experts for the annual tender price of \$41,475.00; and
- (2) accept the contract period be from 23 October 2000 to 30 June 2002.

COUNCIL DECISION

Background

Contractual arrangements with the current cleaner, Prestige Property Services was terminated on the 20 September 2000 resulting from an unsatisfactory level of performance. Prestige Property Services has agreed to the cancellation of the contract and in accordance with the Terms of the Contract will continue to clean until the 22 October 2000. Council has a budget of \$48,400 for 2000/01 for the cleaning of the Centre of which \$42,000 has been allocated for general cleaning as per this contract.

Submission

N/A

Report

In summary, a total of seven (7) tenders were received by the conclusion of the acceptance period, with submissions detailed in the table below.

COMPANY	CONTRACT PRICE \$	MONTHLY PRICE \$	ANNUAL PRICE \$
Reekie Property Services	62,674.02	3,133.70	37,604.41
Office Cleaning Experts	69,575.00	3,478.75	41,745.00
MP Cleaning Contractors	71,157.72	3,557.89	42,694.63
Charles Service Company	95,380.00	4,769.00	57,228.00
Jason Cleaning Services	112,970.00	5,648.50	67,782.00
Cleandustrial Services	129,478.00	6,473.65	77,683.80
Ausclean Enterprises	130,740.00	6,537.00	78,444.00

* All prices indicated are inclusive of Goods and Services Tax

Specifications for the cleaning services requested tenderers provide a range of information to be utilised in evaluating the merits of each submission. Tenderers were also provided with the evaluation criteria and afforded the opportunity to submit any additional information that may support their submissions.

The information requested as selection criteria and provided is reflected in the evaluation matrix attached to the Agenda. All tenders submitted that were within budget were reference checked.

On the basis of the evaluation matrix, two (2) companies are under principal consideration, Reekie Property Services and Office Cleaning Experts.

References provided for Reekie Property Services included the City of Joondallup, Ballajura Indoor Sports and Craigie Leisure Centre, as well as Councils' Administration building and various community amenities. Referees contacted indicated an opinion relating to cleaning standard that varied from general to a high level of performance satisfaction.

References for Office Cleaning Experts included both the Town of Kwinana's Administration building and Recreation Centre, Craigie Leisure Centre and Sir Charles Gardiner Hospital. Contacted referees advised that the company maintained an excellent level of cleaning and employee supervision, as well as very good backup response. The Town of Kwinana expressed the opinion that Office Cleaning Experts were most professional in the performance of their duties.

Craigie Leisure Centre provided the most valuable comparison in that Office Cleaning Experts were their former contractors, with Reekie Property Services their current cleaners. The opinions expressed indicated a high level of performance satisfaction for Office Cleaning Experts and a generally high level of satisfaction with Reekie Property Services.

A summary of the scoring of the tenders within budget area is as follows:

Office Cleaning Experts Score 95 Ranking 1

Reekie Property Services Score 94 Ranking 2

Combining the information contained in the evaluation matrix and reference checking, Office Cleaning Experts although submitting a higher tender price, appear to offer a better standard of cleaning performance. Further, from the information provided Office Cleaning Experts have a higher 'Demonstrated Responsive Management Structure' to handle the tender.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Area which applies to this item is:

1. *To deliver services and manage resources in a way that is cost competitive without compromising quality.*

Budget/Financial Implications

Contained within the Centre's 2000/01 operational budget is an allowance for contract cleaning of \$42 000.00 (inclusive of Goods and Services Tax). The budget line item provides a figure of \$48,400.00, which is inclusive of window cleaning, sanitary contract ventilation cleaning which are specialist individual contracts.

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

Nil.

17. EXECUTIVE DIVISION ISSUES

17.1 (Ocm1_10_2000) - CHIEF EXECUTIVE OFFICER'S ORGANISATIONAL STATUS REPORT (1054) (RWB) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Organisational Status Report from the Chief Executive Officer dated October 2000; and
- (2) agree that the Report be prepared on a six monthly basis and be circulated to Councillors via Councillors' Info.

COUNCIL DECISION

Background

At its meeting of 9 March 1999, Council determined that a report on matters of interest be provided to Council on a quarterly basis.

The Organisational Status Report replaced the report previously prepared relating to performance measurement.

As Council received the last Status Report in July 2000, it is now time for the next report to be provided.

Submission

N/A

Report

Directors, Managers and staff have contributed to the information report which has been titled "Organisational Status Report".

The Status Report will be provided to Council on a quarterly basis highlighting issues that may be of interest to Council.

The Report provides a snapshot of issues at a particular point of time, even though they may currently be in the process of being considered by Council.

The Report should be prepared on a six monthly basis as quarterly is too frequent and short for significant changes to take place in respect of major projects and programs.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

17.2 (Ocm1_10_2000) - ENTERPRISE BARGAINING AGREEMENTS (2217; 2229) (ATC) (ATTACH)**RECOMMENDATION**

That Council:

- (1) authorise the Chief Executive Officer to sign the Enterprise Bargaining Agreements, as attached to the Agenda, in respect of those employees covered by the Local Government Officers' Award (WA) and the Municipal Employees' Award; and
- (2) authorise the Chief Executive Officer to sign the Enterprise Bargaining Agreement, as attached to the Agenda, in respect of those employees covered by the Building Trades Award and the Metal Trades Award provided that those employees agree, after further discussion, to the Enterprise Bargaining Agreement.

COUNCIL DECISION**Background**

Council's Enterprise Bargaining Agreements with its employees have been renegotiated.

Submission

N/A

Report

New Enterprise Bargaining Agreements have been developed by the Chief Executive Officer in conjunction with Workplace Representatives and Union Officers who represent the major Unions represented at the City of Cockburn. Wage increases have been negotiated in return for

productivity improvements as set out in the Agreements (copies attached to the Agenda).

Commissioners have been briefed as negotiations have occurred and guidance sought. The documents represent the result of these discussions with the Commissioners.

Voting by staff on the Agreements took place on 11 and 12 October 2000. The result of the vote by employees covered by the Local Government Officers' Award was 92% in favour of accepting the agreement. The result of the vote by employees covered by the Municipal Employees Award was 71% in favour of accepting the agreement. The majority of Union members also voted in favour of accepting the Agreement which authorises the appropriate Unions to sign the agreements.

The result of the vote by employees covered by the Building Trades and Metal Trades Awards was 2 in favour and 4 against. It is proposed that the Chief Executive Officer be authorised to sign the Agreement with these staff provided that further discussions with these employees results in acceptance of the Agreement.

The Agreements are now ready, subject to Council approval to be certified in accordance with Section 170LJ of the Workplace Relations Act 1996.

Strategic Plan/Policy Implications

Productivity improvements fall under the objective:

To deliver services and to manage resources in a way that is cost competitive without compromising quality.

Budget/Financial Implications

The Budget for 2000/01 contains sufficient funds to cover the wage/salary increases provided for in the Agreement.

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

N/A

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

20. URGENT MATTERS

Nil

21. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

22. CONFIDENTIAL BUSINESS

Nil

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

23.1 (Ocm1_10_2000) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

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.

24. CLOSURE OF MEETING

OCM 17/10/00

Nil