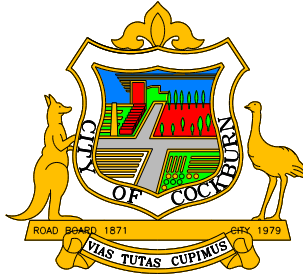


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

**FOR
TUESDAY 15 AUGUST 2000**

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 15 AUGUST 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, 15 AUGUST 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_8_2000) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Mr John Cooper - Public Question Time - Ordinary Council Meeting - 18 July 2000 - sought the definition of mobile phone equipment, which body determines what is 'low impact' and the visual effect of such equipment.

Correspondence dated 27 July informed Mr Cooper that Federal legislation has determined that certain telecommunications infrastructure is "low impact" and does not require Council approval. The OneTel microwave dishes already installed on the water tower in Coolbellup, are 0.6 metres in diameter. The Schedule in the Determination states that a radio communications dish not more than 1.2 metres in diameter, colour matched to its background and not protruding more than 2 metres from a structure, is low impact in a Residential area. This is prescribed under the Federal law and it is not open to Council to change that classification.

Mr John Grljusich - Public Question Time - Ordinary Council Meeting - 18 July 2000 - read a statement with regard to agenda item 12.4 and in particular, the issue of financial assistance to ex Councillors for legal expenses and the total cost of the Inquiry being paid by ratepayers.

In a letter dated 31 July, he was advised that a comprehensive submission had been put to the Minister in line with the officer's report considered by Council, seeking to negotiate a beneficial outcome for the City.

The letter also stated that in the absence of a Council decision to the contrary, Council had made specific decisions in regard to some former Councillors and others will be dealt with under the provision of Policy A1.18. Council will be reviewing the Inquiry findings and aligning them to the decision previously taken and thus formulating a position on same.

7. PUBLIC QUESTION TIME

Nil

8. CONFIRMATION OF MINUTES

8.1 (Ocm1_8_2000) - ORDINARY COUNCIL MEETING - 18/7/2000

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8.2 (Ocm1_8_2000) - SPECIAL MEETING OF COUNCIL - 25/7/2000

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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_8_2000) - ADOPTION - CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (1116) (LCD) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the submission lodged by The Pigeon Racing Federation of Western Australia (Inc.) and The Independent Racing Pigeon Federation (Inc.);
- (2) pursuant to Section 3.12(4) of the Local Government Act 1995 adopt the City of Cockburn (Local Government Act) Local Laws 2000 as attached to the Agenda and which forms a part of this report; and
- (3) adhere to all of the statutory procedures ensuring the promulgation of the City of Cockburn (Local Government Act) Local Laws 2000 be adhered to.

TO BE PASSED BY SPECIAL MAJORITY OF COUNCIL

COUNCIL DECISION

--

Background

Council on the 20 June 2000 decided to proceed with the making of the City of Cockburn (Local Government Act) Local Laws 2000 and an advertisement was published in The West Australian 28 June 2000 in accordance with section 3.12 (3) of the Local Government Act 1995. The forty-two day public comment period expired on the 9 August 2000.

Submission

The submission lodged by The Pigeon Racing Federation of Western Australia (Inc) and The Independent Racing Pigeon Federation (Inc) should be dismissed, that is all except the position advanced in relation to section 2.47 of the City of Cockburn (Local Government Act) Local Laws 2000. The submission in respect of Section 2.47 has been accepted and Section 2.47 has been amended to read:

Prior to granting any certificate of registration, the applicant shall seek the written opinion of all owners and occupiers whose land is adjacent to the land owned by the applicant.

Report

Prior to the close of the public submission period, a submission was received from The Pigeon Racing Federation of Western Australia (INC) and The Independent Racing Pigeon Federation (INC) in relation to Division 7 – Pigeons of Part II of the City of Cockburn (Local Government Act) Local Laws 2000.

The submission received objected basically to the whole of Division 7 of Part II of the Local Laws, which contains eleven sections. Prior to drafting the Local Laws, negotiations were held with the representative of the Pigeon Industry, L J Turley and it was understood that a position was reached regarding pigeon keeping in Cockburn, and that the position reached was reflected in the Local Laws which stood for public comment. Unfortunately, the position has changed and the thrust of the objection is that pigeon owners should not have to be compliant with the provisions of Division 7 of the Local Laws. In other words, the industry will control itself and if there is a complaint, local government will have no standards by which to deal with the issues to resolve the matter. The principle of self-performance based legislation is recommended to be rejected outright. There should be community standards and Division 7 of Part II of the City of Cockburn (Local Government Act) Local Laws 2000 establishes a community standard by publishing what the required standards are for the keeping of pigeons, and allowing complaints to be dealt with by the standards set.

A copy of the submission is attached to the Agenda and an overview of the submission is as follows.

Section 2.45(1) A person shall not keep more than 20 pigeons on any land in the district without having first obtained a certificate of registration from an authorised person for the person place at which the pigeons are to be kept.

The objection here centres on the number of pigeons able to be kept before registration is required. Admittedly, the number could have been set at five or ten, but setting the limit at 20 seems to be the norm.

Section 2.45(2) A certificate of registration shall be valid from its date of issue until the next 30 June.

Here the objections centre on having to register the pigeons annually. It is common practice throughout local government to require the annual registration of pigeons. This administrative information allows Council the control of pigeon keepers.

Section 2.46 An application for a certificate of registration shall be:

- (a) lodged by the applicant on the form approved by Council from time to time;*
- (b) lodged with specifications, site and construction plans of proposed cages, enclosures or lofts; and*
- (c) lodged with the approval fee.*

Firstly, the objection centres on having to pay a registration fee and secondly, the need to submit plans and specifications for cages enclosures or lofts. It is submitted, that here the objection is based around not having a building licence and the other reason for objecting to this section, is that the plans and specification can be considered as an improvement to the land, therefore the property rates could be increased. The submission continues to debate the point, if the pigeon keepers are to be registered, why then is there not a requirement for other bird keepers to register their birds. The point has merit but local government does not have the resources to embark such a course at this time.

Section 2.47 Prior to granting any certificate of registration, the applicant seeking a certificate of registration for the keeping of pigeons shall:

- (a) if the applicants premises are in a residential area consult all owner or occupiers within a radius of fifty metres of the premises and provide evidence of such; and*

- (b) *if the applicant's premises are in a rural area or a special rural area consult all owners or occupiers within a radius of five hundred metres and provide evidence of such.*

The submission objecting to this section has been accepted and in the local laws being presented to Council for adoption this section has been amended. The amendment is not considered substantial and the amendment reads:

2.47. Prior to granting any certificate of registration, the applicant shall seek the written opinion of all owners and occupiers whose land is adjacent to the land owned by the applicant.

Section 2.48(1) Pigeons shall not be kept within a caravan park or on any land on which is situated a grouped dwelling or multiple dwellings.

The submission here is that self-performance based legislation would overcome the problems, if any, if pigeons were housed on such property. This position is unacceptable.

Section 2.48(2) Pigeons shall not be kept on any land, which has an area of less than 600m².

The objection is centred on the permissible area of the property to keep pigeons. It is important that standards are set and here the community has a standard.

Section 2.49 (a) (b) and (c).

The submission has no comment in respect of this section of the Local laws.

Section 2.50(1)

The submission has no comment.

Section 2.50(2)

The submission has no comment.

Section 2.51

Here the submission is arguing that there is a need to reduce the setback dwellings for cages, enclosures or lofts. The distances set in the local laws comply with the standards set by other local governments.

Sections 2.52(1) and (2)

The submission has no comment regarding the standards set for exercising pigeons.

Section 2.53(1) and (2) (a), (b), (c), (d), (e) and (f).

This section deals with the cancellation or refusal of a certificate of registration and the submission has no comment.

Section 2.54

There are no concerns with the serving of a notice of breach under Division 7 and the submission has no comment.

Section 2.55

This section deals with compliance with the order served and the submission has no comment.

If Council adopts the City of Cockburn Health Local Laws 2000, the next step is to provide the Government Gazette with the appropriate copy for publication and in accordance with Section 3.12(7) copies of the Local Laws would have to be provided to the "Joint Standing Committee on Delegated Legislation" along with an Explanatory Memorandum.

Strategic Plan/Policy Implications

Key Result Area "Managing your City" refers.

Budget/Financial Implications

Funds are available within Council's "Governance" Budget to cover costs associated with promulgating Local Laws.

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

N/A

12.2 (Ocm1_8_2000) - ADOPTION OF FORMS - CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (1116) (LCD) (ATTACH)

RECOMMENDATION

That Council adopts the forms, which form part of the City of Cockburn (Local Government Act) Local Laws 2000, as attached to the Agenda.

COUNCIL DECISION**Background**

Council decided on the 20 June 2000 to proceed with the advertising of the City of Cockburn (Local Government Act) Local Laws 2000 for public comments. However, the copy of the local laws, which stood for comment did not contain any forms as the previous practice of publishing various forms with the local laws was dispensed with and instead the local laws include a phrase which permits Council the right to produce a form from time to time.

Submission

N/A

Report

In the drafting of the local laws it was decided not to follow the previous practice of including prescribed forms in the local laws. Rather it was decided to use a methodology, which would allow flexibility in the creation of forms for use in conjunction with the local laws. The forms proposed, if adopted, would become lawful for use in conjunction with the local laws. If during the enforcement process a form proves to be impractical for use or there is a change in administrative requirements then an amended version of the form can be submitted to Council for approval. There is no need to go through the lengthy process of amending the local law.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

Funds provided for in "Governance" Budget to publish the Laws in the "Government Gazette".

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

N/A

12.3 (Ocm1_8_2000) - PROPOSED POLICY C2.7 "REVIEW OF ELECTORAL MATTERS" (1700; 1035) (DMG) (ATTACH)

RECOMMENDATION

That Council:-

- (1) adopt Policy C2.7 "Review of Electoral Matters" as attached to the Agenda; and
- (2) adopt instrument of delegation "DA.A54 CONDUCT OF ELECTIONS BY POSTAL BALLOT".

TO BE PASSED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION**Background**

Pursuant to the provisions of the Local Government Act, 1995, Council is required to determine the method of conducting its elections and to occasionally review its method of elected representation.

Submission

N/A

Report

It is recommended that Council adopts a Policy to standardise timeframes and mechanisms by which these statutory requirements can be scheduled into Council's ongoing administration. Regarding the issue of conducting the elections by Postal ballot, it should be noted that there is no requirement for Council to separately resolve to seek the Electoral Commissioner's approval to declare the Commissioner responsible for the elections, however, it is necessary for Council to separately declare this once approval has been received.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Funds provided in Council's "Governance" Function to conduct elections and to undertake Boundary and Representation reviews.

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

N/A

12.4 (Ocm1_8_2000) - PROPOSED POLICY "REPRESENTATION AT COUNCIL RELATED FORUMS" (1034) (DMG) (ATTACH)

RECOMMENDATION

That Council adopt Policy C2.8 "Representation to Council Related Forums", as attached to the Agenda.

COUNCIL DECISION

Background

It is considered appropriate for Council to adopt a Policy which specifies a protocol to establish a reasonable understanding of how Council is represented at various meetings which are external to the normal process of Council Meetings.

Submission

N/A

Report

Generally, the requirement for Council to be represented at meetings external to the formal Council process is reasonably well defined.

Following each election cycle, Elected Members are appointed to a variety of stakeholder and community based organisations as a means of liaising with these groups and representing Council's position. At the same time, appropriate Council staff are appointed to some organisations, for the purpose of providing technical advice to the elected member(s). In this sense, the roles and expectations of both the elected and staff members are clearly defined. That is, the elected member assumes the responsibility for any "political" requirements, while the staff member attends to provide technical support and advice. The two roles are not confused, because these meetings generally assume some formality and involve a predetermined agenda.

However, there are other occasions, which occur spasmodically and often at short notice, where the expected roles of elected and staff members are less clearly defined.

These circumstances tend to involve meetings which are convened by Council, ratepayers or other third parties and generally are arranged to address single or topical issues which are of priority for one of the parties.

Often, in these circumstances, there is no formality and only a short time available for a position of Council to be prepared.

Such meetings can be adversarial in their nature and involve some potential conflict of opinion between participants. It is at this point that the role of participants needs to be clearly understood. It is submitted that Council staff, if requested to attend, are nominated to attend at the discretion of the Chief Executive Officer and are only involved to the extent of providing information, advice and answers which are technically competent and related to that officer's expertise. It cannot be expected that the officer should present Council's viewpoint, unless that view is supported by information and factual evidence available to the meeting.

The responsibility for any Council related viewpoint should rest with the elected member to explain or present.

It is considered that by adopting this protocol as a policy of Council, there will be a clear separation of the roles of Council representation at forums which are informal in their arrangement and conduct.

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

N/A

12.5 (Ocm1_8_2000) - PROPOSED AMENDMENTS TO COUNCIL'S STANDING ORDERS LOCAL LAW (1148) (DMG)

RECOMMENDATION

That Council:-

(1) make a Local Law to amend its Local Law Relating to Standing Orders, as follows:-

1. Amend Clause 4.2 "Order of Business" by including an

additional item (to be inserted as item 12) "12. Declaration by Councillors who have not given due consideration to matters contained in the Business Paper presently before the Meeting" and renumbering all subsequent items to items 13 - 25 respectively;

2. Amend Clause 4.9 "Notices of Motion"

(i) sub-Clause (1) 'Giving Notice of Motion" Part 3 by adding the words ",and shall be accompanied by sufficient information on the proposal to enable an Officer Report to be prepared and provided to Council prior to any motion being formally considered"; and

(II) sub-Clause (2) "Exclusion or Amendment of Notices" Part (1) by deleting the words "with the concurrence of the Mayor" from line 1 and Part (2) by deleting the word "Mayor" from line 5 and substituting the letters "CEO";

3. Add a new Clause 4.14, as follows:-

"4.14 Declaration of Due Consideration

Any Councilor who is not familiar with the substance of any report, Minutes or other information provided for consideration at a meeting shall declare that fact at the time declarations of due consideration are called for in the Order of Business of the meeting and in the event any Councillor makes such a declaration the Councillor shall leave the Council Chamber before any discussion or voting on that matter takes place.";

4. Amend Clause 5.2 "Confidentiality of Information Withheld" sub-Clause (1) Part (a) by deleting the words "Matters for which the meeting may be closed" and substituting the words "Confidential Business";

5. Amend the title of Part 6 by deleting the word "Document" and substituting the word "Documents"; and

6. Amend Clause 6.3 "Circumstances in Which CEO to Comply; by adding the words ", except in the case where the Mayor has made the request, in which circumstances the CEO shall refer the request to Council for determination"; and

(2) publish the proposed Local Law for public comment, in accordance with the provisions of the Local Government Act, 1995.

COUNCIL DECISION**Background**

The Douglas Inquiry contained some recommendations which, if implemented, would impact on Council's Standing Orders Local Law. In addition, there are some minor procedural matters which should be contained in any amendments. These are expanded on in the Report which follows.

Submission

N/A

Report

Resulting from the recent Inquiry into the City of Cockburn, the Inquirer made some recommendations which have the clear potential to impact on the operations of Council, as far as the conduct of its business is concerned.

While it is not considered the implementation of these recommendations will cause any major concerns, it is suggested that the Inquirer's findings in these areas should be considered.

It then follows that, if accepted, some modifications to Council's Standing Orders Local Law are required. In addition, there are some minor procedural modifications which should be attended to at the same time.

These proposed amendments (six in total) are summarised as follows:-

1. The Inquirer recommended in the Report that "...the City should reconsider the introduction of a declaration of that type..." referring to elected members giving "due consideration" to Agenda Papers. The Inquirer made this comment in relation to the apparent failure of some elected members to properly prepare for their decision making responsibilities at Council Meetings by familiarising themselves with the Agenda Papers, which contained the items to be considered by the Meeting, together with related Reports and recommendations prepared by officers. The same Clause that is being suggested (as sub-recommendation 3 above) is the very Clause which Council previously rejected as being "too difficult to monitor" when

Council was considering its Standing Orders review in 1998. Because of this perceived administrative difficulty, the matter was dropped from any subsequent consideration. However, it would appear that, having been given sufficient attention during the Inquiry, there is merit in including this as a requirement of elected members in the future. Hence sub-recommendation (1) and (3) address this matter.

2. Another accountability provision highlighted by the Inquirer was the willingness of elected members to consider making decisions (with financial implications) "from the floor" of a meeting, in the absence of an officer recommendation or Report. The Inquirer was highly critical of the process by which these decisions were able to be made.

The Inquirer recommended that Council's Standing Orders should include a mechanism which would prevent such actions occurring in the future.

While this suggestion has specific merit, as it relates to financial accountability, it is considered that a general clause requiring the accountability to be extended to all Council decisions would be of an overall benefit to the process. This is best achieved by including the requirement for any Notice of Motion from any elected member (including the Mayor) to be accompanied by sufficient background detail to enable an officer Report to be prepared to address the proposal.

With the "Urgent Business" provisions covering any other avenue which was previously available as a means of avoiding the normal flow of reporting to Council, there would appear to be no other need to amend the Standing Orders in this area. Sub-recommendation (2) refers to this issue.

3. Production of Documents to elected members was another process addressed by the Inquirer, which can be adequately addressed by a minor amendment to the relevant Clause of the Standing Orders dealing with this subject. The proposed amendment would require any approach by the Mayor to the CEO, to provide a document for perusal and which approach was deemed unacceptable by the CEO, to be referred to Council for deciding.

This proposed amendment is contained in sub-recommendation (6).

4. Sub-recommendations (4) and (5) are strictly procedural in nature and have no bearing on the intent of the related clauses.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Funds contained in "Governance" Operational Budget to provide for administration associated with this process.

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

N/A

12.6 (Ocm1_8_2000) - PROPOSED POLICY C1.4 "REFERENCE TO ELECTED MEMBERS" (1034) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report; and
- (2) refer the matter to the Western Australian Municipal Association for consideration, so that a standard protocol can be adopted for local government in Western Australia.

COUNCIL DECISION

Background

There is a need to clarify the role and status of elected members in the interests of the elected member, staff and the public.

The "Douglas" Inquiry to the City of Cockburn implied that there were occasions where elected members in their "capacity" of Mayor or Councillor used their position to attempt to achieve certain outcomes or make commitments undertaken to bind the Council or its staff.

Submission

Under Section 1.4 the definition of the various officers on Council are:-

- **"Council"** means the Council of a local government;

- **"Councillor"** means a person who holds the office of Councillor on a Council (including a person who holds another office under section 2.17 (2) (a) or (b) as well as the office of Councillor);
- **"elected Mayor or President"** means a Mayor or President elected by electors of a district;
- **"local government"** means a local government established under this Act;
- **"member"**, in relation to the Council of a local government, means:-
 - (a) an elector Mayor or President of the local government; or
 - (b) a Councillor on the Council (including a Councillor who holds another office under section 2.17 (2) (a) or (b) as well as the office of Councillor.

Under Section 2.5 local governments are created as bodies corporate:-

- (1) When an area of the State becomes a district, a local government is established for the district.
- (2) The local government is a body corporate with perpetual succession and a common seal.

Under Section 2.6 local governments to be run by elected Councils:-

- (1) Each local government is to have an elected Council as its governing body.
- (2) The offices on the Council of the local government of a city or town are those of the Mayor, the deputy Mayor and the Councillors.

Under Section 2.7 the role of the Council:-

- (1) The Council -
 - (a) directs and controls the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the Council is to -
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Under Section 2.8 the role of the Mayor or President:-

- (1) The Mayor or President-
 - (a) presides at meetings in accordance with this Act;
 - (b) provides leadership and guidance to the community in the district;
 - (c) carries out civic and ceremonial duties on behalf of the local government;
 - (d) speaks on behalf of the local government;
 - (e) performs such other functions as are given to the Mayor or President by this Act or any other written law; and
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions.

- (2) Section 2.10 applies to a Councillor who is also the Mayor or President and extends to a Mayor or President who is not a Councillor.

Under Section 2.10 the role of Councillors:-

A Councillor-

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the Council;
- (d) participates in the local government's decision-making processes at Council and committee meetings; and
- (e) performs such other functions as are given to a Councillor by this Act or any other written law.

The foregoing indicates that a Mayor and Councillors only have the power to perform their respective Council office duties in a legally constituted Council meeting.

Report

The Western Australian Municipal Association should be requested to consider how Mayors and Councillors are to be referred to in a Council meeting or other legally conducted local government function and when acting as private individuals outside a formally convened meeting of the Council.

There needs to be a uniform protocol adopted by the Western Australian Municipal Association for local government in Western Australia.

Some of the rationale to the suggested Policy is contained in the extracts included under the "Submissions" to this report, but in addition include the following:-

- (1) An elected Mayor is not referred to as a Councillor, but as Mr, Mrs or Ms (or other title);
- (2) Members of the Lower House of State Parliament retain their public title, with the letters MLA after their name, and only those parliamentarians who are given the responsibility of a Ministerial portfolio or are in the Upper House (MLC) become Honorable;
- (3) It does not appear that by being elected to the office of Councillor, that this necessarily attaches to it the right or requirement to change a persons public title from Mr, Mrs or Ms (or other) to Councillor; and
- (4) The use of the title Councillor by elected members outside a properly constituted Council meeting or other meeting provided for under the Act, could be inappropriate, as it gives elected members, ratepayers and staff the incorrect impression that elected members have a position of authority outside a formally convened meeting of the Council.

Informal discussions with Mr John Gilfellon at the Department of Local Government advised that there was no requirement to address elected members in any given way and that it was open to the Council to establish its own protocols for its Council.

Past practice, which is common in most local governments is that Mayors and Councillors use the title when being addressed or signing correspondence. This, however, is by choice and is not an entitlement provided for under the Act.

Strategic Plan/Policy Implications

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

1. Managing Your City

'To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.'

Budget/Financial Implications

N/A

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

N/A

12.7 (Ocm1_8_2000) - PROPOSED POLICY A1.19 "REPORTS TO COUNCIL" (1034) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report; and
- (2) adopt Policy A1.19 "Reports to Council" as attached to the Agenda and include it in its Policy Manual.

COUNCIL DECISION

Background

The "Douglas" Inquiry into the City of Cockburn was critical of some of the reports prepared by staff for Council's consideration.

Submission

For example, in relation to the Council's and staff actions relating to Town Planning Scheme No. 2 Amendment No. 91 relating to the Packenham Urban Development Area, the Inquiry said that the Council decision was unlawful because:-

- (i) the Council failed to comply with the principle of procedural fairness;
- (ii) the Council failed to take into account relevant considerations;
- (iii) the Council took into account irrelevant considerations;
- (iv) the decision was so unreasonable that no reasonable person would have made it;
- (v) there was no relevant material to justify the decision; and
- (vi) the decision was made for improper purposes.

Although the staff cannot be held accountable for a Council decision, staff can be accountable for the veracity of the reports submitted to Council on which decisions are based.

For this reason, it is important that properly prepared and considered reports be prepared by staff to ensure that the Council is appropriately and adequately informed to make rational and informed decisions.

Report

A Policy should be prepared which is adopted by the Council pertaining to the standard of reporting required by staff to ensure that it is in a position to make lawful and well considered decisions.

A proposed Policy A1.19 "Reports to Council" is attached to the Agenda for the Council's consideration.

Strategic Plan/Policy Implications

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

1. Managing Your City

'To conduct Council business in **open** public forums and to manage Council affairs by employing publicly **accountable** practices.'

Budget/Financial Implications

N/A

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

N/A

12.8 (Ocm1_8_2000) - PROPOSED POLICY C8.1 "ELECTED MEMBERS AREA" (1034) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) establish an Elected Members' Occasional Committee;
- (3) acknowledge that the Elected Members' Area is restricted to the area shown on the plan attached to the Agenda;

- (4) nominate the membership of the Elected Members' Occasional Committee following the first meeting of the newly elected members after the election held on 6 December 2000 to examine the use of the Elected Members' Area and make recommendations to Council; and
- (5) adopt the attached policy "C8.1 - Elected Members' Area" and include it in the Council's Policy Manual.

COUNCIL DECISION

Background

The Elected Members have allocated to it the first floor of the northern wing of the Administration building as depicted on the attached plan.

The area includes:-

- the Council Chamber;
- the Function Room;
- the Dining Area;
- the Bar;
- the Elected Members' Lockers;
- the Elected Members' Room;
- the Elected Members' Ante Room.

In addition to the above areas, there are the Elected Members'/Staff Briefing Room and the Elected Members'/Staff Conference Room and other utility rooms such as a cool room, four storerooms, Caretaker's office, Ladies and Gents toilets, kitchen and public lobby, which should continue to be managed by the administration, unless the Council directs differently.

Elected Members will have security access to this area when required for official meetings and functions.

Councillors access will be via either the northern landing, the first floor public counter or the ground floor public entrance to the lobby area.

Submission

The "Douglas" Inquiry into the City of Cockburn was critical about the way Council facilities and resources, including the Mayor's parlour, was used for private business.

This matter is being addressed in the Code of Conduct.

It is important therefore that the use of the Elected Members' Area, be subject to a set of rules which is prepared, agreed to and enforced by the Council as it relates to the Elected Members.

This is not an administration matter.

Report

Attached is a Policy relating to the Elected Members' Area.

It is recommended that the area designated for use by Elected Members be the subject of a set of rules which apply to the use of the Elected Members' Area.

This should be done by an Occasional Committee of the Council, and its recommendations should be the subject of a Council decision and implemented as a Council Policy.

The Council should enforce the Policy.

The types of matters that the Committee could consider could relate to:-

- (1) use of the meeting and function areas;
- (2) use of the Elected Members' Room (previously the Mayor's Parlour);
- (3) time of access to the area;
- (4) visitors invited by Elected Members;
- (5) types of functions;
- (6) the responsibility of the last to leave;
- (7) times the bar will be open, serving and visitors;
- (8) staff and public access;
- (9) meeting with ratepayers, the public, staff and local members of parliament and the sharing/rostering of the Elected Members' Room, the Elected Members' Conference Room and the Elected Members' Briefing Room;

- (10) security and the control of public behaviour;
- (11) setting up and the use of equipment and presentation aids; and
- (12) emergency procedures.

The establishment of an Occasional Committee should be deferred until after election of the new Council on 6 December 2000.

Strategic Plan/Policy Implications

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

- 1. Managing Your City

'To conduct Council business in **open** public forums and to manage Council affairs by employing publicly **accountable** practices.'

Budget/Financial Implications

N/A

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

N/A

12.9 (Ocm1_8_2000) - PROPOSED NEW CODES OF CONDUCT (1054) (DMG) (ATTACH)

RECOMMENDATION
That Council adopt the Codes of Conduct for Elected Members and Staff, as contained in the attachments to the Agenda.

COUNCIL DECISION

Background

It is considered appropriate for Council to contemplate relevant issues of the Inquiry Report recently conducted and insert suitable statements in its Codes of Conduct to address those matters.

Submission

N/A

Report

Council previously reviewed its Codes of Conduct in May 1999, primarily as a result of legislative amendments requiring Codes to contain provisions relative to acceptance of gifts and declaration of personal (non-financial) interests.

As a result of the Inquiry into the City of Cockburn Report, a number of additional matters have been included in this Code, mainly as a result of the re-inclusion of the "undue influence" Clause, which was a strong recommendation of the Inquirer.

Several statements governing administrative practices to be adopted by elected members have also been included in Draft Code.

These statements have been replicated in the Staff Code, where relevant, to ensure there is a balance in the conduct expectations of both staff and elected members.

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

N/A

12.10 (Ocm1_8_2000) - PROTOCOL DOCUMENT - "BEING AN ELECTED MEMBER" (1034) (DMG) (ATTACH)

RECOMMENDATION

That Council adopts the document entitled "*Being and elected member (a guide for the City of Cockburn)*", incorporating a summary on being an elected member, elected member performance indicators, elected member conduct principles - Policy, role of Mayor and councillor and a code of conduct for elected members.

COUNCIL DECISION

Background

Council engaged the services of KPMG to provide direction in general development, improved efficiency and professionalism in service delivery at the City of Cockburn.

Submission

This report deals with two specific recommendations made by KPMG viz.:

- Develop a set of indicators that measure the performance of elected members to complement indicators that measure the activities of the staff.
- Develop a Councillor accountability policy that encapsulates the stewardship role of Council at the individual and collective level.

Attached to this item is a draft package for elected members covering:

- Summary on being an elected member
- Elected Member Performance Indicators
- Elected Member Conduct Principles - Policy
- Role of a Mayor and Councillor (Section 2.8 and 2.10 of the Act)
- Code of Conduct for Elected Members

Report

The draft attachment, "Being an elected member (a guide for the City of Cockburn)", has received input from the West Australian Municipal Association (WAMA) and the Local Government Department. A further on-site meeting at WAMA ensured the draft received additional refinement.

Input from Senior staff has finalised the draft and it is now considered to be in an appropriate form for adoption by Council.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers

Budget/Financial Implications

Funds provided in the Conferences/Seminars/Training budget for elected members.

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

N/A

12.11 (Ocm1_8_2000) - PROPOSED POLICY C4.4 "PROCEDURAL FAIRNESS" (1054) (SR) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report; and
- (2) adopt Policy C4.4 "Procedural Fairness" as attached to the Agenda and include it in its Policy Manual.

COUNCIL DECISION

Background

The "Douglas" Inquiry into the City of Cockburn highlighted Amendment 91 (which involved Lot 17 Hamilton Road) as an instance where the Council's decision making process failed to comply with the principles of procedural fairness. It was concluded that this constituted an unlawful decision for this and other reasons.

There is a need to actively promote the quality, integrity and impartiality of Council decisions by outlining a set of ideal decision making procedures which conform to the principles of 'procedural fairness' or 'natural justice'.

Submission

N/A

Report

An 'ideal' system of local government decision making is said to be 'accountable', 'transparent' and 'predictable', defined as follows:

'accountability' involves: '... making government officials responsive to the needs of citizens ... (and) establishing criteria to measure the

performance of public officials, as well as mechanisms to ensure standards are met.'

'transparency' involves: '... the availability of information to the general public ... and clarity about government rules, regulations and decisions.'

'predictability' involves: 'the fair and consistent application of laws, regulations and policies ... (and) encompasses well-defined rights and duties ...'

(Root (1996) quoted in Martin J. (1999))

Notwithstanding the existence of external Appeal bodies and Ministerial complaint procedures which act to review decisions 'after the event', it is important that local government decisions are based on 'procedural fairness' before the decision is made. The key considerations of procedural fairness consist of: '... what is fair to the person affected, what is sensible in the circumstances and what will determine the truth of the matter.' (Pearce, D, 1996)

A discussion of the principles of natural justice by Professor Denis Pearce, who is a professor of law at ANU and a former Commonwealth Ombudsman. is included as an attachment to the Agenda, together with a proposed Council Policy.

The problem of defining a standard Policy to 'guarantee' procedural fairness is that its constituent factors are defined by the particular circumstances of each case.

Matters identified by Professor Pearce that should be considered are paraphrased as follows:

1. the decision maker must not have an 'interest' in the outcome of the matter;
2. procedures for granting approvals, licences, etc can be less elaborate than those concerned with the revocation or non-renewal of an existing approval or licence;
3. decisions must be based on relevant considerations and an applicant should be made aware of those considerations. If an issue becomes relevant to a decision (for example, an issue raised by an objector) an applicant should have the opportunity and adequate time to respond to the issue prior to the decision;
4. application procedures should be advertised;
5. there should not be a reliance on unsubstantiated allegations/objections;

6. if applications are of a routine nature, they can generally be decided by following policies determined by the decision maker;
7. decisions can be properly made by delegates who have considered the relevant material and followed proper processes; and
8. the Officer Report put to a decision maker (Council) in support of a recommendation should constitute a proper analysis of the relevant material.

The "Douglas" Inquiry makes a number of points about 'procedural fairness' ie:-

5.4.35 *It is fundamental principle of procedural fairness that a decision maker must not make a decision that adversely affects the rights of a person without giving that person an opportunity to be heard. For decision makers in the public sector, including local governments, it is a rule of law. A decision made in breach of the principles of procedural fairness is open to a Supreme Court challenge and may be set aside as unlawful.* (Douglas, p413)

5.4.37 *Another significant consequence of applying procedural fairness principles is that it enhances the prospect of wider public confidence in the resulting decisions, even - or particularly - when the outcome is viewed as unfavourable.* (Douglas, P413)

Impartiality and Procedural Fairness is served by ensuring that if a letter or other material is placed before Council, a person whose interests may be affected by the outcome is given an opportunity to respond. In the routine Council Agenda preparation process, inevitable time pressures mean that 'on the run' judgements have to be made regarding; firstly whether 'late' submissions are to be placed in front of the Council; secondly the relevance of any particular material to the decision; and, thirdly whether the applicant or another person has interests that may be affected by any particular material considered by the Council as relevant to the decision. Douglas found that it is not incumbent on an employee to include all material which merely 'touches upon' an Agenda item.

The "Douglas" Inquiry identified the following characteristics of decision making as integral to 'good government':

- *'the quality and integrity, including the impartiality and fairness, of the City's decision making processes and its resulting decisions'* (Douglas, p1025).

In addition to 'procedural fairness', this also requires a reliance upon 'relevant considerations' and a corresponding avoidance of 'irrelevant considerations'. Under the heading of 'irrelevant considerations'

adversely affecting Council's decision on Amendment 91 was the issue of Council involvement in private disputes.

The "Douglas" Inquiry's position was that:

'As a general principle, local governments are best advised to attempt to exercise their statutory powers independently of, and without getting involved in or affected by, private disputes.' (Douglas, p444)

A proposed Policy designed to guide Officers and Council decision making so as to conform with the ideals discussed in the report is attached for consideration.

Strategic Plan/Policy Implications

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

1. Managing Your City

'To conduct Council business in **open** public forums and to manage Council affairs by employing publicly **accountable** practices.'

Budget/Financial Implications

N/A

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

N/A

13. PLANNING AND DEVELOPMENT DIVISION ISSUES

13.1 (Ocm1_8_2000) - ADOPTION - CITY OF COCKBURN HEALTH LOCAL LAWS 2000 (1125) (LCD) (ATTACH)

RECOMMENDATION

That Council:

- (1) pursuant to Section 3.12(4) of the Local Government Act 1995 adopt the City of Cockburn Health Local Laws 2000, as attached to the Agenda and which form a part of this report; and
- (2) adhere to all of the statutory procedures ensuring the promulgation of the City of Cockburn Health Local Laws 2000.

TO BE PASSED BY SPECIAL MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council on 21 March 2000 decided to proceed with the making of the City of Cockburn Health Local Laws 2000 and an advertisement was published in The West Australian 25 March 2000, in accordance with Section 3.12(3) of the Local Government Act 1995. The forty-two day public comment period expired on the 8 May 2000 and because there was a linkage with the proposed City of Cockburn (Local Government Act) Local Laws 2000, the matter was held over.

Submission

The City of Cockburn Health Local Laws 2000 should be adopted.

Report

At the close of the public submission period, no submissions were received, in relation to the City of Cockburn Health Local Laws 2000. However, comments were received from the Health Department of Western Australian regarding the proposed local laws and they were amended following consultation with the Principal Environmental Health Officer. The comments received from the Department were not significant, but rather of a cosmetic nature.

The adoption of the local laws was not pursued following the lapsing of the forty-two day period because the City of Cockburn Health Local Laws 2000 was to repeal the City of Cockburn Stables Local Laws. Responsibility to administer matters relevant to stables to be taken up in the City of Cockburn (Local Government Act) Local Laws 2000. Therefore, if the Health Local Laws were proceeded with then there would be no subsidiary legislation controlling stables.

It became necessary to produce a set of local laws, which related specifically to health issues and concerns of a general nature are grouped in the City of Cockburn (Local Government Act) Local Laws 2000. By doing this, the opportunity will exist to control breaches of various matters by modified penalties, an avenue, which is not available under the Health Act 1911.

If Council adopts the City of Cockburn Health Local Laws 2000, the next step is to provide the Government Gazette with the appropriate copy for publication and in accordance with Section 3.12(7) copies of

the local laws are to be provided to the “Joint Standing Committee on Delegated Legislation” along with an Explanatory Memorandum.

Strategic Plan/Policy Implications

Key Result Area *Planning Your City* refers.

Budget/Financial Implications

Funds available within Council's "Governance" Budget to cover costs associated with promulgating Local Laws.

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

N/A

13.2 (Ocm1_8_2000) - ADOPTION OF FORMS - CITY OF COCKBURN HEALTH LOCAL LAWS 2000 (1125) (LJCD) (ATTACH)

RECOMMENDATION

That Council adopts the forms, which form part of the Health Local Laws 2000 and are attached to the Agenda.

COUNCIL DECISION

Background

On the 21 March 2000 Council decided to advertise the Health Local Laws 2000 for public comment and this occurred on the 25 March 2000. The Health Local Laws 2000 submitted for public comment did not contain any forms as there was a phrase included in the local laws, which permitted Council the right to produce a form from time to time.

Submission

N/A

Report

The methodology behind this process of approving the forms separately and not as part of the local laws allows for the flexibility in creating a form to suit the purpose. That is, if the forms were approved as part of the local laws the only way they could be amended is by

going through the local laws statutory process to amend the form or forms. Here the opportunity exists for new forms to be created to suit the needs of the department and then presented to Council for adoption. This method is more practical and a lot faster.

Strategic Plan/Policy Implications

Key Result Area " Conserving and Improving Your Environment" refers.

Budget/Financial Implications

Funds provided for in "Governance" Budget to publish the Laws in the "Government Gazette"

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

N/A

13.3 (Ocm1_8_2000) - PROPOSED MOBILE PHONE TOWER REPLACEMENT AND ADDITIONAL ANTENNAE (4109799) (MT) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the application for a mobile phone tower replacement and additional antennae on Lot 101pt; 39 Howson Way, Bibra Lake 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 N° 2;

Special Conditions

1. The tower being designed so as to enable other telecommunications carriers to co-locate on the facility; and
2. Arrangements being made to the satisfaction of Council for the location of the Telstra facilities on the tower, with consideration being given to flush mounting the antennae in order to reduce their visual impact.

- (2) issue a Form 2 Approval to Commence Development to the

applicant; and

(3) advise those who made a submission of Council's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	INDUSTRIAL
	DZS:	GENERAL INDUSTRY
LAND USE:	FACTORY & MOBILE PHONE TOWER	
LOT SIZE:	4309m ²	
AREA:	N/A	
USE CLASS:	"SA"	

Submission

The proposed development replaces an existing Telstra slimline pole with a new 35 metre high slimline pole. The proposal comprises:

- 35 metre height steel monopole;
- three panel antennae at height of 35 metres (Telstra);
- six panel antennae at height of 30 metres (AAPT);
- one 300mm transmission dish at height of 32 metres (AAPT);
- an equipment shelter with an area of 2.5m by 3m, with a height of 3m, constructed of prefabricated concrete base with custom-orb wall and roof cladding;
- interconnecting gantry;
- a two metre high security chain wire fence; and
- access driveway.

The submitted site plans and elevations are attached to this Agenda.

The application was referred to all landowners within a 400 metre radius of the tower to provide them with an opportunity to comment. Four submissions were received, including a petition with 72 signatures on it. A summary is included attached to this Agenda.

Report

The existing pole is 20 metres high with the antennae flush mounted to the pole. The proposed pole is 15 metres higher and the antennae are to be mounted on a head frame, so that they protrude from the pole. It will have an increased visual aspect by virtue of these changes. It is

within an industrial area, where the impact on amenity is not what it might be in commercial or residential areas. Further, there are power lines and a large flagpole nearby, both of which are of a greater scale than the proposed development. Overall, it is not considered the proposal will negatively affect the amenity of the area.

Some of the landowners surrounding the site are opposed to the development. However, the proposal meets all of the location requirements of Council Policy PD32 "Location of High Voltage Overhead Power Lines and Microwave Towers". The Policy states that where possible they should be in industrial, commercial or non-residential areas and should be as far as possible from any residences. The closest residence is 650 metres away. The Policy also states a preference for co-location with other carriers. The site is the type of solution to the provision of telecommunications infrastructure that Council Policy and the Federal legislation encourage. It is in line with the wider community's expectations that structures with mobile phone antennae be located in industrial or rural areas where possible.

Strategic Plan/Policy Implications

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

1. 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."*

The Planning Policies which apply to this item are:-

PD31*	Telecommunications Policy - High Impact Facilities
PD32	Location of High Voltage Overhead Power Lines and Microwave Towers

Budget/Financial Implications

N/A

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

N/A

**13.4 (Ocm1_8_2000) - FINAL ADOPTION AMENDMENT 220 LOT 45
ROCKINGHAM ROAD HAMILTON HILL (2206205) (JAN) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopt the amendment for final approval without modification;
- (2) sign, seal and forward the amendment documents to the Western Australian Planning Commission in anticipation of the Hon. Minister's advice that final approval will be granted; and
- (3) advise the applicant accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	DZS:	Public Purpose - TAB
LAND USE:	Vacant building (previously betting agency)	
LOT SIZE:	212 m ²	
AREA:		
USE CLASS:	N/A	

Submission

Council recently considered the proposed rezoning of Lot 45 located on the corner of Rockingham Road and Healy Road, Hamilton Hill from "Local Reserve - Public Purpose (TAB)" to "Mixed Business".

The amendment was initiated by Council in March this year, and referred to the Environmental Protection Authority (EPA) for assessment. The Environmental Protection Authority advised that the amendment did not require assessment. Further, the amendment was advertised for a period of 42 days, with the advertising period ending 19 July 2000. No submissions were received.

Report

The site is vested in the Totaliser Agency Board and was operated as a TAB agency until recently. The site is now surplus to the TAB's requirements and is to be offered for sale. To facilitate alternative development options the land requires to be rezoned.

The subject site has an area of 212 m² of which 128m² is occupied by a 25 year old building, constructed as a purpose built TAB agency.

Land surrounding Lot 45 is zoned for a mix of light industrial and commercial uses.

This area includes an adjoining ice works and timber yard, showrooms and offices. On the opposite side of Rockingham Road is the Newmarket Hotel and a single residence. The northern side (City of Fremantle) across Healy Road is zoned residential, though it remains largely undeveloped.

The size of Lot 45 is too small to accommodate a light industrial use.

The existing combination of business and light industrial development in the locality suggests that the rezoning of Lot 45 to "Mixed Business" will not alter or affect the current land use composition of the area.

Furthermore, the draft of the Town Planning Scheme 3 proposes the rezoning of most of the immediate surrounding properties to "Mixed Business". Therefore the rezoning of Lot 45 from Local Reserve to Mixed Business is consistent with the land use proposed by Scheme 3.

Accordingly it is recommended that the Amendment be adopted for final approval, without modification.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

N/A

13.5 (Ocm1_8_2000) - PROPOSED MICROWAVE DISHES (2) ON WATER TOWER (1113771) (MT) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the application for two microwave dishes attached to the western water tower on Lot 1 Visser Street, Coolbellup subject to the following conditions:

Standard Conditions

- 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 N° 2;

Special Conditions

- The dishes being coloured grey to match the water tower.

COUNCIL DECISION

Background

ZONING:	MRS:	URBAN
	DZS:	LOCAL RESERVE – PUBLIC PURPOSE – WATER AUTHORITY OF WA
LAND USE:	WATER STORAGE	
LOT SIZE:	12.4795 ha	
AREA:	N/A	
USE CLASS:	Use Not Listed	

Council received notification that OneTel was installing telecommunication facilities on the western water tower and building an equipment shelter at ground level. The majority of the facilities are deemed Low-impact under the Telecommunications (Low-impact Facilities) Determination 1997 and are exempt from Council approval. The 3 antennae and 16 small microwave dishes have already been installed.

Submission

Two proposed dishes are too large (1.8 metres in diameter) to be considered Low-impact and thus are subject to the State's approval process. They will be flush mounted to the side of the water tower. They are required because the lot is to become a central receival point (hub site) for OneTel's network in the southern suburbs. The dishes transmit to the next hub site in the CBD. Plans and elevations are attached to this Agenda.

The application has been advertised with all landowners within 400 metres of the proposed location. A total of 13 submissions, including a

petition with 231 signatures on it, have been received opposed to the proposed development. A summary is attached to this Agenda.

A revised plan was received from the applicant on 25 July 2000 lowering the height of the dishes by 1 metre to 34 metres above ground level. This is a minor adjustment to the advertised proposal.

Report

Lot 1 Visser Street is a Local Reserve under Council's District Zoning Scheme No.2. As such Clause 2.3 provides that any development other than that for which the Reserve is reserved must obtain Planning Consent. The proposed development requires Planning Approval because the lot is reserved for Water Authority purposes.

The two dishes form a relatively minor part of the OneTel facility, though they are larger than the existing antenna and dishes. They should not have a negative effect on amenity. The Water Corporation site contains two 35 metre high water towers. The dishes, when flush mounted and colour matched to their background as proposed, could not be perceived as a visual eyesore. The facilities are to be located 50 metres from the closest residence.

A Radhaz report on the electromagnetic energy (EME) emissions from the site has been submitted to Council and is attached to this agenda. It should be noted this relates to the low-impact antenna already on the site. The applicant has advised that the dishes the subject of this application do not emit EME. The community's fears of potential health effects from these two (2) microwave dishes are therefore not relevant to the proposal under consideration.

The installation of telecommunications infrastructure on the existing water tower is a better alternative to building a new tower elsewhere. It is the type of co-location solution encouraged by the Telecommunications Act 1997 and by Council Policy PD 32. There is a Telstra tower on the Water Corporation site 150 metres west of the western water tower.

Strategic Plan/Policy Implications

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

1. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*

The Planning Policies which apply to this item are:-

PD31* Telecommunications Policy - High Impact Facilities
 PD32 Location of High Voltage Overhead Power Lines and
 Microwave Towers

Budget/Financial Implications

N/A

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

N/A

13.6 (Ocm1_8_2000) - CITY OF COCKBURN (CABLE SKIING) HEALTH LOCAL LAWS 2000 (1125) (WJH) (ATTACH)

NOTE: The Presiding Member is to read aloud a summary of the purpose and effect of the proposed local law.

RECOMMENDATION

That Council:

- (1) make the **CITY OF COCKBURN (CABLE SKIING) HEALTH LOCAL LAWS 2000** as attached to the agenda, and
- (2) authorise the Principal Environmental Health Officer to carry out all administration necessary to ensure that the prescribed method of making a Local Law is followed.

COUNCIL DECISION

Background

On 30th March 2000 the Executive Director, Public Health (EDPH) directed the City of Cockburn to make "...*Local laws to regulate the construction, equipment, maintenance and use of lakes used for cable skiing controlled or used by or in connection with any club, school, business, association or body corporate, and prescribing the quality and treatment of the water to be used in such facilities and the measures to be taken –*

- (1) *to prevent and abate any nuisance in such a facility; and*

- (II) *to cause any such facility to be closed by the Executive Director, Public Health and to prevent any person from using such a facility while it is closed.*"

Submission

N/A

Report

Since 30th March 2000 staff representing the Health Department of WA and the City of Cockburn have been working on a draft Local law to reflect the direction issued by the EDPH.

On 21st June 2000 a final meeting was chaired by the EDPH and the final draft of the proposed local law, as appears as an attachment to the agenda, was agreed by the EDPH and the Principal Environmental Health Officer. The draft is recommended for Council approval.

The Presiding Member is to read aloud the following summary of the purpose and effect of the proposed local law:.

"The purpose and effect of this local law is to regulate the construction, equipment, maintenance and use of lakes used for cable skiing controlled or used by or in connection with any club, school, business, association or body corporate, and prescribing the quality and treatment of the water to be used in such facilities and the measures to be taken –

- i. to prevent and abate any nuisance in such a facility; and*
- ii. to cause any such facility to be closed by the Executive Director, Public Health and to prevent any person from using such a facility while it is closed."*

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 development will enhance the levels of amenity currently enjoyed by the community."*

3. Conserving and Improving Your 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."*

Budget/Financial Implications

N/A

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

N/A

13.7 (Ocm1_8_2000) - POLICY PD54 - DESIGN GUIDELINES FOR EAST JANDAKOT INDUSTRIAL AREA AND NORTH LAKE ROAD FRONTAGE - BERRIGAN DRIVE TO THE 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."
- (4) send a copy of the Policy to the directly affected landowners.

TO BE PASSED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

It is common practice for design guidelines to be adopted by Councils to achieve a desired standard and/or character for all forms of development, including industrial and mixed business activities.

In keeping with Council's vision for the Thomsons Lake Regional Centre, it is considered appropriate to adopt design guidelines for the East Jandakot Industrial Area and land fronting the north side of North Lake Road as far as Berrigan Drive.

Submission

N/A

Report

The Thomsons Lake Regional Centre, located at the intersection of the Kwinana Freeway and Beeliar/Armadale Road comprises the following:

- Gateways Regional Shopping Centre;
- City Centre area located between North Lake Road and the Kwinana Freeway;
- Regional sports facilities;
- East Jandakot Industrial Area;
- Mixed business activities on the north side of north Lake Road; and
- Integrated transit interchange.

A master plan for the Thomsons Lake Regional Centre, prepared by Hames Sharley in October 1997, has been endorsed by Council, the Western Australian Planning Commission, Main Roads, Transport, Landcorp and Gold Estates.

The vision for the Thomsons Lake Regional Centre is as follows;

- To effectively link current disparate uses and proposals located around the intersection of the Kwinana Freeway with Beeliar Drive and Armadale Road Jandakot to form a legible, coherent and functional regional centre containing a wide range of services and facilities. This capitalises on the area's accessibility, proximity to Perth, public transport infrastructure and the availability of land for development.
- To create a viable, vibrant, functional, integrated regional centre which provides a community focus for residents particularly in the eastern portion of the municipality, incorporating a range of community, cultural, civic, commercial, business, entertainment and major sporting facilities and services within the area. The Masterplan will efficiently integrate land uses with the transport network with minimal off-site impacts and create a safe high quality environment attractive as a place to live, work and raise children.

One of the specific objectives is to develop a high quality built environment incorporating good design principles at the subdivision phase and design guidelines to shape the built form.

The District Planning Scheme covers aspects such as car parking, landscaping and setback requirements. Policy PD19 "Landscape Standards for Commercial/Industrial Development" also applies.

However, as there are no provisions relating to the built form, it is considered essential that design guidelines be adopted to ensure that Council's vision for the area is achieved.

It is common practice for design guidelines to be applied to industrial, mixed business and commercial development.

Within the City, design guidelines have been adopted for Robb Jetty Industrial Park in Coogee and Henderson marine support precinct and form part of Landcorp's purchase conditions. Landcorp have also advised that design guidelines will be developed and applied to the Amcor site.

Within the Thomsons Lake Regional Centre area development approvals are in place for the Gateways Regional Shopping Centre, which determines the form of development. Specific and quite detailed design guidelines will be prepared for the City Centre area between North Lake Road and the Freeway as part of the ongoing planning process for that area.

Accordingly, at this time it is only necessary to consider design guidelines for the East Jandakot Industrial Area located east of the Kwinana Freeway and the north side of North Lake Road west of the Freeway. Whilst the more western part of the North Lake Road frontage is not technically part of the Regional Centre, North Lake Road is a major access road to and through the Regional Centre and as the development of the area is a continuous extension of the City Centre it is important that the same principles be applied to development through to Berrigan Drive.

The design guidelines cover building form, height, roof shapes and materials, undercover parking, colours and finishes, walls, windows and doors and energy management considerations.

The design guidelines are essentially those supplied by Landcorp at the Robb Jetty Industrial Park, where a high standard of development has been achieved.

The design guidelines are in addition to any requirement of Council's Town Planning Scheme and the Building Code of Australia (BCA). Where there is any inconsistency the Scheme and BCA prevail.

Strategic Plan/Policy Implications

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

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

N/A

13.8 (Ocm1_8_2000) - PROPOSED RESTRICTED PREMISES (BARBARELLAS) (2212148; 2212312) (SA) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the proposed restricted premises on Strata Lot 2, 236 Carrington Street, Hamilton Hill in accordance with the approved plans 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; and
- (2) advise those who made submissions of Council's decision accordingly.

TO BE PASSED BY ABSOLUTE MAJORITY OF COUNCIL**COUNCIL DECISION****Background**

ZONING:	MRS:	Urban
	DZS:	Commercial
LAND USE:	Shops	
LOT SIZE:	N/A	
AREA:	N/A	
USE CLASS:	Use Not Listed	

Submission

The proposal is to operate a "Restricted Premises" (Barbarellas) from an existing vacant shop in Carrington Street, abutting a Pizza Hut and video outlet. The business will operate normal retail hours. Refer to Agenda Attachments for details of the proposed layout.

The proposal was advertised for a period of twenty one (21) days, as Restricted Premises are not listed in Council's Zoning Table, and is therefore classified as a "Use Not Listed". A total of sixty seven (67) letters were sent out, advising landowners of the proposed use. Only three submissions were received, all objecting to the proposal. For further details refer to Agenda Attachments for the Schedule of Submissions.

Report

The proposed use (Barbarellas) is defined as a "Restricted Premises" in District Zoning Scheme No.2, which means:

"any premises, part or parts thereof, used or designed to be used primarily for the sale by retail or wholesale, or to offer for hire, loan or exchange, or the exhibition, display or delivery of:

- (a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902 (as amended); or

- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in conjunction with any form of sexual behaviour or activity."

This use is not listed in the current Zoning Table, as Council, as a part of Amendment No. 154, removed "Restricted Premises" and "Restricted Publications" Use Classes from the Zoning Table in February 1997. These uses were previously listed as "X" (Not Permitted) Uses in the scheme. The rationale for the change in the Zoning Table was that in the opinion of the Council, there were other state laws that control the operation of "Restricted Premises" and "Restricted Publications". However, the definition for "Restricted Premises" is still included in the current Scheme Text.

Therefore the use (Restricted Premises) is now classified as a "Use Not Listed", and in accordance current scheme provisions (Clause 3.2.4), which states:

"If the use of Land for a particular purpose is not specifically mentioned in the list of use classes in the Zoning Table or is not included in the general terms of any of the use classes a person shall not so use Land unless the Council determines by an Absolute Majority that the proposed use is consistent with the objectives and purpose of the Zone and the Council may grant Planning Consent after notice of the application has been given in accordance with Clause 6.2."

the application was advertised for public comment (in accordance with Clause 6.2).

It is recommended that the application be approved on the basis of the following:

1. the proposed use is consistent with the Commercial zoning,
2. the grounds for objections are not substantial planning considerations; and
3. Council had previously deleted the "X" (Not Permitted) Use Class from the Zoning Table, in order for "Restricted Premises" to be dealt with as a "Use Not Listed", and allow Council to deal with the applications on a case by case basis.

It should be noted that the application must be passed by an Absolute Majority of Council to be approved.

Strategic Plan/Policy Implications

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

N/A

Implications of Proposed District Zoning Scheme No. 3

N/A

13.9 (Ocm1_8_2000) - REVISION TO POLICY PD 10 - PEDESTRIAN ACCESS WAY CLOSURES (9003) (SOS) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the revised Policy PD 10 "Public Access Way Closures" as attached to the Agenda and include it in Council's Policy Manual; and
- (2) modify Delegated Authority DA PD 42 to correct the numbering anomaly so as to refer to PD 10.

COUNCIL DECISION

Background

Pedestrian access ways (PAW's) are a feature of many past residential subdivisions in the City of Cockburn. PAW's have a significant role in providing access to community facilities and services and form an integral part of the pedestrian and cyclist movement system within residential areas. However, in some cases PAW's have facilitated crime and anti-social behaviour and have caused considerable nuisance for nearby residents. As a result, requests are often received from residents living adjacent to or near a PAW to have it closed. It is therefore necessary for Council, when considering such requests, to balance the nuisance experienced by local residents against the community need for the PAW.

Council first adopted a policy to deal with requests to close PAW's in June 1997. Since this time, the Government has been active in producing strategies aimed at reducing private car usage and

promoting sustainable transport modes like walking and cycling. Examples include the Metropolitan Transport Strategy and the number of programs that have been borne out of it like the Perth Bicycle Network Plan and Metropolitan Pedestrian Strategy. In addition, the Planning Commission's Liveable Neighbourhoods Design Code places a strong emphasis on the need for urban areas and their movement networks to provide for a high level of use by cyclists, pedestrians and the disabled. To ensure that the closure of a PAW will not adversely effect the walkability of a neighbourhood, it is necessary to refine the policy to provide for a more comprehensive assessment of PAW closure requests and the analysis of the alternatives available to Council.

Submission

N/A

Report

The recommended revised PAW Closure Policy is included in the Agenda Attachments.

Its key features include:

- The addition of a more through assessment process, where the role of the PAW is reviewed using context analysis based on the walkable catchment or "pedshed" technique. This technique is fundamental to the Liveable Neighbourhoods Design Code;
- The establishment of a set of criteria detailing the instances where a PAW closure is inappropriate and the requirements that will apply where a closure may be warranted;
- A requirement for analysis of the alternatives to closing a PAW (eg improving lighting in the PAW, increasing fence height, remove obstructions, etc) as part of the assessment of a closure proposal;
- Amending the delegated authority process, so that where a request fails the criteria for an acceptable closure, it can be refused without needing to be determined at a Council meeting (a right to request reconsideration at a Council meeting will exist);
- The need to not only obtain comments from servicing authorities on a PAW closure proposal, but also for an estimation of all costs associated with a PAW closure and where necessary, the costs of all works to create a viable alternative route; and
- More extensive consultation procedures on closure proposals;

The revised policy is recommended for adoption and inclusion in Council's Policy Manual.

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."*

4. Facilitating the needs of Your Community

- *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

5. Maintaining Your Community Facilities

- *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*

The Planning Policies which apply to this item are:-

PD10 Pedestrian Accessways

Budget/Financial Implications

N/A

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

N/A

14. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

14.1 (Ocm1_8_2000) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for July 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

N/A

14.2 (Ocm1_8_2000) - CLOSURE OF PEDESTRIAN ACCESSWAYS - PARDOO RISE TO CHRISTIE COURT AND CHRISTIE COURT TO YANGEBUP ROAD, YANGEBUP (450843) (KJS)

RECOMMENDATION

That Council not close pedestrian accessways from Pardoo Rise to Christie Court and Christie Court to Yangebup Road.

COUNCIL DECISION

Background

Council at its Meeting held on 21 December 1999 resolved that:

- (1) this item be deferred for further consideration at the January Meeting of Council;
- (2) accept the offer to meet with community representatives to further discuss the matter.

Submission

N/A

Report

Discussion has taken place between Council officers and community representatives, S. Lee and J. Langley. The community representatives relate that a meeting was held with the occupants of the Homeswest Complex which runs between Christie Court and Pardoo Rise. Contrary to previous indications it appears that some of the Homeswest residents would prefer that the accessway through to Yangebup Road be left open so that access can be gained to shops and bus stops.

Contact was then made by Council officers with the proponents of the closure. The proponents of the closure would appear to have accepted the fact that the closure is not possible. There has been no reports of anti-social behaviour made since the Council Meeting of 21 December 1999.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

N/A

14.3 (Ocm1_8_2000) - FINANCIAL COMPLIANCE REVIEW - KPMG INTERNAL AUDIT (RWB) (5017)

RECOMMENDATION

That Council note the pertinent audit findings resulting from the KPMG Financial Compliance Review as in the agenda report prepared by the Chief Executive Officer in accordance with Local Government (Financial Management) Regulations 1996.

COUNCIL DECISION

Background

The Local Government (Financial Management) Regulations 1996 require that the CEO is to "*initiate reviews of the appropriateness and effectiveness of the financial management system and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of the reviews*".

Council has appointed an Internal Audit Group and adopted an Internal Audit Charter.

KPMG have been appointed by Council as the internal auditor. A Management Assurance Services Financial Compliance Audit Plan, which has had the endorsement of the Department of Local Government, provides for the timeframes for various identified issues to be audited. It is a four(4) year plan.

Submission

N/A

Report

The Internal Audit Group met with KPMG on 18 July 2000, to receive a briefing on the results of the first year of the Audit.

Being the first year of an internal audit, a number of issues relating to internal controls and procedural requirements were identified and suggestions made which could further enhance the City's control environment.

The review had a very wide scope covering all major financial processes.

Other than the matters reported to the Audit Group, nothing came to the attention of the Auditors which would indicate the financial

management system and procedures of the City of Cockburn as inappropriate or ineffective.

The Audit Group also received a report from the Director, Finance and Corporate Services, outlining the actions which had been put in place in accordance with the suggestions from KPMG.

The recommendations in the report covered the following areas:-

- 1) Revenue
 - Bank Reconciliation
 - Reconciliation between cash received and receipts
 - Rates Collection Report

- 2) Payroll
 - Payroll Reconciliation
 - EFT Receipts

- 3) Fixed Assets
 - Acquisitions
 - Disposals
 - Reconciliation between the Fixed Asset Register and the General Ledger
 - Depreciation
 - Stock takes and identification of assets

- 4) Procurement
 - Order numbers
 - Authorisation of purchases
 - Local Government Regulations 1996
 - Policies & Procedures
 - Tenders

- 5) Payments
 - Payment Authorisation forms
 - Cancelling of invoices
 - Accounts payable reconciliation
 - Policies & Procedures Manual

At the time of preparing this report, the timeframe established to implement the suggestions/recommendations, has been complied with.

Given that this was the first Internal Audit, the suggested procedural improvements to enhance Council's financial processes was considered to be understandable and verbal advice by KPMG has indicated, that such results would be expected of any local government authority.

The Internal Audit Group discussed with the Auditors, a number of other issues to be reviewed which are not part of the Audit Plan. The Chief Executive Officer will be pursuing the issues with the Auditors.

Strategic Plan/Policy Implications

"Managing Your City" applies.

Budget/Financial Implications

Nil

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

Nil

14.4 (Ocm1_8_2000) - PUBLIC RECREATION RESERVE 37398 - TOLLEY COURT, HAMILTON HILL (2200815) (KJS)

RECOMMENDATION

That Council:

- (1) not dispose of Public Recreation Reserve 37398 - Tolley Court, Hamilton Hill; and
- (2) delete the following accounts from its 2000/01 Municipal Budget:
 1. Account No.600350 - Expenses-Sale of Tolley Court - \$3,000.
 2. Account No.600460 - Transfer to POS Trust - Tolley Court - \$67,000.
 3. Account No.600052 - Sale of Land - Tolley Court - \$70,000.

TO BE PASSED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council at its Meeting held on 21 March 2000 resolved:

That Council dispose of Public Recreation Reserve 37398 Tolley Court, Hamilton Hill and lodge surplus funds generated by the sale in a reserve for the purpose of capital improvements to recreational land within Hamilton Hill subject to:

- (1) necessary approvals from the Western Australian Planning Commission being received;*
- (2) Council adhering to the Guidelines of the Department of Land Administration for the administration of 20A Public Recreation Reserves in regard to advertising and public consultation; and*
- (3) there being no objection to the sale from owners of land within 250 metres of the site as well as in Tolley Court, Riggs Way or Healy Road.*

CARRIED 3/0

Submission

N/A

Report

In response to Item (3) of the Council resolution signs were placed on the subject land and letters sent to 110 households seeking comment and/or objection to the proposed sale of the reserve land.

In response, several letters of objection and a petition also objecting to the proposal were received. The petition contained signatures from 38 people, all of whom lived within the vicinity of the reserve. Three phone-calls in support of the proposal came from people, who were interested in purchasing the land, whilst one respondent was particularly interested in the possibility of playground equipment, being provided in the northern portion of Dixon Reserve. The petition states, that there is value to the community in having pocket recreation areas for this and future generations.

In view of the significant opposition to disposal of the Reserve, it is recommended that Council not dispose of Public Recreation Reserve 37398 Tolley Court.

Strategic Plan/Policy Implications

The Strategic Plan states, *that input will be sought from the community in determining the range of services to be provided.*

The community in this case has stated the land should not be exchanged for capital infrastructure.

Budget/Financial Implications

The Budget contains amounts for the sale of Tolley Court, expenses of the sale and the transfer of the balance to POS account - Tolley Court. These accounts should be deleted if the sale does not proceed.

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

N/A

14.5 (Ocm1_8_2000) - POSSIBLE RECOVERY OF LEGAL EXPENSES PAID TO EX-COUNCILLORS AND STAFF DURING THE DOUGLAS INQUIRY (1335) (ATC) (ATTACH)

<p>RECOMMENDATION</p> <p>That Council:</p> <p>(1) define the term "acting..... against the interests of the City as,</p> <p><i>The term "acting..... against the interests of the City"; in the context of Policy A1.18 is intended to have a meaning consistent with the following:</i></p> <p>(a) <i>the action must be in the nature of illegality, dishonesty or bad faith; and</i></p> <p>(b) <i>it must involve a deliberate action with an intention that it have an effect which the actor knew or ought to have known would cause detriment to the City;</i></p> <p>(c) <i>the detriment to the City must be detriment in terms of financial loss, even if the precise amount of the financial loss cannot be qualified.</i></p> <p>(2) determine whether Mr. Pecotic and Mr. Grljusich be subject to Policy A1.18 in regard to claims for legal costs rather than Council's decisions on 12 October 1999.</p>
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<p>COUNCIL DECISION</p>

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

Attached to the Agenda is a 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. The assistance of McLeod and Co was sought to determine the possible liability of ex-Councillors and staff to repay legal expenses paid in light of the findings of the Inquiry. A copy of McLeod's advice has been forwarded under separate cover.

Strategic Plan/Policy Implications

The recommendation involves an amendment to Policy A1.18 - Legal Representation - adopted 8 June 1999.

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

N/A

14.6 (Ocm1_8_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.

Submission

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

Report

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

N/A

15. ENGINEERING AND WORKS DIVISION ISSUES

15.1 (Ocm1_8_2000) - REGIONAL RESOURCE RECOVERY CENTRE - VARIATION TO THE PROJECT PARTICIPANTS' AGREEMENT (4904) (BKG) (ATTACH)

RECOMMENDATION

That Council:

- (1) agrees to the variations as outlined in the Deed of Variation of the Project Participants Agreement for the Regional Resource Recovery Centre prepared by Watts & Woodhouse dated 19 July 2000 and attached to the Agenda; and
- (2) authorises Commissioner Donaldson and the Chief Executive Officer to sign the Deed of Variation of the Project Participants' Agreement for the Regional Resource Recovery Centre Project.

COUNCIL DECISION

Background

At the Council meeting held on 15 April 1999 it was resolved that Council:

- (1) agrees to the terms and conditions as outlined in the Project Participants' Agreement for the Regional Resource Recovery Project of the Southern Metropolitan Regional Council;
- (2) authorise the Chief Executive Officer to agree to any minor variations to the document; and
- (3) authorise the Chief Executive Officer and Mayor to sign the agreement.

The agreement was signed by all participating Councils.

The agreement was to allow the Southern Metropolitan Regional Council on behalf of the local governments of Cockburn, Canning, Melville, Fremantle and East Fremantle to develop a waste processing plant and a recyclable and greenwaste facility at Canning Vale.

Submission

N/A

Report

Since the time of signing the agreement various issues have arisen between the participating Councils, the Regional Council and the Regional Council's solicitors, and more recently from the Western Australian Treasury Corporation.

It is recommended that the following amendments be accepted by Council and included in the Deed of Variation:

- (1) Gate Fee calculation be expanded to provide a clear interpretation. Schedule set out in Appendix 1 of the agreement.
- (2) Clarification of the payment terms in clause 2.4(3).
- (3) Amendment to the Dispute Resolution in clause 4.
- (4) New clause referring to implementation of the regional waste collection system (clause 5.2).
- (5) New clause requiring a commitment from each participant to deliver recyclable material to the RRRC (clause 5.3).
- (6) New clause to seek assurance from the City of Canning that its Green Waste facility will cease when the RRRC is operational (clause 5.4).
- (7) New clause to ensure RRRC Green Waste facility will be used by participants' residents if possible (clause 5.5)
- (8) New clause requiring a commitment from each participant to deliver Green Waste collected from residents or from rural verges and parks to the RRRC (clause 5.6).

The above amendments have already been agreed to by the other project participants and discussed at this Council.

Further amendments have been requested by the Western Australian Treasury Corporation following a due diligence report they carried out on the Participants' Agreement.

The due diligence report highlighted that the Project Participants' Agreement required further clarification on the basis for calculation on proportional entitlement or liability if a project participant withdraws from the project.

The agreement requires the deletion of two existing subclauses and replacing them with the three new sub-clauses in clause 2.9, to clarify the basis for calculation on proportional entitlement or liability of a particular Project Participant at the time of withdrawal. In essence, the new three sub-clauses state:

- Sub-clause (2) - Prepare a notional winding up of the project to calculate the proportional entitlement or liability of the withdrawing project participant.
- Sub-clause (3) - The proportional entitlement or liability is calculated on a contributions made basis.

- Sub-clause (3A) - Withdrawing participant either receives payment or makes payment.

It should be noted that the withdrawing project participant must continue to make annual contributions towards loan borrowings until the loan is fully paid as this is expressly not included in the calculations above.

The solicitors for the Regional Council, Watts & Woodhouse, have prepared a deed of variation to the Project Participants' Agreement and the above amendments have been included.

A copy dated 19 July 2000 is attached to the agenda.

Strategic Plan/Policy Implications

One of the objectives of the Strategic Plan is *"Achieve a reduction in the volume of waste, generated from residences in Cockburn, being disposed of to landfill"*.

This agreement provides for the Southern Metropolitan Regional Council to construct a recycling plant and waste processing plant at Canning Vale on behalf of Cockburn, Melville, Canning, Fremantle and East Fremantle local governments.

Budget/Financial Implications

The project has a capital value of \$35.00m. This agreement includes the liabilities and responsibilities of each participating Council.

The Council 2000/01 budget has allowed for the gate fees for May and June 2001 and there has been an increase in rubbish rates.

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

N/A

15.2 (Ocm1_8_2000) - TENDER NO. 50/2000 - ONE(1) FOUR WHEEL DRIVE FRONT END LOADER/BACKHOE (4407) (GG) (ATTACH)

RECOMMENDATION

That Council accept the tender from CFC Equipment of a JCB 3CXE loader/backhoe for Tender No. 50/2000 - One Four Wheel Drive Front End Loader/Backhoe at a changeover cost of \$88,689 and Plant No. 101 be removed from the Assets Register.

COUNCIL DECISION

Background

There is a total indicative changeover allocation within the current Major Plant Replacement Budget of \$94,000 to replace Council's loader/backhoe (1992 JCB 3CX), Plant No. 101.

Submission

At the close of the tender period, six (6) submissions were received as detailed in the summary table attached to the Agenda.

A decision is required by Council because it is not the lowest price.

Report

The tenders have been assessed under the following criteria, which were outlined in the tender documents.

	Weighting
(A) Financial Calculations (Whole-of-Life-Costs)	40%
(B) Technical Specifications	20%
(C) Backup Service	20%
(D) Operator Suitability	20%

Tenderers were required to provide adequate information in their tender submission to allow for scoring against each criterion.

The assessments under the criteria as determined by Council's Plant Consultant and Plant Department, are as follows:

Tenderer	Model	Assessment
1. CFC Equipment	JCB3CXE	87.9
2. CFC Equipment	JCB3CXPS	86.1
3. NS Komatsu	WB97R-2	67.8
4. Westrac Equipment	CAT428C1T	66.0
5. Casequip	580SLE	67.0
6. Hitachi Construction Machinery	John Deere 315SE4	77.0

Only two (2) models were demonstrated to assess Operator Suitability. They were the JCB3CX and the John Deere 315SE4. All tenderers were assessed using the other three (3) criteria. It was found that operator evaluation on the other three models would be necessary as,

even if they scored a maximum weighting, the outcome would not change.

The trade-in model is a JCB3CX which has proven itself since purchase (12/92) and has an array of optional extras (eg. speciality buckets) that can be utilised without modifications on the replacement JCB's offered.

Consequently, with consideration given to the Qualitative Criteria, the JCB3CXE is the most advantageous for Council and its purchase should be supported.

Strategic Plan/Policy Implications

Construction and maintenance of roads/drainage is a principal objective of the Corporate Strategic Plan and a vehicle fleet system is an essential component of constructing and maintaining the Council's roads and drains.

Budget/Financial Implications

The purchase can be accommodated within the overall Budget allocation for Roads Major Plant Purchase/Sale.

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

N/A

16. COMMUNITY SERVICES DIVISION ISSUES

16.1 (Ocm1_8_2000) - CONTRACT OF SALE - PROPOSED LOT 21 PROGRESS DRIVE, BIBRA LAKE - WA CROATIAN ASSOCIATION (INC.) AND CITY OF COCKBURN - REQUEST FOR FURTHER VARIATION TO SUBDIVISION CLEARANCE COMPLIANCE DATE (1100231) (LCD)

RECOMMENDATION

That:

- (1) due to the delays being experienced to comply with the amended Clause 2.3 of the Contract of Sale between the WA Croatian Association (Inc.) and the City of Cockburn, Council extends to the WA Croatian Association (Inc.) an offer to further amend Clause 2.3 by substituting 31 August 2000 with 30 November 2000; and
- (2) the further variation to the Contract of Sale be implemented by an exchange of letters between the parties, which must be

complied with by the 22 August 2000.

COUNCIL DECISION

Background

The project was experiencing delays, which meant that the subdivision clearance compliance date as mentioned in Clause 2.3 of the Contract of Sale could not be met. Therefore, a report was presented to Council on the 21 March 2000 and the following resolution was adopted.

“That:-

1. Council acknowledge that it has a right to bring the Contract of Sale to an end but after considering the circumstances surrounding the delay in complying with the terms of Clause 2.3 of the Contract of Sale, Council offer to the WACA to extend the date of 31 March 2000 as shown in Clause 2.3 of the Contract of Sale to 31 August 2000; and
2. the necessary variation to the Contract of Sale be implemented by an exchange of letters between the parties prior to 31 March 2000.

The aforementioned decision of Council was implemented.

Submission

Correspondence has been received from the WA Croatian Association (Inc.) requesting for a further extension for the completion of clearance of the subdivision conditions for sewerage and water.

Report

The project is still experiencing difficulties in securing the subdivision clearances relating to the provision of a sewerage connection to the site and the supply of water to the property.

A meeting was held with Mr Christian Allier of Dr K Hames [Minister for Water Resources] office on 24 July 2000 in the company of a representative from the Water Corporation, the WA Croatian Association Inc. and officers of Council. The purpose of the meeting was to find a way of overcoming the problems being experienced. It was acknowledged that providing the Water Corporation with a bank guarantee/bond for the sum of \$120,000.00 could clear the sewerage

condition. The guarantee is required to fund the sewerage connection to Lot 14 in the event of a public sewer not being available. The sum has been assessed by using the budgeted amount of \$100,000.00 for constructing the private sewer on Lot 14 and a Water Corporation loading of 20%. Unfortunately the project budget does not have the funds to put the bank guarantee/bond in place. In an effort to overcome this problem the cost details for the private sewer line will be reviewed in the hope of finding savings so as to reduce the original cost.

There is also the issue of providing a water connection to Lot 14 Progress Drive. To achieve this approximately 213 metres of 100mm pipe along Bibra Drive has to be replaced with 150mm pipe and then 687 metres 150mm pipe has to be laid along Progress Drive. Preliminary cost estimates regarding the latter section of pipe suggests that it would cost \$61,000 inclusive of GST. With regards to the 213 metres of water pipe along Bibra Drive the Water Corporation were claiming sole rights to replace the pipe at a cost of \$41,598.00 inclusive of GST. This cost is considered excessive when 687 metres of water pipe can be laid for \$61,000. Furthermore, a quote has been obtained from a contractor to lay the whole 900 metres of pipe at a cost, which is lower than the aggregate of the two amounts mentioned above. In light of this the Water Corporation has been lobbied to relinquish its rights over the existing water main in Bibra Drive. The Water Corporation has now agreed not to enforce its sole rights over the water main, but is asking for the payment of \$7,410.00 to cover the supervision of the work and the final connection of the new service into the existing service.

With the budget for the water connection being \$65,000.00 and with the reduction in the Water Corporation costs it is submitted that scope exists for a contract to be let within the budgeted amount.

The calling of tenders was advertised on the 5 August 2000 and tenders will close at 12 noon on the 21 August 2000. Once a contractor has been selected details of the successful tenderer are to be submitted to the Water Corporation for approval. The approval process takes ten working days (8 September 2000). The contract is estimated to take five weeks to complete and if the work is commenced on the 18 September 2000 the work should be completed by the 20 October 2000. This time line is based on the assumption that the successful contractor will be able to commence immediately following the Water Corporation approval. However, there is no guarantee this will occur. Rather than being tied by events beyond the control of Council it is recommended that a further amendment to the Contract of Sale be granted to extend the subdivision clearance compliance date to the 30 November 2000.

If the subdivision clearance compliance date is extended to the 30 November 2000 it is submitted that sufficient time will be available to

complete the necessary arrangement in relation to the sewerage condition and the water supply condition.

Strategic Plan/Policy Implication

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

Budget/Financial Implication

Provided for within the Business Plan adopted by Council for the development of the property.

Implications of Section 3.18(3) Local Government Act 1995

N/A

16.2 (Ocm1_8_2000) - INFANT HEALTH CLINICS (8210) (RA)

<p>RECOMMENDATION That Council:</p> <p>(1) subject to the agreement of the Western Australian Health Department</p> <p>1. Close the Infant Health Clinics in East Hamilton Hill, Coolbellup and Spearwood;</p> <p>2. Refurbish the Jess Thomas Pre School to accommodate an Infant Health Service for Hamilton Hill, Coolbellup and Spearwood with a financial contribution from the Western Australian Health Department of up to \$40,000 on a dollar for dollar basis with City;</p> <p>(2) at a time, which aligns with the building program, advise the Education Department that Council will terminate its lease for the Jess Thomas Pre School;</p> <p>(3) commit to contributing up to \$50,000 to be drawn from the Community Recreation Facilities Reserve Fund when required toward the refurbishment of the Jess Thomas Pre School to serve as a Infant Health Clinic (\$40,000) and the demolition of the East Hamilton Hill, Coolbellup and Spearwood Infant Health Clinics (\$10,000); and</p> <p>(4) require an officer's report on land use options for the East Hamilton Hill Infant Health Clinic site (Lot 234 Redmond Road) and the March Street, Spearwood, Infant Health Clinic site.</p>
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COUNCIL DECISION**Background**

There are three infant health clinics established in the city located in Redmond Road Hamilton Hill, Cordelia Avenue in Coolbellup and March Street in Spearwood which are of an old design and have limited usage. These buildings were developed in some cases in the late 1960's. These clinics are small stand-alone dated buildings that have had regular maintenance but no structural or significant alterations. Due to changing demographic profiles of the local communities and peoples increased mobility these centres usage has dropped significantly. Clinics in the suburbs of South Lake, Yangebup and Atwell are of modern design and incorporated into other facilities in high need areas. The Health Department has demonstrated a commitment to this type of service over many years and continues to provide funds for new services in conjunction with local authorities. A number of years ago the Hamilton Hill Infant Health Clinic in Starling Street was closed due to low levels of usage.

The buildings are on council controlled land with council being responsible for all maintenance and operating costs of the buildings while the State Health Department employ and pay for the clinic staff. Worksafe have viewed these centres and prepared a report on the safety of the buildings. Whist councils buildings meet the minimum requirements there are issues such as alternative exit door requirements that they do not meet. The Health Department clinic sisters generally do not like working in these isolated buildings due to their sense of vulnerability.

Submission

N/A

Report

Council administration has initiated discussions with the Health Department on the possibility of rationalising the three - (3) child health clinics to operate from single premises. The Health Departments Regional Community Nurse Manager has supported this proposal.

The East Hamilton Clinic had in 1999/2000 1,494 Occasions of Service and Coolbellup Clinic 1,649 Occasions of Service in 1999/2000. Occasions of Service are recorded as the number of significant matters

addressed. For example a mother can come into the centre and seek advice on 3 significant matters which would then be recorded as 3 Occasions of Service. Occasions of Service also include telephone discussion on significant matters. Both centres are used 2 ½ days per week. The nurse clinic sisters also make a small number of home visits while they are deemed to be in the clinic. The Spearwood Clinic is open 5 days per week.

The proposal is to demolish the three old Clinics and amalgamate the services into the Jess Thomas Pre School building that is next to the Spearwood Clinic and the Phoenix Shopping Centre. The Spearwood clinic has the highest usage level and is well located next to the shopping centre and public transport.

The Jess Thomas Pre school which is located next to the March Street Clinic is currently leased to the Education Department until 2002. The Spearwood Primary School is not using the premises and it is anticipated that this will remain the case until 2003. It remains questionable whether the Education Department will ever require the building. The Department has decided to retain the lease to give them flexibility for the future. The Education Department continues to pay the Council \$3000 per year for the lease. The local school principal whist prepared to continue the lease is comfortable with the possibility of having to place a transportable building on the school site to accommodate the pre school if required should Council terminate or not renew the lease.

There is however a clause which allows either the Council or the Education Department to terminate the lease provided 6 months notice is given.

Over the three year financial period to the 30th of June 2000 Council has averaged the following operational and maintenance costs for the buildings (excluding depreciation)

•	Coolbellup \$4859 pa
•	East Hamilton Hill \$5440 pa
•	Spearwood <u>\$7753</u> pa
	<u>\$18,052</u> pa

The anticipated expenditure for the proposal on operating expenses is \$10,000 per year.

Under current arrangements the Health Department is able to contribute on a 50/50 basis up to \$40,000 for the upgrade for an existing building or the construction of new facilities. The estimated cost of modifying the Jess Thomas building to reach standards required to meet Worksafe and Health Department standards is \$80,000. This would hence require a contribution of \$40,000 from Council to realise this proposal. The funds are likely to be available in 2001/02.

The East Hamilton Hill site is a clinic under Council's town planning scheme and is held in fee simple title by Council. Through a minor scheme amendment the site could be zoned residential R15 for residential or other permitted uses such as seniors or disabled accommodation, subject to approval by the Western Australian Planning Commission.

The Coolbellup Clinic is on land vested in Council (R30189) for community purposes and is on a large lot of 7183 m² set-aside for community purposes. Also on the same site are the Coolbellup Community Centre, Centennial Hall and Library. The removal of the old unsightly clinic would open up the area as a larger passive park between the Coolbellup shopping Centre and the Community Centre/Library Complex. There is an option to consolidate the clinic services on the Coolbellup site as it is vested in Council and has little monetary value. However, Coolbellup is not central to the catchment area and upgrading of the Community precinct is many years away.

The March Street Clinic and adjoining Jess Thomas Preschool are on land held by Council in fee simple and zoned for a kindergarten under the Councils Planning Scheme. This similarly could be rezoned to residential and used for another permitted use. This site is however limited by being located next to the delivery depot for the Phoenix Shopping Centre.

The scope to modify the existing March Street Clinic to form a larger Clinic to meet the needs of the Health Department was also investigated but the cost of this work is likely to be comparable to the option of modifying the Jess Thomas building. If the modification of the Clinic option was pursued there is also the possibility that the Education Department would not renew the lease for the Jess Thomas Building and Council would be left with a building for which there is no foreseeable use in the short to medium term.

On balance the best option is to modify the Jess Thomas Preschool to form a central clinic and remove the three existing buildings.

Strategic Plan/Policy Implications

Key result area - "To deliver Services and to manage resources in a way that is cost competitive without compromising quality".

Budget/Financial Implications

Council will reduce its operational and maintenance cost for the three Child Health Clinics from \$18,000 to \$10,000 per annum. There will be a loss of rent for the next two years of \$3,000 pa. Whilst the modification to the provision of facilities for the provision of Child Health Clinics is not included in the proposed future developments in the ten

year plan and future capital works program due to its relatively small cost to Council of \$40,000 it is proposed that the funds be drawn from the facilities Reserve Fund. Council will quite rapidly recoup the \$40,000 in the annual Maintenance cost saving of \$8,000 pa. It is anticipated in the future Financial Plan that Council will need to borrow in 2004/05 and should there be any shortfall in the reserve due to this expenditure proposal the amount borrowed can be readily increased by this relatively small sum.

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

The provision of Child Health Clinics is a joint responsibility between the State and Local Government. The proposal is mutually agreed to meet the needs of both parties.

16.3 (Ocm1_8_2000) - TENDER NO. 62/2000 - PRINTING OF CITY OF COCKBURN COMMUNITY NEWSLETTER "COCKBURN SOUNDINGS" (1022) (CJB)

RECOMMENDATION

That Council accept the tender submitted by Show-Ads Digital for Tender No. 62/2000 to undertake the printing of the City of Cockburn Community Newsletter, "Cockburn Soundings" at a per issue cost of between \$7,012 (for 8 pages), \$10,291 (for 12 pages) and \$11,905.00 (for 16 pages) (incl. G.S.T.).

COUNCIL DECISION

Background

Because Council has increased the number of issues of "Cockburn Soundings" produced annually, the cost of printing has increased and it is now considered necessary to put this matter out to tender to comply with the Local Government Act 1995, (Sec. 3.57).

Tenders were invited under delegated authority by advertising in "The West Australian" and at the close of the tender period, five (5) submissions were received

Submission

N/A

Report

The five tenders received have been assessed under the following criteria, which were outlined in the invitation to tender:-

	Weighting
A. Price	40%
B. Evidence of company stability and experience	20%
C. Demonstrated past and current experience of work of a similar nature	20%
D. Demonstrated ability to manage projects requiring delivery within time required	<u>20%</u>
	<u>100%</u>

Tenderers were required to provide adequate information in their tender submissions to allow for scoring each criteria.

The assessments made under these criteria, as determined independently by the Manager of Community Services and the Customer Services Manager, are as follows:

	<u>ASSESSMENT</u>	<u>PRICE PER ISSUE</u>
1. Colour Press Pty Ltd	DOES NOT COMPLY	
2. Show-Ads Digital/PMP Communications Pty Ltd	95.7%	\$11,905 (Incl.G.S.T.)
3. Touchstone Colour Pty Ltd	90.2%	\$11,280 (Incl.G.S.T.)
4. PK Print Pty Ltd	86.5%	\$11,101 (Incl.G.S.T.)
5. Port Printing Pty Ltd	92%	\$12,489 (Incl.G.S.T.)

Although Show-Ads Digital/PMP Communications Pty Ltd have not tendered the lowest price, taking all other considerations into account they have clearly scored the highest in the weighted assessment.

This company has most recently been printing the "Cockburn Soundings" and they offer first class service which could not be faulted.

Therefore, it is recommended that this tender be accepted.

Strategic Plan/Policy Implications

Key Result Area "Managing the City in a competitive, open and accountable manner" refers.

Budget/Financial Implications

Funds provided for in 2000/2001 Budget for Cockburn Soundings (\$65,000). The number of pages per issue will be adjusted to stay within the budget.

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

N/A

16.4 (Ocm1_8_2000) - COMMUNITY DEVELOPMENT OFFICER (1953) (RA)

RECOMMENDATION

That Council continue the position of Community Development Officer as provided for in the 2000/01 budget.

COUNCIL DECISION

Background

Council at its meeting of March 1998 resolved to place on the 1998/99 budget funds for the employment of a hall co-ordinator/community development officer for the Atwell Community Centre, Yangebup Community Centre, Banjup Hall and Jandakot Hall for a two-year trial period. It was further resolved that a report on the trial would be prepared for consideration by council. The original functions of the position were as follows:

1. A hall co-ordinator/community development officer for the Atwell Community Centre, Yangebup Community Centre, Banjup Hall and Jandakot Hall.
2. Identification of local community needs for services and develop strategies to meet those needs appropriate to the facilities available utilising Community Development and research techniques.
3. To ensure the Jandakot Hall, Banjup Hall, Yangebup and Atwell Community Centres are maintained and cleaned to a standard acceptable to Council.

4. To ensure all income and expenditure was within budget allocation for the hall and community centres.
5. Provide administrative support, assistance and advice to Advisory Committees associated with the Atwell and Yangebup Community Centres.

Commissioners were advised in a report on the fee schedule and management arrangements for halls and active reserves at the December 1999 Council meeting that there had been administrative changes to the operation of the Joe Cooper Recreation Centre which resulted to two part time staff being provided redundancies and a full time staff member's responsibilities being altered to become a hall and active reserve bookings officer and to carry out administrative duties for the recreation section of Council. This staff member previously based at the Joe Cooper Centre moved to the main administration centre. The creation of a hall booking position resulting from the changes at the Joe Cooper Recreation Centre has allowed hall bookings and management to be centralised including those designated to the Halls co-ordinator/Community Development officer.

Toward the end of 1998 there was an organisational restructure of the including the establishment of the position of Social Services Manager that was partly funded by the dissolution of the previous Community Development Officer position.

Submission

Since the Council decision of March 1998 there has been a significant number of changes to the management and operation of community halls, Joe Cooper Recreation Centre and Recreation Services Section. The Banjup Hall, a responsibility of the position created in March 1998 has been leased out to the Jandakot Scouts by Council decision. The Advisory or Management Committees of the Yangebup and Atwell Centres dissolved and there was little interest from residents to participate in the management of the centres. There has been significant difficulty in establishing User Management Committees, which act in accordance with the requirements of the Local Government Act and good practise in terms of regular-minuted meetings, financial reports to Committees of Management and council and clear and consistent booking policies of halls. The establishment of the GST has also created a number of administrative difficulties and concerns for hall management committees. Council has resolved to take over the management of selected halls and community centres.

The position of halls coordinator/community development officer has resulted in an increase in usage and awareness of Councils facilities under the control of the position. In particular the Atwell Centre has seen a significant rise.

The initial tasks in respect to community facilities were as follows:

- Development of booking procedures, key issues, bonds / deposits.
- Development of standard Conditions of Hire, Fee Schedules and Fee Subsidies that have been adapted for all Council facilities by the Booking Officer. (not including the Civic Centre).
- Raised awareness of Council facilities available for hire, including promotion of community groups and services utilising these facilities through the compilation and distribution of the "Whats Happening" brochure, which was distributed throughout the new South East residential areas. This brochure was identified in the Social Services Consultation as being a valuable source of information since the Cockburn Directory was discontinued.
- Assistance in the hand over from volunteer management committees to Council in respect to other Council facilities. I.e. Bibra Lake Community Centre, Coogee Community Centre, Coolbellup Community Centre.

Other Initiatives undertaken include the following:

- Proposal of the Atwell Book Corner (Library Service) at the Atwell Centre.
- PlayClub - providing a supported play session for parents / caregivers with their children. This is recognition of the change in entry age to kindergarten in 2001. Already proving popular - waiting list.
- Promoting Excellence Workshops. Initiated project by sourcing funding. In conjunction with other development officers, planned and implemented first series of information training workshops for community groups. Proven extremely popular with attendance at times exceeding 40 per workshop.
- Jandakot Playgroup - assistance in establishment
- Beeliam Playgroup- assistance in establishment
- Beeliam Residents Action Group - initiation and assistance in establishment
- Atwell Toy Library - assistance in establishment

Effective co-ordination and linkages with the users of the facilities by keeping open and flexible communication.

Whilst it was originally intended that the halls co-ordinate/community development officer would focus on community development initiatives utilising the designated halls it became evident and possible with a specific halls booking officer to support community issues in general and particularly in the new residential areas Beeliam and Success. Clearly there has been a change in the roles and responsibilities of the

position. With the emphasis being focused on Community Development issues such as the following have become key roles of the position:

- Developed strong networks with local community groups, individuals, service providers, schools etc in the new residential areas in the South and East of the City.
- Regular attendance at various community group meetings.
- Establishment of a service provider's quarterly meeting for the purpose:
 - Reviewing existing activities and services.
 - Sharing of information and resources
 - Identifying gaps in human services.
- Representation of Council at meetings such as the South Lake Interagency Group, Beeliar Heights (Panorama Gardens) Development Committee - Developer Initiative.

Feedback from community to other Council services and establishment of links with Council officers with individuals and groups. eg: Safer City Co-ordinator, Environmental Services, Parks and Gardens service providers in these areas has shown that the position is proving to be beneficial in providing opportunities and support for new initiatives. This position is an effective conduit of information from and to the local community for Council. The position has been instrumental in building links between Council and the Community in the Southern Corridor of the City. It has proven to be a key focus point for the community in making contact for information and support with Council officers and services.

Strategic Plan/Policy Implications

Vision Statement "Facilitating a Range of Services Responsive to Community Needs" refers.

Budget/Financial Implications

The funds (\$38,000) for the position of Community Development Officer are incorporated into the proposed budget for 2000/01.

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

N/A

17. EXECUTIVE DIVISION ISSUES

Nil

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

- 22.1 (Ocm1_8_2000) - MEDIATION AGREEMENT - TOWN PLANNING APPEALS TRIBUNAL - WAPC REF. 109580 CELL 9 YANGETUP (92210; 109580) (SR) (ATTACH)**

RECOMMENDATION

That Council ratify the proposed outcome of the mediation in respect of the subdivider contribution for Beeliar Drive as comprised in the exchange of letters between the City and the Appellant (City of Cockburn 31.5.00; Urban Focus 9.8.00).

COUNCIL DECISION

Background

A report in respect of this matter has been provided under separate cover, as the matter is currently subject to an Appeal in the Town Planning Appeals Tribunal.

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

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

1. Managing Your City

"To deliver services and manage reserves in a way that is cost competitive without compromising quality";

2. Maintaining Your Community Facilities

"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards and are convenient and safe for public use".

Budget/Financial Implications

N/A

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

The majority of the City's 'regional' contribution has been derived from Main Roads WA 'Regional Roads' grant funds.

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

23.1 (Ocm1_8_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

Nil