

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 26 OCTOBER 1999 AT 7:30 P.M.

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 26 OCTOBER 1999 AT 7:30 P.M.

PRESENT:

COUNCIL MEMBERS

| | | |
|------------------|---|---------------------------------|
| Mr J F Donaldson | - | Chairperson of Joint Commission |
| Ms J L Smithson | - | Joint Commissioner |
| Mr M A Jorgensen | - | Joint Commissioner |

IN ATTENDANCE

| | | |
|-----------------|---|--|
| Mr R W Brown | - | Chief Executive Officer |
| Mr A T Crothers | - | Director, Finance & Corporate Services |
| Mr S M Hiller | - | Director, Planning & Development |
| Mr B K Greay | - | Director, Engineering & Works |
| Mr R Avard | - | Manager, Community Services |
| Mrs B Pinto | - | Secretary/PA to Director, Finance & Corporate Services |

289. (AG Item 1) DECLARATION OF OPENING

The Presiding Member declared the meeting open at 7.32 pm.

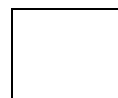
290. (AG Item 2) APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)

Nil

291. (AG Item 3) DISCLAIMER

The Presiding Member read aloud the following disclaimer:

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



292. (OCM2_10_1999) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)

Com Donaldson advised that he has received a written declaration of financial interest from Com Smithson, relating to Item 15.1 which will be read aloud at the appropriate time.

293. (OCM2_10_1999) - APOLOGIES & LEAVE OF ABSENCE

Mr D Green

Apology

294. (AG Item 6.1) (OCM2_10_1999) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr Michael Milos - Public Question Time - 14 September 1999 - regarding property developments at Lot 111 Rockingham Road and the effect past developments have had on his property.

After discussions with a Planning Officer, a response dated 12th October 1999 was sent to Mr Milos giving a brief history of the approval of the site according to Council's records.

Mrs Mary Jenkins - Public Question Time - 14 September 1999 - in relation to the Perth Metropolitan Regional Pedestrian Strategy. Mrs Jenkins felt it was important that Council put in a submission on the Strategy. Commissioner Donaldson informed Mrs Jenkins that Planning Staff would look at the document.

A submission on the Strategy has been lodged by Council Staff.

295. (OCM2_10_1999) - PUBLIC QUESTION TIME

Mr. Patrick Humphreys of Coolbellup tabled a letter to Commissioners with regard to recycling. He raised three issues, namely:

1. the safety concern at the Henderson Landfill Site
2. scavenging of goods to be recycled; and
3. the 3 month study on recycling commissioned by Council in July 1999.

Com Donaldson replied that he is unable to answer the first question, but will ask staff to report on current scavenging activities on site. With regard to the second part of the question, an item was presented to



Council at the last meeting with respect to our overall waste minimisation and management strategy, which the Commissioners recommitted for further review and work by staff and anticipate that, this will come forward to the next meeting as the matter is still under review and investigation. The third matter related to a one month trial, which he did not have an answer at the present time, but will take this on notice and respond in writing.

Mr Stephen Lee, a ratepayer and Councillor under suspension, flagged the issue in relation to last month's Organisational Status Report with regard to the McNeice Ruling. It has been raised by a number of ratepayers concerning the McNeice decision. In the report it says to date no further action has been taken in regard to this matter and probably will not be tested until another application is received. This is in respect to the noxious industries, the McNeice Ruling which Council sought from the Courts and achieved a degree of protection for its ratepayers. The concerns ratepayers have raised is that they are very scared the officers, as they have in the past, will try to amend the Scheme to lift the safety the McNeice Ruling provides to the ratepayers. What they want to know is that why would the Council take away protection when residents have fought against industries that under the Health Act are being noxious. Therefore the ratepayers are scared that someone would attempt to lift the protection of the McNeice Ruling and that is why he felt that this issue needed to be addressed as early as possible.

Comr Donaldson replied at no time do officers act unilaterally. They would only serve in making recommendations to Council who are acting through the Commissioners for deliberations. Seeing the complexity of the McNeice Ruling, Comr Donaldson requested the Director, Planning and Development to respond to Mr. Lee's question. Mr. Hiller said that this particular matter has become an important issue for local government and State Government and the matter is being actively looked into at the present time, in terms of the limitations it poses within the general industrial zone. At this stage there is no indication from the State Government as to how the matter is going to be handled, but Council is aware that it is actively being looked at. Any application, not just the Western Recovery application, that comes before Council, might test the way in which the Scheme deals with the McNeice decisions. This may lead to a proposal to amend the Scheme. But at this time there is no such proposal by the staff in relation to Scheme No.2, however in the proposed Scheme No.3 the McNeice issue will be addressed. Scheme No.3 has yet to be advertised for public comment.



Mr. Laurie Humphreys, a ratepayer and suspended Councillor commented on Agenda Item 12.1 - Frequency of Council Meetings. He stated when the Commissioners took over there were 2 committee meetings and 1 Council meeting. In May Council decided to continue with 2 Council meetings. He emphasised that he is not being derogatory , but he believes that the Commissioners are only in a caretaker role during the suspension of Council. He said that when Council at the time they were suspended had a full meeting process, decided to go into a 2 meeting process, knowing fairly well it would be difficult and that it would be time consuming. He acknowledges that an excellent job has been done by the Commissioners during the time they have been with the City. He does not believe that in all fairness to the ratepayers that going to a one meeting situation at this time, bearing in mind the caretaker role, they should impose on ratepayers to have one meeting a month. He feels for the future of the Council, "the incoming Council", he believes there should be two meetings and continue to perform the excellent job that has been done so far. He earnestly requests Council and for the sake of the ratepayers to continue with the 2 meeting process. He once again emphasised that he is not being derogatory but to consider the issue from a ratepayers point of view.

Mr. Humphreys also had concerns about the land that was cleared at Lot 2 Armadale Road and no one was able to identify who made what was considered to be a significant area of bushland disappear to make way for a quarry. He was astonished to think that such an area of land could be bulldozed to make way for a quarry He asked whether any staff had any idea at all or were there any investigations undertaken?

Mr Donaldson requested the Director, Planning and development to respond to Mr. Humphreys second question to which he said that it had come to Council's attention that the land had been cleared. The owners of the land were approached to find out if they were responsible. They denied any responsibility at all. At this stage there has been no success in positively identifying the people that may have been involved in clearing of the land. Council has sought legal advice and that legal advice says that it will be very difficult of any positive identification for Council to pursue any legal action. Council has done all it can until someone comes forward and admits to it. Council is unable to go any further with the matter.

Mr Donaldson responded to Mr. Humphreys query with regard to the frequency of meetings. He said that he acknowledged that the Commissioners are in a caretaker role. He also acknowledged equally that they do not have the intensity of representation because they are not representing a constituency in the same way as an elected member would be. The Commissioners are looking to manage the operations of the Council and its decision making processes as efficiently as they can. The Commissioners are managing the



business of Council quite efficiently and in a timely fashion and believe they can reduce the frequency of Council meetings to once a month and still serve the community with the same level of professionalism with which they are attempting to do so. He mentioned that nothing this Council does in its current form will bind the next Council with what it does in terms of its procedure. The next Council is quite at liberty to vote in its own right to set its own destiny with respect to Council meetings. He emphasised that it does not encumber the incoming Council to proceed with the same meeting structure. It is being done because the business of Council will still continue to be done efficiently with that operation. If after several months it is determined that it is not efficiently functioning then the Commissioners are open to change the structure. He said he appreciated the comments made and would like to state very categorically that they don't see their meeting regime to be imposed on the incoming Council.

Mrs Mary Jenkins asked whether the Council meetings could be held in the afternoon? Cmr Donaldson replied that there is nothing to stop it from happening in the afternoon. The only problem is that everyone works during the day. The Commissioners do work during the day although they set the majority of the day on Council Meeting days to take submissions from proponents, meet with community groups etc and therefore it is quite convenient to have the meetings at 7.30 pm in the evening. He said that some Councils in the past may have met during the day with the purposeful intent of actually excluding the public from their meetings and that would be the exact opposite of what the Commissioners would intend to do in Cockburn.

Mrs Jenkins also had concerns with Item 13.3 - Proposed Sand Excavation - Lot 2 Armadale Road, Banjup - the unapproved clearing of Lot 2. She asked who was going to monitor this? She also felt self-monitoring did not work as it has been found with the arsenic spill in Cockburn. She asked whether Council had the authority to stop any operations if the owner does not comply with standards that are set? Will the firm pay Council fees for inspection on a regular basis and have charges been set and if not, why not?

Mrs. Jenkins also had similar concerns with regard to Item 15.1 - Engineering Consulting Services for Planning and Development of Henderson Landfill Site. She asked who was going to monitor this and who will pay and also who has the authority to stop these operations? Cmr Donaldson cautioned Mrs. Jenkins to be very careful with the way she speaks of proponents before Council who make application for business purposes. He said there is no protection in this Chamber what people say about companies.

Cmr Donaldson requested the Director, Planning and Development to respond to Mrs. Jenkins query to which he said that the only powers



Council has available in the control and development of this type are those provided under the Town Planning and Development Act in relation to non-compliance of conditions, and the only other control Council has, is under the Local Government Act relating to excavation licences. They are the only two tangible ways Council can deal with a quarry except during the operational period where Council has the ability to deal with dust and noise under the EPA Act. Therefore, Council has limited powers and these powers are confined to two Acts and the third Act being the EPA Act in terms of its operations.

Mrs. Jenkins also had queries with regard to Item 16.2 - Respite House. Cmr Donaldson informed Mrs. Jenkins that the Commissioners intend to defer the matter to the next meeting as further information was required, so to hold any questions she may have relating to the issue until such time.

296. (AG Item 8.1) (OCM2_10_1999) - ORDINARY COUNCIL MEETING - 12/10/1999

MOVED Cmr Smithson SECONDED Cmr Jorgensen that the Minutes of the Ordinary Council Meeting held on Tuesday, 12 October 1999 be confirmed as a true and accurate record.

CARRIED 3/0

297. (AG Item 12.1) (OCM2_10_1999) - FREQUENCY OF COUNCIL MEETINGS (1704) (DMG)

RECOMMENDATION

That Council conduct its Ordinary Council Meetings on a monthly basis, on the third Tuesday of each month starting at 7:30 pm, commencing in November, 1999.

COUNCIL DECISION

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

CARRIED 3/0

Background

Commissioners have requested a review of the frequency of Ordinary Council Meetings now that they have settled in to their role and are familiar with the majority of issues requiring their attention in the conduct of Cockburn Council business.



Submission

N/A

Report

The Council Meeting structure was altered in May 1999, when the system of conducting two Standing Committee Meetings plus one Ordinary Council Meeting each month, was replaced by having all items requiring Council consideration placed before two Ordinary Council Meetings each month, conducted on the second and fourth Tuesdays.

It was always the intention to monitor the effectiveness of this system and review it after a six month period to ensure maximum benefit from the Council Meeting process is achieved.

An analysis of the current system reveals the following statistics:-

| | |
|--|--------|
| Total number of Ordinary Council Meetings conducted | 10 |
| Total number of items presented to Council | 172 |
| Number of items unresolved and deferred pending the provision of further information | 17 |
| Average length of Council Meetings | 1 hour |

These figures indicate the average number of items presented to each Council Meeting is 17. The most number of matters considered at any single meeting was 26 and the least 10. The figures also show that approximately 10% of all items presented, are deferred pending the provision of further information before being resolved. None of the items presented to Council for determination since the inception of the current system, remain unresolved at the present time.

Using this information, it is considered appropriate that the frequency of Ordinary Council Meetings could be extended to being held on a monthly basis, without reducing the efficiency of the decision making process.

Under such a scenario, it is likely that Council would be required to consider between 30 and 40 items each month. If the average number of deferred matters continues, it is likely that 3 or 4 items each month will not be resolved at the meeting.

The current system has the comfort of being able to quickly take the necessary steps to decide such matters at the next meeting within 2 or 3 weeks, if these are urgently required to be finalised. However, it is questionable whether all, or any, deferred matters are required to be determined within such a short space of time. Even in such urgent circumstances, a Special Meeting can be arranged to deal with these matters.



The time table for the preparation and settlement of Agenda items would remain intact, with the Agenda being circulated on the Thursday prior to each monthly meeting, as is presently the case.

Implications of the change for moving to the 3rd week other than the fourth week is that the tri-annual Financial Report may not be ready on all occasions in the designated month and will be reported to the following month.

The only major amendment to current arrangements would be that involving meetings with community members and organisations. It is likely that some additional, less formal arrangements would need to be made between Commissioners and constituents to complement the formal meeting process, which is likely to fill up quite quickly on a monthly basis.

Provided Commissioners are prepared to accept that there will be some added requirement for them to have casual contact with ratepayers over some issues on an ad hoc basis, there is no reason why a monthly meeting system, operating under the same methodology as the current process, could not deal with Council business as efficiently and effectively as is currently the case.

Strategic Plan/Policy Implications

Corporate Strategic Plan Item 1.7 "Council Administration" refers.

Budget/Financial Implications

Likely to involve less expenditure from the relevant Governance Accounts.

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

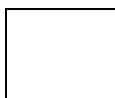
Nil

298. (AG Item 13.1) (OCM2_10_1999) - SOUTHERN SUBURBS DISTRICT STRUCTURE PLAN (9638) (9640) (AJB) (EAST) (MAPS 15, 16, 20, 21)

RECOMMENDATION

That Council:

- (1) adopt the modified Southern Suburbs District Structure Plan dated 26 October 1999;



- (2) forward the Southern Suburbs District Structure Plan to the Western Australian Planning Commission for endorsement; and
- (3) following endorsement by the Western Australian Planning Commission, provide a copy of the Southern Suburbs District Structure Plan to all owners of land within the structure plan area and their consultants and Government agencies that provided advice on the draft plan.

COUNCIL DECISION

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

CARRIED 3/0

Background

The draft Southern Suburbs District Structure Plan was advertised for public comment in July 1999. Council at its meeting held on 10 August 1999 (Item 14.11) considered the Schedule of Submissions and forwarded recommendations to the Ministry for Planning for determination.

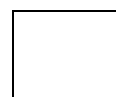
Submission

The Western Australian Planning Commission has advised by letter dated 28 September 1999 that it is prepared to endorse the Southern Suburbs District Structure Plan as the basis for the broad planning framework for the subject land, subject to the plan being modified in accordance with the Commission's determination on the submissions.

Report

The Western Australian Planning Commission has advised that it is prepared to endorse the Southern Suburbs District Structure Plan as the basis for the broad planning framework of the localities of Atwell, Success and Banjup, subject to the documents being modified in accordance with the Commission's determination on the submissions lodged in respect to the advertised Draft Plan in July 1999 and Council's recommendation in August 1999.

The Commission's requirements and relevant comments on each are as follows:-



1. *The modifications recommended by the Ministry for Planning in its submissions to the City of Cockburn of 27 July 1999 being undertaken.*

Comment

The Ministry advised that the report should be modified to separate the outcomes from the 2 day workshop held to determine areas of environmental significance and Council's recommendations on Bushplan, include reference to Perth's Greenways Plan and its implications for three road corridors within the structure plan area and minor modifications to the text.

Council recommended that the modifications and corrections be made to the final report.

The required changes have been incorporated into the final report.

2. *The boundary of the Southern Suburbs District Structure Plan to be consistent throughout the structure plan report and generally to follow Bartram Road, Frankland Avenue, Gaebler Road, the proposed extension of Tapper Road and Gibbs Road; the area to the south of Gibbs Road the subject of the City's Bushplan to be excluded from the structure plan area; and the structure plan report/maps to be modified accordingly.*

Comment

Council's submission on Bushplan and the recommendations in respect to the land south of Gibbs Road have been clearly enunciated in the report and accordingly the deletion of the notation from the Structure Plan does not significantly diminish Council's position.

The boundary of the Southern Suburbs District Structure Plan area has been modified accordingly.

3. *Section 5.4 "Public Open Space" of the structure plan report to be amended by: (i) noting that the Commission will consider public open space and drainage at the development plan and subdivision stages generally in accordance with relevant Commission policies and with due regard to the individual merits of future applications; and (ii) noting the Commission's policies regarding public open space and drainage.*

Comment

Section 5.4 generally described the required function and distribution of open space within the structure plan area and outlined Council's requirements.



Submissions on this section argued that Council's requirements were inconsistent with Commission policies and that the structure plan report should not set the standards.

The Commission in its determination on this issue has agreed with the general thrust of submissions and accordingly all references to matters of detail are to be deleted.

It is noted that the Commission has a degree of discretion within the policies applying to open space and drainage and hence it will be necessary for both the developers and Council to document reasons for their respective positions at the time of submitting individual structure plans and subdivision applications.

Section 5.4 has been amended in accordance with the Commission's determinations.

4. *In respect to the primary school site depicted at Lot 19 Hammond Road, the Commission does not object to its relocation to the adjoining land to the east.*

Comment

The Commission's determination supports Council's recommendation on this issue.

The Structure Plan has been amended accordingly.

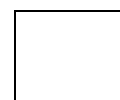
5. *In respect to Section 7.4 "Cost Sharing and Owner Development Areas" relating to the pedestrian bridge across the Kwinana Freeway at Gaebler Road and other matters the Commission will consider such at the development plan and subdivision stages.*

Comment

The need for the proposed pedestrian bridge is dependent on whether or not a high school site is included in the area south of Gibbs Road and east of the Freeway in the vicinity of Gaebler Road as shown on the 1993 South Jandakot Mandogalup District Structure Plan.

Requirements for a high school in this area are still being assessed by the Education Department and the requirement for the pedestrian bridge remains unresolved.

The structure plan report has been modified in accordance with the Commission's determination.



The public consultation process on the Southern Suburbs District Structure Plan has resulted in minor changes to both the plan and the report. Given the nature of the required changes it is not considered necessary for the plan to be re-advertised for further public comment. Accordingly it is recommended that Council adopt the modified Southern Suburbs District Structure Plan dated 26 October 1999 which is included in the Agenda attachments.

Strategic Plan/Policy Implications

- PD8 Bushland Conservation
- PD13 Public Open Space
- PD23 Buffer Zones
- PD25 Liveable Neighbourhoods - Community Design Codes

Budget/Financial Implications

N/A

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

Nil

299. (AG Item 13.2) (OCM2_10_1999) - PROPOSED AMENDMENT TO POLICY PD28 "AGED OR DEPENDANT PERSONS DWELLINGS AND ANCILLARY ACCOMMODATION ON RURAL OR SPECIAL RURAL LOTS" - FINAL APPROVAL (9003) (MT)

RECOMMENDATION

That Council:

- (1) adopt amendments to Council Policy PD 28 "Aged or Dependiant Persons Dwellings and Ancillary Accommodation on Rural or Special Rural Lots", for final approval without modification in pursuance of Part 11 – "Policies" in the District Zoning Scheme No. 2.; and
- (2) place notification of final adoption of the amendment to the Policy in a newspaper circulating the Scheme area, in accordance with 11.1.1 of District Zoning Scheme No. 2.

COUNCIL DECISION

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

CARRIED 3/0



Background

At its meeting held on 10 August 1999 Council resolved to initiate amendments to Council Policy PD28. A copy of Draft Policy is attached to the Agenda.

The policy amendment was advertised in a local paper for 2 consecutive weeks.

Report

No submissions were received during the advertising period. It is recommended the amendments to the Policy be adopted without modification.

Strategic Plan/Policy Implications

In accordance with Part 11 "Policies" of Council's Scheme, added by recently gazetted Amendment 191, notification of final adoption of the policy amendment must be published once in a newspaper circulating in the area.

Budget/Financial Implications

N/A

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

Nil

- 300. (AG Item 13.3) (OCM2_10_1999) - PROPOSED SAND EXTRACTION - LOT 2 ARMADALE ROAD, BANJUP - OWNER; PALMERINO RONCI - APPLICANT: DAVID PORTER CONSULTING ENGINEERS (5513120) (CC) (EAST) (MAP 20)**

RECOMMENDATION

That Council:

- (1) Approve the application subject to the following conditions:



CONDITIONS

1. Nothing in this approval shall exclude compliance with all relevant laws in the commencement and carrying out of development.
2. Development being carried out in accordance with the commitments and plans contained within report 'Development Proposal Extractive Industry Lot 2 Banjup Road Armadale for Naval Base Contractors' dated 20 May 1999 and the document titled 'Quarry Rehabilitation Lot 2 Armadale Road, Banjup' prepared for David Porter Consulting Engineer by Quality Environmental September 1999 as amended by Council (see attachment), unless superseded by conditions of this approval.
3. Excavation works being restricted to between the hours of 7AM to 6PM Monday to Saturday and not at all on Sunday or Public Holidays.
4. All stormwater to be contained on site.
5. An annual report being prepared and submitted to Council by 30 September each year detailing excavation and rehabilitation activity undertaken over the past 12 months period and proposed excavation and rehabilitation for the following 12 month period.
6. Safety fencing and warning signs being placed around the perimeter of the site to the satisfaction of Council.
7. No burning of stockpiled vegetation or any other material to occur on site.
8. This approval remains valid for a period of five (5) years only. If development is not completed within this time the approval shall lapse. Where an approval has lapsed, no development shall be carried out without the further approval of Council having been first sought and obtained.
9. The minimum excavation level being not less than 2 meters above the water table as defined by the Waters and Rivers Commission.
10. No stockpiling of materials other than materials associated with sand excavation occurring on site and rehabilitation of the site.



11. Dust suppression to be carried out in accordance with the commitments contained within the report 'Dust Management Plan Proposed Extractive Industry Lot 2 Armadale Road, Banjup received by Council 13 September 1999.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF AN EXCAVATION LICENCE

12. The owner(s) of the land entering into an agreement with the City covenanting to excavate and rehabilitate the land in accordance with this approval and conditions. Such Deed shall create a caveatable interest in the land in favour of the City and allow the City powers to effect rehabilitation of the land in the event of default by the operator, using the bond/guarantee held in trust by the City, by twenty one (21) days notice in writing and the deed shall contain such matters as are relevant to the conditions herein mentioned. The Deed is to be prepared by the City's solicitors at the cost of the applicant.
13. A bank guarantee or bond for the rehabilitation of the site in a form acceptable to and from a bank approved by the City, in the sum of \$10,000 to be lodged with the City. If demand is made under the guarantee and the money paid by the guarantor to the City, the applicant shall, within twenty one (21) working days of such payment by the guarantor restore the amount of the guarantee to \$10,000.
14. Maintenance of a 40 metre buffer (including bunds where necessary) to Armadale Road. All existing vegetation within the buffers to be retained and additional tree and shrub planting to be completed in the buffer to Armadale Road to the satisfaction of Council.
15. No excavation to occur within 20 metres of site boundaries other than the boundary to Armadale Road without the written consent of adjoining landowners being submitted to Council.

1.1.1. FOOTNOTES

1. The operator shall comply with all environmental standards as specified in any works approval, licences or conditions of approval applied under the Environmental Protection Act.



2. The applicant is advised to liase with the Waters and Rivers Commission regarding its licensing requirements for fuel storage and water bores and its draft policy on Construction and Silica Sand Mining in Public Drinking Water Source Areas.
- (2) Advise the applicant, and referral authorities of the Council's decision.

COUNCIL DECISION
 MOVED Cmr Smithson SECONDED Cmr Jorgensen that the recommendation be adopted.
CARRIED 3/0

Background

| | | |
|------------|------------------------|--|
| ZONING: | MRS: | RURAL-WATER PROTECTION ABUTS PARKS AND RECREATION |
| | DZS: | RURAL |
| LAND USE: | UNDEVELOPED RURAL LAND | |
| LOT SIZE: | 3.1515HA | |
| AREA: | N/A | |
| USE CLASS: | SA USE | |

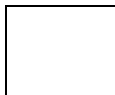
Lot 2 is undeveloped Rural zone land situated in MRS Rural-Water Protection zone and is identified in the Western Australian Planning Commission's document 'Perth's Bush Plan' as having 'Regionally Significant Bushland-Recommended for Protection'.

Submissions on Perth's Bushplan are currently under consideration and the final document is scheduled for release at the end of 1999.

Lot 2 is bounded by Boral Besser Masonry's sand quarry to the west and north, and Rocla Quarry Products sand quarry on Reserve R1820 to the east, which was approved by the Departments of Minerals and Energy.

Unapproved clearing of Lot 2 took place in the first week of June 1999 without Planning Consent having been obtained from Council.

The landowner by letter of 28 June 1999 has advised the clearing took place without his knowledge or consent by individuals unknown. He further advised that he was in the process of making application to excavate sand from the site.



Council's solicitors (McLeod & Co) have verbally advised that a successful prosecution for the unapproved clearing may be difficult to achieve as there are no witnesses and the owner has denied knowledge of the incident. It is still open to Council to pursue the matter if it desires, however, this course of action is not recommended because of the solicitor's advice.

Submission

Application has been made to extract the sand resource from Lot 2.

The main operation characteristics of the proposal are as follows.

Excavation of sand to site boundaries to tie in with excavation operations on adjacent lots R1820 and Lot 4 to a minimum level of 2 metres above the water table approximately RL29.5 to RL30.

Maintenance of a 40 metre buffer zone to Armadale Road.

A maximum of 50 two way vehicle movements per day.

The stage rehabilitation of the site and dust suppression measures.

Report

As part of advertising, a sign was placed on site and nearby residents were notified of the proposal. No objections were received.

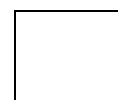
The Ministry for Planning has advised that although Lot 2 is identified in Perth's Bush Plan, its small size does not provide for an adequate Bushplan site. The Ministry raises no objections the excavation of Lot 2 subject to the retention of a 40 metre buffer to Armadale Road.

MRWA has no objections subject to the its crossover requirements onto Armadale Road, which the applicant has committed to do in the excavation/rehabilitation report.

The Water and Rivers Commission advises that the proposal should be subject to its draft policy on Construction and Silica Sand Mining in Public Drinking Water Source Areas. This will be footnoted to the applicant.

The applicant has submitted an adequate Rehabilitation Plan and Dust Management Plan to Council.

The extraction of sand from Lot 2 is a logical extension of extractive industry on adjacent land and will allow for a consistent landform in the locality.



Strategic Plan/Policy Implications

PD 21 Extractive Industries

Budget/Financial Implications

N/A

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

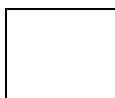
Nil

- 301. (AG Item 13.4) (OCM2_10_1999) - NON-COMPLIANCE WITH CONDITION OF DEVELOPMENT APPROVAL AND LOCAL LAW - LOTS 9 AND 20 ROCKINGHAM ROAD AND PT LOT 4 MUSSON ROAD, HENDERSON - OWNER: RCG PTY LTD (5513079) (CC) (COASTAL) (MAPS 10 & 11)**

RECOMMENDATION

That Council advise the owner/occupier of the land, RCG Pty Ltd that:-

- (1) Use of Lots 9 & 20 Rockingham Road and portion of Pt Lot 4 Musson Road, Henderson is in breach of clause 7.2 of the City of Cockburn Town Planning Scheme No. 2 by reason of failure to comply with the following condition of Council's development approval of 18 June 1997:
 1. Condition 14 requiring the owner of the land to enter into a deed with the City of Cockburn to excavate and rehabilitate the land in accordance with the approval.
- (2) The excavation of sand without the owner having first obtained an excavation licence is a breach of the City of Cockburn Local Law.
- (3) In the event that the above matters are not rectified to the satisfaction of the Council officers within 28 days of the date of this notice, a prosecution action will be initiated by Council's solicitors against the owner/occupier, RCG Pty Ltd for a breach of the City of Cockburn Town Planning Scheme No.2 and the Local Law.
- (4) The carriage and conduct of any proceeding be delegated to the Manager of Development Services.



COUNCIL DECISION

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

CARRIED 3/0

Background

| | | |
|------------|-------------------------------|-------|
| ZONING: | MRS: | RURAL |
| | DZS: | RURAL |
| LAND USE: | EXTRACTIVE INDUSTRY LIMESTONE | |
| LOT SIZE: | N/A | |
| AREA: | N/A | |
| USE CLASS: | SA USE | |

Lots 9 and 20 Rockingham Road have been used for limestone extraction over the past 20 years. The current development approval issued on 18 June 1997 allowed for the continuation of limestone extraction on these lots and expansion of activity into a portion of Pt Lot 4 Musson Road. *See Agenda Attachments for Location Plan*

A recent application to use the land as a land-fill site was refused by Council and rejected by the Minister of Planning on Appeal.

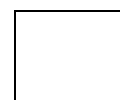
Report

Condition 14 of the current Development Approval, which requires the owner/operator to enter into a deed of agreement with the Council to excavate and rehabilitate the land in accordance with conditions of the approval, has yet to be satisfied by the owner. *See Agenda Attachments for Condition 14.*

Condition 14 also allows Council to place a caveat over the site and power of entry to effect rehabilitation in the event of default.

The owner has been advised by Council in writing six times that Condition 14 is outstanding. The most recent occasions being the 2 June 1998 and the 5 March 1999. The most recent version of a draft deed of agreement was sent to the owner on the 25 January 1999 by Council's solicitors - McLeod & Co. Finalisation of the Deed has become protracted due to lack of initiative by the owner.

Limestone extraction is also being undertaken in the absence of an excavation licence, as its issue is contingent upon finalisation of



Planning Conditions. The operator is therefore in breach of the City of Cockburn Local Laws.

In order to bring the Extractive Industry on the land into compliance with the City of Cockburn Town Planning Scheme No. 2 and Local Law, it is appropriate that notice to the owner be given through Council's solicitors, advising that legal action will be initiated in the event that the matters are not resolved within 28 days of the notice.

Strategic Plan/Policy Implications

PD21 Extractive Industries and
PD1 Compliance with Conditions of Planning Approval, apply

Budget/Financial Implications

Potential revenue gain from successful prosecution or potential cost from unsuccessful prosecution.

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

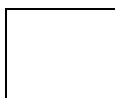
Nil

- 302. (AG Item 13.5) (OCM2_10_1999) - PROPOSED CHANGE OF USE (HAY BALING PLANT) - LOT 30; 42 HOWSON WAY, BIBRA LAKE - OWNER/APPLICANT: MILNE FEEDS PTY LTD (4309104) (MT) (SOUTH) (MAP 8)**

RECOMMENDATION

That Council:

- (1) refuse the application for a hay baling plant on Lot 30; 42 Howson Way, Bibra Lake for the following reason:
 1. the use is classed as a Noxious Industry under Council's District Zoning Scheme No.2 and is not a permitted use in the General Industry Zone.
- (2) in the event the use has not ceased on the site after 30 days, refer the matter to Council's solicitors to commence legal proceedings against the owners of the property for breach of Council's Scheme by undertaking development without planning consent and for breaching the Health Act by continuing an Offensive Trade without approval.
- (3) issue a MRS Form 2 Notice of Refusal to the applicant and



advise them that the use is to cease within 30 days.

COUNCIL DECISION
 MOVED Cmr Jorgensen SECONDED Cmr Smithson that the recommendation be adopted.
CARRIED 3/0

Background

| | | |
|------------|----------------------|------------------|
| ZONING: | MRS: | INDUSTRIAL |
| | DZS: | GENERAL INDUSTRY |
| LAND USE: | SHEDS | |
| LOT SIZE: | 3.0326m ² | |
| AREA: | N/A | |
| USE CLASS: | "X" | |

Council's Health Department have received complaints about hay dust emanating from the subject property since March 1998. Problems with dust have been reported by 5 properties over the one and half year period. A map detailing the locations of the complaints is attached to this agenda. Officer investigations and sampling has confirmed the dust is coming from the operations of Milne Feeds.

In February 1999 it was discovered the operations on Lot 30, which had been operating for approximately 4 years, had not received planning consent. The previously approved use was for warehousing. In a letter to Milne Feeds, dated 3 March 1999, Council advised them of this and advised to cease the use or apply for planning consent. They were advised that Council may view the operation as a Noxious Industry and refuse the application.

Milne Feeds took their own legal advice, which seemingly confirmed Council's position. They communicated to Council in a letter of 26 March 1999 they had made "a firm decision to relocate" and asked for 6 months to do so. An extension to relocate till the end of September 1999 was agreed to.

In a letter dated 13 August 1999 Milne Feeds stated that as a result of a merger with another company they had not proceeded any further with the relocation. Council officers responded by way of letter that the relocation was to be complete by the end of September.

Submission



A letter from Milne Feeds, dated 16 September explains the company has decided against relocation and to apply for the hay baling use on the site. A MRS Form 1 application was submitted on 24 September. It proposes to continue to use the site for the pressing of oaten hay for export to Japan and other countries. The submitted site plan is attached to this agenda.

Report

It is open to Council to determine the proposed use a "Noxious Industry". If it is a Noxious Industry, it is not a permitted use on the subject lot, which is zoned "General Industry". The determining factor is whether the use constitutes an "Offensive Trade" under the definition given in the Second Schedule of the Health Act. Noxious Industry is defined in Council's Scheme as:

"means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act 1911..."

The relevant section of the Offensive Trade definition is:

"...any trade that, unless preventive measures are adopted, may become a nuisance to the health of the inhabitants of the district."

A legal opinion was sought in March this year in relation to these matters and the operations on the Milne Feeds' site and has been circulated under separate cover.

In this case, the Council does not need to guess at the possible nuisance to the health. The baling plant has been operating for some time and the impact on the inhabitants has been established. The process on the site involves receiving large bales or rolls of hay, breaking them up, and feeding the hay into a machine designed to compact it and wrap it into smaller bales. An outcome of the process is the release of hay dust, which on windy days becomes airborne and settles on surrounding properties. At such times a dust cloud is visible over the property. Council Health officers have worked with Milne Feeds on measures to limit the release of dust, but these have not been successful. As well as the problems caused by dust settling on the operations of neighbouring businesses, complaints have been received from workers on surrounding lots suffering from irritation to the eyes and hay fever. This would seem to constitute a nuisance to the health of the inhabitants of the district.

The only way to prevent the dust from becoming airborne is to totally enclose the operation. For financial reasons, the applicant is not prepared to undertake this. Even if they were, it is likely this enclosure, with the necessary inclusion of dust collectors, would constitute a preventative measure and the use would still be deemed an offensive trade.



It is the officer's opinion that the proposed use will continue to cause a nuisance to the health of the inhabitants and is therefore an Offensive Trade. As such, the use is a Noxious Industry under Council's Scheme and not a permitted use in the General Industry zone. Milne Feeds established the business without planning consent and have been given ample time to consider relocation to alternative premises. It is recommended that if Council resolves to refuse the application, the applicant be given a further 30 days to cease the use or relocate. Should the use continue, Council has the options of prosecution: for a breach of Council's Scheme for undertaking development without Council approval; and for breaching the Health Act for continuing an Offensive Trade without approval.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

In the event of prosecution action being required, legal costs are funded from Account on existing budget.

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

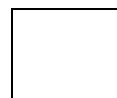
Nil

- 303. (AG Item 13.6) (OCM2_10_1999) - FINAL ADOPTION OF AMENDMENT NO. 195 TO DISTRICT ZONING SCHEME NO. 2 - PORTION OF LOT 9 COCKBURN ROAD, HENDERSON - OWNER: WATER CORPORATION - APPLICANT: CITY OF COCKBURN (92195) (SA) (COASTAL) (MAP 5)**

RECOMMENDATION

That Council:

- (1) adopt the amendment for final approval with the following modifications to the amendment document:
 1. remove the existing Council resolution in the amendment document and replace it with the following:
 - "1. Rezoning Portion of Lot 9 Cockburn Road, Munster from "Unzoned Land" to "General Industry" in accordance with the Scheme Amendment Map;



2. Rezoning Portion of Lot 5 Russell Road, Munster and portion of Russell Road road reserve from "Unzoned Land" to "General Industry" in accordance with the Scheme Amendment Map;
 3. Rezoning portion of Cockburn Road road reserve from "Unzoned land" to "General Industry" in accordance with the Scheme Amendment Map; and
 4. Amend the Scheme Maps accordingly."
2. Amending the amendment map to reflect the current DZS No. 2 Scheme Map.
- (2) in anticipation of the Hon. Ministers advice that final approval will be granted, the modified amendment documents be signed, sealed and forwarded to the Western Australian Planning Commission;
- (3) advise the Water Corporation of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 3/0

Background

The Western Australian Planning Commission has recently updated the Metropolitan Region Scheme (MRS) for the proposed Jervoise Bay Infrastructure Project. The MRS Amendment No. 1001/33, which is subject to Section 38 Assessment by the Environmental Protection Authority, was finalised earlier this year.

The purpose of the MRS Omnibus Amendment is to incorporate changes to zones and reservations arising from decisions made by the WAPC or Government proposals for the use of land, more detailed studies of specific proposals, and generally to ensure the MRS is kept up to date as the statutory regional plan for Perth.

Council resolved on the 25 May 1999, to initiate the Amendment No. 195, which will rezone:



- portion of Lot 9 Cockburn Road, Munster from "Public Purpose (WSD)" and "Important Regional Road Reserve" to "General Industry",
- portion of Lot 5 Russell Road, Munster and portion of Russell Road road reserve from "Important Regional Road Reserve" to "General Industry", and
- rezoning portion of Cockburn Road road reserve from "Local Reserve - Local Road" to "General Industry"

Submission

The amendment was advertised for public comment, with the advertising period ending on the 29 September 1999. One submission was received from the Water Corporation, which made no significant comments. Refer to the Schedule of Submissions in the Agenda Attachments for further details.

Report

The purpose of this proposal is to facilitate the realignment of the intersection of Russell and Cockburn Road with the intention of redirecting local traffic onto the Fremantle-Rockingham Highway. The modification to the intersection will discourage through-traffic into the Jervoise Bay Industrial Estate and facilitate the rationalisation of car parking and access to the ship building precinct.

The proposal provides for a road reservation of up to 70 metre width (to accommodate excavation batter slopes) along a 300 metre radius curve which traverses Lot 9 Cockburn Road. This land is owned by the Water Corporation and is currently reserved for Public Purposes (WSD). In order to facilitate this proposal the subject land would need to be transferred to "Important Regional Road reserve".

The existing area of land currently designated Important Regional Road reservation would no longer be required and is to be rezoned to Local Road Reserve and together with the remaining superfluous area of land south of the new intersection alignment will be transferred to General Industry zone.

No significant submissions were received, however minor modification to the amendment documents are required as MRS Amendment 1001/33 (No. 3A) has been gazetted since initiating the Amendment 195, resulting in changes to Council's current DZS No.2 scheme map and the MRS.

The modifications that are required include:

1. rewording the Council resolution to read as:



- "1. Rezoning Portion of Lot 9 Cockburn Road, Munster from "Unzoned Land" to "General Industry" in accordance with the Scheme Amendment Map;
2. Rezoning Portion of Lot 5 Russell Road, Munster and portion of Russell Road road reserve from "Unzoned Land" to "General Industry" in accordance with the Scheme Amendment Map;
3. Rezoning portion of Cockburn Road road reserve from "Unzoned land" to "General Industry" in accordance with the Scheme Amendment Map; and
4. Amend the Scheme Maps accordingly."
2. Amending the amendment map to reflect the current DZS No. 2 Scheme Map.

The modifications are only technical changes, and ensure that the amendment documents reflect the current Council DZS No. 2 scheme map and the current MRS. They do not alter the intention or meaning of Amendment 195, therefore it is recommended that the Amendment be adopted for final approval, with minor modifications.

Strategic Plan/Policy Implications

Corporate Strategic Plan Strategy - Clause 2.1 - Promotion of Henderson Ship building area.

Budget/Financial Implications

Council to pay costs associated with the Amendment.

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

Nil

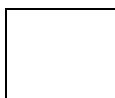
304. (AG Item 14.1) (OCM2_10_1999) - LIST OF CREDITORS PAID (5605) (KL)

RECOMMENDATION

That Council receive the List of Creditors Paid for September 1999, as attached to the Agenda.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the



recommendation be adopted.

CARRIED 3/0

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

305. (AG Item 14.2) (OCM2_10_1999) - EASEMENTS - RESERVE 45224 - HATCH PLACE, BIBRA LAKE (1117330) (KJS)

RECOMMENDATION

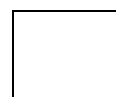
That Council endorse the creation of Crown Easements in favour of Water Corporation and Western Power, over Reserve 45224 subject to all costs being borne by Peet and Company.

COUNCIL DECISION

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

CARRIED 3/0

Background



Reserve 45224 is a reserve for public recreation created in Stage 3A of the development known as Bramly Waters. Stage 3B of the development is now under construction. Manager, Engineering has no objections to the laying of services through the Reserve conditional on the creation of appropriate Easements.

Submission

A facsimile transmission has been forwarded to Council from Wood and Grieve Engineers on behalf of the Subdivider seeking Council's endorsement to the creation of the Easements.

Report

The Crown Easements are created on the Reserve by the Department of Land Administration. The Reserve is managed by the City of Cockburn so an endorsement to the creation of the Easements by the City is required by the Department of Land Administration.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

N/A

306. (AG Item 14.3) (OCM2_10_1999) - PURCHASE OF LOT 146 HAMMOND ROAD, JANDAKOT - CONSTRUCTION OF BEELIAR DRIVE (4413888) (KJS)

RECOMMENDATION

That Council:

- (1) offer A Scolaro \$67,000 for the purchase of Lot 146 Hammond Road, Jandakot; and
- (2) draw funds from Land Development Reserve Fund for the purchase of the above lot, and the Budget be amended accordingly.

TO BE PASSED BY ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

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

CARRIED 3/0

Background

Council at its Meeting held on 14 September 1999 resolved to offer A. Scolaro \$64,000 for Lot 146 Hammond Road, Jandakot.

The offer was based on a valuation report by Licensed Valuer, Brian Handcock of Independent Fremantle Valuers.

Submission

N/A

Report

The offer of \$64,000 previously recommended and adopted by Council was forwarded to A. Scolaro via his representative Licensed Valuer, Jeff Spencer.

The offer was rejected and a counter offer of \$67,000 tendered. The counter offer raised the following points.

Initially, A. Scolaro offered the land for \$70,000. Then the figure was adjusted to \$67,000 plus reimbursement of rates and taxes paid over the past couple of years. Mr. Scolaro initially sold portion of the main landholding in Hammond Road to enable the City to construct Beelias Drive in 1996. A notation on the Diagram of Survey prevented the sale at that time of Lot 146. Mr. Scolaro feels that he has been prevented from the dealing with his land generally. The figure of \$67,000 with no claim for reimbursement of Rates and Taxes, represents a compromise position and should be supported.

Strategic Plan/Policy Implications

Business Strategy 5.1.1 refers. (Ensure the safety of the Road System improves).

Budget/Financial Implications

This will require a Budget transfer from the Land Development Reserve Fund.

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

N/A

WRITTEN DECLARATION OF FINANCIAL INTEREST

Cmr Donaldson read aloud the following written declaration of financial interest from Cmr Smithson.

Cmr Smithson

Agenda Item 15.1 - The nature of the interest being that, her employer, BSD Consultants is one of the tenderers for the Engineering Consulting Services for Planning and Development of the Henderson Landfill Site.

CMR SMITHSON LEFT THE MEETING AT THIS STAGE THE TIME BEING 8.04 PM

307. (AG Item 15.1) (OCM2_10_1999) - TENDER NO. 42/99 - ENGINEERING CONSULTING SERVICES FOR PLANNING AND DEVELOPMENT OF HENDERSON LANDFILL SITE (BKG/RNJ)

RECOMMENDATION

That Council accept the tender from Halpern Glick Maunsell for the provision of Engineering Consulting Services for Planning and Development of Henderson Landfill Site, for the lump sum price of \$96,795 less the allowance for supervision of construction of Cell 4 (\$47,648), giving a net lump sum price of \$49,147.

COUNCIL DECISION

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

CARRIED 2/0

Background

At the Council meeting held on 12 October 1999 it was resolved that consideration of the tenders be deferred to the next Council meeting.



Submission

N/A

Report

Tenders were called and closed on 21 September 1999 for the engineering consulting services for planning and development of the Henderson Landfill Site.

The specific services required are:

- Review of existing master plan for Henderson Landfill Site drafted in 1991
- Recommendations on the design of Cell 4
- Obtain D.E.P. approved for the design
- Prepare tender and contract documentation for Cell 4 and associated works
- Supervision of the construction of Cell 4
- Prepare concept designs of on site Waste Transfer Station

The following three submissions were received:

- Halpern Glick Maunsell
- BSD Consultants
- Sinclair Knight Merz

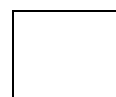
The tenders were assessed under the following criteria as outlined in the tender documents.

| | <u>Weighting</u> |
|--|------------------|
| 1. Interpretation, Methodology, Implementation | 40% |
| 2. Experience, Qualifications of Management | 25% |
| 3. Total Cost | 20% |
| 4. Experience of firm in this type of work | 15% |

Using this criteria to assess the tender it is recommended that Halpern Glick Maunsell be awarded the contract.

A summary of the information requested on the tender form is attached to the agenda.

For the separable part of the tender titled *Supervision*, Halpern Glick Maunsell allowed for a person to be on site for the total time of the construction phase. Council staff have determined that this is an expensive option. They have requested, and Halpern Glick Maunsell have agreed in writing, that this provision of \$47,648 be excluded from the contract.



Condition 1(1) of the tender states *"The City reserves the right to accept all or part of the tender."*

Council staff will investigate options for the supervision of construction of Cell 4 to minimise the cost without compromising quality and decide on the best way of this occurring before construction commences in April 2000.

An analysis of the tender submissions showed that Sinclair Knight Merz had not had extensive experience in the construction of synthetic liners for large projects. Halpern Glick Maunsell have had experience in the construction and lining with synthetic material, of the 3 previous cells at Henderson. They have also had experience with installing clay liners at Kalamunda and Gosnells. Halpern Glick Maunsell have also had experience in the systems for the collection of landfill leachate and installation of a landfill leachate treatment plant.

Further analysis showed:

- the 3 firms had achieved Quality Assurance Certification
- 3 firms had qualified environmentalists in their organisation
- 3 firms could do the work within the requested timeframe.

In Council staff's view Halpern Glick Maunsell demonstrated in their submission they had a better understanding of the project and services required and more clearly outlined their strategies.

The estimated expenditure for development of the site over the next 10 years is \$25 million.

The consultant's fees will be about 5% of the cost but their recommendations and designs will have significant impact on the end cost of the project.

Strategic Plan/Policy Implications

The further development of the landfill site is in accordance with the previous corporate plan objective of *"provide long-term security for disposal of putrescible waste for all property users."*

However, as the strategies and actions have evolved over the past 4 years from this objective, all of the general household waste will be recycled at a regional processing plant in Canning Vale. The need for a landfill site by residents of Cockburn will decrease.

After this proposal is implemented in June 2001 the project will be covered by the corporate plan objective of:

1.1.2 To maximise the City's revenue sources



- 3.2.5 Ensure the Henderson Landfill Site is managed in accordance with EPA licence conditions.

These objectives will be achieved by attracting large volumes of commercial waste resulting in the closure of other Landfill sites in the metropolitan region. Commercial waste will not be received at the regional waste recycling site.

Budget/Financial Implications

\$75,000 has been provided in the 1999/00 budget for the design of Cell 4 and associated works.

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

Nil.

CMR SMITHSON RETURNED TO THE MEETING THE TIME BEING 8.06 PM

308. (AG Item 16.1) (OCM2_10_1999) - COMMUNITY BUS (8805) (RA)

RECOMMENDATION

That Council:-

- (1) commit to providing up to \$21,000 for the purchase of a Bus for the Out of School Hours Care Program subject to a contribution from the Lotteries Commission of \$28,000; and
- (2) require a review of the hire charges on an annual basis to ensure all operating costs of the bus are recovered on an ongoing basis.

TO BE PASSED BY AN ABSOLUTE MAJORITY OF Council

COUNCIL DECISION

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

CARRIED 3/0

Background



The Out of School Hours Care Services operated by the City of Cockburn have been hiring a bus at a very competitive rate for 5 years for the Before and After School Hours service. The service has for at least ten (10) years also hired buses for its vacation care program. It has been a long term concern, particularly for the before and after school care service, that the current hire arrangement could discontinue. The bus presently being used is for sale and hence it is possible that it will become unavailable, a critical issue. The Department of Health and Family Services has recently advised that \$21,000 is available to the Council's Out of School Hours Care Service for a bus purchase. Council has for a number of years investigated the need for a community bus.

Submission

N/A

Report

The Out of School Programs operate 52 weeks of the year and now include Before School, After School, Vacation and Pupil Free Day Programs. Since the service has lost the subsidised use of the Villa Dalmatia bus, private buses have been hired at great expense to the services. The growing community, with a new service in Atwell, has also increased the demand on the existing bus service.

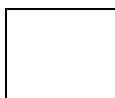
The bus would be used by Out of School Programs from 7.00am and 9.30am and 2.30pm and 6.00pm on school days and between 8.00am and 6.00pm during Vacation Programs and Pupil Free Days.

The Before School Program averages 30 children and services 5 schools and After School averages 45 children and services 4 schools. Vacation Care operates 4 programs and averages 30 children per centre daily. All programs are well utilised and are financially viable. Vacation programs presently hire 1 (52 seater) bus and 1 (22 seater) bus. The average cost is \$1.40 per kilometre inclusive of fuel.

At the remaining times the bus would be available for hire by other Council Programs, Schools and Community Groups.

The cost of running the bus would be offset against a mileage charge which would also include fuel. On current figures the Out of School Hours program would generate \$14,500 p.a. of guaranteed income. The bus would only be available for hire in the metropolitan area and a deposit would also be required by community groups. The anticipated charge would be \$1.00 kilometre.

The bus could be maintained at the Council depot with costs allocated against the bus account. Alternatively the work could be performed at a local garage.



Strategic Plan/Policy Implications

Strategic Plan Item 5.2 "Human and Community Services" refers.

Budget/Financial Implications

Budget

| | |
|--|-----------------|
| Purchase price for a 22 seater Nissan Bus airconditioned without sales tax. | <u>\$70,000</u> |
|--|-----------------|

Income

| | |
|--------------------------------|---------------------------|
| Health & Family Services Grant | \$21,000.00 |
| Lotteries Grant | \$28,000.00 |
| Council Contribution | <u>\$21,000.00</u> |
| | <u><u>\$70,000.00</u></u> |

Operating Expenditure

| | |
|----------------------|-------------------|
| Fuel and Maintenance | \$5,000.00 |
| Insurance | \$1,700.00 |
| Road Tax | <u>\$300.00</u> |
| | <u>\$7,000.00</u> |

| | |
|---------------------------|---------------------------|
| Depreciation (11.2% P.A.) | <u>\$7,840.00</u> |
| | <u><u>\$14,840.00</u></u> |

Operating Income

| | |
|---|---------------------------|
| · Casual Hire 340 km @ \$1.00/km Several Community Groups and Council Programs including Seniors, Cockburn Family Support, Bingo and some Schools have expressed interest in casual hire. | \$340.00 |
| · Before and After School Care 200 days x 60km = 12,000 x \$1.00/km | \$12,000.00 |
| · Vacation Care 50 days x 50km = 2,500 x \$1.00/km | <u>\$2,500.00</u> |
| | <u><u>\$14,840.00</u></u> |

With guaranteed income of \$14,500 per annum a shortfall of \$340 would need to be raised by hiring the bus to other Council Programs or Community Groups. It is proposed that \$7,840 p.a. be set aside to replace the vehicle. Council currently has \$2,000 on budget as a bus subsidy for community groups and schools to hire buses privately. This could be used to subsidise the cost of community groups using the bus and hence be a form of income. A hire charge of \$1.00 per kilometre with no base fee will be affordable for school and community groups.



The possibility of leasing a bus has been investigated and found to be not viable for the following reasons:

- Funds available from the Department of Health and Family Services and Lotteries Commission are for capital purpose only and not for operational matters. To lease a vehicle would result in the lost opportunity to create an asset for Council two thirds of the cost of which would be covered from external sources.
- The cost of leasing a similar vehicle to that being proposed to purchase is \$17,100 per year which includes maintenance but not fuel.

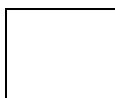
The cost of hire from a cheap reputable company for a bus is \$100/day for the Before and After School Care and \$140/day approximately for Vacation Care. These costs are obviously far in excess of the costs associated with operating a bus purchased by Council.

Within Council's 1999/2000 budget the following sums have been identified as available to go toward the Council contribution for the purchase of a bus.

- A/C 315516 - \$5,000 Quest International Program
- There has been applications made to the Lotteries Commission for a total of \$23,000 as a contribution toward a Youth Services Van (Fleet No. 290) and C.V.E.S. 4WD (fleet No. 271). Indications are that at least \$10,000 will be available from surplus funds generated in this area.
- It is proposed that Council make a commitment to contribute up to \$21,000 toward a bus for the Children's Services Out of School Hours Care subject to a Lotteries Commission contribution of at least \$28,000 with adjustment to be made in the November 1999 budget review for the re-allocation of funds from the Quest International Program (\$5,000) with \$10,000 to be drawn from the small vehicle replacement account and the balance identified in the budget review.

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

The bus will be utilised by a service provided by Council for many years. Other than a small number of child care centres offering after school care for young children this service is not provided by any other organisation in the City.



309. (AG Item 16.2) (OCM2_10_1999) - RESPITE HOUSE (8410) (JG)**RECOMMENDATION**

That Council, pursuant to the provisions of Sections 3.58(3) and (4) of the Local Government Act 1995, give notice of Council's intention to enter into a lease agreement with Care Options (Inc.) for the use of the Ngalla Maya Respite House for a period of 1 year at \$998/month with Care Options (Inc.) having the option to extend the lease annually for up to 5 years.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that the matter be deferred to the next meeting pending receipt of further information.

CARRIED 3/0

Explanation

Currently Council has a self-supporting loan taken out by the Aged and Disabled Services and it was felt that consideration be given for Council to take on the building as Council property and be responsible for repayment of the self-supporting loan.

Background

Council as part of its development and upgrade of the Jean Willis centre constructed a 5-bedroom respite cottage for those clients requiring emergency or short term respite. Funds for the respite centre (\$135,000) was raised by a self supporting loan to be repaid over five years.

The City entered into a lease arrangement with a private for profit provider to use the respite cottage. Guidelines for many of the funding programs made the use of the facility difficult as the funds were for a for profit agency. The previous lessee was unable to have sufficient referrals to make the project viable and the lease was subsequently terminated following Council agreement.

Submission

Alternative arrangements have been investigated and a range of options explored. The most viable was to allow for a community-based agency to lease the property for a significantly reduced rent. Care Options has presented a coordinated care proposal that would allow the facility to be



utilised for its original purpose and an agreement has been reached to charge \$998 per month. This lessor figure will require the original loan repayments period to be extended from 5 to 10 years.

The new arrangements would allow for a greater use of the facility by those frail aged and disabled residents than could be the case if a for profit provider maintained tenure of the facility. Greater flexibility will be achieved by incorporating current HACC service users and part of the care package trials. The lower rental costs will also enhance success of the community sector to maintain the service and allow for greater use of existing funds from the Health departments ACAT services. The City's HACC services would also be able to utilise the service on a fee for service basis which is in line with their funding guidelines.

Report

N/A

Strategic Plan/Policy Implications

Strategic Plan Item 5.2 "Human and Community Services" refers. Maintenance of this facility meets identified community need.

Budget/Financial Implications

The extension of the loan repayment period makes the facility viable for community based services to rent. Maintaining the current loan repayments would make it unlikely that a tenant for this facility could be found.

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

Nil.

310. (AG Item 16.3) (OCM2_10_1999) - CRIME AND COMMUNITY SAFETY STUDY - FINAL REPORT (8950) (DMG)

RECOMMENDATION

That Council:

- (1) receive the Study Report;
- (2) provide copies of the Report (excluding Offences Location Data) to Cockburn Neighbourhood Watch Committee and any other interested stakeholders and request feedback from such organisations on the Report and its recommendations; and
- (3) require Council staff to provide a Report to Council by



December, 1999, which provides specific strategies to address priorities highlighted in the Report.

COUNCIL DECISION

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

CARRIED 3/0

Background

During 1998/99, Council funded a consultancy to address crime and safety issues in Cockburn, which had been highlighted as the single most important concern to residents in a Community Needs Survey undertaken in 1997/98.

Submission

N/A

Report

While Council's Community Needs Survey identified community concern regarding safety and security issues in the City, it provided no information about the types and extent of problems, nor any further information about local community opinion on these matters.

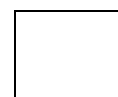
Consequently, Council sought further assistance in collating an overview of safety and security issues and, with the assistance of a Safety W.A. Grant, commissioned a study to better profile these matters for Council.

In January, 1999, Matrix Consulting Group and Behavioural Science Investigative Consultancy were appointed to undertake the study.

The study process involved collecting and analysing actual police crime statistics while, at the same time, soliciting public feedback from within the community through a series of workshops and surveys undertaken throughout the City.

The final stage of the study involved the identification of priorities within the community and the establishment of strategies to address these.

Matters most considered were the effectiveness of security patrols, improvements to design, preventative programs, the role of Council law enforcement practices, liaison with the Police Service, neighbourhood disturbance and anti-social behaviour, community information and communication dissemination, partnerships with Government Agencies



and / or private enterprise, Youth Crime intervention strategies and a whole of Council Community Safety Management Strategy.

Obviously, such a wide range of issues raises several other deeper and more complex matters which require further investigation prior to being more seriously considered by Council.

However, at this stage, it is considered important that the community and key stakeholders be informed of and have access to the Report document in order to commence the process of prioritising and then actioning initiatives to address those matters.

Once the opportunity to provide feedback to Council has been provided, it will then be possible for staff to provide a more comprehensive response to the Report and present strategies to target specific outcomes and solutions to those concerns considered most important.

This is likely to lead to the provision of an overall Community Security and Safety Plan which will act as a guide for the allocation of future Council resources to this function into the future.

Strategic Plan/Policy Implications

Strategic Plan item 5.3 "Municipal Law and Public Safety" refers.

Budget/Financial Implications

\$100,000 has been provided on the 1999/2000 Budget to address Community Safety and Security matters in Cockburn.

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

Although other Government Agencies and private companies are involved in Community Safety and Security programs, it is necessary for local government to participate in and contribute towards many of the issues raised in the Report.

311. (AG Item 16.4) (OCM2_10_1999) - RANGER REVIEW OUTCOME (1007) (RA)

RECOMMENDATION

That Council:

- (1) pursuant to the recent review of Council's Ranger Service, employ a full time Ranger utilising funds available within the current allocated budget for 1999/2000;



- (2) purchase a new vehicle for Ranger Services, equivalent to the current standard, up to the value of \$36,000; and
- (3) amend the 1999/2000 Budget by reducing Account No. 160740 (Motor Vehicles Fire Prevention) by \$36,000 and increasing Account No. 180740 (Motor Vehicles - Ranger Services) by \$36,000.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED 3/0

Background

Council placed on its 1999/00 Budget \$30,000 to allow for additional ranger service provision should it be required as a result of an independent consultants report into the level and nature of ranger service delivery.

Submission

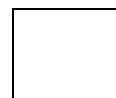
N/A

Report

The consultant's report addressed a number of key areas of responsibility of Ranger Services, which are as follows:

Fire Control

Council procedures for firebreak inspections provide a significant level of warning and follow up which is very time consuming for both the Chief Bush Fire Control Officer and his deputy. The procedures in place are beyond the industry standard. Whilst there are benefits in both public education on fire control issues and the public perception of Council in the approach currently adopted there are also significant added costs and a reduced acknowledgment of the obligation of land owners to put in firebreaks without requiring regular reminders. These procedures are being improved to meet a better balance between the conflicting demands. A real time Global Information System to allow for the ready identification of lot boundaries was recommended and this is being pursued within existing resources. It was further suggested that a District Fire Management Officer be appointed to take on the duties of the CBFEO and all other prevention and wild fire control duties.



Dog Control

This is a significant area of responsibility and a matter, which takes up considerable ranger time. A number of proposals were put forward to streamline and reduce the level of dog barking complaints in particular. These matters including an urban animal management policy will be addressed administratively to reduce dog problems in the district. It was also proposed that alternatives to Councils current dog pound be considered including sharing with an adjoining local authority or outsourcing.

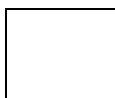
Other issues such as parking control, control of off road vehicles, control of litter and abandoned vehicles were addressed. Although individually they are not significant items they do in total call upon significant resources. The new Local Laws could have a significant impact on the resources of Council and the Ranger Section in particular although in the drafting of the these laws there has been a conscious effort to consider how these laws will be administered.

A summary of the revised list of tasks to be performed by the Rangers' Section was assessed by the Consultant to total 96 hours per week. Senior Management is of the view that this figure is very high and would reflect a very high level of service beyond which this Council would normally provide and beyond that it could reasonably afford to provide in the immediate to medium term.

It is of interest to note the following Ratio of Rangers to Ratepayers for a selected number of local authorities.

| | |
|----------------------------|----------|
| City of Mandurah | 1: 3636 |
| City of Nedlands | 1: 4000 |
| Town of Kwinana | 1: 5000 |
| City of Armadale | 1: 9000 |
| City of Gosnells | 1: 12500 |
| City of Rockingham | 1: 13200 |
| City of Cockburn (current) | 1: 16500 |
| (Proposed) | 1: 13000 |

Should Council increase its number of rangers as proposed by administration from 4 FTE's to 5 FTE's it will be comparable to other Local Authorities of a similar size and socio-economic profile. This assumes that the level of clerical support is the same and the list of ranger duties is comparable, both of which are understood to be the case. This proposed increase in the number of rangers can be achieved within the budget allocated for 1999/00 including the \$30,000 allocated as a contingency.



Within the Councils recently completed Community Safety / Crime Prevention Study a recommendation was made to create a position of Safer City Coordinator. The actual acceptance of this report and the recommendations of Council administration will be presented prior to the end of the year. In the mean time the responsibilities of this position will be absorbed into a revamped position of Safer City Coordinator which will include the duties of the CBFCO and the coordination and overseeing the likes of Neighbourhood Watch, Cockburn Volunteer Emergency Services, Volunteer Bush Fire Brigades and Sea Search and Rescue. The position will also provide support and assistance to community safety and crime prevention community initiatives. This position will be created from within the revamping of the council's current ranger section.

The result of the revamping of the section will be as follows:

- Safer City Coordinator
- Ranger Services Administrator
- Ranger Administration Clerk
- Rangers (5)
- Relief ranger (20 weeks per Year)

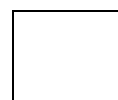
There are currently 4 ranger vehicles (plus a vehicle for the Safer City Coordinator) for which the rangers have commuting use and which also allows for them to be on call out side of work hours without Council having to pay a stand by allowance as the commuting use of a vehicle is seen as recompense for this. Without another vehicle being purchased for the rangers there would be a requirement for rangers to have to share a vehicle. In this situation of not having another vehicle a difficulty would be created in respect to rangers being on call and also could be seen as a loss of entitlements for current rangers.

Strategic Plan/Policy Implications

Strategic Plan Item 5.3 "Municipal Law and Public Safety" refers.

Budget/Financial Implications

Funds have been identified in the 1999/00 budget, which would allow for the purchase of a new vehicle. There is the sum of \$24,945 in account 160730 which is no longer required for equipment for the volunteer bushfire units due to savings in purchases. A 4WD (Plant No 283) Fire tender for the South Coogee Volunteer Fire Brigade was budgeted for but is not required due to the purchase of a fast attack vehicle in 1998/99 in accordance to Councils 15 year plan, therefore the sum of \$27,000 is available. The total of funds required are \$36,000 for a standard fully equipped ranger vehicle provided to Council rangers. The total figure available with the release of these funds is \$51,945 of which \$36,000 is required under this proposal.



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

Nil.

312. (AG Item 16.5) (OCM2_10_1999) - NEW TELEPHONE SYSTEM (1060) (RA)

RECOMMENDATION

That Council:

- (1) receive the tender submitted by NEC, Siemens and Classical Communications for tender No. 41/99;
- (2) not consider tenders submitted by Alcatel and Fujitsu as they were not submitted in accordance with the Local Government Act 1985 and associated regulations;
- (3) accept the tender submitted by Siemens for a PABX telephone system which has a purchase value of up to \$225,000 and to enter into a lease agreement for 5 years with Newcourt for the system described in the report with an option to extend the lease for a period of up to 5 years; and
- (4) acceptance of the tender from Siemens being conditional on them having the new system operational by the 1 January 2000, or providing assurance that an interim system is in place which is Y2k compliant.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that:

- (1) receive tenders submitted by NEC, Siemens and Classical Communications for Tender No.41/99 at the following values:

| | | |
|---|--------------------------|-----------|
| • | NEC | \$207,642 |
| • | Siemens | \$225,003 |
| • | Classical Communications | \$153,770 |
- (2) not consider tenders submitted by Alcatel and Efficient Communication Systems (ECM) as they were not submitted in accordance with the Local Government Act 1985 and associated regulations;
- (3) accept the tender submitted by Siemens on an operating lease basis for a PABX telephone system with the Chief Executive



Officer being given delegated authority to negotiate for system components to meet Council's requirements up to a total purchase value of \$225,000 and to enter an operating lease with Newcourt for up to \$55,000 per annum for 5 years; and

- (4) acceptance of the tender from Siemens being conditional on them having the new system operating by 1 January 2000 or providing assurance that an interim system is in place which is Y2K compliant.

CARRIED 3/0

Explanation

Details of the tendered amounts are required to be stated in the Council resolution. The opportunity exists to negotiate a purchase price which would be a reduction in costs to ratepayers. Therefore delegation to the Chief Executive Officer is appropriate.

Background

Council has identified during consideration of the Y2K issue that the current Alcatel PABX system is not compliant and there are no upgrade opportunities for the current system available to make it compliant. In the 1999/00 budget the sum of \$60,000 was made available to lease a new telephone system. Telecommunications consultants Stratacom were contracted to provide advice on the most appropriate system to address our needs, develop specification for tender and assess the tenders received and make recommendations on the system to be purchased or leased.

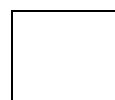
In accordance with Council's Delegated Authority DA-F5 which requires tenders to be considered by Council if the lowest tender is not accepted the following report is provided.

Submission

N/A

Report

The technical specifications called for tender that were able to address a number of key criteria including the need to incorporate the latest software available: allow for seamless connection with the Council depot: provide ETSI ISDN basic rate service and support a number of features such as call waiting, voice mail and Tims. The tenders also needed to allow for the potential to expand the system for the current Administration building to approximately twice the current capacity for future growth. The provision of training for staff on the operation of the



system was to be provided within the tender. Details on Warranty Service and Maintenance costs were to be included in the tender documentation. The specifications included the opportunity for proponents to provide a 5 year lease option.

There were five responses to the Request for Tender prepared by Stratacom Communication on behalf of the City of Cockburn. Three of the tenders were submitted to the City of Cockburn in accordance to the Local Government Act Tender Regulations these being from NEC, Siemens, and Panasonic. The other two tenders were delivered to Stratacom Communications, namely tenders from Alcatel and Fujitsu and, as they did not comply with the tender requirements they have not been considered.

Additional information which is Commercial Confidence has been provided to Commissioners under separate cover.

Summary

NEC:

Is a leading supplier of PABX equipment throughout Australia. With a number of local employees and a National support network NEC will in the view of the consultant have no difficulty in supplying and supporting the system and any future installations and upgrades. However, they do not supply the radio link and rely upon another provider. This situation does have the potential to create some difficulty with the initial setting up of the system and future maintenance, as there will be separate suppliers for the PABX and for the radio link.

Seimens:

The Siemens system runs on a ATM (Asynchroness Transfer Mode) backbone which will allow a more flexible integration of the future CTI (Computer Telephony Integration) than the other two proponents. This is an important consideration for Councils IT section as it is a superior "switching" system that allows for fewer difficulties in integration of voice and e-mail systems and allows for other sites to be more readily connected in the future. Siemens also uses Windows NT as the platform for all administrative functions. The firm is a significant supplier of PABX systems in Australia. Siemens offers a fully compliant system which best meets the tender specifications.

Panasonic:

Classical Communications are the dealer rather than the manufacture and there is some question raised over the support available and the financial capacity of the respondent. Stratacom state they have no reason to believe that the firm cannot meet the financial obligations of the proposed contract but point out there is a significant difference in



size between this respondent and the other two. Panasonic have only just entered the PABX market in Australia and while they have had a great deal of success with key systems, in the view of the consultant their PABX system appears to be simply a larger version of the key system. The respondents have not provided any references on the system offered.

Weighting

Weighting scores were judged out of ten, based upon information supplied, and general industry knowledge. Considering the weighting indices, as above, the assessments are as follows, as provided by the Consultant.

| | |
|-----------|-----|
| NEC | 88% |
| Panasonic | 75% |
| Siemens | 91% |

It is recommended that Council lease a Siemens P.A.B.X. System through Newcourt, Siemens' preferred provider, in accordance with the tender as submitted.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Council has open to it the option for an outright purchase of a PABX system. It ought to be noted, however, that there has been \$60,000 allocated within the existing budget for the lease of a PABX.

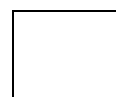
Implications of Section 3.18(3) Local Government Act, 1995

Nil.

313. (AG Item 17.1) (OCM2_10_1999) - YEAR 2000 (Y2k) CONTINGENCY PLAN (1411) (RS)

RECOMMENDATION

That Council note the Y2k audit results of equipment and machinery with time / date sensitive systems.



COUNCIL DECISION

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

CARRIED 3/0

Background

In accordance with Y2k Contingency Planning Guidelines an inventory of all non-computer plant and equipment was undertaken to identify those items with operating mechanisms that have embedded computerised devices.

Council's computer systems – mainframe and PC's – and applicable software had previously been tested satisfactorily for Y2k compliance. The only exception (4 PCs at South Lake Leisure Centre) is contained in this report.

A procedure of testing was undertaken and the results recorded on the inventory. Where appropriate third party certification from the supplier or manufacturer was obtained to attest to the products and systems Y2k compliance.

Submission

N/A

Report

The audit detected the following actions:

- Switchboard – although likely to continue to function, the supplier can not certify Y2k compliancy. Other improvements to the telephone system have been identified and the replacement of the switchboard is budgeted for this year. The new system will provide new and improved functions as well as ensure that no problems occur as a result of the change in date.
- South Lake Leisure Centre – 4 personal computers that were not Y2k compliant have been replaced in the current budget.
- Wellard Street Depot – fuel management system is not Y2k compliant and is in the process of being upgraded to ensure that it will continue to function after 31/12/99.

While we are able to confirm the compliance of our services to function normally from 1/1/2000 and we have received similar assurances from Western Power, Water Authority, telecommunications and fuel suppliers,



it is considered prudent to develop a contingency plan in case these systems fail.

The loss of power would result in the loss of fuel and water supplies. For health reasons the most urgent priority, in the event of such a calamity, would be to maintain the rubbish collection and disposal service. Prior to 31st December fuel stores at the depot will be topped up and all vehicles will have their tanks filled. If the supply of fuel is restricted after 1/1/2000 only the waste collection trucks would receive fuel.

If the "worst case" scenario occurs there are limited options available until the supply of essential services is restored. City of Cockburn's Disaster (Business Recovery) Plan details the procedures to be adopted for dealing with such a calamity.

Western Australia will have 5 hours notice of any likely problems, when New Zealand switches over to the new year (7.00pm WST) and 3 hours notice when the Eastern States switch over (9.00pm WST).

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

\$72,000 is provided in the budget for 12 months lease and consultancy costs for a new switchboard system.

\$6,600 has been expended for 4 new computers at the South Lake Leisure Centre.

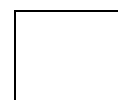
\$4,075 is budgeted to upgrade the depot's fuel management system.

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

Nil.

314. (OCM2_10_1999) - NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Commissioner Donaldson advised that three items relating to Legal Representation were to be considered. These were from the Chief Executive Officer Mr. Rod Brown, Director Planning and Development Mr Steve Hiller and Manager Planning, Mr Steve Ryan.



DECLARATION OF PERSONAL INTEREST

The Chief Executive Officer declared a personal interest in Agenda Item 20.1. The nature of the interest being that it relates to a personal benefit to himself.

The Director, Planning and Development declared a personal interest in Agenda Item 20.2. The nature of the interest being that it relates to a personal benefit to himself.

**THE CHIEF EXECUTIVE OFFICER AND THE DIRECTOR,
PLANNING AND DEVELOPMENT LEFT THE MEETING AT THIS
STAGE THE TIME BEING 8.19 PM**

**315. (AG Item 20.1) (OCM2_10_1999) - LEGAL REPRESENTATION - MR
R. BROWN - DOUGLAS INQUIRY INTO THE CITY OF COCKBURN
(1335) (ATC)**

RECOMMENDATION

That Council:

- (1) receive the letter dated 26th October 1999 from Mr Brown;
- (2) advise Mr Brown that Council recognises the appointment of McLeod & Co for the Lot 1 Berrigan Drive line of inquiry and Clayton Utz for the Lot 17 Hamilton Road line of inquiry;
- (3) advise Mr Brown that Council will reimburse him legal expenses up to \$3,000 as per Policy A1.18;
- (4) advise Mr Brown that in accordance with Clause 10 of the Policy, Council will be prepared to contribute a further sum not exceeding \$3,000 by way of reimbursement of legal expenses on production of an itemised statement of costs following the outcome of the Inquiry, subject to Policy A1.18 which provides for the payment to be made if a person has not acted illegally, dishonestly against the interests of the City or otherwise in bad faith;
- (5) advise Mr Brown that Council is not prepared to contribute towards Queens Counsel costs; and
- (6) note that Mr Brown has already signed Policy A1.18.



COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that:

- (1) the letter dated 26th October 1999 from Mr Brown be received;
- (2) Council advise Mr Brown that it recognises the appointment of McLeod & Co for the Lot 1 Berrigan Drive line of inquiry and Clayton Utz for the Lot 17 Hamilton Road line of inquiry;
- (3) Council advise Mr Brown that it will reimburse him legal expenses up to \$3,000 as per Policy A1.18;
- (4) Council advise Mr Brown that in accordance with Clause 10 of the Policy, it will be prepared to contribute a further sum not exceeding \$3,000 by way of reimbursement of legal expenses on production of an itemised account, subject to Policy A1.18 which provides that any payment made must be repaid if the Inquiry has found a person to have acted illegally, dishonestly against the interests of the City or otherwise in bad faith;
- (5) Council advise Mr Brown that it is not prepared to contribute towards Queens Counsel costs; and
- (6) Council note that Mr Brown has already signed Policy A1.18.

CARRIED 3/0

Explanation

Part 4 of the officer's recommendation, has been amended to reflect that the officer is entitled to receive reimbursement of legal expenses during the course of the Inquiry.

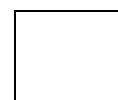
Council considers that the officers should be subject to different treatment from suspended/past Councillors, due to there being no adverse findings in the Martin-Vicary Report in relation to their decision making process whereas there was in the case of the Council.

Background

Approval has previously been given by Cmr Donaldson for financial assistance for legal representation in accordance with Policy A1.18. The assistance was limited to \$3,000.

Approval was given on the basis of McLeod & Co representing Mr Brown.

In addition, Mr Brown has been granted approval to utilise the firm Clayton Utz.



Submission

By letter dated the 26th October 1999, Mr Brown has sought further financial assistance for legal representation for the Douglas Inquiry. The requirement is for the approval to be increased from \$3,000 to \$6,000, utilising the firm of Clayton Utz for the Lot 17 Hamilton Road line of inquiry. McLeod & Co provided representation for the Lot 1 Berrigan Drive line of inquiry.

Representation will be restricted to briefing, attendance at the Inquiry during Mr Brown's evidence and cross examination of witnesses, should pertinent matters not be raised by Counsel Assisting the Inquirer.

Report

Council's Policy A1.18 provides for financial assistance for legal representation for Part 8 Division 2 Inquiries.

The recommended course of action is consistent with the position taken to date by Council in dealing with requests up to \$6,000.

Strategic Plan/Policy Implications

Council's Policy A1.18 adopted by Council on the 13th July 1999 relating to Legal Representation applies.

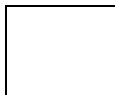
Budget/Financial Implications

The budget provides for \$100,000 for the cost of the Inquiry's legal expenses. To date, the following funds are committed:

| | |
|------------------|-------------------------|
| Mr J. Grljusich | \$40,000 |
| Mr M. Pecotic | \$13,000 |
| Mr J. Ostojich | \$ 3,000 |
| Mr R. Brown | \$ 3,000 |
| Mr S. Hiller | \$ 3,000 |
| Mr S. Ryan | \$ 3,000 |
| Mr S. O'Sullivan | \$ 3,000 |
| McLeod & Co | <u>\$ 4,000</u> approx. |
| Total Committed | <u>\$72,000</u> |

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

Nil



316. (AG Item 20.2) (OCM2_10_1999) - LEGAL REPRESENTATION - MR S. HILLER - DOUGLAS INQUIRY INTO THE CITY OF COCKBURN (1335) (RWB)

RECOMMENDATION

That Council:

- (1) receive the letter dated 26th October 1999 from Mr Hiller;
- (2) advise Mr Hiller that Council recognises the appointment of McLeod & Co for the Lot 1 Berrigan Drive line of inquiry and Clayton Utz for the Lot 17 Hamilton Road line of inquiry;
- (3) advise Mr Hiller that Council will reimburse him legal expenses up to \$3,000 as per Policy A1.18;
- (4) advise Mr Hiller that in accordance with Clause 10 of the Policy, Council will be prepared to contribute a further sum not exceeding \$3,000 by way of reimbursement of legal expenses on production of an itemised statement of costs following the outcome of the Inquiry, subject to Policy A1.18 which provides for the payment to be made if a person has not acted illegally, dishonestly against the interests of the City or otherwise in bad faith;
- (5) advise Mr Hiller that Council is not prepared to contribute towards Queens Counsel costs; and
- (6) note that Mr Hiller has already signed Policy A1.18.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that:

- (1) the letter dated 26th October 1999 from Mr Hiller be received;
- (2) Council advise Mr Hiller that it recognises the appointment of McLeod & Co for the Lot 1 Berrigan Drive line of inquiry and Clayton Utz for the Lot 17 Hamilton Road line of inquiry;
- (3) Council advise Mr Hiller that it will reimburse him legal expenses up to \$3,000 as per Policy A1.18;
- (4) Council advise Mr Hiller that in accordance with Clause 10 of the Policy, it will be prepared to contribute a further sum not exceeding \$3,000 by way of reimbursement of legal expenses on production of an itemised account, subject to Policy A1.18 which provides that any payment made must be repaid if the

Inquiry has found a person to have acted illegally, dishonestly against the interests of the City or otherwise in bad faith;

- (5) Council advise Mr Hiller that it is not prepared to contribute towards Queens Counsel costs; and
- (6) Council note that Mr Hiller has already signed Policy A1.18.

CARRIED 3/0

Explanation

Part 4 of the officer's recommendation, has been amended to reflect that the officer is entitled to receive reimbursement of legal expenses during the course of the Inquiry.

Council considers that the officers should be subject to different treatment from suspended/past Councillors, due to there being no adverse findings in the Martin-Vicary Report in relation to their decision making process whereas there was in the case of the Council.

Background

Approval has previously been given by the Chief Executive Officer for financial assistance for legal representation in accordance with Policy A1.18. The assistance was limited to \$3,000.

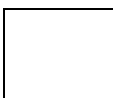
Approval was given on the basis of McLeod & Co representing Mr Hiller.

In addition, Mr Hiller has been granted approval to utilise the firm Clayton Utz.

Submission

By memo dated the 26th October 1999 to the Chief Executive Officer, Mr Hiller has sought further financial assistance for legal representation for the Douglas Inquiry. The requirement is for the approval to be increased from \$3,000 to \$6,000, utilising the firm of Clayton Utz for the Lot 17 Hamilton Road line of inquiry. McLeod & Co provided representation for the Lot 1 Berrigan Drive line of inquiry.

Representation will be restricted to briefing, attendance at the Inquiry during Mr Hiller's evidence and cross examination of witnesses, should pertinent matters not be raised by Counsel Assisting the Inquirer.



Report

Council's Policy A1.18 provides for financial assistance for legal representation for Part 8 Division 2 Inquiries.

The recommended course of action is consistent with the position taken to date by Council in dealing with requests up to \$6,000.

Strategic Plan/Policy Implications

Council's Policy A1.18 adopted by Council on the 13th July 1999 relating to Legal Representation applies.

Budget/Financial Implications

The budget provides for \$100,000 for the cost of the Inquiry's legal expenses. To date, the following funds are committed:

| | |
|------------------|-------------------------|
| Mr J. Grljusich | \$40,000 |
| Mr M. Pecotic | \$13,000 |
| Mr J. Ostojich | \$ 3,000 |
| Mr R. Brown | \$ 3,000 |
| Mr S. Hiller | \$ 3,000 |
| Mr S. Ryan | \$ 3,000 |
| Mr S. O'Sullivan | \$ 3,000 |
| McLeod & Co | <u>\$ 4,000</u> approx. |
| Total Committed | <u>\$72,000</u> |

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

Nil

317. (AG Item 20.3) (OCM2_10_1999) - LEGAL REPRESENTATION - MR S. RYAN - DOUGLAS INQUIRY INTO THE CITY OF COCKBURN (1335) (RWB)

RECOMMENDATION

That Council:

- (1) receive the memo dated 26th October 1999 from Mr Ryan;
- (2) advise Mr Ryan that Council recognises the appointment of McLeod & Co for the Lot 1 Berrigan Drive line of inquiry and Clayton Utz for the Lot 17 Hamilton Road line of inquiry;
- (3) advise Mr Ryan that Council will reimburse him legal expenses

up to \$3,000 as per Policy A1.18;

- (4) advise Mr Ryan that in accordance with Clause 10 of the Policy, Council will be prepared to contribute a further sum not exceeding \$3,000 by way of reimbursement of legal expenses on production of an itemised statement of costs following the outcome of the Inquiry, subject to Policy A1.18 which provides for the payment to be made if a person has not acted illegally, dishonestly against the interests of the City or otherwise in bad faith;
- (5) advise Mr Ryan that Council is not prepared to contribute towards Queens Counsel costs; and
- (6) note that Mr Ryan has already signed Policy A1.18.

COUNCIL DECISION

MOVED Cmr Jorgensen SECONDED Cmr Smithson that:

- (1) the letter dated 26th October 1999 from Mr Ryan be received;
- (2) Council advise Mr Ryan that it recognises the appointment of McLeod & Co for the Lot 1 Berrigan Drive line of inquiry and Clayton Utz for the Lot 17 Hamilton Road line of inquiry;
- (3) Council advise Mr Ryan that it will reimburse him legal expenses up to \$3,000 as per Policy A1.18;
- (4) Council advise Mr Ryan that in accordance with Clause 10 of the Policy, it will be prepared to contribute a further sum not exceeding \$3,000 by way of reimbursement of legal expenses on production of an itemised account, subject to Policy A1.18 which provides that any payment made must be repaid if the Inquiry has found a person to have acted illegally, dishonestly against the interests of the City or otherwise in bad faith;
- (5) Council advise Mr Ryan that it is not prepared to contribute towards Queens Counsel costs; and
- (6) Council note that Mr Ryan has already signed Policy A1.18.

CARRIED 3/0



Explanation

Part 4 of the officer's recommendation, has been amended to reflect that the officer is entitled to receive reimbursement of legal expenses during the course of the Inquiry.

Council considers that the officers should be subject to different treatment from suspended/past Councillors, due to there being no adverse findings in the Martin-Vicary Report in relation to their decision making process whereas there was in the case of the Council.

Background

Approval has previously been given by the Chief Executive Officer for financial assistance for legal representation in accordance with Policy A1.18. The assistance was limited to \$3,000.

Approval was given on the basis of McLeod & Co representing Mr Ryan.

In addition, Mr Ryan has been granted approval to utilise the firm Clayton Utz.

Submission

By memo dated the 26th October 1999 to the Chief Executive Officer, Mr Ryan has sought further financial assistance for legal representation for the Douglas Inquiry. The requirement is for the approval to be increased from \$3,000 to \$6,000, utilising the firm of Clayton Utz for the Lot 17 Hamilton Road line of inquiry. McLeod & Co provided representation for the Lot 1 Berrigan Drive line of inquiry.

Representation will be restricted to briefing, attendance at the Inquiry during Mr Ryan's evidence and cross examination of witnesses, should pertinent matters not be raised by Counsel Assisting the Inquirer.

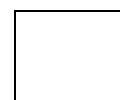
Report

Council's Policy A1.18 provides for financial assistance for legal representation for Part 8 Division 2 Inquiries.

The recommended course of action is consistent with the position taken to date by Council in dealing with requests up to \$6,000.

Strategic Plan/Policy Implications

Council's Policy A1.18 adopted by Council on the 13th July 1999 relating to Legal Representation applies.



Budget/Financial Implications

The budget provides for \$100,000 for the cost of the Inquiry's legal expenses. To date, the following funds are committed:

| | |
|------------------|-------------------------|
| Mr J. Grljusich | \$40,000 |
| Mr M. Pecotic | \$13,000 |
| Mr J. Ostojich | \$ 3,000 |
| Mr R. Brown | \$ 3,000 |
| Mr S. Hiller | \$ 3,000 |
| Mr S. Ryan | \$ 3,000 |
| Mr S. O'Sullivan | \$ 3,000 |
| McLeod & Co | <u>\$ 4,000</u> approx. |
| Total Committed | <u>\$72,000</u> |

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

Nil

**THE CHIEF EXECUTIVE OFFICER AND THE DIRECTOR,
PLANNING AND DEVELOPMENT RETURNED TO THE MEETING
THE TIME BEING 8.22 PM.**

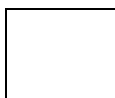
**318. (AG Item 23.1) (OCM2_10_1999) - RESOLUTION OF COMPLIANCE
(Section 3.18(3), Local Government Act 1995)**

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

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

CARRIED 3/0

MEETING CLOSED 8.26 PM



CONFIRMATION OF MINUTES

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

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

