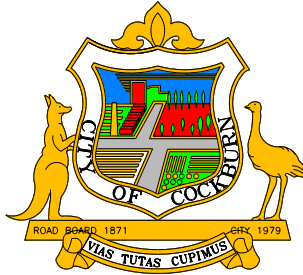


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

**FOR
TUESDAY 17 SEPTEMBER 2002**

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 17 SEPTEMBER 2002 AT 7:30 P.M.

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 17 SEPTEMBER 2002 AT 7:30 P.M.

1. DECLARATION OF MEETING

2. APPOINTMENT OF PRESIDING MEMBER (If required)

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

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

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

5. APOLOGIES AND LEAVE OF ABSENCE

5.1. Ocm1_9_2002 APOLOGIES AND LEAVE OF ABSENCE

Clr Kevin Allen - Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

6.1 (Ocm1_9_2002) - Action Taken on Previous Public Questions Taken on Notice

Ordinary Council Meeting – 16 July '02 – Public Question Time –
Ron Kimber tabled a letter containing questions regarding the Western

Australian Planning Commission's State Industrial Buffer Policy gazetted in May '97 which is under review with the revised draft to be released in August.

A response dated 1 August '02, stated that about 61% of the Cockburn district is affected by development constraints such as buffers from industrial activity, poultry farms, water and sewage treatment plants. The Buffer Policy is adopted and implemented by the State which is also responsible for the regional land use patterns under the Metropolitan Region Scheme. The Region Scheme identifies areas to be used for urban and industrial activity and Council's local scheme is required to comply. Council does not have a policy for development relative to buffers as this is the State's responsibility. In some cases, Council is required to refer development proposals within a buffer to the Department of Environmental Protection for advice prior to issuing development approval.

Council has made representation to the Government many times over the years to have buffers affecting the district reviewed, but to date, has had limited success convincing the EPA to reassess buffers in Cockburn.

The Department of Planning and Infrastructure has confirmed that review of the Buffer Policy is progressing slowly and will be some time before completed. It is unlikely that a revised draft will be available in the near future.

Ordinary Council Meeting – 20 August '02 – Public Question Time
– Colin Crook queried what the difference in cost would be of moving the dual-use cycleway eastward as compared to having to clean the sand dunes on a regular basis, at the Robb Road Site.

A response has been forwarded to Mr Crook dated 29 August 2002, advising that the cost of constructing a 2.5 metre wide dual use path is approximately \$90.00 per metre, or \$9,000 per 100 metre section. He was also advised that a bobcat is hired on a monthly basis to remove the sand at an approximate cost of \$100.00.

The letter also advised Mr Crook that the sand dune south of the railway line will probably be relocated as part of the proposed residential development of that area.

7. PUBLIC QUESTION TIME

Nil

8. CONFIRMATION OF MINUTES

8.1 (Ocm1_9_2002) - ORDINARY COUNCIL MEETING - 20/8/2002

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 20 August 2002 be accepted as a true and accurate record, subject to a minor amendment to Mr Ron Kimber's statement in Public Question Time to read:

“...in relation to the area South of Fremantle which has been publicised as the next major development centre for the metropolitan area.”

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

12. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENT BEFORE THE MEETING

Nil

13. COUNCIL MATTERS

13.1 (Ocm1_9_2002) - PROPOSED NEW POLICY MANUAL (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council:

adopts the Manual of Policy Statements contained in the attachments to the Agenda, as reviewed and accepted by the Delegated Authorities, Policies and Position Statements Committee.

COUNCIL DECISION

Background

At the April 2002 Council Meeting, a Committee was established to review the Council Policy Manual. Subsequently, the Committee has met three times to enable the Council's policies to be carefully scrutinised to ensure their relevance to contemporary requirements.

Submission

N/A

Report

The proposed amendments to the Policy Manual can be best summarised, as follows:-

1. The format of the document has been amended, where necessary, to reflect Council's current organisation structure. That is, the Division, Business Unit and Service Unit are now all aligned in a consistent manner and described on each document as such;
2. Amendments to those documents where a change, or changes, is/are proposed can be identified by the lighter shade print, as well as being underlined, for additions. Deletions are identified by having a line struck through the wording proposed to be deleted. The wording is also shaded lighter in these instances; and

3. Proposed new policies are identifiable as those dated "17 September, 2002" in the "Date First Adopted" section at the top of each document.

The Minutes of the Committee Meetings, attached, note the majority of reasons provided for the proposed amendments and new/deleted documents.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

All financial implications contained within the reviewed policies are accounted for within the current Budget.

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

Nil.

13.2 (Ocm1_9_2002) - COUNCIL POSITION STATEMENTS (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council:

notes the Manual of Council Position Statements contained in the attachments to the Agenda, as reviewed and accepted by the Delegated Authorities, Policies and Position Statements Committee, to be utilised by Council Officers as guidelines or practice notes in responding to any relative issues.

COUNCIL DECISION

Background

At the April 2002 Council Meeting, a Committee was established to review the Council Position Statements. Subsequently, the Committee has met three times to enable the Council's Position Statements to be carefully scrutinised to ensure their relevance to contemporary requirements.

Submission

N/A

Report

The proposed amendments to the Position Statements can be best summarised, as follows:-

1. The format of the document has been amended, where necessary, to reflect Council's current organisation structure. That is, the Division, Business Unit and Service Unit are now all aligned in a consistent manner and described on each document as such; and
2. Amendments to those documents where a change, or changes, is/are proposed can be identified by the lighter shade print, as well as being underlined, for additions. Deletions are identified by having a line struck through the wording proposed to be deleted. The wording is also shaded lighter in these instances.

The Minutes of the Committee Meetings, attached, note the majority of reasons provided for the proposed amendments and new/deleted documents.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

All financial implications contained within the reviewed Position Statements are accounted for within the current Budget.

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

Nil.

13.3 (Ocm1_9_2002) - PROPOSED NEW REGISTER OF DELEGATED AUTHORITY TO OFFICERS (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council adopts the Register of Delegated Authority to Officers contained in the attachments to the Agenda, as reviewed and accepted by the Delegated Authorities, Policies and Position Statements Committee.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION**Background**

At the April 2002 Council Meeting, a Committee was established to review the Delegated Authority Register. Subsequently, the Committee has met three times to enable the Council's Delegated Authority Register to be carefully scrutinised to ensure its relevance to contemporary requirements.

Submission

N/A

Report

Council is required to review its Delegated Authority to staff on an annual basis.

The proposed amendments to the Delegated Authority Register can best be summarised, as follows:-

1. Amendments to those documents were a change, or changes, is/are proposed can be identified by the lighter shade print, as well as being underlined, for additions. Deletions are identified by having a line struck through the wording proposed to be deleted. The wording is also shaded lighter in these instances; and
2. Proposed new delegations are identifiable as those dated "17 September 2002" in the "Council Resolution Date" section at the bottom of each document.

The Minutes of the Committee Meetings, attached, note the majority of reasons provided for the proposed amendments and new/deleted documents.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

All financial implications contained within the reviewed Register of Delegation to Officers are accounted for within the current Budget.

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

Nil.

13.4 (Ocm1_9_2002) - REPORT OF INTERNAL AUDIT COMMITTEE (5017) (DMG) (ATTACH)

RECOMMENDATION

That Council:

receives the Minutes of the Internal Audit Committee Meeting dated 8 August 2002, and the recommendations contained therein be adopted.

COUNCIL DECISION

Background

A meeting of the Internal Audit Committee was conducted on 8 August 2002. The Committee considered two major reviews undertaken since the previous Committee Meeting which was held in August 2001. The minutes are attached to the Agenda.

Submission

N/A

Report

The Financial Compliance Review is in its third year of a four year schedule and indicates a high level of compliance. The review of the software suite selection was initiated because of the unusual nature of a tender of this kind. It was considered appropriate to seek an independent assessment of the process to determine if Council's selection processes could be strengthened.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

N/A

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (Ocm1_9_2002) - RENAMING OF CATHERINE POINT RESERVE, HAMILTON HILL (2200418) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) advertise the proposal:-
 1. to rename Catherine Point Reserve "C.Y. O'Connor Reserve" and the beach immediately adjacent to the reserve C.Y. O'Connor Beach to complement the statue erected there in his memory;
 2. for a period of 28 days published twice in the local newspaper, together with signs being erected at both ends of the reserve and by notices being displayed in the Council Administration Centre and the Spearwood Library;
- (3) require the proposal to be reconsidered by the Council should submissions be received objecting to the proposal;
- (4) authorise the Director of Planning and Development to proceed to finalise the proposal with DOLA, in the event that no objections are received during the public comment period.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council at its meeting held on 16 July 2002 resolved as follows:-

"write to the Department of Land Administration Geographic Names, requesting that Catherine Point Reserve, Hamilton Hill, be renamed to "C.Y. O'Connor Beach".

Submission

On 15 August 2002 the Geographic Names Committee wrote a letter to Council, which in part stated:-

"As this is a reserve either 'park' or 'reserve' would be appropriate instead of 'beach' as part of the name as 'beach' refers to the portion of land which lies between high and low water marks and is formed by the action of the sea.

Also, as approved names are expected to be permanent could you please provide evidence of community support for this name change.

Alternatively you may wish to apply C.Y. O'Connor Beach to the beach near the memorial."

Following receipt of the letter, points were clarified with DOLA, and it appears that the reserve must be called a reserve or park, but the beach can be called a beach for the purposes of the road directory locality.

Report

To comply with the DOLA request to seek public comment, the proposal should be advertised.

The Council should seek to change the name of the reserve and also to have the beach named for locality purposes.

The proposal is contained in the recommendation and is self explanatory.

Strategic Plan/Policy Implications

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

2. Planning Your City

- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

Budget/Financial Implications

N/A

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

Nil.

14.2 (Ocm1_9_2002) - NURSING HOME EXTENSION - LOT 303 (27) GORHAM WAY, SPEARWOOD - OWNER: VILLA DALMACIA ASSOCIATION INC - APPLICANT: TSIGULIS & ZUVELA PTY LTD (2211913) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the application to extend the nursing home at Lot 303 (27) Gorham Way, Spearwood subject to the following conditions:

Standard Conditions

1. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 Control of the Obtrusive Effects of Outdoor Lighting.
2. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday.
3. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. The extension and/or alterations shall be in the same materials, colour and design as the existing building.
5. Landscaping and tree planting to be undertaken in accordance with the approved plan.
6. A landscape plan must be submitted to the Council and approved, prior to applying for building licence and shall show the following:
 - (1) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area
 - (2) any lawns to be established
 - (3) any natural landscape areas to be retained; and
 - (4) those areas to be reticulated or irrigated
 - (5) verge treatments.

7. The landscaping, in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
8. Earthworks over the site and batters must be stabilised to prevent sand blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand is blown from the site.
9. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer, to the satisfaction of the Council.
10. All stormwater must be contained and disposed of on-site.
11. A minimum of 1 disabled carbay designed in accordance with Australian Standard 2890.1 - 1993 is to be provided in a location convenient to, and connected via a continuous accessible path/s to, the main entrance of the building/facility. Design and signage of the bays and path/s is to be in accordance with Australian Standard 1428.1 - 1993. Detailed plans and specifications illustrating the means of compliance with this condition are to be submitted in conjunction with the Building Licence application.
12. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications.
13. Refuse bins adequate to service the development shall be provided to the satisfaction of the Council before the development is occupied or used.
14. The landscaping must be completed in accordance with an approved detailed landscape plan, prior to the occupation of any building.
15. Landscaping to be undertaken to the satisfaction of the Council in the street verge adjacent to the Lot must be established prior to the occupation of the building and maintained to the Council's satisfaction.

Special Conditions

1. The development comply with the DEWCP requirements in respect to the odour unit contours affecting the subject site are no greater than 5 - 7, as determined by an official review of the report entitled "Determination of Odour Separation Distances for Watsons Foods (WA) Spearwood".
2. The initiatives contained in Section 4 of the document entitled "A Management Plan to Address the Potential Odour from Watsons Foods (WA) to Residential Aged Care Services Recipients at Villa Dalmacia in the City of Cockburn" that was submitted with the application, shall be implemented to the satisfaction of the DEWCP.

Footnote

The applicant is advised that:

1. Submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, is to be submitted in conjunction with the Building Licence application. Written approval from the Council's Health Services for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.
2. A detailed plan of all food preparation and storage and refuse areas must be submitted with an application for approval to establish a food premises prior to applying for a Building Licence in accordance with the Food Hygiene Regulations and Eating House Local Law.
3. This approval is issued by the Council under Town Planning Scheme No. 2, and approvals or advice by other agencies may be required, and it is the responsibility of the applicant to ensure that all other approvals/advice are issued prior to commencing development or use of the land, and a copy of the approval/advice is provided to the Council.
4. Until the Council has issued a Certificate of Classification under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the

	<p>purposes of the development herein conditionally approved and the land shall not be used for any such purpose.</p> <p>5. The development is to comply with the requirements of the Building Code of Australia.</p> <p>6. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.</p> <p>7. The use of the premises must comply with the Health (Food Hygiene) Regulations 1993.</p> <p>8. The applicant/landowner is to comply with the Environmental Protection Act 1986 which contains penalties where the noise limits prescribed by the Environmental Protection (Noise) Regulations 1997 are exceeded.</p> <p>(2) issue an MRS Form 2 Notice of Approval; and</p> <p>(3) advise those who made submissions of the Council decision accordingly.</p>
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COUNCIL DECISION

Background

ZONING:	MRS:	Urban Zone
	DZS2:	Residential Zone – Restricted Use “Aged or Dependant Person Dwelling”
LAND USE:	Existing Rest-home Facility	
APPLICANT:	1. <u>Tsigulis & Zuvela Pty Ltd</u>	
OWNER:	Villa Dalmacia Association Inc	
LOT SIZE:	1.62 ha	
USE CLASS:	Aged or Dependant Persons Dwelling (“AA” discretionary use)	

The Villa Dalmacia nursing home has operated from the subject site in Spearwood since 1987 being located less than 500 metres north-west

of the George Weston Foods Ltd (or "Watsons Foods") meat and dairy division site.

Watsons Foods, being an industry which was once located well to the south of the Perth metropolitan area, has now been effectively surrounded by urban development, giving rise to conflicts in land use. Odour emanating from the Watson's site has been the cause for complaints over the years from residents in the area to the Department of Environmental Protection ("DEP") and the City of Cockburn.

In response to the need for effective land use planning and resource management, a report was prepared in June 2001 entitled "Determination of Odour Separation Distances for Watsons Foods WA, Spearwood". The report determined a series of odour intensity contours which were mapped around the Watson's site and which are now used as a basis for providing a separation buffer between land uses. In particular, the DEP consider the 5 - 7 odour unit contours to constitute the buffer between acceptable and unacceptable odour impacts.

The odour buffer forms the basis of a management tool for the purpose of maintaining appropriate separation between conflicting land uses.

Submission

Tsigulis & Zuvela Pty Ltd ("the applicant") on behalf of the Villa Dalmacia Association Inc seeks Council's approval to develop a 20 bed extension to the existing 50 bed nursing home, in addition to laundry and kitchen alterations to the specifications of the plans submitted.

In response to concerns arising from consultation with the staff from the City and the DEP, the applicant submitted further information in the form of an odour management plan and a report prepared by ATA Environmental articulating the key issues in support of their case.

The management plan includes the following initiatives:

- communicate to potential clients, families and staff the potential for unacceptable odour impacts to occur. This would be achieved by way of distributing an information pack, with provision for feedback to management about odour occurrences.
- staff monitoring odour levels prior to encouraging residents outdoors.
- be prepared to alter day programs in the event of odours occurring, in order to direct activities to a non-odour environment, either on or off site.
- Install pressurised air conditioning systems as part of the proposed development to keep odours out of the building.

The ATA report provides a comprehensive summary of points submitted in support of the application, which along with the

development plans and other supporting documents are contained in the Agenda attachments.

Report

In the first instance and with the exception of the issues raised below, the proposed development has been assessed to comply in all other respects with the relevant planning criteria, in that buildings are appropriately located within the site boundaries and more than sufficient car parking is proposed. The style of building proposed is consistent with that of the existing buildings on site and will contribute to retaining the residential amenity of the area.

The application was referred to the DEP and to Watson's Foods for comment in addition to the Council's Health Services department. Copies of the responses received are contained in the agenda attachments.

It is noted that while Watson's do not oppose the application, they do request Council to consider the history of the conflict in land uses that occurred to date in respect of their operation.

The DEP responded by indicating:

- the existing nursing home is located within the 5 – 7 odour unit contour;
- the encroachment of the proposed building extension to within the 7 - 9 odour unit contour has the potential to cause reduced amenity for and further complaints from residents of the nursing home regarding odour;
- while acknowledging the initiatives taken by the proponent in the preparation of the management plan, the DEP still did not support the application as doing so at this point in time would "contradict EPA advice in relation to buffer distances and odour".
- A further odour modelling review is to be finalised by March 2003, which may provide the department with further information about the buffer zones around Watson's Food and any decrease in associated odours.

The Council's Health Services essentially reiterated matters referred to by the DEP and recommended not to approve the application as the residents of the proposed development are highly likely to be exposed to unacceptable odours.

The key issue in this instance relates to the proximity of the subject site and buildings to the Watsons Foods site, and the implications of and potential for further complaints to be generated in the event of approving this application.

The nearest point of the proposed extension would be approximately 440 metres from the factory buildings on the Watson's Foods site.

The proposed extensions are located wholly within the 7 – 9 odour unit contour, which is at present well inside the area considered by the DEP to experience 'unacceptable' odour impacts. The practical initiatives of the proponent to minimise the likelihood of complaints being generated are acknowledged along with the arguments in support of the application presented in the ATA Environmental report.

In deciding this application it is worthy to note in addition to the above information:

- Although no complaints may have been received from the Villa Dalmacia site, Council records indicate complaints received from other properties further away to the northwest from the Watson's site than the Villa Dalmacia site.
- It is acknowledged the science of 'odour' is not exact, and relies upon a number of variables leading to the conclusion that the buffer being applied may well be quite conservative.
- It is also acknowledged that the odour contours may change in the future as a result of a review yet to be initiated. The extent of change can not be known until the review is completed.
- In the meantime, the current odour buffer contour study is the best management tool available to the authorities to manage potential conflicts in land use.

It is considered here that on balance, approval of the current application, at least while the subject site is located within the 7 – 9 odour unit contour buffer around the Watson's site would serve to undermine the integrity of the odour report and adopted buffer as an effective management tool as well as being inconsistent with EPA advice as stated by the DEP.

In recognition of the possibility for positive change as a result of the future buffer review process, it is recommended the Council grant development approval, but subject to conditions including the need for the site to be affected by no greater than 5 – 7 odour unit contours.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

14.3 (Ocm1_9_2002) - STUDENT ACCOMMODATION - LOT 4252 MURDOCH DRIVE, (CNR FARRINGTON ROAD), MURDOCH (1117851) (VM) (ATTACH)

RECOMMENDATION

That Council:

- (1) in considering the student accommodation proposed for Lot 4252 Murdoch Drive, Murdoch, has determined that the proposed use is consistent with the objectives and purpose of the Mixed Business Zone under District Zoning Scheme No. 2.
- (2) supports "in principle" a student accommodation proposal on Lot 4252 Murdoch Drive, Murdoch, in accordance with the submitted information dated 18 August, 2002 from Broadway Design and Drafting, subject to the following requirements:-
 1. Further information being provided regarding the potential users of the chapel and dining room.
 2. A detailed layout of a car parking proposal catering for the needs of the resident students, the office development, caretakers residence and pastors residence, together with the chapel, to the satisfaction of the Director Planning & Development. (Car parking concessions will only be made where it can be demonstrated adequate car parking can be provided.)
 3. The proposal to comply with the landscaping and tree planting requirements in Clause 5.7.3 of District Zoning Scheme No. 2.
 4. Mature trees in the vicinity of the intersection of Farrington Road and Murdoch Drive being retained and conserved.
 5. Until a formal application for planning approval is lodged the Council is not bound by its in principle support to the proposal, only that it is prepared to consider the proposed use of the site for student accommodation on the merits of the proposal in relation to a "SA" Special Use application.
- (3) further advise that upon receiving a planning application the proposal will be advertised to adjoining owners in accordance with Clause 6.2.3 of District Zoning Scheme No. 2;

- (4) advise Broadway Design and Drafting of Council's decision accordingly.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	DZS2:	Mixed Business
LAND USE:	Vacant	
OWNER:	Crown Land (Department of Health)	
APPLICANT:	Broadway Design & Drafting Services	
LOT SIZE:	2.5738 ha	
USE CLASS:	Use Not Listed "Student Accommodation"	
TPS3 (proposed):	Mixed Business	

Submission

The applicant seeks the Council's support in principle to the proposal to develop the land for student accommodation and associated uses. Support of the Council will provide a degree of comfort and certainty to proceed with a bid to purchase the land.

The site is located on the intersection of Murdoch Drive and Farrington Road abutting a commercial laundry and a Detention Centre and approximately 800 metres from the core of Murdoch University and within 1 kilometre of the Leeming Shopping Centre. The site is also serviced by a bus route.

The complex comprises of the following components:

- a) Four blocks of students' accommodation, Blocks A, B, C and D and each block has 96 residential units.
- b) Two storey office administration building with students' recreational facilities on the upper level.
- c) Restaurant/dining hall with commercial kitchen to prepare meals, breakfast and dinner, with sitting capacity of 260 persons at any one time.
- d) Chapel/auditorium and Pastor's office, residence and meeting rooms.
- e) Two double storey townhouses/residence for housekeeper and Housemother.
- f) Car parks, roads, walkways and landscaped gardens.

The students who will occupy the proposed facility will be from various educational institutions, varying from universities to colleges and high schools within the area. The applicant advises that the short stay or age qualification of the students would discourage ownership of a car, therefore only a small percentage of the site is to be developed for car parking purposes.

The applicant also advised that:-

"Some buildings will be built to incorporate recreational and sporting facilities for students' use.

A fully equipped gym and games/function room will be housed on the second level of the Administration Building. Non-resident guests/visitors will have to pass a security/guard reception control before they proceed to use these facilities or enter the complex.

The chapel/auditorium will have a high roof to allow badminton games to be played during period of non-use by religious groups. A basketball court is to be built separately to form part of the recreational facilities.

An in-house students recreational club will be established with the possibility for restricted numbers of non-resident membership, guests or casual users who are students."

Further information in relation to the proposal is contained in the Agenda attachment.

Report

A formal application for planning approval has not been submitted at this early stage. The applicant seeks an approval to the concept of student accommodation and has submitted preliminary drawings of the proposal for Council's consideration. If approval "in principle" is made by Council a more detailed proposal is anticipated depending on the outcome of the sale of land.

The proposal is a "Use Not Listed" in District Zoning Scheme No. 2 ("DZS2") for which City officers do not have delegated authority to either approve or refuse.

The Council must determine by absolute majority if the proposed use is consistent with the objectives and purpose of the Mixed Business zone under District Zoning Scheme No. 2, which also has the following restrictions regarding use:-

"Those uses which may be permitted within the Mixed Business Zone as set out in the First Schedule (Zoning Table) excluding Garden Centre, Motor Vehicle and Marine Sales, Motor Vehicle Hire Station,

Motor Vehicle Repair Station, Nursery, Industry Cottage and Industry Service."

The above requirements will generally be carried over and be included within proposed Town Planning Scheme No. 3 ("RU8"). Therefore in context with the area the use of student accommodation provides a synergy in a sense with Murdoch University and with land uses.

There is a basis therefore to support the proposal. However, there are some matters that need to be further justified or illustrated on the plans, such as landscaping, site elevations and car parking numbers.

The proposal complies with the setback requirements under the Scheme for Mixed Business, as the proposal is setback 15 metres from Farrington Road and 7 metres from Murdoch Drive. There are other components of the proposal that need to be assessed to ensure compliance with the Scheme, such as 10% of the site to be landscaped, number of trees provided, presentation of site elevations and car parking numbers for the proposal. As detailed plans have not been provided the assessment of such matters is not possible. However, under the Scheme the proposal to ensure compliance with the Scheme requirements requires:-

1. 2573m² of landscaping area (being 10% of the site);
2. adequate car parking bays being required for:-
 - (a) the student accommodation being (ie: 384 students);
 - (b) office development (ie: 259m²);
 - (c) the proposed caretakers residence and the pastor's residence;
 - (d) the chapel being 200 people
3. 40 trees to be planted.

Given that the proposal could be considered in line with a 'SA' application, the application once submitted should be advertised in accordance with District Zoning Scheme No. 2.

From a preliminary site inspection it is considered that some mature trees located along the intersection of Farrington Road and Murdoch Drive should be retained as part of the development, therefore the proposed tennis courts may need to be relocated.

There are no objections from the preliminary assessment of the proposal undertaken to approval "in principle" to the proposal.

Strategic Plan/Policy Implications

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

2. Planning Your City

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

3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

Budget/Financial Implications

N/A

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

Nil.

14.4 (Ocm1_9_2002) - SINGLE DWELLING (GARAGE PARAPET WALL) - LOT 390; 10 OXBURGH LINK, SUCCESS - OWNER: MR & MRS DOUGLAS - APPLICANT: PERCEPTIONS THE HOME BUILDERS (5520105) (VM) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant approval to the proposed single dwelling on Lot 390; 10 Oxburgh Link, Success, in accordance with the submitted development plans received on 30 June 2002, subject to the following conditions:-

Standard Conditions

1. Development may be carried out only in accordance with the terms of the application herein and any approved plan;
2. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the

boundary, shall be constructed within 2 metres of a vehicular accessway unless such wall or fence is constructed with a 2 metre truncation, as depicted on the approved plan.

3. Landscaping to be undertaken to the satisfaction of the Council in the street verge adjacent to the Lot must be established prior to the occupation of the building; and maintained to the Council's satisfaction.

Footnotes

1. The development is to comply with the requirements of the Building Code of Australia.
 2. The Council takes no responsibility or liability in respect to maintenance and reinstatement of any verge area landscaped as a condition of approval.
- (2) issue a MRS Form 2 Notice of Approval; and
- (3) advise the adjoining owner who made a submission of Council's decision accordingly.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	DZS:	Residential R20
LAND USE:	Vacant	
LOT SIZE:	608m ²	
USE CLASS:	'P' – Permitted Use Single Dwelling	

The City received a building licence application on 30 June 2002 for a single house on Lot 390 Oxburgh Link. The proposal includes a parapet wall to the garage. To ensure compliance with Council's Policy APD 32 "Residential Planning Codes – Interpretations in Relation to Boundary Walls" the application was referred to the affected adjoining owner by the applicant. The applicant submitted to the City an objection from the adjoining owner.

In order to obtain more information the City contacted the adjoining owner which resulted in a further submission to Council. In order for the matter to be reported to a Council meeting the applicant has lodged a Planning Application (MRS Form 1).

Submission

Two submissions of objection were received from the adjoining landowner dated 21 July and 14 August 2002. (Refer Agenda attachments).

Report

The application was assessed by the City and complies with the requirements of the District Zoning Scheme No. 2 and Council Policy.

The Residential Planning Codes ("Codes") allows development of a wall with a nil setback to the adjoining property, provided that the amenity of the adjoining lot is not adversely affected. The impact on the adjoining lot was properly and objectively assessed from a planning viewpoint. It was concluded that the amenity of the adjoining property would not be significant to the extent contested by the objector. More specifically the proposal can be supported for the following reasons and subject to certain conditions:-

- The development does not cause more than 50% of the adjoining lot to be in shadow.
- The proposed parapet wall will be setback 5.8 metres from the front boundary in a north-south direction, causing minimal impacts to the adjoining house - study and main bedroom. The adjoining development is setback 1.5 metres from the boundary with a 0.5 metre eave towards the boundary allowing 1 metre separation between roofs which is acceptable subject to Building Code of Australia requirements for the proposed boundary wall. Given the location of the parapet wall in relation to the northern orientation of the lot, the parapet wall will cause minimal impacts to the adjoining development study and bedroom windows.
- Given the demand for larger homes and small blocks, variations to side (parapet and boundary walls) setbacks of dwellings are quite common.
- The boundary wall on the subject lot has been considered in relation to Policy APD32 and complies with it.
- The impact of the development on the adjoining lot has also been assessed in relation to the general provisions of the R Codes and complies with the objectives and dimension requirements (height/length boundary ratio) of the Codes.

The boundary wall is proposed to be setback 5.8 metres and the Codes allows under Clause 1.5.5 for garage walls to be setback 4.5 metres from the boundary. With regards to the comment of the adjoining owner in relation to a wall setback 0.5 metres from the boundary the Codes allow a standard side setback of 1 metre from the boundary or on the boundary subject to certain requirements. A 0.5 metre area would also raise difficulties to deal with the maintenance of the area and usability.

Given the above comments it is considered that the objection raised by the adjoining owner is not valid and it is recommended that the application be approved subject to standard conditions.

Strategic Plan/Policy Implications

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

2. Planning Your City

- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*

The Planning Policies which apply to this item are:-

APD32 Residential Planning Codes - Interpretations in Relation to Car Parking, Setbacks and Boundary Walls

Budget/Financial Implications

N/A

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

Nil.

14.5 (Ocm1_9_2002) - DEDICATION OF PORTION OF RESERVE 27950 PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 197 (KSS) (4500024) (ATTACH)

RECOMMENDATION

That Council:

- (1) request that the Department of Land Administration dedicate portion of Reserve 27950 as road reserve pursuant to Section 56(1)(a) of the Land Administration Act 1997.

COUNCIL DECISION

Background

Reserve 27950 comprises of a former railway reserve adjoining North Lake Road.

Submission

N/A

Report

To enable the construction of a second carriageway on North Lake Road between Hammond Road and Berrigan Drive it will be necessary to intrude into Reserve 27950. The land is zoned Important Regional Reserve under the MRS, whilst the reserve purpose is for Government Requirements.

Strategic Plan/Policy Implications

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

2. Planning Your City

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

Budget/Financial Implications

N/A

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

Nil.

14.6 (Ocm1_9_2002) - HERITAGE PLACES, HERITAGE AREAS AND VEGETATION PROTECTION POLICY (9001) (9002) (CP)

RECOMMENDATION

That Council:-

- (1) Amend Policy APD17 "Standard Development Conditions and

Footnotes” by:

1. Including a new condition D63A (Heritage Places) as follows:

“The heritage place and /or heritage area identified on the approved plan is to be retained in accordance with the requirements of the Council and protected from damage by all on-site works to the satisfaction of the Council”.

2. Replacing condition D31 (Vegetation Protection) with the following:

“The area of vegetation delineated on the approved plan for conservation is to be retained in accordance with the requirements of the Council and protected from damage by all on-site works to the satisfaction of the Council”.

3. Adding a new footnote F43 (Protection of Heritage Places and Vegetation) as follows:

“It is the developers responsibility to advise all contractors and sub-contractors of the requirements of condition(s), and any accidental damage or removal of any heritage place, heritage area or vegetation the subject of the protection will be deemed to be unlawful by the Council and will not be accepted as a defence for such an occurrence”.

- (2) prior to amending Policy APD17 as proposed in (1) above, advertise the proposal in accordance with Clause 11.1.1 of District Zoning Scheme No. 2;

- (3) amend Policies APD16A “Standard Subdivision Conditions and Reasons for Refusal” and APD16B “Standard Strata Conditions and Reasons for Refusal” by:

1. Including new conditions S12A and ST17A (Heritage Places) as follows:

“The heritage place and /or heritage area identified on the approved plan is to be retained in accordance with the requirements of the local government and protected from damage by all on-site works to the satisfaction of the WAPC”.

2. Including new conditions S113A and ST17B (Protected Vegetation) as follows:

“The area of vegetation delineated on the approved plan

for conservation is to be retained in accordance with the requirements of the local government and protected from damage by all on-site works to the satisfaction of the WAPC”.

3. Including conditions S164 and ST23A (Protection of Heritage Places and Vegetation) as follows:

“It is the subdivider’s responsibility to advise all contractors and sub-contractors of the requirements of condition(s), and any accidental damage or removal of any heritage place, heritage area or vegetation the subject of the protection will be deemed to be unlawful by the local government and will not be accepted as a defence for such an occurrence”.

COUNCIL DECISION

Background

As a result of the Ordinary Meeting of Council on 20 August 2002, policy changes are recommended relating to the protection of heritage places, heritage areas and protected vegetation has been prepared by staff for the purpose adoption at the Ordinary Council meeting in September.

Submission

N/A

Report

The purpose of this report is to seek Council’s adoption of the abovementioned policy in order to minimise instances of illegal removal or damage to protected vegetation, heritage sites and places and to inform developers/subdividers of their obligations to preserve these features.

The policy includes new and replacement conditions to the list of standard conditions contained in APD16 and APD17.

The result of applying this policy will be to:

- clearly indicate to developers/subdividers their obligations in respect to the treatment of protected vegetation, heritage places and areas, and
- indicate to developers/subdividers that the Council will not tolerate any accidental acts of damage to these features.

The draft policy entitled "Heritage Places, Heritage Areas and Vegetation Protection Policy – Standard Conditions and Advice Notes" is contained in the Agenda Attachments.

Strategic Plan/Policy Implications

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

1. Planning Your City
 - "To ensure that the development will enhance the levels of amenity currently enjoyed by the community".
2. Conserving and Improving Your Environment
 - "To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."

Budget/Financial Implications

Potential savings on legal costs associated with initiating enforcement action due to greater levels of awareness by the development community regarding vegetation and heritage protection.

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

Nil.

14.7 (Ocm1_9_2002) - GARDEN SUPPLY OPERATION - LOT 23 (77) MORTIMER ROAD, WATTLEUP - APPLICANT: L D ELLEMENT - OWNER: L D & V C ELLEMENT (4411301) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the application for a garden supply business at Lot 23 (77) Mortimer Road, Wattleup, subject to the following conditions:

Standard Conditions

1. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 Control of the Obtrusive Effects of Outdoor Lighting.
2. No activities causing noise and/or inconvenience to neighbours being carried out after 5.00pm or before 8.00am seven days a week.
3. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building license being obtained prior to construction.
4. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the Council as a separate application. The application (including detailed plans) and appropriate fee for a sign license must be submitted to the Council prior to the erection of any signage on the site/building. Signs painted on the proposed buildings are not exempt from this requirement.
5. Landscaping and tree planting to be undertaken in accordance with the approved plan.
6. A landscape plan must be submitted to the Council and approved, prior to applying for building license and shall show the following:
 - (1) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area
 - (2) any lawns to be established
 - (3) any natural landscape areas to be retained; and
 - (4) those areas to be reticulated or irrigated
 - (5) verge treatments.
7. The landscaping, in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
8. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer, to the satisfaction of the Council.
9. All stormwater must be contained and disposed of on-

site.

10. The parking area, driveways and points of ingress and egress to be designed, constructed, drained, marked and thereafter maintained to the specifications and satisfaction of the Council. These works are to be done as part of the building programme. A minimum of 8 parking bays with appropriate maneuvering shall be provided on site.
11. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3 metres of a vehicular accessway unless such wall or fence is constructed with a 3 metre truncation.
12. Refuse bins adequate to service the development shall be provided to the satisfaction of the Council before the development is occupied or used.
13. The landscaping must be completed in accordance with an approved detailed landscape plan, prior to the occupation of any building.
14. Landscaping to be undertaken to the satisfaction of the Council in the street verge adjacent to the Lot(s) must be established prior to the occupation of the building; and maintained to the Council's satisfaction.
15. The applicant/landowner is to comply with the Environmental Protection Act 1986 which contains penalties where the noise limits prescribed by the Environmental Protection (Noise) Regulations 1997 are exceeded.
16. No waste shall be burnt on the property.
17. The proponent shall take all reasonable and practical measures to prevent or minimize the generation of dust from all materials handling operations, stockpiles, open areas and transport activities, to the satisfaction of the Council.

Special Conditions

1. The landscape plan required in condition 6 above shall make provision for the effective vegetative screening of the entire length of northern and western boundaries of the site in order to screen the activities on the subject land from adjoining properties.

2. The applicant complying with the management plan submitted with the application, and any subsequent amendments thereto as approved by the Council.
3. The applicant complying with the Water and Rivers Commission's Water Quality Protection Note: 'Nurseries and Garden Centres'.
4. That the bio-solid stockpile is completely removed from the property by no later than 31 January 2003.

Footnotes

The applicant is advised that:

1. This approval is issued by the Council under Town Planning Scheme No. 2, and approvals or advice by other agencies may be required, and it is the responsibility of the applicant to ensure that all other approvals/advice are issued prior to commencing development or use of the land, and a copy of the approval/advice is provided to the Council.
2. The development is to comply with the requirements of the Building Code of Australia.
3. The storage and use of bio-solid material is **not** included in the scope of this approval the stockpile of which shall be removed from the site to an appropriate location outside the City of Cockburn. Until the bio-solid stockpile is completely removed from the property, it shall in no way be used for product blending and shall be maintained in a manner that shall generate no nuisance beyond the boundaries of the subject site.
4. The proposed development is satisfactory to the City's Health services subject to compliance with the following legislation (as amended):
 - Health Act 1911
 - City of Cockburn Health Local Laws 2000
 - City of Cockburn (Local Government Act) Local laws 2000.
5. It is expected that stormwater is disposed of on-site (condition 9) in a manner consistent with the WRC's guidelines (special condition 3). The method of disposal will be designed and certified by a suitably qualified engineer (condition 8) at the applicant's expense.

- (2) issue an MRS Form 2 Notice of Approval;
- (3) advise those who made submissions of the Council decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Rural Zone
	DZS2:	Rural Zone
LAND USE:	Existing garden supply business	
APPLICANT:	2. <u>L D Ellement</u>	
OWNER:	L D & V C Ellement	
LOT SIZE:	1.0039 ha	
USE CLASS:	"Use not listed" (garden supply business), "X" Use class (storage of bio-solid material)	

At its Ordinary Meeting of 2 March 1993 the Council approved a development application for the storage and blending of sewage sludge (bio-solid material) on Lot 23 Mortimer Road, subject to conditions limiting the term of the approval to 12 months. An Offensive Trade License was issued to the applicant concurrently.

Subsequent extensions to the previous approval were sought and granted by the Council at its Ordinary Meetings of 5 July 1994 and 5 September 1995 for further periods of 12 months. It was acknowledged at that stage that the site had been used for the purpose of a garden supply business for the previous 20 years and as such, that component of the activity was considered as a non-conforming use.

In January 2002, the City became aware the site was still being used for the purpose of storage and blending of sewage sludge, for which no approval existed. The applicant was advised by letter dated 17 January 2002 that a development application was required or to cease the use within 28 days. A development application was subsequently lodged, which is now the subject of this report.

Submission

Approval has been sought for the storage and blending of bio-solid material obtained from the Water Corporation Woodman Point treatment plant with sand and other material for use in the landscaping and garden supply business operating from the subject land.

Approval has also been sought for the continued operation of the garden supply business from the site, the nature of which has changed to include a more diverse product range than at previous times. It is the proponent's intention to store and sell products such as:

- Plants
- Reticulation equipment, garden products and ornaments
- Copper logs, paving, rocks, gravel, firewood, cement
- Sheep / cow manures, sawdust, bark, sand
- Mulches, garden soils, potting mix.

The quantities of animal manure on the site are small, which as with most product is stored on a bitumised yard in concrete bays.

During the course of processing this application, the applicant was able to arrange for the disposal of the bio-solid stockpile to an operator outside the district. Since then, the material has been transported south and the stockpile significantly depleted on the site. It is expected that the remaining bio-solid material will be removed from the site in the next few months.

Once the bio-solid material is entirely removed from the site, the applicant has stated the activities undertaken on the site will be consistent with activities undertaken on most suburban garden centres.

The business operates 7 days per week, between the hours of 8am and 5pm, and the applicant has indicated that most activity occurs during weekdays. Weekend activity relates to the loading of trailers and retail sales. No mixing or screening is undertaken in weekends.

A site plan and supporting information are contained in the agenda attachments.

Report

Five submissions were received during the 21 day advertising period, of which one was in opposition to the application while two were in support. Copies of the submissions and a map showing the submitter locations is contained in the agenda attachments.

The opposing submission raised concerns including:

- Dust from fertilizer/dry mixes affecting the amenity of the adjoining property;
- Health concerns associated with the potential for contamination of drinking water from dust generated by the operation;
- Odours from the mixing of fertilizers.

The Water and Rivers Commission did not oppose the application and indicated the proposal should be undertaken in accordance with the WRC's Water Quality Protection Note: 'Nurseries and Garden Centres'. The WRC indicated that adherence to these guidelines will prevent the proposal having any offsite impacts on groundwater and the adjacent nature reserve and wetlands.

The Western Australian Planning Commission (Property and Parks Division) indicated no objection to the proposal.

In respect to the submitter concerns referred to above, it is assumed the concerns raised relate to a large extent to the effects experienced from the dust and odour generated from the bio-solid stockpile that had been maintained onsite for many years. As this material is currently being removed from the site permanently, any associated effects will be eliminated accordingly.

The remaining "dry mixes" (soils, animal manure, mulch, potting mix etc) are held onsite in relatively small quantities (up to 10 cubic metres), stored in concrete bins. It is understood that in the future, the majority of all product mixing will occur offsite, and the applicant will purchase the material in that form.

The potential for dust/odour generation therefore relates to effects associated with product delivery, the movement of product onsite and the manner in which the material is managed onsite. It is considered that the management plan submitted with the application provides sufficient measures for the applicant to implement to adequately mitigate effects such as dust and odour. A requirement for screen planting along the property boundaries of the site in the event of approval being granted will provide further mitigation of effects from the activity on adjoining properties.

Stormwater runoff needs to be contained and appropriately disposed of onsite. At present, there is no formal stormwater management regime. Runoff from the bitumised yard area currently drains toward the southeast boundary and is absorbed by the sandy roadside soils. Compliance with the WRC Water Quality Protection Note for Garden Centers and Nurseries will adequately mitigate adverse effects associated with stormwater disposal.

In terms of traffic volumes, the information provided indicates that over the peak period approximately 40 light vehicles with trailers (cars, Ute's etc) can be expected to visit the site per week, in addition to

approximately 23 truck movements. It is understood that weekend business consists mainly of light vehicles, while trucks tend to visit the property during weekdays. The formation of Pearse and Mortimer Roads is of a high standard and good sight distances exist at the property entrances. Given this, the operation is not considered to generate any significant adverse effects on the surrounding amenity or on traffic safety.

Noise from the operation has not been raised as a concern in submissions and based on the information provided, is unlikely to become an issue. Notwithstanding this, the Environmental Protection (Noise) Regulations 1997 will provide adequate protection for surrounding properties.

In conclusion, subject to compliance with the recommended conditions, and subject to the bio-solid stockpile being completely removed from the site, it is considered that the proposal can otherwise be supported and approval granted.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil

14.8 (Ocm1_9_2002) - PACKHAM NORTH (WATSONS) STRUCTURE PLAN - HAMILTON ROAD, SPEARWOOD (3209990) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) direct the Planning Department to prepare a Structure Plan for the Packham North (Watsons) Structure Plan for Council consideration;
- (3) advise Watsons Foods WA and its planning consultant Planning Solutions, that due to the delay in finalising a Structure Plan for the Packham North locality, the Council has decided to direct the Planning Department to prepare a Structure Plan for the area for its consideration;

- (4) advise the Western Australian Planning Commission, the Department of Environmental Protection Water and Rivers Commission and affected landowners of the Council decision.

COUNCIL DECISION

Background

On 23 July 2001, a meeting was held at the City of Cockburn with various stakeholders (except for Watsons and Urban Focus there were no private landowners present) and government agencies to discuss the Watsons odour buffer and the planning of Packham North.

At the conclusion of the meeting it was agreed that Watsons would prepare a Structure Plan for the locality in consultation with the various interested parties. The plan would be prepared for Watsons by Mr Paul Kotsoglo of Planning Solutions.

In April 2002, the consultant provided a copy of a draft structure plan report to the Council's Planning Department for comment prior to finalisation. A set of comprehensive comments were provided by the Director of Planning and Development and the Manager Planning Services.

A meeting was held to discuss the comments provided by the Council staff.

Following this, there was no further response.

On 5 August 2002 the Director wrote to Planning Solutions requesting that as the plan had been outstanding for some time, it was necessary for a copy of proposed plan to be provided by 23 August so that it could be considered at the September Council Meeting.

Submission

There has been no response to the Council letter of 5 August 2002.

Report

The delay in preparing the Structure Plan has become unacceptable and should now be prepared by the Council's Planning Department.

Over the past 12 months since Watsons agreed to prepare the plan, there has been numerous enquiries by landowners as to its progress. Landowners in the area need to be provided with some certainty as to the future development potential of their land, given that an odour buffer contour for the Watsons Plant is understood to have been accepted by the DEPWRC.

Should the Council direct the Planning Department to prepare the Structure Plan, then Watsons Foods WA, Planning Solutions, the WAPC, DEPWRC and landowners should be advised accordingly.

Strategic Plan/Policy Implications

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

2. Planning Your City

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

Budget/Financial Implications

N/A

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

Nil.

14.9 (Ocm1_9_2002) - REVIEW OF KWINANA AIR QUALITY BUFFER (9322) (9311) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) lodge a submission with the Western Australian Planning Commission on the Review of the Kwinana Air-Quality Buffer, published for public comment, based on the officer's report;
- (3) advise the Western Australian Planning Commission that:-
 1. the review of the recommendations contained in the review of the Kwinana Air-Quality Buffer are totally unacceptable and deficient;
 2. the basis to the review is considered invalid and should

have been undertaken on a proper scientific basis;

3. a full scientific assessment of the Kwinana Air-Quality Buffer be carried out prior to any amendments to the existing buffer being made, together with more extensive public consultation.

COUNCIL DECISION

Background

On Monday 26 August 2002, the WAPC released the "Review of the Kwinana Air-Quality Buffer" for public comment. Submissions are to be lodged by 27 September.

The report was published by the WAPC and prepared by the Department of Environment, Water and Catchment Protection and the Department of Minerals and Petroleum Resources.

Since the release of the report to the public, the DEWCP has held a number of meetings to explain the proposal and to respond to questions.

Submission

Page 27 of the report concludes:-

"The Review has identified the need to acknowledge that the Kwinana EPP buffer area is affected by not only sulphur dioxide emissions as identified by the DEP but also various other land uses, constraints and their buffers (including waste water treatment plants, basic raw materials areas, landfill sites, various infrastructure). This review therefore establishes principles and a process for redefining the buffer and recommends a new composite buffer to be called the Residential Exclusion Area (REA). The REA is designed to protect residents from emissions from the industrial and ancillary land uses in the area and also to protect industry from encroaching residential development, which may threaten their operations. In line with this, a key land use objective within the REA is to restrict additional residential use. Although existing residential land uses would remain, they would be treated as non-conforming uses, with a presumption against new residential development.

The REA proposes to alter the existing Kwinana buffer by:

- *expanding it in three areas (the Marine Industry Technology Park, Kwinana Waste Water Treatment Plant and Lot 15 Cockburn Road, Henderson);*
- *contracting it in three areas (land to the east of Power Ave and land in the vicinity of the intersection of Wattleup and Mandogalup Roads); and*
- *identifying three areas where further investigation is required before expansions and contractions in these three areas are further contemplated (buffers for the Woodman Point Waste Water Treatment Plant and the Alcoa Residue Storage Area and land at the corner of Rockingham Road and Frobisher Avenue).*

The development of the State Air EPP will incorporate the outcomes of this review as it relates to the management of air quality within the Kwinana airshed. The EPP is proposed to be supplemented by a land use planning buffer via a Statement of Planning Policy to be prepared by the Western Australian Planning Commission. Also, the Master Plan for the Hope Valley-Wattleup Redevelopment Area being prepared by LandCorp will play an important role in responding to the review and the range of constraints within a large portion of the REA.

Submissions on this review will be used in the development of the above mechanisms.

The need for periodic review of the boundaries and framework for the REA is also highlighted in order to take account of changing circumstances associated with land use and environmental constraints affecting the area over time."

Copies of the report are available through the Planning and Development Division.

Report

The report was prepared by the Senior Environmental Officer, Principal Environmental Health Officer and the Director of Planning and Development , a summary of the findings are as follows:-

3. Lack of Scientific Data

The City of Cockburn has been pursuing a scientific review of the buffer for a number of years and had hoped that this review would finally realize that goal. Unfortunately, the lack of scientific data, lack of comparison with Kwinana EPP standards and the NEPM's and lack of scientific argument for the appropriateness of the buffer or justifying the proposed expansions and contractions does not indicate that a rigorous review has been undertaken.

The inclusion of an analysis of available data and logical argument based on that data is essential to allowing the formulation of an opinion as to whether the REA is adequate and whether the proposed strategy is appropriate.

4. Other Pollutants

On page 2 of the review document it is stated that the Kwinana EPP establishes, through associated regulations, the air quality objectives for sulphur dioxide and particulates (with the opportunity for other pollutants to be added at later dates). On page 5 of the review document the State Government commitment to the implementation of the NEPM is reiterated. The linkage between the NEPM, the State Air EPP and the Kwinana EPP is also described.

Of the six key air pollutants in the NEPM only Sulphur Dioxide is represented on Map 1 and the review document does not detail whether emissions of the other key air pollutants comply with the NEPM. Further, there is no discussion as to whether PM₁₀ emissions in the Kwinana EPP comply with the current EPP standards or the NEPM. Moreover, the SO₂ contours have been truncated so that they do not correctly show the worst case. The situation has been misrepresented.

There is increasing community concern about emissions from industries in the Emissions from industries in the Kwinana region. Community concerns extend beyond the NEPM's six key air pollutants to compounds such as Dioxin and Furans. None of these other pollutants appear to have been considered in this review.

It is the City's view that the review is deficient in that it provides no evidence that:

- a) The current PM₁₀ emissions comply with the NEPM or the standard required by the Kwinana EPP;
- b) The proposed REA provides adequate buffer in relation to PM₁₀ emissions;
- c) Current emissions of other pollutants comply with the NEPM or generally accepted standards where appropriate;
- d) Appropriate standards for emissions of other non-NEPM pollutants have or will be set.
- e) The proposed REA provides an adequate buffer in relation to emissions of pollutants other than SO₂ and PM₁₀.

The review needs to provide data to address the above five issues to reassure the community that the proposed REA provides an adequate buffer against all forms of Air Pollution.

Other Industrial Emissions (Noise, Odour & Risk)

It is indicated on page 3 of the review document that the Kwinana EPP has been used to assist in the control of other emissions such as Noise, Odour and Risk.

However, although the review shows some limited reference to some related contours there is no evidence to show whether this has been effective. Further, there is no discussion on how these issues may be addressed whether through this process or some other.

The review is inadequate in that it does not appear to address these issues.

5. Noise

Since the Gazettal of the *Environmental Protection (Noise) Regulation 1997* the City of Cockburn has objected to use of the Kwinana EPP as a defacto noise buffer and the unreasonable effect that Schedule 3 Clause 2 (4) has on the assigned noise levels within the buffer area. Residents in this area may be legally subjected to noise levels up to 10db(A) greater that those allowed outside the buffer.

Unfortunately the "Noise Regulation Review" which was published in June 2000 has not yet been acted on.

It is noted that map 1 of the buffer review contains a contour relating to noise from the Kwinana Motorplex, but noise from other industries have not been considered. The "*Cumulative Noise Model of the Kwinana Industrial Area*" which was prepared by SVT Engineering consultants for Kwinana Industries Council contains a significant amount of useful data which could be used to determine a more relevant noise buffer for the area.

It should be noted that the noise contour for the Kwinana Motorplex for the worst case has been truncated and therefore misrepresents the impact on the residential areas to the east.

The issue of ensuring a fair and reasonable solution for determining assigned noise levels will become more pressing as the Hope Valley Wattleup Redevelopment Area is occupied by industrial operations. Noise from encroaching industries will have a deleterious effect on residents in the area and the continuing presence of residents may constrain new industries.

Greater consideration should be given to ensuring suitable, reasonable controls on industrial noise emissions, which do not disadvantage residents within and near to the Kwinana EPP Buffer, are incorporated

into the planned controlling documents and the *Environmental Protection (Noise) Regulation 1997*.

6. Residential Exclusion Area

The term Residential Exclusion Area (REA) in the review with one of its prime aims to “Protect Human Health and Amenity” appears to be at odds with the recognition that owners of land within the REA will be permitted to occupy existing dwellings and construct new dwelling on any vacant lot. This appears contrary to the State Government need to close down the Hope Valley and Wattleup townsites in order to relocate the existing residents.

The use of the current Kwinana EPP Buffer in conjunction with the *Environmental Protection (Noise) Regulation 1997* has already resulted in a loss of amenity within the Hope Valley Wattleup Redevelopment area and to residents outside the Kwinana EPP Buffer but within 450m of it.

Increasing encroachment of industrial development will significantly increase this loss of amenity for these residents.

Further, from discussions with DEP Kwinana Officers dust emissions already impact negatively on amenity (if not air quality) inside the Kwinana EPP Buffer.

If the REA really will protect human health and amenity then why not allow more residential subdivisions within the EPP, or is the argument really about decreasing risk by limiting population or applying a set of double standards.

7. Proposed Expansion & Contractions

It is difficult to either oppose or support the extent of proposed expansions and contractions as no evidence is provide to support the report's recommendations. It appears that a number of generic buffers which protrude outside the proposed REA have not been included in the list of proposed expansions. There is no evidence to suggest that the generic buffers are appropriate and that the affected areas should not also appear in the REA. In addition, generic buffers are simply that, there is no science to them and therefore are not an acceptable basis to establish likely impacts. Also other important buffers have not been included and should have been. Namely, market gardens, nurseries, truck depots, and composting and soil blending activities.

8. Conclusion

The review proposes a number of outcomes including some alteration of the buffer. These outcomes are proposed in the apparent absence of a scientific review of available monitoring results. This review also falls well short of a review of planning controls and policies within the buffer area.

The lack of data and scientific justification for changes to the buffer suggest that the review has merely tidied up the boundaries to accommodate future land use options in line with a mixture of documents, policies and position statements.

Whilst the approach taken in further investigation areas 7, 8 & 9 is supported, the Council is concerned that such a review was not carried out or argued in relation to the whole buffer and to parameters other than odour and SO₂.

The Council believes that the review is deficient and requests that a full scientific review of the Kwinana Buffer be carried out prior to amending the EPP and development of the State Air EPP and the SPP. Any subsequent scientifically valid review undertaken should be subject to a further period of public consultation to ensure all the issues are addressed.

A more detailed assessment is attached to the Agenda and should form the basis of the Council submission.

Strategic Plan/Policy Implications

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

3. Conserving and Improving Your Environment

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

Budget/Financial Implications

N/A

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

Nil.

14.10 (Ocm1_9_2002) - PROPOSED SOUTH BEACH URBAN DEVELOPMENT AREA (AMENDMENT NO. 201 DISTRICT ZONING SCHEME NO. 2) - OCEAN ROAD, O'CONNOR CLOSE, ISLAND STREET AND ROLLINSON ROAD - APPLICANT: MITCHELL GOFF AND ASSOCIATES - OWNER: VARIOUS (92201) (MR)

RECOMMENDATION

That Council:

- (1) adopt the modified Scheme Amendment Report for conformity with the requirements of the Western Australian Planning Commission ("WAPC") outlined in their letter of 21 February 2002;
- (2) forward copies of the signed documents to the WAPC requesting consent to advertise the proposal;
- (3) upon receipt of instructions from the WAPC, proceed to advertise the amendment in accordance with the instructions of the Commission and the Regulations;
- (4) notify the applicant accordingly.

COUNCIL DECISION

Background

At its meeting held on 20 April 1999, Council resolved to initiate Amendment No.201 to District Zoning Scheme No.2 (see Min 12.4 OCM - 20/4/99 for previous report and decision).

The background to this matter is also outlined in Item 13.9 OCM 16/11/02 where further amendments were made to the proposed Scheme Text.

The Department of Environmental Protection has not assessed the scheme amendment.

Submission

The applicant initially requested the City on 27 March 2002 to place amendment 201 on hold since the gazettal of Town Planning Scheme No 3 seemed imminent. This situation would only change if there were further delays to the finalisation of the new scheme.

Given that several months have proceeded since these instructions were given the applicant now wants to proceed with the scheme amendment to run in parallel with the finalisation of Town Planning Scheme No 3.

Report

The Western Australian Planning Commission required modifications to be made to the scheme amendment prior to consent being granted to advertise the scheme amendment. These modifications are as follows:-

- “(i) the scheme amendment report to correctly refer to the proposed zone (ie the Development Zone rather than the ‘South Beach Development Zone’);*
- (ii) the scheme amendment report to clarify that figure 1 and appendix 1 relate to an area greater than the amendment area and that appendix 3 relates to only a portion of the amendment area;*
- (iii) the scheme amendment report to identify the location and extent of those sites referred to as ANI Bradken Foundry, Wesfarmers Wools Store site and Westrail land which has been occupied by York International Australia; and*
- (iv) the amendment documents (text and map) being modified to reflect the finalisation of the Metropolitan Region Scheme Amendment No 1008/33. That is, all references to the land within the amendment area designated as Railways reserve being modified to refer to unzoned land including the depiction of the land on the existing zoning map.”*

The applicant has amended the Scheme Amendment Report for conformity with the Commission’s requirements. The Council’s adoption of these final changes is required prior to referring the scheme amendment documents to the Commission.

Strategic Plan/Policy Implications

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

2. Planning Your City
 - “To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens.”*
 - “To ensure that the development will enhance the levels of amenity currently enjoyed by the community.”*

- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*

Council Policies that apply are:-

SPD4 Liveable Neighbourhoods

Budget/Financial Implications

N/A

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

Nil.

14.11 (Ocm1_9_2002) - FINAL ADOPTION OF SOUTH BEACH STRUCTURE PLAN 9653 (MR)

RECOMMENDATION

That Council:

- (1) adopt the modified South Beach Structure Plan, dated 27 August 2002, pursuant to Clause 8.2.11 of the City of Cockburn District Zoning Scheme No 2, as contained in the attachment and in accordance with a written undertaking from South Beach Pty Ltd regarding the various matters outlined from OCM16/7/02 Item 14.3;
- (2) refer the modified South Beach Structure Plan to the Western Australian Planning Commission for endorsement;
- (3) provide a copy of the revised Structure Plan to the City of Fremantle for their information.

COUNCIL DECISION

Background

The background to this matter is outlined in Item 14.3 OCM16/07/02.

Submission

N/A

Report

The Council adopted Structure Plan was forwarded to the Western Australian Planning Commission ("WAPC") for endorsement following its Ordinary Meeting in July 2002. The Department for Planning and Infrastructure ("DPI") reviewed the Structure Plan and expressed concern in relation to various matters as outlined below:-

The resolution to adopt the Structure Plan is invalid as Scheme 3 is not gazetted.

To address this matter it is proposed that the Council readopt the modified Structure Plan pursuant to clause 8.2.11 of the City of Cockburn District Zoning Scheme No 2 ("DZS2"). Notwithstanding that the zoning of the subject land is General Industry and Light Industry Structure Plans would normally only apply to Development Zones. There is a sound planning basis for the adoption of the Structure Plan since the MRS was amended last year which rezoned the subject land from Industry to Urban. Furthermore the Council's Town Planning Scheme No 3 is a seriously entertained planning proposal.

The Department prefer as few conditions as possible since the Structure Plan agreed to by the Commission should stand alone and not be fettered by conditions.

In response the applicant has agreed to the modifications requested by the Council and has submitted a modified Structure Plan incorporating the necessary changes. This plan is included in the agenda attachments and should be viewed in conjunction with this report. The conditions outlined in the Council's previous resolution were imposed in response to the public submissions received on the Structure Plan. The applicant has provided an undertaking on these matters in order for the Council to delete reference to conditions in its adoption of the Structure Plan. Other detailed conditions relating to road reserve widths for example can be addressed at a subdivision approval stage. It is believed that this approach will assist the DPI in the assessment of the Structure Plan.

Conclusion

The plan as presented addresses all of the requirements imposed by the Council and should be supported as the basis for detailed subdivision and engineering design.

There is no need for the Council's support to be subject to the same conditions and requirements as previous adopted since the plan has been modified and a written undertaking has been provided by the applicant.

Strategic Plan/Policy Implications

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

2. Planning Your City

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

3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*

Council Policies that apply are:-

SPD4 Liveable Neighbourhoods

Budget/Financial Implications

N/A

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (Ocm1_9_2002) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council:

receive the List of Creditors Paid for August 2002, as attached to the Agenda:

COUNCIL DECISION

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

15.2 (Ocm1_9_2002) - INCLUSION OF VALUE STATEMENTS IN CORPORATE STRATEGIC PLAN (2227) (ATC) (ATTACH)

RECOMMENDATION

That the Value Statements as set out in the attachment to the Agenda be included in the Corporate Strategic Plan.

COUNCIL DECISION

Background

When Council reviewed its Corporate Strategic Plan in December 2001 it agreed to consider the inclusion of Value Statements in the Corporate Strategic Plan at a future meeting of Council.

Submission

N/A

Report

Following the Council's decision a staff Working Party was formed, to develop proposed Value Statements which could be included in the Corporate Strategic Plan. Several versions of the Statements have been prepared and subsequently refined. The Value Statements as attached to the Agenda are endorsed by the Chief Executive Officer and the Directors as appropriate for the City.

Strategic Plan/Policy Implications

Policy SC5 - Corporate Strategic Planning Process is relevant.

Budget/Financial Implications

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES**16.1 (Ocm1_9_2002) - TENDER NO. 28/2002 - MAINTENANCE OF PUBLIC OPEN SPACE AND LANDSCAPED AREAS AT ATWELL (AC) (4401) (ATTACH)****RECOMMENDATION**

That Council:

accept the tender submitted by Allwest Projects Turf and Landscape Management for Tender Number 28/2002 – Maintenance Services – Atwell Estates Public Open Space and Landscaped Areas for the sum of \$329,534.70 (inc. GST) per year for a period of three years commencing 1st October 2002 and concluding 1st October 2005.

COUNCIL DECISION

Background

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

The subsequent contract established for tender number 40/99 concluded on the 1st of September 2002, and consequently a new tender is required.

Submission

The following tenders were received.

9.	<u>Tenderer</u> <u>Hectare / Year</u>	<u>Cost per Year (inc. GST)</u>	<u>Rate</u> /
	Allwest Projects	\$329,534.70	\$14,978
	PJ & LG Masson	\$330,000.00	\$15,000
	Turfmaster Facility Management	\$365,612.77	\$16,618
	Frogmat Environmental Pty Ltd	\$387,179.10	\$17,599
	Lovegrove Turf Services Pty Ltd	\$475,640.00	\$21,620

Report

Tender number 28/2002 was advertised in the West Australian Newspaper on Saturday 3rd August 2002, inviting submissions for Maintenance Services – Atwell Estates for a further three year period.

Five tenders were received, each of them complying with the requirements of the tender documents. The lowest tender was received from Allwest Projects of 46 Weston Street Naval Base Western Australia. Allwest Projects is a new company established during July 2001 specifically for turf and landscape management projects. The company is part owned by Lochness Pty Ltd which has 15 years turf management experience and Westate and MLS Consulting, which have 9 years and 7 years experience, respectfully, in managing

engineering projects throughout Western Australia. Allwest Projects management personnel to be assigned to the contract have 25 to 30 years experience in turf maintenance of public golf courses and bowling greens.

Pre determined tender evaluation criteria were detailed in the tender documents and used to evaluate the submission received. (Refer to attachments for details)

Strategic Plan/Policy Implications

One of the objectives of the strategic plan is to construct and maintain parks which are owned or vested in Council in accordance with recognised standards and are convenient for and safe for public use.

Budget/Financial Implications

\$300,314 (excluding GST) has been allowed in the 2002/2003 Financial Year Budget for maintenance of public open space and landscaped areas in the Atwell Estates.

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (Ocm1_9_2002) - MANNING LAKE RESERVE DOG EXERCISE AREA (22075257) (AGM)

RECOMMENDATION

That Council:

retain Manning Lake Reserve as an area where the exercising of dogs off leash, is not permitted.

COUNCIL DECISION

Background

Prior to the gazettal of the new local laws on 9 October 2000 a section of the Manning Lake Reserve was allocated as a Dog Exercise Area, which allows dogs to be run off the lead provided they are under effective control. As a result of this process all the Dog Exercise Areas were assessed as to their suitability in relation to the environment

(wetlands etc) and their potential for conflict with activities such as family gatherings and sporting activities. Manning Lake Reserve along with a number of other parks was then considered as unsuitable for both of the above reasons.

As was prescribed by law, before the promulgation of any new local law, the public was invited for comment on the draft local law and submissions could be sent to Council during the prescribed period. There were no objections received during this period for Manning Lake Reserve to be designated as a non-dog exercise area.

The Council has over the years received a number of complaints from families regarding unsociable behaviour by dogs especially when children were at the park and they were subjected to unfriendly attention by the dogs of irresponsible dog owners.

Although a number of parks were not gazetted, several new ones were, especially in newly developed areas such as Success. In total, there are 29 Dog Exercise areas in the City of Cockburn, which allow dogs to be run off the lead.

5	Spearwood	5	Hamilton Hill
5	Coolbellup	4	Bibra Lake
3	North Lake	1	Coogee
2	Success	1	Munster
1	South Lake	1	Yangebup
1	Wattleup		

Various articles were published in the local newspapers, which resulted in many calls being received from users of the park complaining about the fact that this dog exercise area had been withdrawn.

Submission

A petition was subsequently presented to Council calling for the re-establishment of the reserve as a Dog Exercise Area. This petition was presented at a meeting between a number of the petitioners, the Mayor and the Manager Community Services, when it was agreed that the issue would be put before Council to reconsider the matter.

The City of Cockburn then organised for a Media Release calling for interested parties to make submissions to Council with regard to the re-establishment of Manning Lake Reserve as a Dog Exercise Area.

Report

As a result of this Media Release, 64 letters were received requesting the re-establishment of the Dog Exercise Area, although many of the writers of these letters were signatories to the petition. There were 477 signatories to the petition, 48% of which were from people living

outside the Council area. It should also be noted that the petition was commenced at the beginning of April. Some of the letters also seemed to be duplicated with similar handwriting.

Another petition against the reopening of the Dog Exercise area was received with 124 signatures, 51% of these were also signed by people living outside the Council area. This petition was put together in a two-week period and may not fully indicate the volume of people opposed to the re-opening of the dog exercise area. Three other individual letters were also received opposing it.

As an identified interested party, an approach was made to CALM, advising them that if they wished to register any observations in relation to Manning Park then they should do so as soon as possible in order for them to be considered at the Council meeting. A letter was subsequently received from them, drawing Council's attention to the impact that other dog exercise areas have on similar wetlands and the killing or maiming of native fauna.

The following information has been compiled by the Environment Services section of Council and details reasons why unrestrained dogs may impact adversely on the Manning Lake Reserve.

Manning Lake Reserve is managed by the City of Cockburn and like the rest of the Beeliar Regional Park is considered an important conservation and recreation reserve. The high conservation value of the Beeliar Regional Park is due to its rich diversity and complexity of ecosystems. Although the wetlands within the park are by no means pristine they form one of the most important wetland systems within the metropolitan region. Council's Environmental Services Department recognises the importance of Manning Lake and aims to manage the area in a manner designed to ensure that it continues to provide habitat for native wildlife and remains a natural resource for future generations. Unrestrained dogs are contrary to the management aims.

Council recently endorsed the Draft Beeliar Regional Park Management Plan. The plan states that dogs will not be permitted in any areas of the Park with a zoning of Conservation and Protection or areas such as wetlands or water bodies of the Park. Manning Lake is an area with a zoning of Conservation and Protection.

Some examples of the adverse impacts that can be attributed to unrestrained dogs include disturbing, chasing and in some instances injuring and killing breeding, nesting and feeding birds. As Manning Lake is an important breeding site for many waterbirds, young birds are particularly vulnerable. Dogs may impact on these and other birds by forcing these birds to seek safer alternative nesting sites thus reducing the prevalence of particular species in the area

Reptiles and amphibians such as lizards and frogs are also at risk from roaming dogs, as are tortoises, particularly when they are emerging from the water to lay eggs. Small mammals such as bandicoots and possums can also become the victims of unrestrained dogs. Dogs can also affect native animals in less obvious ways. Diseases can be spread to native animals via dog faeces and the scent of dogs can also have a detrimental influence on the behavioural patterns of native fauna.

Many of the families that use Manning Lake Reserve do so for planned family gatherings such as barbecues, picnics, weddings and major public events and this type of behaviour by uncontrolled dogs has resulted in a spoilt day out.

Accordingly, the Rangers Section is not supportive of the re-establishment of a portion of the Reserve as a Dog Exercise Area. Should Council agree to the request for a portion of Manning Park to be used as a dog exercise area, the previous irresponsible behaviour by some dog owners will recur resulting in environmental problems as detailed above and the disruption to organised family meetings for barbecues, picnics and weddings. The process involved would also be very lengthy and would take many months to complete.

The map of the area indicates that only a small portion of the land is vested in the City of Cockburn. All other areas would require Ministry of Planning permission for use of the land as a dog exercise area. This is a complicated and lengthy process, involving many departments within the Ministry of Planning and there is no assurance that permission would eventually be granted.

As the distance around the lake narrows to approximately 29 metres and dogs are prohibited from approaching to within 10 metres of the lake, the available area left would be a long narrow strip. It is extremely difficult to section off any area, which would have a clearly defined boundary essentially for dogs, and it would be virtually impossible for rangers to police or get people to follow the rules as has been proved in the past.

Strategic Plan/Policy Implications

Conserving and influencing a balance between development and the natural and human environment.

Budget/Financial Implications

N/A

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

Nil.

17.2 (Ocm1_9_2002) - PROPOSED DENTAL HEALTH CLINIC - CIVIC CENTRE SITE SPEARWOOD (2201726) (RA) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the sale of 1200m² of the Civic Centre site for the establishment of a Dental Health Clinic as per the attached plan at the sale price of \$280,000 provided that the conditions of offer are met;
- (2) advise Health West that, in accordance with District Planning Zoning Scheme 2, Council planning approval is required prior to construction of the Dental Health Clinic proceeding;
- (3) transfer income from the sale of the land for the Dental Health Clinic less the costs of servicing the site, costs associated with the creation of the lot and incidental costs associated with the sale of the site to the Land Development Reserve Fund; and
- (4) delegate authority to the Chief Executive Officer to approve the sale of the land subject to agreement being reached on the conditions of offer contained in this report.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council at its meeting of the 16th of April 2002 resolved as follows:

"create a new lot of up to 1200m² on the site as identified in the master plan as attached to the agenda for sale to the Health Department for usage as a dental health clinic; and

require the Chief Executive Officer to obtain a sworn valuation and negotiate a sale price for the land with the Health Department, for future consideration by Council."

Submission

N/A

Report

Negotiations have been held with the Health Department on the possible sale of 1200m² of Council land for the establishment of a Dental Health Clinic. The Council decision of the 16th of July 2002 identified the site for sale being as per the attachment. The Health Department was unable to accommodate the required building on the site with some on site parking. They expressed some concern that a relatively large portion of the site would be sterilised due to the need for a right of carriageway across the site for vehicular access for Council purposes and dental service clients.

The administration gave further consideration to the possible site for sale to the Health Department in light of what would give the most long-term future options should the Civic Centre be upgraded or modified. The original site for the Dental Health Clinic would have resulted in there being two buildings, the Civic Centre Hall and the Dental Health Clinic abutting each other but at different heights which would have further limited options for the future. The revised option is for the 1200m² to be in the north west corner of the site as per the attached plan. This would allow for ready access to the Council specific and shared car parking space without having traffic travelling in front of the dental clinic and provide space for the dental clinic to have some of the parking on its site.

Should Council decide to proceed with the sale of the land on the alternative site there would need to be some consideration given to ensuring that the design of the building complemented that of the existing Council Administration and Civic Centre. The Health Department is committed to a building design that complements the existing building and creates a Civic and service campus. There are some minor issues such as the protection of the significant trees that will be covered in the location of the building on the site. It is proposed that the Chief Executive Officer be given delegated authority to approve on behalf of the Council the sale of the land, conditional on the following:

Conditions of Offer

- The proposed building design and the location of the building on the site is approved.
- An agreement for reciprocal parking rights and a right of carriageway for Health Department access to the site is entered into.
- That the creation of the lot for the Dental Health Clinic the issue of title and all other requirements of the Planning Commission are met.
- That all costs associated with the preparation of the agreement are borne by the Health Department.

The proposed location of the Dental Health Clinic would allow for at least 15 car-parking bays on the Dental Health Clinic site and a further 30 (excluding the Mayor, loading and disabled parking bays) on Council land. There have been discussions with the Health Department for 15 of the bays on Council land to be shared between visitors to the clinic and Council customers. The advice is that the Dental Clinic usage winds down by 5.00 pm and there will be parking places available in the shared area and on the Dental Health site after 5.30 pm. As the Dental Health Clinic is open during work hours all car parking space will be available at all other times for Council use.

The City has obtained a valuation from Valuer Jeff Spencer and Associates who determined that the market value of the 1200m² site with the associated parking rights to be \$280,000. The value is comprised of \$240,000 for the sale of 1,200m² and \$40,000 for the reciprocal parking rights. This valuation is based on the site being fully serviced. The cost of servicing the site is anticipated to be \$70,000 of which \$60,000 is for sewerage connection, \$3,500 for water connection, \$2,500 for electrical connection and the balance for contingencies.

It is propose that Council advise the Health Department that, in accordance with District Planning Zoning Scheme 2, Council planning approval is required prior to construction of the Dental Health Clinic proceeding. This resolution will give the City control over the process and final outcome for the Dental Health Clinic.

Strategic Plan/Policy Implications

Key Result Areas “To facilitate and provide an optimum range of community services” and “To ensure that the development will enhance the level of amenity currently enjoyed by the community” refer.

Budget/Financial Implications

Council at its meeting of the 18th of December 2001 resolved that income generated from the sale of the land be transferred into Council's Land Development Reserve Fund. There will be approximately \$70,000 required to service the site resulting in a net return of approximately \$210,000.

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

Nil.

17.3 (Ocm1_9_2002) - COCKBURN CRICKET CLUB (2201157) (RA)

RECOMMENDATION

That Council:

- (2) enter a lease agreement for five (5) years for the management of the Davilak change/club rooms with the Cockburn Cricket Club on the understanding that the junior cricket and football club continue to have access to the facilities on the same basis that they currently enjoy; and
- (2) that account 581434 'Davilak Changerooms' be reduced by \$1,500, an annual donation be made to the Cockburn Cricket Club of \$1,500 for the term of the lease in recognition of the use of the facilities by the junior clubs, and the budget be amended accordingly.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The Davilak facilities have come under a user management agreement between the City and the Cockburn Sportsman's Club (Inc) with a membership comprising of representatives from Cockburn Cricket Club who operate a bar during the summer season a junior cricket club and junior football club.

In accordance with position statement PSC16 the City has been in discussion with users of the Davilak club/changerooms for a lease agreement to be entered to allow the Club(s) to gain a liquor license.

Submission

N/A

Report

The Cockburn Sportsman's Club (inc) is not willing to enter a lease agreement due to the added level of responsibility and accountability this entails over the current user management agreement. The Cricket Club on the other hand is keen to enter a lease agreement to allow them to gain a liquor license.

The City has received written confirmation from the junior cricket and football club advising that they do not have a difficulty with the Cockburn Cricket Club being the lessee of the Davilak facilities.

The Council can have comfort in this arrangement as there are new clauses in the pro forma lease agreements which read as follows;

“(4) The lessee must not unreasonably refuse to grant a license to a community sporting group if it receives a request to do so from a group, and the lessee agrees that in the case of a dispute concerning a refusal by the lessee to grant a license to a group, Council shall determine whether the lessee’s refusal was unreasonable.”

“If Council determines pursuant to subclause (4) that the lessee has unreasonably refused to grant a license to a community sporting group under the clause, then the lessee must proceed to grant the relevant group a license to use the premises during the times decided by Council.”

The Cockburn Cricket Club only operates for half the year but will have responsibility for the maintenance and operating for the whole year and will in effect be subsidising the operation of the junior clubs. It is proposed that a donation of \$1,500 be made to the Cockburn Cricket Club as a contribution toward the cost of operating the facilities on behalf of the junior clubs users. This sum will go toward the cost of the services, insurance, cleaning and the like.

In recent years the operation of the Davilak facilities has been quite smooth with the users utilising the facilities in an appropriate manner and no disputes between the clubs coming to the attention of the City.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

Council has allocated on its 2002/03 municipal budget the sum of \$9,664 (including depreciation) for the operation and maintenance of the Davilak club/changerooms. It is proposed that a/c 581434 'Davilak Change Rooms' be reduced by \$1,500, and a donation of \$1,500 be made to the Cockburn Cricket Club as a contribution towards the operation of the Davilak Club/changerooms in recognition of the usage by junior teams, and the budget be amended accordingly.

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

Nil.

17.4 (Ocm1_9_2002) - TENDER NO. 30/2002 - PROJECT MANAGEMENT SERVICES - REDEVELOPMENT WORKS - SOUTH LAKE LEISURE CENTRE (8143) (SH)

RECOMMENDATION

That Council:

accept the Tender Submission of \$113,025 from Thomson Marquis Project Management for Tender 30/2002.

COUNCIL DECISION

Background

Council at its meeting in May 2002 resolved to approve funds for redevelopment works for the South Lake Leisure Centre. The works focus on expanding the pool bowl, resurfacing the pool shell and general renovations to the South Lake Leisure Centre facilities.

Tenders for Project Management Services to oversee the design and works of the upgrade were called. The closing date for tender submissions was Tuesday September 3rd, 2002.

Submission

At the close of the tender period 2 conforming tenders were received.

Company	Fee (% of Project Works)	\$
BSD Consultants	11.1%	83,250
Thomson Marquis Project Management	15.07%	113,025

Report

The conforming tender submissions were assessed against the Compliance Criteria, Qualitative Criteria and Pricing as detailed in the tender document.

The tenders were assessed by the Manger of Community Services, Manager of Engineering and South Lake Leisure Centre Manager, using the weighting prescribed in the tender document.

The combined Selection Criteria Assessment is as follows:

Compliance Criteria		Submissions	
		BSD Consultants	Thomson Marquis Project Management
Compliance with the Specification contained in the Request.		Y	Y
Compliance with the Conditions of Tendering this Request.		Y	Y
Compliance with the financial capability criteria.		Y	Y
Compliance with and completion of the Price Schedule.		Y	Y
Qualitative Criteria/ Pricing	Weighting	Combined Scores	
Demonstrated Experience in completing similar projects	25%	45	58
Skills and experience of key personnel and sub-consultants	25%	56	63.50
Tenderers Resources	20%	54	54
Demonstrated Understanding of the Required Tasks	15%	37.5	34
Tendered Price	15%	45	33
Combined Total Score	100%	237.5	242.5
Ranking		2	1

Both tenders complied with all essential criteria. Based on the Qualitative Criteria and Price weightings, Thomson Marquis Project Management is the recommended tenderer. It is not recommended that tenders be re-called as this would be likely to affect the works schedule taking place at the most beneficial timeframe for council (i.e. Winter 2003)

Strategic Plan/Policy Implications

Key Result Area "Maintaining Your Community Facilities" refers.

Budget/Financial Implications

Council originally allowed \$50,000 for the Project Management fee. Acceptance of the Thomson Marquis Project Management Tender will necessitate a re-examination of the intended scope of works, prioritising items to ensure that Council achieves maximum effect for the funds allocated and retain the total cost of the project within the allocated budget of \$750,000.

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

Nil.

18. EXECUTIVE DIVISION ISSUES

18.1 (Ocm1_9_2002) - SOUTH WEST GROUP TRANSPORT COMMITTEE DELEGATES (9303) (RWB)

RECOMMENDATION

That:

- (1) Councillor _____ be appointed as Deputy to Councils Delegate, Clr Oliver, to the South West Group Transport Committee.
- (2) the Director of Planning and Development, Mr Steve Hiller, replace the Manager Engineering, Mr John Radaich, as Councils' Delegate to the South West Group Transport Committee with the Manager Planning Services, Mr Allan Blood as 1st Deputy and Senior Planning Officer, Mr Simon O'Sullivan as 2nd Deputy.

COUNCIL DECISION

Background

In December 2000, Council appointed delegates to various committees/organisations.

Council appointed Clr Oliver and Manager Engineering John Radaich as its delegates to the South West Group Transport Committee.

No deputies were appointed.

Submission

N/A

Report

The Manager Engineering has advised that the issues being considered by the South West Transport Group Transport Committee are mainly planning related, therefore it will be more appropriate for Council to be represented by a planning officer.

The Director Planning and Development, Mr Steve Hiller, should therefore be appointed with Mr Allan Blood, Manager Planning Services, as his Deputy. Of recent times, Senior Planning Officer, Mr Simon O'Sullivan has been involved with the Integrated Transport Study being undertaken by the Group. His appointment as 2nd Deputy Delegate would ensure that Councils capably represented at officer level as it would not always be possible for Mr Hiller or Mr Blood to attend. Attendance would be on the basis of need and at the discretion of Mr Hiller.

In reviewing the officer representation, it is considered that Council should appoint a Deputy for Cllr Oliver.

Strategic Plan/Policy Implications

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

1. Planning Your City
 - "To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens.

Budget/Financial Implications

N/A

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

N/A

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

19.1 (Ocm1_9_2002) - CLEAN UP OF PORT CATHERINE PROJECT AREA (3209006) (AJB)

RECOMMENDATION

That Council:

- (1) congratulate the Premier, Hon Geoff Gallop for seizing the initiative to undertake the contamination remediation on State

owned property as outlined in the Port Catherine Environmental Review; and

- (2) request the State Government pursue with the private landowners within the development area, remediation of their land at the same time.

COUNCIL DECISION

Background

The Port Catherine project area has been contaminated as a result of past industrial activities undertaken in the area. It is proposed to remediate the site in accordance with environmental approvals issued by the Environmental Protection Authority.

Submission

Councillor Humphreys has by Notice of Motion requested that Council adopt the following motion:-

That Council congratulate the Premier, Hon Geoff Gallop for seizing the initiative to undertake the contamination remediation on State owned property as outlined in the Port Catherine Environmental Review and request the State Government pursue with the private landowners within the developments area, remediation of their land at the same time.

Councillor Humphreys believes it is appropriate for Council to acknowledge the State Governments initiative to remediate the area identified in the Port Catherine Environmental Review regardless of the future use of the land, and at the same time seek to have the private holding remediated.

Report

Volume 3 (parts 1 & 2) of the Port Catherine Environmental Review which was available for public comment between 10 December 2001 and 1 March 2002, detailed the extent of site contamination on land within the proposed Port Catherine project area and proposed remediation.

Approximately 90% of the land to be remediated within the Port Catherine project area is land owned by the State and this includes the areas of most significant contamination. The balance of the land that is contaminated is privately owned by Consolidated Marine Developments Pty Ltd and Anchorage Industries Pty Ltd.

Officers at the Department of Planning and Infrastructure have advised that the proposed timetable for remediation of the Government land is as follows:

Tender	October 02
Commence works	December 02
Completion of works	October 03

Remediation of the privately owned land is proposed to be undertaken at a later date as part of the overall development of the project.

There are a number of issues and concerns regarding the separate remediation of the Government and privately owned land including;

- Earthworks associated with the remediation of Government owned land will by necessity extend into some of the privately owned land. This will require both agreement and coordination.
- Subsequent earthworks associated with the remediation of some of the privately owned land will by necessity extend into the Government owned land that will have already been remediated. This raises the potential of remediated land being recontaminated unless very stringent site management and verification procedures are in place.
- There is a small but nevertheless an unnecessary risk that areas of contaminated soil may be missed along the interface of the Government and privately owned land unless very accurate survey control is maintained throughout the process of remediation of both holdings. There will also need to be an agreement between the Government and Port Catherine Developments Pty Ltd outlining who will be responsible for additional work if the subsequent clean up of the privately owned land identifies areas along the interface where the government land has not been cleaned up to the required standard.
- The proposed separate remediation programs is not the most overall cost effective method of undertaking the remediation of the site given the double handling of material at the interface and has a greater risk that some areas of contaminated soil could remain than under a coordinated program over the whole area.

For the reasons outlined above, it would be preferable for the area to be cleaned up as a single entity by way of a joint contract or

simultaneous separate contracts. Accordingly a request for the State Government to pursue with the private landowner within the development area a proposal to remediate their land at the same time has merit.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

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

Nil

21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY COUNCILLORS OR OFFICERS

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

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

Nil

25. CLOSURE OF MEETING

Nil

