



MINUTES OF MEETING OF JOINT COMMISSIONERS
HELD ON 12 OCTOBER 1999

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CITY OF JOONDALUP

MINUTES OF MEETING OF THE JOINT COMMISSIONERS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 12 OCTOBER 1999

ATTENDANCES

Commissioners:

C ANSELL	Chairman
H MORGAN, AM	Deputy Chairman
M CLARK-MURPHY	
R ROWELL	
W BUCKLEY	

Officers:

Chief Executive Officer:	L O DELAHAUNTY
Director, Resource Management:	J B TURKINGTON
Director, Planning & Development:	C HIGHAM
Director, Infrastructure Management:	D DJUBLIC
Director, Community Development:	C HALL
Executive Manager, Strategic Planning:	R FISCHER
Manager, Council Support Services:	M SMITH
Manager, Organisation and Strategic Development:	J KIRTON
Manager, Urban Design Services:	D BUTCHER
Strategic Co-ordinator, Community Security and Safety:	M COE
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

APOLOGIES AND LEAVE OF ABSENCE

Nil

There were 17 members of the Public and 1 member of the Press in attendance.

The Chairman declared the meeting open at 1910 hrs.

PUBLIC QUESTION TIME

The following questions, submitted by Mrs A Hine, Dundobar Road, Wanneroo, were taken on notice at the Meeting of Joint Commissioners held on 28 September 1999:

Q1 Who are Planwest (WA) Pty Ltd and Belingwe Pty Ltd?

A1 Planwest (WA) Pty Ltd and Belingwe Pty Ltd are planning consultant companies engaged to prepare a Centres Strategy for the City of Joondalup and the City of Wanneroo. Mr Paul Bashall and Mr Tim Auret are the representatives responsible for the preparation of the draft Centres Strategy report.

Q1a Why do we need these studies when we have just had so called "Structural Plans" drawn up?

A1a The Centres Strategy is required by the Metropolitan Centres Strategy to put in place a district framework for the development of centres. Once adopted, the Strategy will be incorporated in provisions in District Planning Scheme No.2 and be taken into account in the preparation of Structure Plans and the determination of development applications.

Q2 Could Council clarify their answer to me 14/9/99 regarding the position of a development given approval in January 1996, and the mention of protection of a historical site nearby?

A2 As indicated in our response to questions to Council on 14 September, development approval granted in 1996 for this site has lapsed. The developer is in the process of clearing the site only, and not undertaking any earthworks. Historical sites are administered by the Aboriginal Affairs Department.

Q3 Re. Question3, same date 14/9/99 and re. Pullan Place. Can Council please supply the public a record of events from DOLA starting from when the swap of Public Open Space was suggested, by whom, when and what date? When were the POSs cancelled, gazetted and finalised?

A3 The events referred to were part of a process administered by the Department of Land Administration (DOLA). As such, it would be more appropriate for this question to be directed to DOLA.

Q3a Who made all the different decisions on these deals before the public were notified and were the deals done without the prior knowledge of the senior staff and Commissioners being consulted?

A3a As previously advised (16 March 1999), any dealings the City has had in this matter have been consistent with normal policy, procedure and practice. The City cannot comment on matters in which it was not directly involved, such as the disposal of the former school site. The senior staff and Commissioners became involved in the process when these matters were referred to the Council as part of the relevant statutory process.

Q3b Could Council have stopped this awful thing happening by intervening?

A3b The decision making authorities in this process have been the State Government agencies such as DOLA and the WAPC. The Council has taken whatever steps have been available through the statutory process, including an appeal to the Hon Minister for Planning.

Q3c In reference to A3(11) same date 14/9/99. I ask can Council amend what is happening in WA Planning Commission under Section 20D Town Planning and Development Act. Are they allowed to run our Council and take away Council's power? Have the ratepayers no rights at all?

A3c The Town Planning & Development Act is State Government legislation and as such can only be amended via the State Government through the Parliament.

The following questions, submitted by Mr M Sideris of Mullaloo, were taken on notice at the meeting of Joint Commissioners held on 28 September 1999:

Q1 From the information recently received from the Council, I note that the survey conducted in February 1997 had 558 reported responses from residents of the City of Wanneroo. The same information also advised that this accounted for about 7% of residents. Can the Commissioners please advise how this high percentage of value was achieved? My calculations are that this represents approximately 1%.

Q2 Do the Commissioners consider that this is a valid scientific basis for making revenue raising decisions?

A1&2 Your calculations in this regard are correct. It is important to note, however, that of the 558 residents who did comment, there was a very positive response to the proposal. This response showed that 90% of the people who completed the survey were in favour of the security programme and of these, 97% were prepared to pay a security charge.

Furthermore, in November 1998, the City determined the level of concern in the community through market research, which was a random sample. Results showed that 78% of people were concerned about security with 84% concerned about graffiti. In the 1998/99 Budget Newsletter which was delivered to all households, residents were informed that the security service would be provided at no charge for the next 12 months, however a security charge would be considered for 1999/2000.

Q3 What implication does such a levy have on commercial properties that currently have a security surveillance service?

A3 There will not be any implications on commercial properties which currently have a security surveillance service. In fact, the City's service will be of a benefit to not only commercial properties but to all residents and businesses within the City.

Q4 From the information recently received from Council, I note that the services being proposed do not relate to the question in the survey, and that only 38% of the revenue raised by the levy is to be used for the surveyed services. Is this in contravention of the Local Government Act and if so what action do the Commissioners propose?

A4 The overall programme covers a wide range of initiatives including mobile security patrols. As you have identified 38% of the total programme budget is dedicated to the patrols which is the highest percentage of all the initiatives. The other security initiatives are important elements of the programme as a whole. The Commissioners are not aware of any contravention of the Act.

Q5 Have the Commissioners sought legal opinion on the advised proposed Community Security and Safety Initiatives? If so, what are the outcomes of the opinion and will they be publicly available?

A5 The Commissioners have not sought a legal opinion on the community security & safety initiatives as this is not required.

Q6 In the event that any of the above questions results in the termination of any of the actions by the Council, or by the Commissioners, is unlawful, then I respectfully call on the Commissioners to resign their commission immediately.

A6 The Commissioners consider the initiative taken to be in the best interest of the community and properly authorised by law.

The following questions, submitted by Mrs M Zakrevsky, were taken on notice at the Meeting of Joint Commissioners held on 28 September 1999:

Q1 Can Rangers take names and addresses if they see anyone doing graffiti? Can they do any more than an ordinary citizen?

The Chief Executive Officer provided a revised response, to that provided in the Agenda for the meeting held 12 October 1999 to the question submitted by Mrs M Zakrevsky,

A1 Rangers are able to request the name and address of a person who is found committing an offence against the Local Government Act 1995 and in many instances, under local laws, can issue on the spot infringement notices, or take court action. When an offence is committed against a person or private property, it is a police matter and a Ranger has the same power as a member of the public, except all Rangers are equipped with direct two-way radio link with both the Warwick and Joondalup police stations for quick police response.

Q2 What is the criteria for a Council Asset having an alarm system installed and roughly how many buildings would have alarm systems?

A2 The City of Joondalup has 23 alarmed buildings comprising:

- Security and Access Control 3
- Security by the City of Joondalup 13
- Security by the Clubs/Occupiers 6
- Local alarms 1

The criteria covering the installation of alarm systems vary according to the circumstances. Where alcohol is stored in a building, the storeroom must be alarmed with as a minimum a local alarm, installed by the organisation storing the alcohol.

All other buildings are assessed against perceived risks to property and people. Generally, alarms are installed where a break-in could cause major disruption to a Council function or where continuing problems with vandalism resulting from unauthorised entry would occur.

The following questions were submitted by Mr Steve Magyar, Heathridge:

Q1. What is the current status of the part of Reserve 31016 (Blackall Reserve) Greenwood that adjoins the rear of the residence of Pullan Place and Reserve 31790, former Greenwood Primary School, under the Metropolitan Regional Planning Scheme?

A1 Reserve 31790 is now Lot 8809 and is in the Urban Zone under the Metropolitan Regional Scheme. Reserve 31016 is in the Urban Zone under the MRS.

Q2 *Does the City's Town Planning Scheme and the State Government's Metropolitan Planning Scheme have part of Reserve 31016 (Blackall Reserve) Greenwood that adjoins the rear of the residence of Pullan Place and Reserve 31790, former Greenwood Primary School listed with the same zoning?*

A2 No. The MRS includes all of the land in the Urban Zone. Town Planning Scheme No. 1 includes the land in the Residential Zone except for Blackall Reserve which is included as a Local Reserve.

Q3 *If the City's Town Planning Scheme and the State Planning Scheme are different, will the State Scheme have to be amended?*

A3 No. The MRS Urban Zone accommodates a variety of local zones and reserves.

Q4 *If the State Planning Scheme must be amended by an Act of Parliament, and should that Act fail to be passed by the Upper House, will that make the amendment of the City's Scheme invalid and therefore the development approval invalid also?*

A4 As indicated in answer to question 2, the land is included in the Urban Zone in the MRS and therefore the MRS does not need to be amended.

Q5 *If the answer to Question 4 is yes, then should not all work, both physical and administrative, progressing the sub-division of the former Greenwood Primary School be halted until such time as the true status of the land has been determined?*

A5 Not applicable.

Mr M Sideris, Mullaloo:

With regard to the responses to the questions asked at the last Council meeting:

Q1 *With reference to nominated Performance Indicators, I respectfully request that the response is re-examined and revised to clearly nominate only those associated with Surveillance and Security as there is a number of glaring inappropriate references.*

- Q2 With reference to Question 2, Page 6, taken on notice, can I please receive a response.*
- Q3 With reference to Answer 9, Page 3, and the public notice of Thursday 29 July, can you kindly advise why a weekday issue of the West Australian was used, and not the Saturday issue in conjunction with the Local Community paper.*
- Q4 I submit a copy of the notice and respectfully suggest that for statements in such fine print is not encouraging responses from ratepayers. Reading the notice it is clear why no responses were received, it is too small and it does not actually ask for comments regarding Commissioner consideration.*
- Q5 With reference to the public notice, can the Commissioners advise how notified “under consideration by the Joint Commissioners is the introduction of a property surveillance and security levy...” dated 29 July can be magically transformed into implementation without even receiving one response.*
- Q6 With reference to the public notice I note that the notice referred to is “Intention to Levy Differential Rates”. I understand that a Differential Rate as defined by the Act is covered by Section 6.33 and that this section of the Act does not apply to the application of additional Service Charges. Can the Commissioners please comment.*
- Q7 Can the Commissioners advise how notice of intent for any service charge and/or rateable action can be effectively backdated to the commencement of the fiscal year, as well as advise on the implication of introducing a charge initiated after the commencement of the financial year.*
- Q8 With reference to Answers 1 and 2, Page 6, can the Commissioners advise the number of successful Joondalup community contacts in the November 1998 market research.*
- Q9 With all security and crime related referral nominated in Report CJ305-09/99 have any of these statistics been validated by the Crime Research Centre.*

A1-9 These questions were taken on notice.

Mrs Sue Hart, Greenwood:

- *Mrs Hart submitted a petition requesting the buy-back of Greenwood Park.*

Q1 Can we have some mowing and spraying undertaken in Mamo Park as this park is currently looking rather shabby?

A1 *Response by Cmr Ansell:* The Director Infrastructure Management will investigate this request.

Mrs M Zakrevsky, Mullaloo:

In reference to the questions raised by Mr Sideris on 28 September 1999 regarding the security levy and in answer to his question 2 where it is stated that 558 residents replied, of which 90% were in favour. My husband and I were two of the respondents in favour, in the belief that the mobile security patrols would include residential areas as well as Council property and would exclude commercial properties such as large shopping centres. To

clarify the present proposed 38% levy spending on mobile security patrols, I would like to ask:

- Q1 What percentage or how many of the mobile security patrols will be scheduled for residential areas?
- Q2 Of this, how much would be after dark in areas subject to graffiti and rowdy behaviour?
- Q3 Was the amount of \$27 mentioned in the survey conducted in 1998?
- Q4 If only about 500 people, being 97% of the 558, were in favour, do the Commissioners feel that this is sufficient general approval and support from the community? From what I have read and have heard, a lot of people would like clarification and have some misgivings about this levy.

A1-4 *Director Community Development:* These questions will be taken on notice.

Response by Chief Executive Officer: It should be clarified that the security patrols are not just for Council amenities. The intention always has been, and always will be, that they will patrol residential areas, and set patrols and set zones are being undertaken. This issue was under consideration by the previous elected Council and there was a number of surveys undertaken. I do not know whether there was mention of the \$27 levy but it was mentioned that a levy was an option of raising the funds. Since that time, there has been a number of issues of public statements in the local newspaper and some articles in Council newsletters. I appreciate that not everyone might have received that message, and if that is the case, the issue of how we reach people with information is something that needs to be looked at in the future.

DECLARATIONS OF FINANCIAL INTEREST

Nil

CONFIRMATION OF MINUTES

C44-10/99 **MINUTES OF MEETING OF JOINT COMMISSIONERS –**
28 SEPTEMBER 1999

MOVED Cmr Morgan, **SECONDED** Cmr Rowell that the Minutes of the Meeting of Joint Commissioners held on 28 September 1999, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

INVITATION ART AWARD

The presentation of the City's annual invitation Art Award will be held next Tuesday, 19 October 1999 at Lakeside Shopping Centre at 6.35 pm.

The Attorney General and Minister for Justice and the Arts, Peter Foss, will be presenting the prize.

The award has two objectives:

- to encourage and recognise the artistic, creative and innovative skills of Western Australian professional artists;
- to offer the residents of the City of Joondalup a world class art exhibition on their doorstep.

This event offers one of the largest single cash prizes of its kind in Western Australia – one prize of \$10,000.

The winning entry will be retained by the City of Joondalup and also become part of the City's public art collection.

The exhibition will be run in conjunction with public tours of the City's art collection which is currently housed in the new Civic Chambers.

Liaison with the Education Department of WA will ensure that art students at local schools will also have the opportunity to view the exhibition as part of their course work.

The exhibition will be on display at Lakeside Joondalup Shopping Centre from Wednesday, 20 October 1999 to Saturday, 30 October 1999, during normal shopping hours. Entry is free and all works are for sale.

YOUTH PARLIAMENT

A member of the City of Joondalup's Youth Parliamentary team has taken out the "Speaker's Award" at the annual Youth Parliament.

Teams from around the State came together in the Upper House of State Parliament to participate in the annual Youth Parliament, a program run by the Perth YMCA.

Each team sponsored a bill into Parliament which was debated, amended and put to the vote.

Debate was according to normal chamber procedures and all proceedings were recorded by Hansard.

Four participants from the City of Joondalup's Youth in Government program participated in the program as members of the Perth "A Team". Team members were Aman Pabla, Sara McMillan, Robert Harwood and Natasha Newman.

The team sponsored a bill to introduce hostels with safe injecting rooms for intravenous drug users.

Aman, a university student from Ocean Reef, took out the Speaker's Award for excellence.

Congratulations to Aman and all involved.

2000 JOONDALUP FESTIVAL

A breakfast and business briefing for the 2000 Joondalup Festival will be held at the function centre, Civic Chambers on Wednesday, 13 October 1999, commencing at 7.00 am.

The City is very proud of the success of the inaugural 1999 Joondalup Festival, attended by more than 50,000 people.

Research has shown that 95% of those attending were satisfied or extremely satisfied with the event.

The 2000 Joondalup Festival will be even bigger and better and we look forward to the support of the general and business communities.

LIBRARY WEBSITE

Friday, 8 October 1999 saw the launch of the new City of Joondalup library and information services website.

The website provides ready access to information about the many services available through the local library.

Additionally, some new on-line services are available such as accessing information about joining the local library through on-line memberships, sending a request to the library at any time, database searching and access to details of upcoming community events.

With the introduction of the new automated library management system in December, clients will also be able to search the library catalogues of both the City of Joondalup and Wanneroo databases, as well as the Shire of Swan and City of Stirling.

People wishing to contact their library can now do so 24 hours a day at <http://library.joondalup.wa.gov.au/>, or during office hours on phone 9400 4707.

ADDITIONS TO STAFF

The City of Joondalup has recently made two strategic appointments - Michael Coe has taken up the role of Strategic Co-ordinator, Community Security and Safety.

His task will be to ensure the community receives benefit from the "Safer Community" initiatives and the program's performance and effectiveness are assessed.

Mike has worked in a variety of operational management positions at various local authorities for the past 17 years, primarily in administration, accounting and law enforcement.

Ian Martinus has been appointed Regional Economic Development Officer.

Ian has held a number of positions in business development, management consulting, and corporate finance.

A large proportion of his experience has been gained overseas, in Japan, Indonesia and the United States of America.

Ian is excited to be joining the forward-looking Strategic Planning Directorate and facilitating new business ventures in the region.

Welcome to both Michael and Ian.

PETITIONS

PETITIONS SUBMITTED TO THE MEETING OF JOINT COMMISSIONERS – 12 OCTOBER 1999

PETITION REQUESTING CITY OF JOONDALUP TO PURCHASE LAND AT REAR OF PULLAN PLACE – [05436J, 02419J]

A petition containing 19-signatures was received from Greenwood residents requesting the City of Joondalup, on behalf of the residents of Greenwood to:

- 1 purchase the land at the rear of Pullan Place, Greenwood that was previously part of Reserve 31016 (Blackall Reserve) for the purposes of reinstating the linear passive recreation facilities of the locality to their former functional configuration;
- 2 acknowledge that the purchase of the land will require the purchase of additional land, formerly part of the school site (Reserve 31790) as the planning process has by-passed the most economic opportunities available;
- 3 share the costs with the Western Australian Government through the Planning Commission's funds that are allocated for purchase of lands required for the common good.

This petition will be referred to Planning and Development, Urban Design and Policy Services for action.

RESOLVED that the petition received from Greenwood residents requesting the City of Joondalup to purchase land at the rear of Pullan Place, Greenwood be received and referred to the appropriate business unit for action.

POLICY

CJ343-10/99 REVIEW OF CODE OF CONDUCT - [09358J]

SUMMARY

The former City of Wanneroo adopted a code of conduct on 23 April 1997 with immediate effect. As a result of certain recommendations made by the Wanneroo Royal Commission, the Joint Commissioners requested that the code be further reviewed. The Council at its ordinary meeting held on 24 March 1998 adopted this review.

There have been recent amendments to the Local Government Act 1995, and its associated regulations. In accordance with the Act, the code of conduct is required to be reviewed within 12 months of every ordinary election. As the City of Joondalup is not scheduled to have an 'ordinary election' until May 2001, and with these recent changes to the legislation, it is suggested that the code be reviewed and duly adopted.

BACKGROUND

At the ordinary meeting of the Council held on 23 April 1997, the former City of Wanneroo's code of conduct was adopted with immediate effect. Given certain recommendations contained within the report of the Royal Commission into the former City of Wanneroo, the Joint Commissioners sought an early review of the code in March 1998 to ensure that due cognisance was taken of those recommendations.

The former City of Wanneroo was divided into two new local governments, being the City of Joondalup and the Shire of Wanneroo, as from the 1 July 1998. With this division, the City of Joondalup adopted the former City of Wanneroo's code of conduct at a special meeting of the Council held on 1 July 1998.

DETAILS

Section 5.103(2) of the Local Government Act 1995, requires a local government to review its code of conduct within 12 months after each ordinary elections day and make any changes to the code as it considers appropriate.

There has been recent amendments to the Local Government Act, 1995, and its regulations. As the City of Joondalup has not had an ordinary election to date, with these amendments to the legislation, it would seem appropriate now to review the code of conduct.

Section 34B of the Local Government (Administration) Regulations state: -

(1) In this regulation –

‘**gift**’ does not include –

- (a) a gift from a relative as defined in section 5.74(1);
- (b) a gift as defined in regulation 30A of the Local Government (Elections) Regulations 1997;

‘token gift’ means a gift of, or below, a value specified by the local government.

- (2) A code of conduct is to contain a requirement that a Council member or an employee cannot accept a gift, other than a token gift, from a person who is undertaking, or is likely to undertake, business –
 - (a) that requires the person to obtain any authorisation from the local government;
 - (b) by way of contract between the person and the local government; or
 - (c) by way of providing any service to the local government.
- (3) A code of conduct is to contain a requirement that the Chief Executive Officer is to keep a register of token gifts that are recorded under subregulation (4).
- (4) A code of conduct is to contain a requirement that a Council member or an employee who accepts a token gift from a person referred to in subregulation (2) is, subject to subregulation (5) to record –
 - (a) the names of the persons who gave, and received, the token gift;
 - (b) the date of receipt of the token gift; and
 - (c) a description, and the estimated value, of the token gift.
- (5) If the particular local government decides that –
 - (a) a specified thing given by way of hospitality; or
 - (b) a thing given by way of hospitality that belongs to a specified class of things;

does not need to be recorded under subregulation (4), the specified thing, and things belonging to the specified class, do not need to be so recorded.

Section 34C of the Local Government (Administration) Regulations state: -

- (1) In this regulation –

“employee” has the meaning given by section 5.70;

“interest” means an interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected but does not include an interest as referred to in section 5.60;

- (2) A code of conduct is to contain a requirement that a Council member or an employee is to disclose any interest that he or she has in any matter to be discussed at a Council or committee meeting that will be attended by the member or employee.

- (3) A code of conduct is to contain a requirement that a Council member or an employee is to disclose any interest that he or she has in any matter to be discussed at a Council or committee meeting in respect of which the member or employee has given, or will give, advice.
- (4) A code of conduct is to contain a requirement that disclosure of an interest under subregulation (2) or (3) is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, and is to be recorded in the minutes of the relevant meeting.

Part 5A of the Local Government (Elections) Regulations were amended in November 1998 requiring electoral candidates to disclose gifts that have been received during the period that they are a candidate in a local government election.

Section 2.1.1(a) has been amended to require all employees to obtain the consent of the CEO prior to entering into any other trade, business or occupation. This clause has been included to assist the employees with their duty of fidelity and good faith towards the City.

COMMENT/FUNDING

The existing code of conduct has been amended to reflect these changes in the legislation and are contained within sections 2.1.2, 2.2.3 and 2.2.4 of the document.

The changes required in accordance with regulation 34B limits the acceptance of gifts to only token gifts and entering them in a public register and are intended to cover gifts received for personal benefit, not for business purposes. Section 2.2.3 has been amended to reflect this, with the value of a token gift or moderate act of hospitality being increased from \$100 to \$200, which is in line with the value placed on a gift as required to be disclosed in an Annual Return.

Regulation 34C requires that the code of conduct include the requirement for elected members and employees to disclose non-financial interests when they believe that the public may have a perception that their impartiality may come into question.

This would likely to occur in situations where the Council decision affected the person's close friend or a sporting or community association on which the person is an office bearer. The disclosure for members under this code requirement only needs to be recorded in the minutes of the meeting. A member's ability to discuss and vote on the matter is not limited by these provisions.

These changes to the code of conduct will assist the Council in administering the City of Joondalup in the best interests of the local community and the public in general.

MOVED Cmr Buckley, SECONDED Cmr Clark-Murphy that the Joint Commissioners ADOPT the revised Code of Conduct for the City of Joondalup as outlined in Report CJ343-10/99 and forming Attachment 1 thereto.

Cmr Buckley spoke in support of the Motion.

The Motion was Put and

CARRIED

Appendix 1 refers – For Appendix 1, click here: [Att1.pdf](#)

FINANCE AND COMMUNITY DEVELOPMENT

Items CJ344-10/99 to CJ353-10/99 inclusive were Moved by Cmr Clark-Murphy and Seconded by Cmr Morgan. Cmr Clark-Murphy stated her intention to speak on Item CJ345-10/99.

CJ344-10/99 REGISTER OF DELEGATED AUTHORITY - [07032]**SUMMARY**

Section 5.46 of the Local Government Act 1995 requires the Chief Executive Officer to maintain a Register of Delegated Authority. This report documents the delegated authority exercised by the Chief Executive Officer for the month of September 1999.

BACKGROUND

Part 5 of the Local Government Act 1995 empowers a local government to delegate many of its powers and duties to the Chief Executive Officer.

Section 5.46 requires the Chief Executive Officer to maintain a register and record of delegations and to review the delegations once every financial year.

Register of, and records relevant to, delegations to Chief Executive Officer and employees

- 5.46.** (1) *The Chief Executive Officer is to keep a register of the delegations made under this Division to the Chief Executive Officer and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

DETAILS

The Register documenting all delegated authority exercised by the Chief Executive Officer for the month of September 1999 is shown as Attachment A.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners NOTE the Register documenting all delegated authority exercised by the Chief Executive Officer, for the month of September 1999, forming Attachment 1 to Report CJ344-10/99.

The Motion was Put and

CARRIED

Appendix 2 refers – For Appendix 2, click here: [Att2.pdf](#)

CJ345-10/99 MILLENNIUM BUG – YEAR 2000 PROGRESS REPORT - [12800]

SUMMARY

The “millennium bug” or year 2000 compliance issue relates to problems associated with computer software and hardware that may arise at the beginning of the millennium. The City has a programme of checking its software and hardware for compliance and preparing contingency plans. This report provides a progress report.

BACKGROUND

The “millennium bug” or year 2000 (Y2K) problem began with the need to save valuable memory space in early computers and microchips. As a result, dates were written with only the last two digits of the year, assuming the “19”, for example 68 was read as 1968. Therefore, in many systems, 2000 would appear as 00 which may be interpreted as 1900 and cause problems in systems that need to recognise the date to function.

Failure to address this problem may result in disruption to Council services and businesses that rely upon computers or microchips if they are supplied internally or externally.

The City is heavily reliant upon systems that utilise computer technology. These include its financial, property and rating, payroll, human services, and library systems. There are also a number of specialist systems associated with Parks Management, Surveying and Engineering.

In addition there are other systems and equipment that contain “embedded chip” technology, that is, computer chips that assist equipment to operate. Examples include building equipment such as air-conditioning, security and lighting systems, vehicles and plant such as trucks, construction equipment and reticulation systems.

The former City of Wanneroo recognised early on that many of its core computerised systems were non-compliant and began the task of replacing those systems with Y2K compliant systems.

Generally, the major system sponsors have been responsible for addressing the Y2K problems, that is, Resource Management has addressed the financial systems. A small co-ordination working group has been responsible for co-ordination and ensuring that all matters were being addressed. This has involved engagement of consultants to assist in addressing the problems.

The process for addressing the Y2K question was to:

1. Conduct an audit of equipment and software to identify computerised technology;
2. determine to what level or extent the equipment and software was Y2K compliant;
3. evaluate the results in terms of risk to the operations of the organisation;

4. where a medium or high risk was identified verify compliance or replace the equipment/software;
5. determine external risks to the operations and seek assurances of compliance from those parties;
6. develop contingency plans in the event that there is an interruption or risk to the City's operations.

DETAILS

The details are addressed under the headings of:

- Information Technology - computer software and hardware;
- Buildings - building services and systems;
- Plant and Equipment - vehicles, plant and specialist equipment

Information Technology

An audit was carried out early this year by consultants. Expertise to undertake the subsequent verification processes has been very hard to source.

In August 1999 the City engaged on contract a specialist Y2K co-ordinator to manage the Y2K assessment and verification process.

A standards based approach has been used in the assessment of the Year 2000 compliance of Information Technology items. The standard uses an eight point scale as shown in the following table.

Level	Description
0 No Date Usage	The item under consideration does not use date data in any form whatsoever
1 In-house tested – level 1	Initial compliance level of 3 augmented with successful in-house testing
2 In-house tested – level 2	Initial compliance level of 4 to 6 augmented with successful in-house testing
3 High level reliance	Compliance statement claims compliance to the British standard
4 Medium level reliance	Compliance statement claims compliance to a recognised standard, but not to the British standard
5 Low level reliance	Compliance statement does not specify that testing has been done to a recognised standard and the description (if any) of the testing performed does not inspire confidence OR reliance is solely on Y2K clauses in the contract between COJ and the supplier
6 Unknown compliance	No information available
7 Known non-compliance	The item is known to be non-compliant

Levels 1 to 5 imply the item is compliant to varying degrees. For any compliant item there may still be minor Y2K issues which did not preclude the assignment of Y2K compliance, for example the print date displayed on output reports might show only two digit years.

Compliance Assessment

Item	Comment
Core Applications.	To date 5 of the 6 core applications have achieved compliance. Effort is being directed to raise the level of compliance. One outstanding item relating to records is expected to achieve compliance following work that is currently underway. It is anticipated that testing will confirm compliance on 15 October 1999.
IT Infrastructure (network connecting equipment, servers and desktop machines).	Majority at Level 4. Testing of PC's is currently underway with PC's generally achieving Level 2.
Packaged Applications.	Packaged Applications are not considered to be core applications and will not have a fundamental impact on the overall business operations of the City. Nonetheless, review and work is continuing to elevate the levels of compliance where appropriate. Assessment is: Complying 17%; complying subject to confirmation of upgrades 31%; under review 12% and not expected to comply 40%.

Buildings

In October 1998 Lincolne Scott were engaged to audit the City's major buildings which contained a range of building services to determine what equipment was affected by Y2K.

The following services were addressed:

- Mechanical Services (including all BAS/DDE systems);
- Security Systems including access control to CCTV;
- Lifts;
- Intercoms;
- Fire and Life Safety Systems;
- Hydraulics Services including pool filtration systems;
- Emergency lighting systems;
- Electrical Services including stand-by power system;
- Uninterrupted Power Supply system;
- Automatic doors and gates;
- Building Management PABS system.

A number of risk items were identified as follows:

Equipment	Site	Y2K Compliant	Consequence	Recommendation
Building Management System (BMS)	Joondalup Library	No	Minor	Upgrade System
BMS	Joondalup Civic Centre	No	Moderate	Upgrade System
BMS	Craigie Leisure Centre	No	Minor	Upgrade System
BMS	Joondalup Administration Building	No	Minor	Upgrade System

The BMS's control energy consumption and usage. Arrangements are being made to supply "patches" or make adjustments to the systems to tie over the New Year. Consideration is being given to the replacement of the BMSs.

A number of other items, whilst compliant warrant consideration during the preparation of contingency plans.

In addition to the major buildings, minor buildings containing very limited services (usually time clocks) were inspected by the City's electrical contractor who also modified the equipment where necessary to comply. The risks associated with these buildings is considered low.

Plant and Equipment

The Asset Manager used the asset register as the base for the audit of the City's plant and equipment for Y2K compliance.

Where equipment or plant was identified as using computer or embedded chip technology assurances were sought from the manufacturer of its compliance.

No major problems are expected with plant and equipment.

Contingency Planning

The use of computers and embedded chips is wide spread within and without the organisation. It is therefore difficult to be certain that all risks have been addressed both within and without the organisation. Therefore Business Unit Managers have been requested to prepare contingency or business interruption plans for their respective areas. These plans are evolving documents and are being updated as issues and concerns are raised.

The plans will address a variety of issues ranging from actions to take to protect the public in a Council facility if the power system fails, to how to receipt monies if the computer system is down.

It will be necessary to revisit the Contingency Plans when the details of the review of Information Technology is completed.

Goods and Service Supplies

The City has identified its key suppliers and sought advice as to compliance readiness. Thirty-four major suppliers were identified of which 30 have provided Compliance Statements.

Similarly, the City has been requested by a number of parties to advise of its compliance status. Statements in accordance with the provisions of the Year 2000 Disclosure Act 1999 have been provided.

With respect to tenders, Council documentation requires that suppliers warrant that software and hardware supplied is year 2000 compliant.

The City also supplies to and receives services from the City of Wanneroo. The two Cities met on a regular basis to co-ordinate Y2K issues and are generally following a similar process.

COMMENT/FUNDING

Funds are available for addressing Y2K issues as follows:

Account No:	11.10.16.161.6862	11.10.183.4201.0001
Budget Item:	Millennium Bug – Various Buildings	Information Services
Budget Amount:	\$180,000	\$75,000
Actual Cost:	N/A	N/A

Further progress reports on actions to address issues relating to year 2000 compliance will be submitted.

Year 2000 Compliance Statement

THIS STATEMENT IS A YEAR 2000 DISCLOSURE STATEMENT FOR THE PURPOSES OF THE YEAR 2000 DISCLOSURE ACT 1999. A PERSON MAY BE PROTECTED BY THAT ACT FROM LIABILITY FOR THIS STATEMENT IN CERTAIN CIRCUMSTANCES.

THIS STATEMENT IS NOT AND SHOULD NOT BE RELIED UPON AS ANY INDEMNITY, GUARANTEE, WARRANTY, ESTOPPEL, TERM, CONDITION, PROVISION OR VARIATION OF ANY TERM, CONDITION OR WARRANTY AND DOES NOT CREATE ANY OBLIGATION, RIGHT OR DUTY, WHATSOEVER. THE CITY OF JOONDALUP RESERVES THE RIGHT (WITHOUT LIMITATION) TO ADD TO, RE-TRACT OR CHANGE ANY PART OF PARTS OF THIS STATEMENT.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners NOTE the Progress Report on Year 2000 compliance.

Cmr Clark-Murphy spoke in support of the Motion and congratulated the staff of the City in general and more particularly, those staff in the Information Technology unit for the work that has been undertaken in relation to this issue.

The Motion was Put and

CARRIED

CJ346-10/99 PROCLAIM CONFERENCE AND SITE VISIT - [09047]

SUMMARY

It is recommended that Mr Don Maskew, Coordinator Land Information Systems, attend the ProClaim Conference and visit Redland Shire Council, 24 – 29 October 1999.

The City has recently installed a new property and land information system, ProClaim, which manages all property related information for the City. ProClaim Software Pty Ltd are sponsoring a conference of users, this forum will guide the development and advise users what future developments are proposed.

The visit to the Redland Shire Council will allow Mr Maskew to discuss the mapping interface which is being developed by the Shire, in conjunction with ProClaim Software, for the City. This software will manage the subdivision of properties within the City.

BACKGROUND

In September 1998 the City executed a contract with ProClaim Software Pty Ltd to purchase a new property and land information system. The software consists of the modules:

Nucleus;
Rates and Valuations;
RAMS;
Animals;
Cash Receipting;
PLUS;
Electoral Roll;
Infringements;
Cleansing;
Lease; and
Geographic Information System Interface.

ProClaim, was installed over the ANZAC weekend, 24 – 26 April 1999, the majority of the modules went “live” from this date. The modules have been installed with the minimum of changes to meet the Western Australian legislative requirements.

DETAILS**ProClaim User Conference**

The ProClaim User Conference is to be held at the Marriott Resort, Surfer Paradise between 24 October and 26 October 1999. The conference will address:

- A company report;
- The impact of SQL Server version 7;
- The impact of Office 2000;

- The impact of GST;
- Creating custom reports;
- Core system design directions;
- Security Control; and
- System futures and the Internet.

Mr Maskew's attendance at this conference will benefit the City through his ability to influence the way in which the ProClaim suite of Software is developed. Since the City of Joondalup and the City of Wanneroo are the only councils using ProClaim in Western Australia the City needs have a representative to ensure that future development takes into account specific Western Australian requirements.

ProClaim is a relatively new suite of software and is still under very active development. It is crucial that the City uses this opportunity to influence the development. ProClaim Software Pty Ltd are very open to ideas and development which will improve the product. Currently they will often carry the cost of development if it is seen to be an enhancement that will benefit most of the user base or make it a more saleable product.

It is also important that the City develop relationships with other users of the software to allow the City to discuss operational problems that arise with them, this is very useful in solving problems which are not system related.

Expected benefits of the conference are:

- The ability to influence the development of ProClaim;
- Gain an understanding of the effect of developments in the software used to support ProClaim, specifically, SQL Server release 7 and Office 2000;
- Gain an understanding of how the introduction of the GST will affect ProClaim, particularly cash receipting; and
- Make contact with other users to allow networking to solve problems.

Visit to Redland Shire

The Redland Shire has been a user of the ProClaim suite of software since very early in its development. The Shire developed the initial interface to mapping and is carrying out some of the development required by the City's contract to supply a system to graphically manage the subdivision process. ProClaim Software Pty Ltd have just recently taken over the development of the GIS interface from Redland Shire. However Redland Shire are responsible for completing the development of the subdivision processing software.

There is little understanding of the way the mapping integrates with ProClaim by the City's staff. This visit will allow Mr Maskew to gain a better understanding of the way the mapping and textural data can be integrated and discuss ways to display attribute details on the mapping.

With Mr Maskew already in the Brisbane area it is an ideal opportunity for him to visit Redland Shire to undertake training in the use of the new mapping software and to discuss the use of the ProClaim suite of software. It would be invaluable to be able to benchmark the use of ProClaim in the City against another organisation that has been using ProClaim for some time.

Expected benefits of the visit/training are:

- Develop an understanding of the new subdivision software and perhaps influence its development;
- Gain a better understanding of the integration of the mapping and textual database;
- Learn how to display attribute information on the mapping;
- Gain an understanding of how Redland Shire uses ProClaim, with a view to improving the City's use.

COMMENT/FUNDING

Costs incurred will comply with Council Governance Policy 2.2.3 "Travel/Accommodation – Elected Members and Staff" and are estimated as follows:

Air fares:	\$680
Conference, including meals and accommodation	\$1,300
Accommodation after the conference (visit to Redland)	\$400
Incidentals:	\$300
Total Cost	\$2,680

Funding for the conference is available from the 1999/2000 Information Services budget as follows:

Account No:	11-10-18-182-3302-0001
Budget Item:	Conference Expenses
Budget Amount:	\$3,500
Actual Cost:	\$2,680

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners ENDORSE the attendance of the Coordinator Land Information Systems at the ProClaim User Conference from 24-26 October 1999 and site visit to Redland Shire from 27-29 October 1999 at an estimated cost of \$2,680 to be funded from the Application Support budget for 1999/2000.

The Motion was Put and

CARRIED

CJ347-10/99 GARTNERGROUP CONFERENCE - [09047]

SUMMARY

It is recommended that the Manager Information Services attend the GartnerGroup Symposium in Brisbane 19-22 October 1999.

The Symposium presents information and trends on a wide variety of issues related to effective management of information technology. A large number of the topics presented are highly relevant to the City of Joondalup and provide an opportunity to gather information and knowledge regarding information technology best practice. The information gained will be highly valuable in formulating future strategies for the City of Joondalup. GartnerGroup are a recognised world leader in the provision of independently researched trends and knowledge for the information technology industry.

BACKGROUND

GartnerGroup is a leading international research and consultancy firm specialising in the information technology industry. GartnerGroup provide cutting-edge advice and targeted insights to support competitive decision making across the IT spectrum including research, analysis, consulting, measurement, decision evaluation, and product and vendor selection. In addition, GartnerGroup conduct an annual Symposium to present findings, trends and directions for information technology. The Australasian Symposium will be held in Brisbane 19-22 October 1999.

DETAILS

The Symposium consists of over 70 keynote presentations, tutorials and product education sessions covering virtually the whole information technology landscape. Attendees can select from multiple session streams dependent upon specific needs. The Symposium is designed to assist IT managers in:

- Managing effective use of IT investments
- Determining critical IT strategies
- Controlling IT costs
- Managing technological workplace change

Conference presentations which are highly relevant to the City of Joondalup include:

- Organising IT for eCommerce
- Using External Service Providers
- IT Asset Management Best Practices
- Network Systems Management Scenario: Focus on Quality of Service
- GST: What's It All About For IT
- Total Cost of Ownership for Managing Enterprise Networks
- The Impact of Technology on the Business of Customer Services and Support
- Service Delivery in the 21st Century: Have Providers Listened to What Consumers Want?
- Software Procurement and Management: The Eternal Life Cycle
- Staffing and Retention: Keeping the Best People
- Data Mining in the eCommerce World
- IT Procurement in the E-Business Environment: New Dog, New Tricks
- The NT Scenario: The Turbulent Road Ahead
- Windows 2000: Worth the Wait?
- Crossing the Dateline: Year 2000 Boundary Planning
- Integrated Document Management Scenario

Detailed information on the GartnerGroup and the Symposium is available on the Internet.

GartnerGroup Home Page: www.gartner.com

Conference Home Page: www.gartner.com/symposium

Conference Program: www.gartner.com/symposium/static/99/au/daily.html

Expected benefits from attendance at the Symposium are:

- An update on a wide variety of information technology trends to assist with strategic planning
- Information on the latest best practice within information technology management
- Gain highly current, cross industry knowledge and strategies on information technologies in specific areas of interest to the City of Joondalup including network management, eCommerce, service management, data warehousing, Year 2000 issues, GST implementation, and total cost of ownership.

COMMENT/FUNDING

Costs incurred will comply with Council Governance Policy 2.2.3 “Travel/Accommodation – Elected Members and Staff” and are estimated as follows:

Conference Fee:	\$2,595
Air fares:	\$680
Accommodation:	\$600
Incidentals:	\$500
Total Cost	\$4,375

Funding for the conference is available from the 1999/2000 Information Services budget as follows:

Account No:	11-10-18-181-3302-0001 and 11-10-18-181-3307-0001
Budget Item:	Conference Expenses and Staff Training
Budget Amount:	\$5,500
Actual Cost:	\$4,375

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners ENDORSE the attendance of the Manager Information Services at the GartnerGroup Symposium 19-22 October 1999 in Brisbane at an estimated cost of \$4,375 to be funded from Account 3302 and 3307 within the Information Services Administration budget for 1999/2000.

The Motion was Put and

CARRIED

CJ348-10/99 CONSERVATION ADVISORY COMMITTEE - [12168]

SUMMARY

A meeting of the Conservation Advisory Committee was held on 3 August 1999 and the minutes are submitted for noting by the Joint Commissioners.

BACKGROUND

Matters arising from the meeting held on 3 August 1999 have been actioned.

DETAILS

Item 5.3 - The committee recommended that the City of Joondalup undertake a review of the 1993 Management Plan. The motion was carried and work will be completed between January to June 2000.

Item 5.4 - Cat Control

The committee recommended that Council develop a policy on cats, similar to that proposed by the City of Stirling. The City of Joondalup has recently gazetted a local law relating to Animals which details the City's requirements on cats. The City of Stirling's local law is currently out for public comment and the City of Joondalup will monitor its success. A report will be submitted to the Conservation Advisory Committee in due course.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners:

- 1 NOTE the minutes of the Conservation Advisory Committee meeting held on 3 August 1999 forming Attachment A to Report CJ348-10/99;**
- 2 UNDERTAKE a review of the Hepburn Heights Management Plan between January and June 2000;**
- 3 DEFER the development of a cat control policy pending completion of the study by the City of Stirling.**

The Motion was Put and

CARRIED

Appendix 3 refers – For Appendix 3, click here: [Att3.pdf](#)

CJ349-10/99 MINUTES OF JOONDALUP YOUTH ADVISORY COUNCIL MEETINGS - AUGUST 1999 - [38245]

SUMMARY

Meetings of the Joondalup North and South Youth Advisory Councils were held on 9 and 11 August, 1999 and the minutes of both meetings are submitted for noting by the Joint Commissioners.

DETAILS

The minutes of the Joondalup North Youth Advisory Council held on 9 August 1999 at Anchors Youth Centre are included as Attachment 1.

The minutes of the Joondalup South Youth Advisory Council held on 11 August 1999 are included as Attachment 2.

No action is required from these minutes.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners NOTE the minutes of:

- 1 the Joondalup North Youth Advisory Council meeting held on 9 August 1999 forming Attachment 1 to Report CJ349-10/99;**
- 2 the Joondalup South Youth Advisory Council meeting held on 11 August 1999, forming Attachment 2 to Report CJ349-10/99.**

The Motion was Put and

CARRIED

Appendix 4 refers – For Appendix 4, click here: [Att4.pdf](#)

CJ350-10/99 ART COLLECTION WORKING PARTY - [14158J]

SUMMARY

A meeting of the Art Collection Working Party was held on 14 September 1999 and the minutes are submitted for noting by the Joint Commissioners. The Working Party also considered purchase of the following artwork:

Galah by Douglas Chambers for \$5,250

The Art Collection Working Party has recommended purchase of the artwork.

BACKGROUND

The Art Collection has the following objectives:

- To support contemporary Western Australian art and Artists.
- To provide the citizens of the City of Joondalup access to high quality visual art within the boundaries of the region.

The profile of the collection is to establish a collection of good quality artwork by contemporary Western Australian Artists with a second priority of having a regional focus.

Artworks over the value of \$1,000 are required to be considered by the Art Collection Working Party for acquisition for the City's Collection.

Members of the Art Collection Working Party are:

Commissioner Harry Morgan AM
Rie Heymans, Curator, Art Consultant
Mark Stanton, Manager, Leisure and Ranger Services

DETAILS

The Art Collection Working Party has recommended purchase of the following work:

ARTIST	TITLE	MEDIUM	ART GALLERY	PRICE
DOUGLAS CHAMBERS	GALAH	ACRYLIC AND OIL ON CANVAS	GALLERIE DUSSELDORF	\$5,250
TOTAL				\$5,250

COMMENT/FUNDING

The Consultant recommended purchase of *Galah* by Douglas Chambers for \$5,250 because the work:

- meets the Art Collection profile;
- is a beautiful work by one of WA's leading artists;
- is an important work being one of the works featured in the artist's Retrospective Exhibition at the Art Gallery of Western Australia.

Funds are listed in the 1999/00 budget for the purchase of Artworks; details are listed below:

Account No:	11808287145050001
Budget Item:	Art Purchases
Budget Amount:	\$10,000
Actual Cost of Proposed Purchase:	\$5,250
Actual Cost of Purchases Year to Date:	\$2,800
Remaining Budget	\$1,950

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners:

1 PURCHASE the following artwork for the Art Collection:

ARTIST	TITLE	MEDIUM	ART GALLERY	PRICE
DOUGLAS CHAMBERS	GALAH	ACRYLIC AND OIL ON CANVAS	GALLERIE DUSSELDORF	\$5,250
TOTAL				\$5,250

at a cost of \$5,250 from Account Number 11808287145050001 - Art Purchases;

- 2 NOTE the minutes of the Art Collection Working Party held on 14 September 1999 forming Attachment 1 to Report CJ350-10/99.**

The Motion was Put and

CARRIED

Appendix 5 refers – For Appendix 5, click here: [Att5.pdf](#)

CJ351-10/99 WARRANT OF PAYMENTS FOR THE PERIOD TO 31 AUGUST 1999 - [09882]

SUMMARY

This report details the cheques drawn on the funds during the month of August 1999. It seeks Joint Commissioners' approval for the payment of the August 1999 accounts.

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	15229-15997	4,169,719.41
Municipal	000167-000169	4,169,719.41
Trust		0
Reserve Account		
	TOTAL	\$ 8,339,438.82

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of August 1999, the amount was \$2,326,099.80.

Previous requests from the City's ratepayers have been to provide additional descriptive information regarding payments. While such a report is not available as a standard report from the new system, modifications could be undertaken however, at a significant cost. This matter is currently being reviewed with the software supplier.

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$8,339,438.82 which is to be submitted to each Joint Commissioner on 12 October 1999 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

CERTIFICATE OF CHAIRMAN OF COMMISSIONERS

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$8,339,438.82 submitted to the Joint Commissioners on 12 October 1999 is recommended for payment.

.....
Commissioner Campbell Ansell

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners PASS FOR PAYMENT the following vouchers, as presented in the Warrant of Payments to 31 August 1999, certified by the Chairman of Commissioners and Director Resource Management, and totalling \$8,339,438.82.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	15229-15997	4,169,719.41
Municipal Trust Reserve Account	000167-000169	4,169,719.41
		0
	TOTAL \$	8,339,438.82

The Motion was Put and

CARRIED

Appendix 6 refers – For Appendix 6, click here: [Att6.pdf](#)

CJ352-10/99 AMENDMENT OF THE TERMS OF REFERENCE FOR YOUTH ADVISORY COUNCILS - [38245]

SUMMARY

The purpose of this report is to submit amended Terms of Reference for the City's Youth Advisory Councils. The amendments relate to the objectives and management of the Councils. These are submitted for endorsement by the Joint Commissioners.

BACKGROUND

The Terms of Reference for the Joondalup Youth Advisory Councils were included in Report CJ 180-05/99 and were endorsed by the Joint Commissioners at the Meeting of Joint Commissioners on May 25 1999.

DETAILS

Some minor amendments are necessary to better define the role of the Youth Advisory Councils and to address the issue of potential conflicts of interest.

The amendments are highlighted in bold in Attachment 1 and include additional clauses at 3(i), 3(j) and 4(d).

Clause 3(i) has been added to the objectives of the Councils to enable the Councils to provide advice on various issues to providers of youth services in the region. This advice generally would be given at the request of the service providers.

Clause 3(j) has also been added to the objectives of the Councils as the Youth Advisory Councils enable the City to access financial assistance from bodies such as the State Government's Office of Youth Affairs.

Clause 4(d) has been added to provide direction to Youth Advisory Council Councillors in relation to matters of potential conflict of interest. At least one incident has already occurred which, if this clause had been part of the terms of reference of Councils, the matter would have been dealt with more expediently.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners ENDORSE the revised Terms of Reference for the Joondalup Youth Advisory Councils forming Attachment 1 to Report CJ352-10/99.

The Motion was Put and

CARRIED

Appendix 7 refers – For Appendix 7, click here: [Att7.pdf](#)

CJ353-10/99 JUNIOR COUNCIL WEEK – PROGRESS REPORT - [42288J]

SUMMARY

Following the 1999 Junior Council week, the recommendations were submitted for consideration by the Commissioners and reports were sought from officers. This report seeks to inform Commissioners of the progress of these recommendations.

BACKGROUND

At the Joint Commissioners meeting held on 10 August 1999 (Report CJ274-08/99 refers), it was resolved by the Joint Commissioners to request further reports on the following matters raised by the Junior Council:

- (a) implementation of the “Defeatti Graffiti” campaign;
- (b) increasing the number of mural arts projects throughout the City of Joondalup and the City of Wanneroo;

- (c) a public awareness campaign aimed at young people, using speakers and visual media items be conducted in order to increase community awareness of road safety around schools;
- (d) request local Police conduct regular patrols around schools during the times that students arrive and depart from school on school days;
- (e) research be undertaken to determine ways to reduce the volume of traffic around schools;

DETAILS

Defeatti Graffiti

While the Defeatti Graffiti program as proposed by Junior Council at the Junior Council meeting on 15 July 1999 has not been implemented as a total program, many of the underlying principles of the proposal are common to current Graffiti initiatives being implemented by the City of Joondalup.

These include:

Graffiti Audit

An initiative that develops community awareness and ownership of the graffiti problem by encouraging community members to report graffiti directly to a Council employee. As a result of the Graffiti Audit, a number of areas have been identified as possible target areas for future mural arts projects.

Zero Tolerance

A program has recently been piloted at Belridge Senior High School that encourages a zero tolerance approach to all forms of graffiti including skin, books and walls. The City of Joondalup is actively promoting the implementation of this approach in other schools within the area.

School Watch

The City Of Joondalup has worked in conjunction with local Police to promote the School Watch program.

This program encourages local communities to take “ownership” of local (government) schools with the intent of reducing the incidence of graffiti within the school. A key part of this program is the school audit done by police to identify potential areas within a school where graffiti may occur.

In addition to this, the City of Joondalup works in partnership with the Police Service and the State Graffiti Taskforce to ensure that incidences of graffiti are documented, photographed, included on a “Tag” register with police and removed as efficiently as possible.

Mural Arts Programs

At the meeting of the Junior Council on July 15, 1999, it was recommended that the number of Mural Arts programs be increased within the City of Joondalup.

In response to this recommendation, there are a number of Mural Arts projects proposed in the near future.

These include:

Mural Arts Challenge

A cooperative project between the City's Mural Arts Officer, Community Education Officer and Youth Development Officer. The end result of this project will be a mural painted on the wall by young people at the Anchors Youth Centre, Heathridge.

Springfield Primary School

In response to recent graffiti problems within this school, the City's Mural Arts Officer recently worked with the school to design and paint a mural in the undercover area.

The response from the school was excellent and the school is currently in the process of completing a similar project on its toilet block.

Community Education

At the meeting of the Junior Council on July 15, 1999, it was recommended that a public awareness campaign aimed at young people, using speakers and visual media items be conducted in order to increase community awareness of road safety around schools.

The City currently conducts a number of community education initiatives as part of its Community Connections Project. One in particular focuses on the issue of road safety around schools and is called SAFER ROUTES TO SCHOOLS

The program encourages schools in the area to develop and promote safe routes to approach and depart from the school area. It also aims to educate students about road safety and the importance of using appropriate places and practices to cross roads

In addition, schools are encouraged to examine and improve traffic management systems around the school.

School Patrol

At the meeting of the Junior Council on 15 July 1999, in response to perceived problems such as bullying, speeding and parking in inappropriate places around schools, it was recommended that the police be asked to increase the number of patrols around schools during student arrival and departure times.

Given that there are over eighty schools within the City of Joondalup, it is not feasible to expect that Police would be able to patrol each school at these times.

In situations where a specific school was identified as a problem area, the City's Rangers work in cooperation with the Education Department and the Police Service to help resolve the problem

Traffic Volume

At the meeting of the Junior Council on 15 July 1999 it was recommended that research be undertaken to determine ways to reduce the volume of traffic around schools.

The City currently employs a Traffic Projects Coordinator. As a part of this position, research into traffic volume around schools is conducted on an ongoing basis. This information is utilized for a variety of reasons including the development of traffic management systems and effective parking at schools and for education programs such as the "Safer routes to school" program.

COMMENT

It is to be noted that the City's officers have taken appropriate action on the matters raised by the Junior Council at its meeting held on 15 July 1999. The City values the input and suggestions of the Council members.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners NOTE the progress report on the implementation of the recommendations of the 1999 Junior Council week as detailed in Report CJ353-10/99.

The Motion was Put and

CARRIED

INFRASTRUCTURE MANAGEMENT

Items CJ354-10/99 and CJ355-10/99 were Moved by Cmr Morgan and Seconded by Cmr Buckley. Cmr Morgan stated his intention to speak on both Items.

CJ354-10/99 DESIGNATION OF MARMION AVENUE AS A PRIMARY DISTRIBUTOR ROAD - [14071J, 05014J, 06055J, 04064J, 04415J, 03600J, 05706J, 09165J, 02321J, 00363J, 00365J, 08367J]

SUMMARY

The City of Wanneroo is currently considering a report to request Main Roads WA to designate Marmion Avenue as a Primary Distributor under the Metropolitan Functional Road Hierarchy. In view of this, the City of Wanneroo has requested the City to consider seeking a similar designation of the section of Marmion Avenue from Ocean Reef Road to the City of Joondalup northern boundary. A request by the City of Joondalup to Main Roads WA is supported and submitted for consideration and approval.

BACKGROUND

Main Roads WA directly manages approximately 680 km of National Highways and State Roads within the Perth Metropolitan Region. These are typically freeways and highways. They carry relatively high volumes of fast moving traffic to meet the primary road transport needs of the region. Approximately 10,500 km of roads in the Perth Metropolitan Region are managed by 30 Local Governments. These roads vary considerably in function, refer Attachment 1.

Main Roads WA recognises that it should, in co-operation with Local Government, manage the state's road network in an efficient, effective and environmentally sensitive manner. To promote effective and efficient traffic management, Main Roads WA has, in consultation with all Perth metropolitan Local Governments, developed a Metropolitan Functional Road Hierarchy, to designate the function of all roads within the region and to encourage uniform traffic management of roads of the same function, report TS269-09/97 refers.

In view of the rapid growth in traffic volumes and associated dual carriageway works along Marmion Avenue, the City of Wanneroo is currently considering a report to request Main Roads WA to designate Marmion Avenue as a Primary Distributor under the Metropolitan Functional Road Hierarchy.

DETAILS

Under the Metropolitan Functional Road Hierarchy, Marmion Avenue is currently designated as a Primary Distributor as far north as Ocean Reef Road, it is then designated a District Distributor Category "A". The main characteristics of a Primary Distributor is that it provides for major regional and inter-regional traffic movement, typically carrying over 15,000 vehicles per day, has operating speeds of up to 110 km/h and is the responsibility of Main Roads WA.

A District Distributor Category "A" carries traffic between industrial, commercial and residential areas and generally connects to Primary Distributors. These are typically truck routes and provide only limited access to adjoining property. Local Government manages District Distributors.

The existing traffic volume on Marmion Avenue north of Ocean Reef Road is 28400 AAWT (Main Roads WA 1997/98) and 18610 AAWT (1995/96) north of Burns Beach Road. These volumes are well within the range to be expected on a road of the proposed designation.

COMMENT/FUNDING

Marmion Avenue has always provided for major regional traffic movement. However, the construction of the second carriageway and the increase in traffic volumes to over 28,000 within the City of Joondalup now means that the designation of Primary Distributor is more appropriate. If designated as a Primary Distributor, the section of Marmion Avenue within the City of Joondalup would then come under the care and control of Main Roads. This would have significant economic benefits for the City.

The City of Wanneroo is currently considering a report to request Main Roads WA to designate Marmion Avenue as a Primary Distributor under the Metropolitan Functional Road Hierarchy. It is considered appropriate that the City of Joondalup also request Main Roads WA to designate Marmion Avenue, from Ocean Reef Road to the northern boundary of the City of Joondalup, as a Primary Distributor under the Metropolitan Functional Road Hierarchy.

MOVED Cmr Morgan, SECONDED Cmr Buckley that the Joint Commissioners REQUEST Main Roads WA to designate Marmion Avenue, from Ocean Reef Road to the northern boundary of the City of Joondalup, as a Primary Distributor under the Metropolitan Functional Road Hierarchy.

Cmr Morgan spoke in support of the Motion.

The Motion was Put and

CARRIED

CJ355-10/99 PROPOSED ALTERATIONS TO PENISTONE PARK CLUBROOMS, PENISTONE PARK, GREENWOOD - [05495J]

SUMMARY

Four sporting clubs headed by the Greenwood Cricket Club Inc that use the Penistone Park Clubrooms have applied to Council for permission to construct alterations to the building at no capital cost to Council. This report examines the proposal and recommends that the Joint Commissioners approve the alterations in principle subject to the granting of statutory approvals.

BACKGROUND

In the 1998/99 financial year, the Greenwood Cricket Club Inc in conjunction with the Northern Districts Junior Football Club, Warwick/Greenwood Junior Cricket Club and Wanneroo Softcross/Modcross Club received a grant from the Ministry of Sport & Recreation's CSRFF Scheme for one-third of the funding to alter the Penistone Park Clubrooms. The alterations will include two new changerooms, a new bar and individual storerooms for each of the clubs. The clubs are providing the remaining two-thirds of the funding.

Although the CSRFF funding was in the 1998/99 financial year, the Greenwood Cricket Club Inc has confirmed that the Ministry has carried the funding forward to the current financial year, and the club contributions are still in place.

DETAILS

The Greenwood Cricket Club Inc is seeking permission to construct the alterations to the Penistone Park Clubrooms shown on page 1 of Attachment 1.

In the proposal, the two existing changerooms will be converted and extended to become a kiosk/bar and storerooms. The existing (unused) kiosk will be demolished and two new changerooms will be built.

It can be seen on page 2 of Attachment 1 that because of the roof pitch, it is intended to construct a reverse angle skillion roof over the eastern portions of Changeroom 2 and two storerooms with an internal box gutter to collect stormwater. Generally, box gutters should be avoided, however, the recently released AS3500.3.2 National Plumbing Code – Stormwater Drainage has revised the whole approach to box gutters. So long as this code is adhered to, it should be possible to construct the roof to avoid leakage from an overflowing box-gutter.

Documents submitted by Craig Sheiles Homes on behalf of the clubs are not adequate for a commercial building. It will be necessary for complete structural documentation to be submitted for a Building Licence, and “As Constructed” service drawings to be submitted before the City will accept the alterations as complete.

COMMENT/FUNDING

As noted above, the funding for the project is from the clubs and the CSRFF scheme. No capital expenditure is required by the City.

MOVED Cmr Morgan, SECONDED Cmr Buckley that the Joint Commissioners APPROVE IN PRINCIPLE, the application by the Greenwood Cricket Club Inc in conjunction with and on behalf of the Northern Districts Junior Football Club, Warwick/Greenwood Junior Cricket Club and Wanneroo Softcross/Modcross Club to make alterations to the Penistone Park Clubrooms subject to:

- 1 the Clubs in association applying for, paying all fees and obtaining planning approval for the proposed alterations;**
- 2 the Clubs in association or their nominated builder applying for, paying all fees and obtaining a Building Licence for the proposed alterations;**
- 3 all works complying with Council’s current accommodation standards;**
- 4 the Clubs in association undertaking to submit “As Constructed” service drawings at completion of the construction.**

Cmr Morgan stated that whilst he supported the Motion, he was disappointed that at present the City’s policy relating to donations did not allow Council to meet the costs of the fees associated with obtaining planning approval for the proposed alterations.

Cmr Morgan requested that this issue be taken into consideration for inclusion as a policy in the future.

The Motion was Put and

CARRIED

PLANNING AND DEVELOPMENT**CJ356-10/99 CONSIDERATION OF SUBMISSIONS - DISTRICT PLANNING SCHEME NO 2 – [09011J, 02726J, 04726J]****SUMMARY**

The Minister for Planning required that the City of Joondalup District Planning Scheme No 2 (DPS No 2) be modified and advertised for public comment for a period of 30 days commencing 18 June 1999 and ceasing 18 July 1999.

At the close of advertising 97 submissions had been received and 8 late submissions were subsequently received. Submissions have been summarised with associated comments and proposed recommendations. The submissions generally relate to a variety of individual properties as well as various clauses and requirements of the scheme text.

It is recommended that the Joint Commissioners make the recommendations in relation to the submissions and recommend modifying DPS No 2 with regard to a number of minor issues relating to the scheme text, local reserves and recent amendments. It is also recommended that the Joint Commissioners request the Western Australian Planning Commission (WAPC) to amend the Metropolitan Region Scheme to rezone Rural land within the City of Joondalup.

BACKGROUND

In 1985 the then Shire of Wanneroo resolved to examine Town Planning Scheme No 1 as provided for in the Town Planning and Development Act. The Minister for Planning granted approval for the City of Wanneroo to review Town Planning Scheme No 1 (TPS No 1) by the preparation of a new scheme in January 1986. A draft District Planning Scheme No 2 was adopted in March 1991 and forwarded to the Department of Planning and Urban Development. In August 1996, Council modified the draft and submitted it for consent to advertise.

Council was advised in July 1997 that the Minister for Planning had given his consent for the Scheme to be advertised for public inspection subject to a number of modifications being carried out prior to advertising and to modify or further investigate various matters during the advertising period. The necessary modifications were carried out and Council adopted the modified Scheme at a Special Meeting held on 10 September 1997 and resolved to resubmit the modified documents to the Western Australian Planning Commission (WAPC) for advertising.

Accordingly the documents were advertised for public submission for a period of three months to 20 January 1998 and a further period of three months to 20 April 1998 and accompanied by a comprehensive public consultation program. At the meeting of 22 September 1998 Council considered submissions received and resolved that the scheme documents to DPS No 2 form the basis for two new sets of documents for each of the City of Joondalup and the Shire of Wanneroo and that the new documents be advertised again for public inspection and comment before being considered for final approval.

The WAPC by letter dated 26 March 1999 advised that the Minister for Planning had considered DPS No 2 and determined that the scheme be split into two Schemes for the City of Joondalup and the Shire of Wanneroo, modified and re-advertised. The Minister required the documents be modified in accordance with his instructions and that the modified scheme report, text, scheme maps and density code maps be advertised for a period of 30 days within 42 days of receipt of the advice (by the 10 May 1999).

At a Special meeting of Joint Commissioners held on 4 May 1999, it was resolved to adopt the City of Joondalup DPS No 2 modified in accordance with the Minister for Planning's advice for submission to the Ministry for Planning for authority to place the documents on advertising for further public consultation period.

It was also resolved to advise the landowners involved in the identified Special Zone and Non Conforming Use situations that should they wish their land to be included in the recommended zone they should display an appropriate sign on site during the advertising period.

DETAILS

The fully modified scheme report, text and changes to the scheme maps were advertised for a period of 30 days commencing 18 June 1999 and closing 18 July 1999. As part of the advertising process:

- Letters were forwarded to those affected landowners, where zoning changes were proposed, requiring signs to be erected;
- Letters were forwarded to landowners where the zoning changes were proposed, but signs were not required;
- Documentation was displayed at the Joondalup, Wanneroo, Woodvale, Whitfords and Duncraig Libraries and also at the City of Joondalup and Whitfords Customer Service Centres;
- Letters were forwarded to all previous submitters inviting them to make further submission;
- Documentation was forwarded to Government Agencies and other Statutory authorities inviting them to make comment;
- A notice published in the Government Gazette;
- A notice was published in Wanneroo Times and the West Australian Newspapers.

Submissions

At the close of advertising 97 submissions had been received and 8 late submissions were received. Attachment No 1 provides a summary of the submissions with associated comments and recommendations. The submissions generally relate to a variety of individual properties (those properties that received a higher number of submissions are discussed below), as well as various clauses and requirements of the scheme text.

Seacrest Drive

Lots 51, 505 and 504 Seacrest Drive, Sorrento are currently developed as Medical Centres approved as "AA" uses in the Residential Development zone in TPS No 1 and are proposed to be rezoned Mixed Use in DPS No 2. A total of 22 objections were received objecting to the

inclusion of these properties in the Mixed Use zone on the basis that it will increase traffic in the area. In view of the lack of community support and the isolation of the area from other local service uses it is recommended that the lots be included in the Residential zone and in the Schedule of Additional Uses to permit the additional use of Medical Centre.

Banks Avenue/Green Road

Lots 243, 242 Banks Avenue and Lots 245 and 244 Green Road, Hillarys are developed as a medical centre and approved as an “AA” use in the Residential Development zone in TPS No 1 and are proposed to be rezoned Mixed Use in DPS No 2. A total of 13 objections were received raising the following concerns; increased noise levels, invasion of privacy, increase in traffic, decreased amenity and safety, parking problems, facilities are already provided in the shopping centre. The City proposes to examine the area and prepare a structure plan in conjunction with the local community to identify and set down options and opportunities for the precinct. Accordingly it is recommended that the land be included in the Residential zone at this stage so that it can be re-examined by the community in context with the surrounding area during the planning process.

Warburton Avenue

Lot 60 Warburton Avenue, Padbury is currently occupied by squash courts, approved under the Special Development A zone in TPS No 1 and proposed to be rezoned Mixed Use in DPS No 2. A total of 6 submissions were received, some raising issues of traffic and noise impacts, which can be addressed at the development application stage and other submissions relate to the appropriateness of some uses in the Mixed Use zone, this is discussed further below under the heading Mixed Use. In light of the Minister’s direction it is recommended the site remain in the Mixed Use zone.

Perilya Road

The Craigie Fairlanes Bowl, 9 Perilya Road, was approved under the Special zone in TPS No 1 and is proposed to be zoned Business in DPS No 2. A total of 6 submissions were received raising concerns that the inclusion of the property in the Business zone will increase the existing problems such as noise. It is considered that the provisions provided by the Business zone enable adequate control of future uses. This coupled with the location of the site, adjacent to a shopping centre and tavern is considered an appropriate location for a Business zone to accommodate the existing use.

Mixed Use Zone

The Minister for Planning requested Council to give some thought to the zoning and suite of uses suitable for Lot 60 Warburton Avenue, Padbury. As a result of this investigation a new zone was introduced into DPS No 2, Mixed Use. The Mixed Use zone is intended to accommodate a mixture of residential development with small scale business in a primarily residential scale environment. The predominant uses will be office, consulting, dining, and limited retail uses occupying the street frontage of lots. The zoning will provide an intermediate stage between Residential and Commercial or Business Zone areas and also to contain many previous special sites and non-conforming uses.

The submissions raise a number of concerns with the Mixed Use zone relating to the location of the Mixed Use zone, the land uses proposed to be accommodated in the zone, and resultant competition. In cases where an area is predominantly residential and a Mixed Use zone is proposed then it is determined that a Residential zone may be more appropriate. In view of some of the submissions received relating to land uses it is also proposed to modify the zoning table where appropriate.

Special Zones (Additional Use and Restricted Use)

The Minister for Planning previously requested that Council investigate the sites included in Special Zones under TPS No 1, medical centres, churches, and service stations etc., with a view to reducing the number. This was undertaken and a substantial number were recommended for inclusion in the Business zone or Mixed Use zone.

The Minister further identified a number of these and advised that should Council wish to proceed with the recommendation in respect to these instances it should arrange for a sign to be displayed on the relevant sites during the advertising period. It was determined that the landowners in these instances be given the opportunity to display a sign on site and be included in the recommended zone.

A total of 86 individual properties were identified as requiring a change to the zone under the scheme. A total of 57 signs were erected, 12 of the properties did not have signs displayed as the landowners were not interested in being rezoned and 17 of the properties were identified by the Minister as not requiring signs to be erected. A total of 80 submissions were received.

Medical Centres

A number of these medical centres were approved as 'AA' uses in the Residential zone under TPS No 1, and would become non-conforming uses, therefore it was suggested they be included in the Mixed Use zone. Some of these have been discussed individually above. A number of submissions were received in objection to Medical Centres being incorporated into Mixed Use zone due to the negative impacts of the current use on the amenity of the residents and the concern that additional uses would exacerbate the problems. Due to the concerns of the residents it is recommended that those medical centres not reasonably adjacent to a neighbourhood or local centre be included in the Residential zone and Schedule 2 –Section 1 (Clause 3.15) – Additional Uses.

Church Sites

It was proposed to include Church sites in the Mixed Use zone, however a number of submissions were received in objection to this proposal both from surrounding residents and landowners. In view of the objections received it is considered that in situations where churches are located in purely residential environments they be included in the Residential zone and become non-conforming uses.

A summary of the zoning modifications is provided (Attachment 2).

Relevant Legislation

Regulation 20(3) of the *Town Planning Regulations 1967* requires that the City within three months of the expiry of the advertising period considers all submissions on the modifications to the scheme, and in respect of each submission shall consider whether the Scheme should be further modified or whether the submission should be rejected, forward the submissions on the modifications to the Scheme and its recommendations thereon to the Commission.

FURTHER ISSUES

Ministry for Planning

Together with the Ministry for Planning a number of issues have been identified requiring minor modification to DPS No 2. Clauses requiring minor changes are listed in Attachment 3.

Local Reserves

There are a number of local parks throughout the municipality that are currently zoned Residential Development under TPS No 1. The best approach is for these local parks to be reserved under DPS No 2 as Local Reserve – Parks and Recreation, which enables better identification on the scheme maps (Attachment 4). Also reserving local parks means that they are excluded from the zoning table and the specific planning controls for development on reserves as per clause 2.3 of DPS No 2 apply. As these were not advertised modifications they may be considered to be significant changes requiring further advertising necessitating a separate amendment. It is considered that the modifications are not significant and it is recommended they be included at this stage.

School Sites

Attachment 4 also identifies a number of primary school sites that are proposed to be zoned under DPS No 2 as Residential. It is proposed to reserve these sites Local Reserve Primary School and Local Scheme Reserve High School with the exception of lot 124 Cook Avenue, Hillarys. This site is no longer required by the Education Department for school purposes and is proposed to be zoned Residential with an R Code of R20 in DPS No 2. As these were not advertised modifications they may be considered to be significant changes requiring further advertising necessitating a separate amendment. It is considered that the modifications are not significant and it is recommended they be included at this stage.

TPS No 1 Amendments

When Council considered DPS No 2 at its meeting on 22 September 1998 it recommended inclusion of all TPS No 1 amendments that had been completed at that time. The Minister has endorsed the inclusion of these amendments and others that have received the approval of the Minister since that time and those that have been adopted for final approval by Council to date. The amendments listed in Attachment 5 are those that have been finalised between April 1999 to September 1999 and are recommended for inclusion in DPS No 2.

Draft Centres Strategy

TPS No 1 contains retail floor space limits for some shopping centres but not all. The Ministry for Planning required that floor space limits be included in DPS No 2 for all shopping centres. The limits that were subsequently included in DPS No 2 were based on records of existing approvals not on any comprehensive study of the role of the various centres. The result of such provisions would be that no shopping centre could expand without a Scheme amendment, which is not considered to be a satisfactory approach to development control.

The proposal attracted a number of submissions and Council recommended to the Minister that DPS No 2 provisions should remain in line with those existing under TPS No 1 until Council has completed its Local Centres Strategy. The Minister has now required that the floor space limits set against the various centres in DPS No 2 for the previous advertising period be retained.

In light of the Draft Centres Strategy currently being advertised for public comment it is considered that this may be utilised as a basis for the modifications of this aspect of the Scheme if the Centres Strategy has progressed significantly by the time the Minister considers DPS No 2. Attachment 6 sets out modifications required to DPS No 2 by the Centres Strategy.

MRS Zoning

The locality of Burns and a number of properties in Woodvale and Kingsley are zoned Rural under the Metropolitan Region Scheme (MRS) (Attachment 7). Thus the Rural zone in DPS No 2 has been retained as it contains these areas until such time as their classification is changed under the MRS. The Special Residential zone that relates to land in Kingsley is also being retained as that land is also zoned Rural under the MRS.

It is recommended that the Western Australian Planning Commission (WAPC) be requested to amend the MRS to reflect a zone other than Rural for the land that is currently zoned Rural within the City. It is considered that a rural zone under the MRS for land within the municipality no longer serves any purpose or function as the land is not and cannot be used for rural purposes.

PROCESS

Upon the resolution of the Joint Commissioners documentation will be forwarded to the WAPC. The WAPC shall examine the submissions on the modifications to the Scheme and the recommendations of the City and make its recommendation thereon to the Minister.

The Minister shall consider the submissions on the modifications to the Scheme with the recommendations of the City and the WAPC and shall pursuant to section 7(2a) of the Act approve the Scheme, refuse to approve the Scheme or require the City to modify the Scheme in such manner as he may specify before approval is given.

OFFICER'S RECOMMENDATION: That the Joint Commissioners:

- 1 ADVISE the Western Australian Planning Commission that they have considered the submissions received as a response to public advertising pursuant to Town Planning Regulation 20;**

- 2 RECOMMEND to the Western Australian Planning Commission that the City of Joondalup District Planning Scheme No 2 be modified:
- (a) as set out in the schedule of submissions as detailed in Attachment 1 to Report CJ356-10/99;
 - (b) as identified in Attachment 3 to Report CJ356-10/99;
 - (c) by incorporating the substance of Town Planning Scheme No 1 amendments as listed in Attachment 5 to Report CJ356-10/99;
 - (d) subject to acceptable progress of the Centres Strategy the City of Joondalup District Planning Scheme No 2 scheme text, as detailed in Attachment 6 to Report CJ356-10/99;
- 3 RECOMMEND to the Western Australian Planning Commission that the changes to City of Joondalup District Planning Scheme No 2 scheme maps, as detailed on Attachment 4 to Report CJ356-10/99, are considered minor and the scheme be modified accordingly;
- 4 REQUEST the Western Australian Planning Commission to amend the Metropolitan Region Scheme to rezone land in the City of Joondalup from the Rural zone and include in the Urban zone and Reserves as appropriate.

ADDITIONAL INFORMATION

A revised Attachment 7 (Appendix 10 refers) was tabled as a replacement for that which appeared in the Agenda in relation to this Item. This additional information did not alter the original recommendation.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners:

- 1 **ADVISE the Western Australian Planning Commission that they have considered the submissions received as a response to public advertising pursuant to Town Planning Regulation 20;**
- 2 **RECOMMEND to the Western Australian Planning Commission that the City of Joondalup District Planning Scheme No 2 be modified:**
- (a) **as set out in the schedule of submissions as detailed in Attachment 1 to Report CJ356-10/99 except the recommendation relating to Submission No 11 which should read:**

“that the scheme be modified by Lot 51 (28), Lot 505 (32) and Lot 504 (34) Seacrest Drive, Sorrento being included in the Residential Zone and Lot 51 (28) Seacrest Drive, Sorrento being included in the Schedule of Additional Uses to permit the additional use of Medical Centre.”

- (b) as identified in Attachment 3 to Report CJ356-10/99;
 - (c) by incorporating the substance of Town Planning Scheme No 1 amendments as listed in Attachment 5 to Report CJ356-10/99;
 - (d) subject to acceptable progress of the Centres Strategy the City of Joondalup District Planning Scheme No 2 scheme text, as detailed in Attachment 6 to Report CJ356-10/99;
- 3 RECOMMEND to the Western Australian Planning Commission that the changes to City of Joondalup District Planning Scheme No 2 scheme maps, as detailed on Attachment 4 to Report CJ356-10/99, are considered minor and the scheme be modified accordingly;
- 4 REQUEST the Western Australian Planning Commission to amend the Metropolitan Region Scheme to rezone land in the City of Joondalup from the Rural zone and include in the Urban zone and Reserves as appropriate.

Cmr Rowell spoke in support of the Motion. Cmr Rowell advised that regarding the properties on Seacrest Drive, two (2) of the lots (Lot 504 and 505 Seacrest Drive, Sorrento) are currently only used as consulting rooms by single practitioners rather than as medical centres which had been assumed and therefore these lots do not need to be included in the Schedule of Additional Uses.

The Motion was Put and

CARRIED

Appendices 8 and 10 refer

– for Appendix 8, click here: [Att8.pdf](#) – for Appendix 10, click here: [Att10.pdf](#)

Items CJ357-10/99 and CJ358-10/99 were Moved by Cmr Rowell and Seconded by Cmr Morgan.

CJ357-10/99 CLOSE OF ADVERTISING - CHANGES TO DRAFT HILLARYS STRUCTURE PLAN - [16047J]

SUMMARY

Modifications requested to be made to the draft Hillarys Structure Plan were received by Council on 10 August 1999 and advertised for public comment for a 30 day period, which closed on 17 September 1999.

The modifications extend special height controls to the whole of the Harbour Rise Estate and alter setbacks within the Small Lot Residential Precinct as well as creating two additional precincts to buffer surrounding development.

Fifteen submissions were received, being copies of a letter that objected to a range of provisions and processes involved in the development of the Estate.

The modified draft Hillarys Structure Plan complies with the requirements of the City of Joondalup Town Planning Scheme No 1 in respect of a Structure Plan and is recommended to be adopted as a part of the City of Joondalup Town Planning Scheme No 1.

BACKGROUND

Lot No	Part Lots 7 and 158
Street Address	Hepburn Avenue
Land Owner	Estates Development Company
MRS Zoning	Urban
TPS Zoning	Urban Development
Density Code	R20
Land Use	Vacant
Lot Area	45.64 hectares

Site History

Harbour Rise Estate (Attachment 1) was rezoned by Amendments 839 and 840 which were adopted by the Joint Commissioners at their meeting on 25 May 1999. Lot 7 Hepburn Avenue, Hillarys and Part Lot 158 Hepburn Avenue, Sorrento were rezoned to Urban Development Zone and the land was uncoded. The land is subject to the draft Hillarys Structure Plan which has been forwarded to the Western Australian Planning Commission (WAPC) for endorsement.

A variation to the Council's policy 3.1.9 - Height and Scale of Buildings within a Residential Area (now incorporated in the Policy Manual as policy 3.1.9.1) relating to Stage 1 of this development was advertised for public comment for a 30 day period which closed on 9 September 1998. Some submissions were not addressed at that time since the area which was then subject to the height variation was not in a location which would affect those respondents. These submissions relate to the current proposal and are considered below.

Previous Council Decisions

Variations to Policy 3.1.9 Height and Scale of Buildings within a Residential Area (now incorporated in the Policy Manual as policy 3.1.9.1) that alter the height criteria for Stage 1 of Harbour Rise Estate were accepted for advertising at the meeting of the Joint Commissioners on 28 July 1998 (Report CJ50-07/98). The provisions were incorporated into the draft Structure Plan for Harbour Rise Estate which was considered and accepted for advertising by the Joint Commissioners at their meeting on 10 November 1998 (Report CJ232-11/98).

At their meeting of 8 June 1999 (report CJ208-06/99) the Joint Commissioners pursuant to clause 10.6 of the City of Joondalup Town Planning Scheme No. 1 (the Scheme), resolved that the draft Structure Plan for Hillarys is satisfactory and to submit it to the WAPC for adoption and certification.

An application for modifications to the draft Hillarys Structure Plan was received and accepted for advertising by the Joint Commissioners on 10 August 1999.

DETAILS

Current Proposal or Issue

The draft Hillarys Structure Plan (Attachment 2) is proposed to be modified to extend the maximum building height provisions that are currently only applicable to part of the Cascade Residential Precinct to the balance of Harbour Rise Estate. These provisions have already been put in place for Stage 1 of the Estate by varying Council's Height and Scale of Buildings in a Residential Area policy as follows:

- The concept of a building threshold envelope is not applied. Instead, the maximum permitted building height is defined as a wall height of 3.5 metres for single storey and 6.5 metres for two storey, with a maximum roof ridge height of 6.5 metres for single storey and 9.5 metres for two storey.
- Tower elements are permitted to project up to 3 metres above the wall and ridge heights. They must complement the building and are permitted to be up to 6 metres square on plan on lots in the General Residential Precinct and 3 metres square in the Small Lot Residential Precinct.
- Plot Ratios are to comply with the R Codes, which impose no maximum for single houses. The maximum permitted site coverage is to be 65%.

These provisions have been proposed to be extended to all of the Harbour Rise residential lots except the part of the development south of Hepburn Avenue and the lots abutting existing residences fronting onto Waterford Drive. These areas comprise additional precincts within which the Height and Scale of Buildings within a Residential Area policy applies.

Within the Small Lot Residential Precinct the modification alters the front setback requirements for the main façade to a minimum of 1.5m and a maximum of 6m to allow flexibility for the location of houses. Zero lot line development is also permitted in this precinct.

Relevant Legislation

Under the provisions of Part 10.7 of the Scheme, Council may amend a structure plan and advertise the changes for a minimum of 21 days. Council may apply those provisions of Clause 10.6 regarding consideration of a structure plan which are considered to be appropriate.

Under the provisions of Part 10.6.1 of the Scheme, Council shall consider all submissions received and shall either refuse to adopt the structure plan or resolve that the structure plan is satisfactory with or without modifications and shall submit three copies to the WAPC for adoption and certification.

Advertising and Summary

The proposed amendments to the draft Hillarys Structure Plan were advertised for public comment for a 30 day period, which closed on 17 September 1999. Fifteen submissions were received as tabulated in Attachment 3. These responses took the form of a standard letter (Attachment 4) signed by residents who all live south of Hepburn Avenue in Sorrento.

COMMENT

Issues

The modifications to the draft Structure Plan that were advertised relate to changes to control the height and setbacks of houses in areas outside the former Cascade Precinct (Stage 1 of the development). The proposals recognise the strategic location of Harbour Rise close to the coast and the opportunity to create an attractive and desirable residential environment by applying consistent provisions throughout the entire development.

The modifications include:

- extending the maximum building height provisions which are currently only applicable to part of the Cascade Residential Precinct to the balance of the estate;
- modifying the front setback requirements for small lots; and
- introducing two additional precincts; the Waterford Residential precinct and Sorrento Small Lot Residential precinct which are subject to Council's Height and Scale of Buildings within a Residential Area policy.

The concerns raised by the submission are addressed as follows:

Council Standards

The modifications permit the ridges of two storey houses to rise to a metre higher than the top of the building envelope set out in the Height and Scale of Buildings within a Residential Area policy. This is intended to permit steeper pitched roofs that will enhance the architectural qualities of the development. In addition, tower structures up to three metres greater in wall and ridge height are permitted in order to recognise the location of the site near the coast and to create an identity for the estate by including towers, lookouts etc. This is intended to promote and maintain the attractiveness of the area for existing and new residents.

It must be emphasised that Council's Height and Scale of Buildings policy does not prohibit the construction of houses that exceed the building envelope which is set out therein. It requires that justification for the bulk and nature of any building outside the envelope be provided in the form of an application for Development Approval. Again, the approval of provisions that permit towers within the Structure Plan area does not mean that they will be built. Many factors will influence the choice of homebuilders, including the availability of suitable designs and the cost of building additional stairs to access an extra floor.

Any landowner can currently build to their requirements subject to Council approval. Tower elements will be subject to the same consideration at which time all relevant factors will be taken into account, with particular regard to overshadowing, sunshading and the protection of privacy for private outdoor areas and internal spaces. The controls included within the draft Structure Plan for tower elements specifically consider the issues of amenity and privacy.

The modified height provisions in the draft Structure Plan are considered to have little or no impact on the existing surrounding residents as the areas directly adjacent to existing properties are subject to existing provisions, including the policy Height and Scale of Buildings within a Residential Area.

Existing Concessions

The existing variations to Policy 3.1.9 - Height and Scale of Buildings within a Residential Area (now incorporated in the Policy Manual as policy 3.1.9.1) are only temporary to the extent that they will not apply to any submissions received following approval of the Structure Plan, which contains the same provisions.

The developer has sold in excess of 95 lots in accordance with the varied provisions, and in anticipation that they will be continued. Houses are currently under construction on many of these lots. The developer suggests that property values in the surrounding area have in fact been increased by the quality development in the Harbour Rise Estate, not decreased as is claimed in the submission.

Environmental Factors

The process of planning for Harbour Rise has been ongoing now for more than four years. Prior to that a subdivision design had been approved by the WAPC for the entire site. Issues of traffic, environment, density, amenity and open space have been resolved by Council and various government departments in the process of subdivision approval, including the acceptance of the draft Structure Plan by the Joint Commissioners in June 1999. These issues are therefore not considered to be relevant to the consideration of this amendment.

Two traffic reports have been prepared and an independent traffic study undertaken recently by the WAPC to ensure that both internal and external traffic issues have been thoroughly assessed.

Densities are based on current planning policies to allow for a diversity of housing types and lifestyles in recognition of the location of the site adjacent to regional facilities, the coast, transport and services.

Commercial Provision

The mixed use sites are not at this time included in the draft Structure Plan in order to allow further consideration of design issues. This will be the subject of a separate modification to the Structure Plan and is therefore not considered to be relevant in the context of the current modifications.

Open Space

The open space included within the draft Structure Plan is subject to WAPC and Council requirements and will be in accordance with the standards set out in the Liveable Neighbourhoods Community Design Code.

Public Meeting

There has been frequent public consultation over the life of the project, including:

June 1998	Preliminary Draft Structure Plan advertised for public comment;
August 1998	Height Policy advertised for public comment;
August 1998	Road closure advertised for public comment;
November 1998	Draft Structure Plan advertised for public comment;

November 1998 Amendment 839 and 840 advertised for public comment; and
September 1999 Modifications advertised for public comment.

Since public consultation has been undertaken at all stages, it is not considered necessary for there to be a public meeting at this stage when modifications to the draft Structure Plan are being considered. The concerns of residents south of Hepburn Avenue are noted; however, the draft Hillarys Structure Plan which puts in place provisions to control the height of houses in Stage 1 of the development was accepted by the Joint Commissioners at their meeting of 8 June 1999 as being suitable to be submitted to the WAPC (Item CJ208-06/99).

Previous submissions

A variation to the Council's policy 3.1.9, Height and Scale of Buildings within a Residential Area relating to Stage 1 of this development (now incorporated in the Policy Manual as policy 3.1.9.1) was advertised for public comment for a 30 day period which closed on 9 September 1998. Some of the submissions made at this time are considered to be relevant to the current proposal.

One was from a resident in Ewing Drive, objecting to the extension of the policy variation to the part of the estate facing Ewing Drive and Angove Drive. Other submissions, including a 25-signature petition representing a further 19 lots were from residents who suggested that the ocean views from their lots would be adversely affected by the variation to the policy and to its application to lots adjacent to their properties. It was considered previously that the views from four of these lots would not be affected by that variation. The variation to the policy is not proposed to apply to any lots adjoining existing properties which are separated from the area subject to the variation by a row of 'conventional' lots. Houses built adjacent to existing properties will be in accordance with Council's existing Height and Scale of Buildings within a Residential Area policy and will themselves block much of the ocean view from the lots concerned. The relative levels are such that houses built in accordance with the varied policy nearer to the ocean than these are considered to have a minimal effect on the remaining views.

Assessment and Reasons for Recommendation

When presented to a meeting of the Joint Commissioners on 28 July 1998 (Report CJ50-07/98), the revised height criteria were considered to be generally in conformity with the intentions of Council in regulating the height of buildings in residential areas. The ability to construct such features is available to all purchasers of land in the first stage of this development as a part of a design strategy to give identity to the estate and this amendment extends it to the remaining stages of the development.

The proposed modifications to the draft Structure Plan will control the detailed development of houses on the lots within subsequent stages of the Harbour Rise Estate which can be administered as part of the building licence approval process. The proposed modifications to the setbacks will ensure an appropriate form of development in the Small Lot Precinct.

It is considered that the inclusion of the Waterford Residential and Sorrento Small Lot Residential precincts will reduce the impact of houses built in accordance with the modified policies to an acceptable level.

The proposed modifications to the draft Structure Plan are considered to be acceptable as a means of controlling building height and scale and enhancing the character of the streetscape in this development. The modified draft Structure Plan is considered to be acceptable.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners pursuant to Clause 10.6 of the City of Joondalup Town Planning Scheme No 1, RESOLVE that the draft Structure Plan for Hillarys is satisfactory with modifications and submit it to the Western Australian Planning Commission for adoption and certification.

The Motion was Put and

CARRIED

**CJ358-10/99 PROPOSED SINGLE RESIDENCE (REVISED PLANS)
– LOT 414 (30) ASHMORE WAY, SORRENTO
[38904J]**

SUMMARY

This report deals with a second application for the development of a new residence at the above address.

Council approved the initial application on 24 August 1999. The conditions of approval sought to reduce the height of the building to comply with Policy 3.1.9 - Height and Scale of Buildings in a Residential Area. The approval acknowledged and approved a variation to the maximum plot ratio (ratio of building area to land area) allowed under the policy.

Adjoining owners were invited to comment on the initial application. Numerous verbal and written submissions were received opposing granting discretion to policies, with particular emphasis on building height.

A second application has been lodged in answer to the initial Council resolution and this has been advertised. Similar submissions have been received objecting to any variations to the Building Height Policy. The second proposal remains overheight.

There are no planning grounds for varying the policy. It is recommended that Council reaffirm its decision to approve the development, subject to conformity with the Height Policy.

BACKGROUND

Lot No	414
Street Address	30 Ashmore Way, Sorrento
Applicant	Milankov Designs
Land Owner	John & Maria Kime
TPS Zoning	Residential Development
Use Class	P' Single Dwelling
Lot Area	756m ²

Initial Application

The initial application was considered at the Delegated Authority meeting on 4 August 1999 and further evaluation was requested in relation to:

- (i) plot ratio proposed in the development which was in the order of 10% above the normal 0.6 PR limitation (approx 70m² of floorspace above that ordinarily allowed);
- (ii) building height, which was above the height allowed by the policy (0.6m above the policy maximum) for a portion of the central ridge of a hipped roof.

Council subsequently resolved to exercise discretion under the Town Planning Scheme No 1 [1 7.3(b)] to approve the plot ratio variation having regard to the scale and bulk of adjoining developments.

The resolution included a requirement for the building height to be reduced by 0.8 metres, based upon a more restrictive interpretation of the policy than would normally occur. The resolution resulted from the calculation of natural ground level without taking into account a retaining wall at the rear of the site that had been constructed during the subdivision of the surrounding "Sorrento Beach Estate".

The applicant has subsequently submitted a letter confirming that a meeting had taken place following adoption of the initial resolution, for the purpose of presenting revised plans, including a lower roof pitch. The matter of the interpretation of ground levels in the initial report was also raised. The applicant asked that ground levels (and the resultant building height envelope) be derived in the same manner as normally applies to other applications. The initial resolution had interpreted building height in a manner that was more restrictive than the usual approach. The conclusion reached was that new plans would be lodged, incorporating the revised roof pitch, and the lowering of the finished floor level, and that these plans would be the subject of a fresh application. The application would be assessed strictly in accordance with Council policy, and the matter referred to Council for consideration.

Details - Current Application

On the basis of the above meeting, the proponent modified plans (including a reduction in roof pitch and reduction in floor levels). This proposal was lodged as a new application. The application was assessed and found to be marginally over the height limitation prescribed by Policy 3.1.9.

Accordingly, neighbours were advised of the proposal, in strict accordance with the policy. Two submissions were received against the proposal, containing the following points;

- (i) allegations of preferential treatment of the applicant,
- (ii) the policy should be interpreted clearly,
- (iii) the proposal will cause overshadowing, and
- (iv) the proposal is inconsistent with the streetscape of the area, due to the potential build up of the block.

It should also be noted that the notification sent to the adjoining owners regarding the revised proposal was based on the preliminary assessment of the new plans. The letter indicated that the latest plan was in the order of 0.2 m above the maximum suggested by the policy. Closer inspection of the revised proposal reveals that this figure is between 0.1 and 0.2 m above the parameters of Policy 3.1.9.

The applicant has also been asked to provide planning grounds for the policy being varied. The applicant provided the following reasons for the proposal being allowed.

- (i) Applicant contends that the new proposal is below the maximum height allowed by Policy 3.1.9,
- (ii) The applicant contends that an alternate approach to measuring height could be adopted. By this interpretation, the proposal would be below the height policy limitation,
- (iii) In any event, the bulk of the roof is less than 8.5m above ground levels. Further the proposal could be amended to include flat (rather than the pitched roof) structure, which would be within the constraints of height policy, but would increase size and bulk of the building, thereby having a greater impact,
- (iv) Further reduction in finished floor levels would cause additional site costs for additional retaining walls, and potentially ‘drainage problems’ would arise.
- (v) The adjoining property at 28 Ashmore Rise has a higher finished floor level.

COMMENT

The issue of plot ratio is not in question. Council has adopted a resolution to approve the plot ratio variation to the policy. From a planning perspective, the plot ratio of the development would not have a negative impact upon any of the adjoining neighbours.

The submissions raised objecting to the proposal are addressed as follows:

- (i) Preferential treatment – the proposal is being assessed in the same manner as would any new proposal.
- (ii) Policy interpretation - the policy is being applied in a manner which is consistent with the past application of the policy.
- (iii) Overshadowing – the proposal would not cause overshadowing that is considered excessive under the terms of the R Codes.
- (iv) Streetscape – the proposal would be reasonably consistent with the style and bulk of development on adjoining properties, in the form proposed.

The second application also conforms with the remainder of standards applicable under the Town Planning Scheme No 1 and the R Codes.

The issues raised by the applicant in support of the application are also addressed as follows;

- (i) Conformity with the height limitation allowed under Policy 3.1.9. – The proposal does exceed the parameters of the policy. The policy has been applied in a manner which is consistent with that applied to other developments in the City. The interpretation of ‘*natural ground level*’, as required by the policy has occurred in a similarly consistent manner.
- (ii) Alternate method of calculating building height – the approach suggested by the applicant is not consistent with the approach adopted by the City in the past. The applicant’s approach relies on the issue of finished floor level (of the proposal) as a determinant, whereas the policy is concerned with the height of the building rather than attempting to ‘set’ floor levels of the building at or

near ground levels. (*Natural ground level* is established for the purpose of setting the height envelope against which applications are assessed). The method proposed is not considered to be consistent with, or derived from, the policy as it has been adopted, and previously applied.

- (iii) Bulk of the roof – it is acknowledged that the bulk of the roof is below the 8.5m figure suggested in Policy 3.1.9. The extent of the roof in question is minor (being only 2.9m in length and 0.1 – 0.2m above the ordinary limit), when compared to the remaining pitched roof which is largely substantially below the limitation.
- (iv) Additional retaining walls would be required – The site has a minor crossfall. A minimal extent of additional cutting into the site would be required on one side if the applicant chose to reduce floor levels. This would be offset by the reduction in fill required at the opposite side of the site. Floor level reduction is not the only avenue available in order to make the proposal lower. A reduction in floor to ceiling heights or roof pitch would have the same effect on overall height of the proposal, remembering that the reduction sought to conform to Policy 3.1.9 is in the area of 0.1 to 0.2 m at the top of the building. Any additional impact on drainage management is not evident in the level of detail provided in the development application.
- (v) Floor levels at 28 Ashmore Rise - The adjoining property is situated further up-hill from the subject site.

The second application constitutes a request for variation to Policy 3.1.9 for a portion of the roof. There is no planning rationale that has been provided to substantiate the variation. Assessment of the proposal concludes that:

- (i) The site is unconstrained, it is fairly level and easily developed;
- (ii) The streetscape in the eastern end of Ashmore Way (abutting the subject site) is consistent with the parameters of Policy 3.1.9.
- (iii) There are no extenuating planning grounds allowing a 2.9 metre long portion of the ridge to extend beyond the height envelope, although the impact of the portion of the roof in question would be negligible, given the minor extent of the protrusion through the height envelope.

Given further assessment on the aspect of calculating '*natural ground levels*' (from which the building height envelope originates) it is also recommended that a consistent approach be applied to assessing this aspect of the plan. Therefore, calculations of building height on the second application have occurred strictly in compliance with the adopted policy parameters.

The application also includes other projections into the building height envelope, including:

- (i) chimney and eave projections through the angled sides of the building height envelope;
- (ii) a small portion of wall extending through the angled side of the height envelope in proximity to the west side boundary. This portion of wall is 1.65 metres from the side boundary and rises to a height of 6.0 metres above natural ground. No objection is held to this aspect of the proposal, either technically or from the viewpoint of the adjoining landowner.

CONCLUSION

The proposal represents a ‘quality residence’ and is one that would be in keeping with adjoining development in the locality. The proposal would add to the streetscape in the area. Some of the concerns raised as to the impact of the proposal relate to comparing it to the current undeveloped site. Certainly, the bulk of the development would be markedly different from past conditions, however, when assessed against prevailing development standards, the proposal is considered to be largely appropriate.

The proposal conforms to standards in regard to most aspects. The extent of the variation sought to Policy 3.1.9 is minor, given the extent of variation sought. From a technical viewpoint, there appears little reason to vary Policy 3.1.9 save for the argument that the proposal incorporates the bulk of the roof well below the restriction. On balance, it is agreed that the roof form could be redesigned so as to show increased bulk and scale whilst conforming to the ‘letter’ of the policy.

The impact of the policy variation would also be minor, and barely discernible by surrounding neighbours if the proposal were to be constructed in the form proposed. Similarly, the impact on the applicant would be similarly indiscernible if the development were required to conform to the policy.

The current policy provides guidelines as to the reasonable extent of the height and scale of development to the wider community. In recognition of this point, and having regard to the factors assessed herein, it is recommended that the proposal be required to conform to the policy.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners:

- 1 APPROVE the application for a single residence on Lot 414 (30) Ashmore Way, Sorrento in accordance with the revised plans dated 30 August 1999, subject to the ridge height of the main roof being reduced so as not to exceed the requirements of Policy 3.1.9 – Height and Scale of Buildings in a Residential Area;**
- 2 EXERCISE discretion under clause 7.3(b) of the City of Joondalup Town Planning Scheme No. 1 to:**
 - (a) vary the plot ratio requirements of 0.5:1 to 0.6:1**
 - (b) vary Policy 3.1.9 - Height & Scale of Buildings in a Residential Area, to allow a minor wall projection within 1.65 metres of the west side boundary to the satisfaction of the Manager, Approval Services, which is acceptable in view of design and scale of the structure within the locality;**
- 3 ADVISE those who made submissions of the City’s determination.**

The Motion was Put and

CARRIED

CJ359-10/99 TWO GROUPED DWELLINGS LOT 91 (42) NEW ENGLAND DRIVE, HILLARYS - [02249J]

SUMMARY

An application for development approval has been made for two (two storey) grouped dwellings at the above address. Certain aspects of the design require the exercise of discretion to approve the proposal. The exercise of discretion requires that the proposal be advertised to adjoining neighbours.

Eleven objections were received against the proposal. The major reason for objections from neighbours relates to the proposal being within an area where lots are developed with single residences only, at present. The density of development has been controlled by covenant imposed by the subdivider. The covenants are due to be removed (as they will expire) in the near future.

The density of development does, however, conform with the City of Joondalup Town Planning Scheme No.1. The variations to setback standards requested in this case are reasonable, when compared to the prevailing standards of the R Codes.

It is recommended that Council exercise discretion to approve the proposal, including variation to building setbacks under the Residential Planning Codes.

BACKGROUND

File Reference:	02249J
Local Government	City of Joondalup
Application No:	DA99/1022
Applicant:	Glenn Campbell, Cleary Constructions
Owner:	Cleary Construction (WA) Pty Ltd.
Date Received:	14 June 1999
Zoning:	TPS: Residential Development R20 MRS: Urban
Use class:	“AA” Grouped Dwellings

Location

The subject lot is located within an area characterised by single dwellings on individual lots that are oriented to address the street. Properties generally have spacious front gardens merging into the verge area and in most instances with no front fences.

The subject lot has a crossfall of approximately 0.5 metres from side to side. In addition, the lot rises approximately 2.0 metres from front to rear. The proposal requires some cut and fill to integrate into the slope of the land. One adjoining residence has extended fill onto the subject site, without providing retaining walls at the common boundary.

Notably, lots in the vicinity have developer covenants, limiting development potential to single residential housing only. Council is not a party to this covenant.

Town Planning Scheme No. 1 and the Residential Planning Codes

The City of Joondalup Town Planning Scheme No 1 establishes a density of R20 for the area. Under the R20 coding, lots of more than 900m² in area may be developed for two grouped dwellings. The establishment of this density has occurred whereby detailed evaluation of the most appropriate density, from Council's point of view, was established, and included in TPS 1.

The subject lot has an R20 Coding, which when combined with the area of 902m² is sufficient to allow the development of two dwellings.

The R Codes establish development standards including appropriate setbacks and open space standards. The applicant has requested that the Council exercise discretion under the Residential Planning Codes in relation to:

- The garage to Unit One being setback 4.5 metres as opposed to the required 6.0 metre setback;
- The garage to Unit One being positioned along the side boundary (nil setback) and;
- The garage and storeroom to Unit Two proposed at a 0.5 metres from the side boundary as opposed to 1.0 metre normal requirement.

DETAILS

The applicant has provided supporting information as a component of the submission, to the effect that;

- The covenant expires on 31 December 1999,
- The proposal complies with the R Codes and Council guidelines,
- The project is in keeping with the existing streetscape, street presentation and existing setbacks on the street and precinct,
- Overshadowing was assessed and the development will not have a detrimental effect on adjoining properties (there had been some concern expressed by adjoining residents on this point), and
- The proposed development is on the blind side of the adjoining neighbour at 40 New England Drive.

The applicant has also offered to minimise impact of the development, by various detailed means (preserving fences, addressing the fill overburden from the adjoining lot, minimising parapet wall heights, and using glazing which will negate overlooking from strategic areas or repositioning windows).

Many of these aspects of the proposal would conform to the R Codes, but have been offered in an effort to negotiate support for the proposal from the surrounding residents.

COMMENTS

Notification Response

The proposal includes a parapet wall(s) on the boundary, and also appeared to exceed the building threshold envelope (right sidewall). Therefore, all adjoining landowners within 15 metres of the subject lot (and the owner on the opposite side of the street) were notified of the proposal, in accordance with Policy 3.1.9.

The invitation to comment was made in response to the variation to standards sought, as described above, for a 14 day period. Eleven responses were received; some of which related to issues other than those that relate to the discretion sought. The content of the submissions is summarised below.

Number of times raised (freq.)	Respondent Concerns
11	Restrictive Covenant (one residential dwelling only)
11	Depreciation of property value
10	Out of context with surrounding area in terms of streetscape
4	Excessive height would result in overshadowing of portion of Lot 90
3	Traffic Problems from additional driveway, reduced setback and fencing proposed.
1	The proposed zero setbacks for the two garage walls would result in loss of view and overshadowing

Restrictive Covenant (freq. 11)

The most frequent concern from respondents relates to the principal of allowing two grouped dwellings on the lot. Respondents had purchased land on the understanding expressed that this area would remain single residential. This was enunciated in a private covenant between purchasers and the original land developer – Whitfords Beach Pty Ltd. This covenant is in contrast to the R20 density standard prescribed within the City of Joondalup Town Planning Scheme No.1.

This covenant will expire in December 1999. Whitfords Beach Pty Ltd has informally stated that they have no intention of extending the covenant. From a legal point, Council is not bound by the terms of the covenant, as it is not a party to its existence. From a planning perspective, the TPS sets out the appropriate density of development for the area.

Depreciation of Property Value (freq. 11)

It was stated that property values would be reduced. This was not substantiated in the submissions received. Such issues are not valid planning concerns (they are not addressed in the Scheme or related policy).

The proposal would be out of context with the appearance of the surrounding area (freq. 10)

Most respondents were concerned that the proposed development would be ‘out of context’ with the streetscape as the proposal has a fence when most lots in the street do not. There is no prohibition on front fencing in the area. The current lack of front fencing is a reflection that, until now, a proponent has not come forward wishing to erect a front fence.

New England Drive is characterised by houses that address the street with open front gardens and only a few front fences. A proposed fence has been reduced in height from 1.8 to 1.2 metres sitting on top of a retaining wall. It is recommended that the front fence be modified to ensure open panels have at least a 50% visual permeability. This will ensure the front overlooks New England Drive.

The rear residential unit is proposed in a discrete location behind the front unit and therefore is not expected to reveal itself from New England Drive as a grouped dwelling. The separate accessway is the only indication that there is ‘something more’ to this development.

Excessive height would result in overshadowing of portion of Lot 90 (adjoining property) (freq. 4)

The proposal was assessed in relation to the City’s “Height and Scale of Buildings in Residential Areas” Policy (building threshold envelope). The sidewall to Unit One appeared to exceed the envelope. It was on this basis that the proposal was advertised to adjoining neighbours. It was subsequently determined that the levels along the right (east) side boundary are higher than that drawn on the applicant’s site plans. Using the correct levels, eaves project beyond the envelope. Such projections can be approved under the Policy by delegated authority. The development complies with the maximum 8.5 metre building height requirement and plot ratio requirements.

Adjoining land owners to the east, (lot 90) have objected to the parapet wall on Unit One (U1) and Unit Two (U2) in the belief that views from their house would be obstructed by U1 and overshadowing would occur to their bedrooms from U2. From a planning point of view this proposal is not unreasonable in this respect. Notwithstanding this point, this issue has been partially addressed by the applicant agreeing to reposition the rear garage wall to a 0.5 metre side setback.

The applicant has also undertaken an assessment of overshadowing to support the view that the proposal will not have an unacceptable impact of overshadowing to adjoining lots. The proposal complies with overshadowing limitations expressed in the R Codes.

The issue of privacy protection to the adjoining property has also been raised. The balconies are setback 6.0 metres from the west side boundary, as opposed to a minimum requirement of 3.0 metres, prescribed by the R Codes.

Traffic Problems from additional driveway, reduced setback and fencing proposed (freq. 3)

Adjacent and nearby owners have also objected to the additional driveway and front fencing as a potential traffic hazard.

The additional driveway is 3.0 metres wide and runs along the western side boundary. Unit Two (at the rear) is designed to enable vehicles to use a reversing bay in order to leave the site in forward gear.

Many single residences and driveways require drivers to reverse onto the street, whereas the proposed dwelling unit at the rear allows cars to leave in forward gear, which is an improvement on current arrangements offered by nearby properties.

Setbacks

Submissions have also objected to the variation to front setback requirements and impact on traffic safety. Setbacks of the proposal were assessed against the Codes and it is concluded that setbacks will not compromise the safety of traffic.

The proposal complies with average front setback requirements of 6.0 metres, however discretion is required to approve a garage at 4.5 metres. This is a typical area of discretion sought for many new dwellings within the district. Notwithstanding that the development will be closer to New England Drive than the adjoining dwellings, the proposed setbacks are not inconsistent with the established pattern of development in the street. The curve of the road at this point also makes for a broken front building line of other development in the area and would de-emphasise the impact of the requested variation.

The parapet wall to Unit One abuts a double carport situated on the adjoining lot. The location of the carport will effectively screen the view of the garage from the adjoining neighbours.

Conclusion

The proposal is situated on an R20 Coded lot where the Council can approve two-grouped dwellings. The respondents' concerns have been assessed regardless of whether they relate to variations to standards or other matters (i.e. principally, density). The design has been developed in cognisance of the standards, and the range of discretion sought has been justified in the applicant's submission.

It is concluded that the development is unlikely to have an adverse planning impact on the amenity of the adjoining and nearby lots or locality. The development meets the standards and the range of discretion included in the R Codes and Policy, as they have commonly been applied in the City.

On this basis it is recommended that the proposal be approved, as follows.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners in consideration of the development application lodged on 14 July 1999, for two grouped dwellings on Lot 91 (42) New England Drive, Hillarys, (shown on plans dated 18 August, 1999):

- 1 EXERCISE discretion pursuant to clause 1.5.7 of the Residential Planning Codes to permit the garage to Unit One forward of the 6.0 metre front setback and nil side boundary setback, subject to the eastern face of the wall being of a clean finish to the satisfaction of the City and a garage side setback of 0.5 metres to Unit Two:**

2 APPROVE the application subject to the following conditions:

- (a) the front boundary fence being modified to ensure open panels allow at least 50% visual permeability when viewed from New England Drive;
- (b) the eastern face of the parapet wall to Unit One being of a clean finish to the satisfaction of the City;
- (c) repositioning of the first floor habitable windows to Bedroom 3 of Unit Two to face the rear boundary and glass blocks or other obscure glazing being provided to bathrooms and WCs;
- (d) all existing fencing being retained including that part where a parapet wall is proposed;
- (e) construction of parking area driveways and points of ingress and egress to be designed and constructed in accordance with the City's Town Planning Scheme No 1 requirements; and
- (f) all stormwater to be collected on site and disposed of in a manner acceptable to the City.

Cmr Rowell spoke in support of the Motion, referring to the main issues in relation to this proposed development as setbacks, overshadowing and height.

Following questions from Cmr Morgan and Ansell, Director, Development and Planning advised he was satisfied with the recommendation as presented to this evening's meeting.

The Motion was Put and

CARRIED

Items CJ360-10/99 to CJ362-10/99 inclusive were Moved by Cmr Rowell and Seconded by Cmr Clark-Murphy. Cmr Rowell stated his intention to speak on Item CJ360-10/99.

**CJ360-10/99 STREET AND VERGE PARKING IN CITY NORTH,
JOONDALUP - [07190J]**

SUMMARY

A number of petitions from Joondalup City North residents have been presented to the Joint Commissioners expressing concern in relation to studio apartments and the lack of adequate street parking and requesting the installation of embayment parking. The developer, LandCorp has prepared a report which discusses the car parking situation and the intentions for the area and proposes long and short term solutions.

The establishment of a consultative process involving both local residents and Council officers is recommended, to investigate residents' concerns and propose measures to be considered by Council for dealing with the parking situation throughout City North.

BACKGROUND

History

A 56 signature petition from residents in Joondalup City North expressing concern in relation to car parking and privacy problems caused by studio apartments in the area was presented to the Joint Commissioners of the former City of Wanneroo at their meeting on 26 May 1998. The petition read:

We the residents of Joondalup City North, express our concern about car parking in our area.

With the popularity of studio apartments we feel this problem will increase as no provision has been made for extra parking.

We anticipate not only our front streets congested with visitor parking but our laneways will be chaotic with studio apartment residents parking.

We request you give this matter urgent attention.

We also express concern to our privacy being invaded by studio apartments.

An 11 signature petition from residents in Becontree Way, Joondalup City North expressing concern about the lack of adequate street parking was received by the Joint Commissioners at their meeting held on 23 June 1998. The petition took the form of a letter which read, in part:

“.....we do have concerns about the lack of adequate street parking due to the nature of the road layout and the featured tree in the middle of the road.

A number of residents have teenage children (& it goes without saying they each have their own cars !) apart from the householders, add visitors and tradespeople and there is a problem, not to mention a potential traffic hazard.”

A 40-signature petition was presented to the 24 November 1998 meeting of the Joint Commissioners from Joondalup City North residents. The residents requested the installation of embayment parking to alleviate parking problems on the north side of Nottingham Street, east of Regents Drive. No report has been made to Council as the City has been awaiting a response from LandCorp on these issues.

Previous Council Decisions

Council has set out the basis for the planning of City North and its difference from conventional suburban housing in a report to the meeting of the Joint Commissioners on 28 July 1998 (CJ49-07/98) on the 56-signature petition referred to above:

Joondalup City North has been developed by Landcorp as a unique inner city environment. This has been achieved through the interconnected gridded street pattern with rear lane access and servicing to all lots.....Parking is provided on site, accessed from the laneways, in accordance with the requirements of the Residential Planning Codes and it has always been accepted (Concept Plan 1991) that visitor and short stay parking would occur on the streets.

Car parking on the streets is not only to be expected as part of the natural functioning of Joondalup City but is to be encouraged as it keeps the streets active and safe for all.

The petition appears to regard City North in the same way as a conventional subdivision with large front setbacks. Here, it is expected that street parking will augment onsite parking and that proximity of the area to the CBD and the convenience of public transport will eventually result in lower car usage.

At this meeting, the Joint Commissioners resolved to inform residents of the basis of parking provisions, to monitor the situation and to take appropriate measures to control parking if required. At a subsequent meeting on 25 May 1999 (Report No CJ190-05/99), the Joint Commissioners resolved to approve the installation of 'No Parking in Laneway' signs and to inform residents accordingly.

DETAILS

Current Proposal or Issue

A 40-signature petition was presented to the 24 November 1998 meeting of the Joint Commissioners from Joondalup residents. The residents requested the installation of embayment parking on the north side of Nottingham Street, Joondalup, east of Regents Drive to alleviate parking problems and to enable the flow of traffic. The petition was organised following an on site meeting held on 9 October 1998 between residents of Nottingham Street and a Council officer to discuss problems associated with parking and other amenity issues.

The petitioners stated that visitor parking generated by the high density occupancy of homes occurs to such an extent that it does not allow the flow of traffic in opposite directions. This often necessitates drivers reversing to the closest intersection to allow a vehicle to pass, which was considered to be most unsatisfactory and dangerous.

The petitioners considered that the amount of traffic entering Nottingham Street from Regents Park Road would increase considerably as Stage 4 develops and would include large delivery trucks, which would exacerbate the problem.

The City requested LandCorp, the developer of the land to report on the situation and to present proposals for resolution of the problems that have arisen. That report took the form of a letter which was received by the City on 30 June 1999. In that letter, the problems are stated as stemming from a number of factors:

- *Some buyers, attracted by smaller (cheaper) lots have the misconception that City North is merely an extension of suburbia with its associated low densities.*
- *Some homes (particularly those with non strata titled studio apartments) have been leased to a number of adult, unrelated individuals (usually students) rather than a household of related people.*
- *On street parking is not provided in all streets, most notably in the street which has the highest ratio of homes leased to unrelated adults.*
- *The City has not yet developed to a critical mass whereby the range of services in the proximity begins to reduce the reliance on private vehicles.*
- *The City's parking policy, sets aside public parking areas in the CBD to accommodate the balance of public parking funded through a cash in lieu policy. There is no similar arrangement for City North.*

Solutions were suggested by LandCorp for both long and short term:

Long Term

- *Development of the remaining City North land should provide maximum on street parking from the outset.*
- *The City could consider the introduction of additional parking requirements where studio apartments with separate facilities increase the likelihood of subletting to individuals.*
- *Reinforce the positioning of City North as an area of inner city living.*

Short Term

- *Provide mountable kerbs and pave verges in current problem areas*
- *Provide temporary public parking on/adjacent to the community purpose site in Nottingham Street.*
- *Allow street verges to be paved by residents if requested.*
- *Provide embayments in Grand Boulevard (approx \$2,515 per bay)*
- *Install no standing signs in laneways to discourage inconsiderate parking.*

Relevant Legislation

Clause 8 (3) of Schedule 9.1 of the Local Government Act states: *Regulations cannot authorise permanent or unreasonable obstruction of the ordinary and reasonable use of the public thoroughfare or other public place for the purpose to which it is dedicated.*

Clause 5 of the Local Government (Uniform Local Provisions) Regulations 1996 provides that: *A person who, without lawful authority (a) interferes with the soil of, or anything on, land that is local government property; or (b) takes anything from land that is local government property, commits an offence the penalty for which is a fine of \$1,000.*

Clause 42 (2) of Council's Parking Local Law 1998 (gazetted 9 November 1998) provides that: *A person not being the occupier of the land abutting on to a road verge, shall not without the consent of that occupier, drive, park or stand a vehicle upon that road verge.*

Relevant Policies

The City's Verge Treatment Guidelines (prepared as a guide to residents) state: *Council permits a part of the verge to be sealed with either brickpaving, concrete or bitumen. Property owners within the City North Estate (sic) are restricted to a "brick paved" hardstand treatment only.* No entitlement to use the paved area for vehicle parking is given or implied in the guidelines, nor is the potential for conflict between kerbside parking and parking on verges addressed.

Summary

The parking difficulties cited by the present residents stem from a number of factors resulting from the novelty of City North and its planning. It is intended to function as a part of Joondalup City Centre but presently lacks the facilities and services that will allow it to do so.

The planning provisions for Joondalup City Centre ensure that each residential unit provides two onsite car parking spaces; the additional demand comes from visitors and additional vehicles owned by families and residents of multi-occupancy units.

COMMENT

Issues

Joondalup City North was planned to be an innovative inner city suburb and has been recognised as such. Among its founding principles are several which address the place of motor cars and public transport (from the Joondalup City North Structure Plan report by JDC/Tract/Taylor Burrell/PCEJ, November 1991):

City Centre North Structure Plan challenges the contemporary urban forms and elevates human pedestrian value above the dominance of the motor car. (p 2)
The insulated cocoon of the car has generated a malaise of isolation and alienation. The opportunities to meet and involve ourselves with our neighbours, to develop the bonds of a community have been lost. (p 16)

It is clear that the planning intention was to create an alternative to the surrounding suburbs at a greater density of development (from the same report):

- *Permitting and encouraging high densities contributes greatly to the formation of a genuine community. Distances are reduced encouraging walking as the best means of 'transport'.(p21)*
- *The car is to be accommodated but is in no way central to the functioning of the community.(p22)*
- *Residents will use and maintain their street frontage as a neighbourhood public realm. (p26)*
- *Mountable kerbs allow for short-stay and visitor parking on the verges, between street trees. (p32)*

Joondalup City North is a new residential area. The principles that underlie its planning are intended to create a dense inner city area which has a mix of living and working premises. In time, the City Centre will provide most of the residents' needs, including employment within walking distance and a frequent public transport service for journeys to other places. Residents who prefer a more suburban lifestyle will move to the surrounding suburbs. The consequence of these processes will be the reduction of car dependency and parking demand which is intended by the planners. In the meantime, there will be an under-supply of car parking space which may cause dissatisfaction but will itself limit demand.

Assessment and Reasons for Recommendation

It is considered that the resolution of the issues raised will require action by Council, residents and landowners in City North. One element of the solution must be to inform residents of the intentions for the City Centre as a whole and the consequent ability of the City North area to absorb resident parking. Explaining the potential for, and constraints imposed by, inner-city living will begin the process that will result in a population that lives and works in Joondalup and actively contributes to the creation of a local community. The future residents of City North will live there because of the advantages of living in the city and will contribute to the realisation of its objectives.

The first step in this process is therefore seen to be to involve the residents, owners and operators; to discuss with them the practicalities of living in the City Centre and means to alleviate the present problems, and to this end, further discussion with the local community and relevant Council officers is recommended.

It is considered that it may be necessary to amend the City's Parking Local Law so that an adjoining owner in City North does not have control over the use of the verge in front of his property. This clause may be applicable in a suburban situation, but it is likely to lead to conflict in the City Centre, particularly in combination with Council's verge treatment guidelines. Landowners who have permission to pave the verge should not, in a city centre context, see themselves as owners of part of the road reserve. If this is agreed upon, it should be the subject of a further report to Council.

The City's Verge Treatment Guidelines need to be related to the street layout in City North where paving of some verges is possible and in other streets, cannot be permitted. It is considered that a formal process of approval for verges to be paved is required, and that it is necessary to emphasise that the adjoining owner has no right of ownership over the parking spaces so created.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners:

- 1 AGREE to carry out a consultative process involving the Joondalup City North community, to investigate the resolution of parking issues in the area, recognising:**
 - (a) the objectives of Joondalup City Centre and of the contribution of City North to creating a complete inner city community; and**
 - (b) complaints received about parking, access and use of public access ways throughout City North;**
- 2 ALTER the Verge Parking Guidelines to take account of the differing parking provisions in City North and to require written approval from the City before residents may pave street verges.**

Cmr Rowell spoke in support of the Motion.

Cmr Morgan stated this was an important issue that would need to be addressed by the City in the near future and felt it appropriate that a consultative process be undertaken in conjunction with the community of Joondalup City North to investigate the issue of parking.

The Motion was Put and

CARRIED

**CJ361-10/99 PROPOSED SUBDIVISION – LOT 1000
PETERBOROUGH DRIVE, CURRAMBINE (WAPC
REF 111862) [41304J]**

SUMMARY

The Commissioners need to make a determination to either support or not support the application to subdivide Lot 1000 Peterborough Drive, Currambine, which has been forwarded to the City by the Western Australian Planning Commission (WAPC) for comment.

The application proposes to subdivide Lot 1000 Peterborough Drive to create a lot of 5531m² to accommodate the Residential Building and Private Chapel approved on the site. The Currambine Catholic Primary School will retain an area of 3.265ha. Reciprocal rights of access are to be granted over the existing carparking area abutting Caledonia Avenue and the access way to the proposed Residential Building and Private Chapel. Location and subdivision plans are attached for Commissioners' information (Attachments 1 and 2).

The Commissioners' determination is needed with respect to the application as the Catholic primary school site is to be reduced to a size below that recommended in the WAPC Policy DC 2.4 (School Sites) and that shown on the approved structure plan for the area.

The Catholic Education Centre has verbally advised that it is supportive of the proposed subdivision and that an area of 3.265 hectares is sufficient for the school's purposes.

As the Catholic Education Office is supportive of the application and the City has effectively reduced the size of the school site by approving a Residential Building and Private Chapel on the property it is recommended that the application be supported.

BACKGROUND

Lot No	1000
Street Address	Peterborough Drive, Currambine
Applicant	Gutteridge Haskins & Davey Pty Ltd
Land Owner	Roman Catholic Archbishop of Perth
MRS Zoning	Urban
TPS Zoning	Residential Development
R Code	R20
Land Use	Primary School
Lot Area	3.9429 hectares

Site History / Previous Council Decisions

Lot 1000 Peterborough Drive and Pt M1722 initially existed as one lot, which was identified in the Currambine Iluka structure plan as a proposed school site. The Education Department initially had plans to develop a senior high school on the site, however, subsequently determined that it was unlikely that there would ever be a need for such a school. As a result, Lot 1000 was created (WAPC 95751) and sold to the Roman Catholic Archbishop of Perth.

Planning approvals have previously been issued for the construction of the Currambine Catholic Primary School. Planning approval was issued on 13 January 1999 to develop a Residential Building and Private Chapel for the Salvatorian Father's Order on the property. The residential building is intended to accommodate up to nine priests, although it is envisaged that on average only 2-4 priests will be accommodated. Small group meetings and retreats for up to sixty people will also be carried out at various times. The private chapel has been designed as the central focus of the residential building and is not intended to be available to the general public and is unlikely to be used by the primary school. The approved development plan is attached for Commissioners' information (Attachment 3).

DETAILS

The application proposes to subdivide Lot 1000 Peterborough Drive to create a lot of 5531m² to accommodate the Residential Building and Private Chapel approved on the site. The Currambine Catholic Primary School will retain an area of 3.265ha. Reciprocal rights of access are proposed to be granted over the carparking area abutting Caledonia Avenue and the proposed access way to the Residential Building and Private Chapel.

The applicant has advised that the application for subdivision has been submitted:

- out of a desire by the Salvatorian Fathers to secure tenure of the site where they intend to build their Residential Building and Private Chapel; and,
- to enable a cost saving in connecting the proposed Residential Building and Private Chapel to sewerage.

The applicants advise that the cost of connecting the Residential Building and Private Chapel to the elevated sewer connection off Peterborough Drive will be excessive, in the order of \$70,000, this being due to the need to install a private sewer pump station and rising main. The applicants advise that connection to the existing sewer connection on the other side of Caledonia Avenue is available but that the Water Corporation will not provide an alternative sewer connection to the lot. They advise that a connection off Caledonia Avenue will be able to be made if a new lot is created.

The applicant advises that the subdivision proposal may appear unusual but that the battle-axe leg arrangement allows for the proposed sewerage connection and that the north west corner of the proposed split lot provides an overflow parking area for the school.

The applicant advises with respect to the subdivision application's lack of compliance with the WAPC's Policy DC 2.4 (School Sites) that the proposed land uses have been approved and that as the subdivision clearly reflects these landuses, it is not in conflict with the existing planning rationale for the area.

Issues

The Commissioners' determination is needed with respect to the application as the size of the proposed school site is below that recommended in the WAPC Policy DC 2.4 (School Sites) and that shown on the approved structure plan for the area.

The WAPC's policy generally recommends a minimum of 4 hectares for non-government primary schools and states that the Catholic Education Commission will normally require a primary school site of 5 hectares where a church and associated community facilities are included on the site.

The Catholic Education Office has been contacted in relation to this matter and has advised that it is supportive of the subject application and that an area of 3.2 hectares is sufficient for the primary school's purposes. The Office advises that a 4 hectare site is recommended under the WAPC's Policy DC 2.4 (School Sites) so that an area of 0.8 hectares can be set aside to accommodate a church and associated community facilities.

COMMENT

As the Catholic Education Office is supportive of the application and the City has effectively reduced the size of the school site by approving a Residential Building and Private Chapel on the property it is recommended that the application be supported.

The Water Corporation has advised, in relation to the applicant's argument of sewerage connection being costly, that it will consider multiple connections to sewerage where reasonable argument is presented. Lot 1000 Peterborough Drive already possesses two connections to sewerage, one being located in the south west corner of the property off Marmion Avenue and the other off Peterborough Drive.

The property is zoned Residential Development and is coded R20 under the City's Town Planning Scheme No. 1. The proposed lots comply with the requirements of the Residential Development zone and the minimum and average lot size requirements under the R20 Code of the Residential Planning Codes.

The shared access way to the proposed Residential Building and Private Chapel should be constructed prior to clearance of subdivision. A reciprocal rights agreement will also need to be prepared to ensure reciprocal rights of access over the primary school's existing carparking bays, which are accommodated on site, and the shared access way providing access to the carparking bays associated with the proposed Residential Building and Private Chapel.

It is intended that the subject land be rezoned under the City's District Planning Scheme No 2 to Private Club/Recreation. Under the site's current zoning the lots could be developed for residential purposes.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners ADVISE the Western Australian Planning Commission that they support the application submitted by Gutteridge Haskins & Davey Pty Ltd on behalf of the Roman Catholic Archbishop of Perth, for the subdivision of Lot 1000 Peterborough Drive, Currabine, as depicted on the plan dated 6 August 1999 (WAPC 111862), subject to the following conditions:

- 1 the access way to the approved residential building and private chapel being constructed and drained at the subdivider's cost to the specification of the City of Joondalup;**

- 2 **the approved residential building and private chapel having the necessary clearance from the new boundaries as required by relevant legislation;**
- 3 **the subdivider entering into an agreement with the City of Joondalup to ensure reciprocal rights of access over the existing carparking area abutting Caledonia Avenue and the proposed access way to the approved residential building and private chapel.**

The Motion was Put and

CARRIED

CJ362-10/99 SUBDIVISION REFERRALS PROCESSED 30 AUGUST TO 24 SEPTEMBER 1999 - [05961]

SUMMARY

Overleaf is a resumé of the Subdivision Referrals processed by the Subdivision Control Unit (SCU), from 30 August 1999 to 24 September 1999. Applications processed via the SCU were dealt with in terms of the delegation of subdivision control powers to the Chief Executive Officer (DP247-10/97 and DP10-01/98). The Chief Executive Officer subsequently delegated to the Manager, Urban Design and Policy Services, the authority to deal with these applications.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners NOTE the action taken by the Subdivision Control Unit in relation to the applications forming Attachment 1 to Report CJ362-10/99.

The Motion was Put and

CARRIED

Appendix 9 refers – For Appendix 9, click here: [Att9.pdf](#)

DATE OF NEXT MEETING

The next meeting of the Joint Commissioners has been scheduled for **6.00 pm** on **TUESDAY 26 OCTOBER 1999** to be held at the Wanneroo Civic Centre, Civic Drive, Wanneroo.

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 1945 hrs; the following Commissioners being present at that time:

COMMISSIONERS: ANSELL
MORGAN
CLARK-MURPHY
ROWELL
BUCKLEY