



**MINUTES OF MEETING OF JOINT COMMISSIONERS  
HELD ON 11 AUGUST 1998**

**INDEX**

<b>No:</b>	<b>Item</b>	<b>Page</b>
	<b>ATTENDANCES</b>	1
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>	1
	<b>PUBLIC QUESTION TIME</b>	2
	<b>DECLARATIONS OF FINANCIAL INTEREST</b>	9
<b>C5-08/98</b>	<b>CONFIRMATION OF MINUTES</b>	9
	MINUTES OF MEETING OF JOINT COMMISSIONERS HELD ON 28 JULY 1998	
	<b>ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION</b>	
	COUNCILLORS' DINNER	9
	LOCAL GOVERNMENT WEEK	9
	WHITFORD CITY SHOPPING CENTRE	9
	WANNEROO TOWN CENTRE	10
<b>C6-08/98</b>	<b>PETITIONS</b>	10
	PETITION REQUESTING CONSTRUCTION OF A CLAY BMX TRACK, CNR HADDINGTON ROAD/BERKSHIRE DRIVE, BELDON - [00659J]	10
	PETITION REQUESTING CLOSURE OF PEDESTRIAN ACCESSWAY - SYCAMORE DRIVE AND KELVIN ROAD, DUNCRAIG - [26101J]	10
	PETITION REQUESTING TRAFFIC CHANGES TO BANKS AVENUE, HILLARYS - [05576J]	10

**REPORT NO:****POLICY SECTION**

CJ60-08/98	AMENDMENT - REGISTER OF DELEGATIONS - EXPRESSION OF INTEREST - [11045J]	11
CJ61-08/98	CORPORATE POLICY FOR THE USE OF COMMON SEAL AND SIGNATORIES FOR EXECUTION OF CONTRACTS - [09763]	12

**TECHNICAL SERVICES SECTION**

CJ62-08/98	PETITION - CYCLE TRACK - KINROSS - [17015J]	16
CJ63-08/98	CHRISTCHURCH PARK, CURRAMBINE - PROPOSED 40 BAY CAR PARK AND ACCESS ROAD - [07066]	17

**DEVELOPMENT & PLANNING SERVICES SECTION**

CJ64-08/98	LOT 17 MINDARIE/CLARKSON/TAMALA PARK: APPOINTMENT OF CONSULTANT - [11045J]	19
CJ65-08/98	TENDER 018-98/99 - ESTABLISHMENT OF WHITFORD CITY SHOPPING CENTRE CUSTOMER SERVICE CENTRE - [02496J]	21
CJ66-08/98	DEVELOPMENT ASSESSMENT UNIT AND DELEGATED AUTHORITY - [07032]	24
CJ67-08/98	REVIEW OF PINNAROO POINT FORESHORE MANAGEMENT PLAN - [02093]	25
CJ68-08/98	RECONSIDERATION CAR PARKING REQUIREMENT FOR SIX CINEMA COMPLEX - LOT 929 (1244) MARMION AVENUE, CNR SHENTON AVENUE, CURRAMBINE - [00128J]	27
CJ69-08/98	HIGHWAY DEVELOPMENT ALONG JOONDALUP DRIVE - MODIFICATIONS TO DEVELOPMENT PLAN AND MANUAL - CLOSE OF ADVERTISING - [02758J]	34
CJ70-08/98	PETITION REQUESTING PROVISION OF VERGE PARKING BAYS - BEACONTREE WAY, JOONDALUP - [19855J]	35
CJ71-08/98	PROPOSED AMENDMENT NO 839 TO TOWN PLANNING SCHEME NO 1 TO REZONE PART LOT 7 AND PT LOT 158 HEPBURN AVENUE, HILLARYS TO URBAN DEVELOPMENT ZONE - [16047J]	37
CJ72-08/98	PROPOSED AMENDMENT NO 840 TO TOWN PLANNING SCHEME NO 1 TO REZONE A PORTION OF HEPBURN AVENUE ABUTTING PT LOT 158 HEPBURN AVENUE, HILLARYS TO URBAN DEVELOPMENT ZONE - [14935J]	39
CJ73-08/98	EXPANSION OF EXISTING MEDICAL CONSULTING ROOMS TO ACCOMMODATE AN ADDITIONAL MEDICAL PRACTITIONER - LOT 10 WOODVALE - [09521]	41
CJ74-08/98	SUBDIVISION CONTROL UNIT - DIRECTOR, DEVELOPMENT SERVICES - 11 JULY 10 22 JULY 1998 - [05961]	44
CJ75-08/98	CLOSE OF ADVERTISING - AMENDMENT NO 818 TO TOWN PLANNING SCHEME NO 1 TO INCLUDE THE USE CLASS VETERINARY ESTABLISHMENT AS AN "AA" USE IN VARIOUS ZONES - [07381JW]	45
CJ76-08/98	FRONT SCREEN WALL: LOT 34 (4) MABENA PLACE,	

	OCEAN REEF - [07921J]	46
CJ77-08/98	REDUCED FRONT SETBACK - DWELLING & GARAGE: LOT 209 (24) ROBERTSON COURT, KINGSLEY - [25049J]	48
	<b>REPORT OF THE CHIEF EXECUTIVE OFFICER</b>	
CJ78-08/98	SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [151876]	49
	<b>DATE OF NEXT MEETING</b>	52
	<b>CLOSURE</b>	52

# **CITY OF JOONDALUP**

**MINUTES OF MEETING OF THE JOINT COMMISSIONERS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE BUILDING, BOAS AVENUE, JOONDALUP, ON TUESDAY, 11 AUGUST 1998**

## **ATTENDANCES**

### **Commissioners:**

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

### **Officers:**

Chief Executive Officer:	L O DELAHAUNTY
Director, Corporate Services:	R E DYMOCK
Director, Strategic Planning:	R FISCHER
Director, Resource Management:	J B TURKINGTON
Director, Development Services:	O DRESCHER
Director, Community Services:	C HALL
Manager, Executive Services:	K ROBINSON
Manager, Council Support Services:	M SMITH
Committee Clerk: J AUSTIN	
Minute Clerk:	L TAYLOR

## **APOLOGIES AND LEAVE OF ABSENCE**

Nil.

There were 12 members of the Public and 1 member of the Press in attendance.

**The Chairman declared the meeting open at 1730 hrs.**

## PUBLIC QUESTION TIME

**The following question was submitted by Mr W Herrmann of Quinns Rocks:**

*Q1 I request that a room be made available at the library and offices where maps of the locality beyond and including the area of jurisdiction for view and for the general population. The maps should be hung so that they are easily viewable.*

A1 As a matter of priority the following maps will be put on display at all the City of Joondalup and Shire of Wanneroo libraries:

- map of current Shire of Wanneroo and City of Joondalup boundaries;
- map of proposed boundary adjustment to the Shire of Wanneroo/City of Joondalup

**The following questions were submitted by Mrs A Hine in relation to Greenwood Primary School:**

*Q1 How many trees have been agreed by Council with the developer to save?*

A1 A survey of the vegetation species has been conducted and the trees to be retained are being determined. Every effort will be made to ensure the best groups of trees will be retained as part of open space and will be in a position to survive in the long term.

*Q2 What benefit will this swap of land do for the people and families of this whole area?*

A2 The land exchange will provide a useable area of public recreation as opposed to thin strips of land which provide minimal recreation use and may become a security risk for adjoining landowners. This allows for the retention of a greater area of existing vegetation, with the additional ten per cent public open space allocation.

*Q3 Does the developer have to contribute 10% of this land apart from the public open space already owned by the original people when that was first developed?*

A3 Yes. Since the primary school site is a non-residential use, it was not included in the calculation of the Public Open Space for the original development. As the school site is now being transformed into a residential area, a contribution of 10% public open space will be required.

*Q4 What happens to people who have got a back entrance onto any part of public school or public reserve?*

A4 Back entrances would no longer be appropriate as these residents back fences will now become the back fences of the new residential lots abutting.

*Q5 & 5A Is Council going to give all residents an undertaking that houses to be built adjacent to their back fences will not impinge on their privacy i.e., tall houses*

*overlooking their pools and such, height especially as this land was originally not meant for housing and it does alter and change what the original people thought?*

A5&5A Residential developments are subject to the provisions of the Residential Planning Codes and the Council Policies. Hence care will be taken to safe guard the privacy of the adjoining residents. The new residential developments will be consistent with the surrounding developments.

Q5B *What do the Commissioners think of a letter sent to some people from “Joe Passione” Executive Director. En quote: Should the linear public open space areas not be relocated they will become harness for anti-social behaviour such as vandalism, graffiti damage, loitering and theft?*

A5B If the linear Public Open Spaces are retained, they may pose longer term security and safety concerns for those residents abutting the public open space. The current configuration of this land is not conducive to efficient and effective public open space management.

Q5C. *Is this a kind of “scare tactic” to be used as “threats” against ordinary people who just want to live in peace and harmony with their neighbours?*

A5C The proposed development is aimed towards minimising longer term safety and vandalism in the area. The land exchange allows the creation of a much more desirable area of public open space and retains more natural vegetation.

**Mr J Hollywood:**

Q1 *In relation to the time given to the splitting of the Council - has the Chief Executive Officer prepared a bar chart or a progress chart showing the stages that Commissioners will be dealing with the dividing of the City of Joondalup and the Shire of Wanneroo, and what time limit have you been given for that?*

A1 *Response by Cmr Ansell: A bar chart has been prepared, but it is not final yet.*

Q2 *When the bar chart is finalised, can we have a look at it?*

A2 *Response by Cmr Ansell: Certainly.*

Q3 *I noticed in one of the previous reports that the limestone footpath to Burns Beach from Marmion Avenue has a low priority. I wonder if that can be given a higher priority as it is becoming fairly clear that people walk along that street every weekend. I believe it is fairly dangerous and a footpath is needed along there. When the footpath is constructed, what side of the road will that be going on?*

A3 *Response by Cmr Ansell: This question will be taken on notice.*

- Q4 I notice in this report today you are putting out a tender for Tamala Park/Mindarie land and you have recommended three tenderers. One of those tenderers is the Planning Group. I notice that the lawyers for the Planning Group are the same lawyers who represent the City of Joondalup. Isn't there a pecuniary interest there?*
- A4 Response by Cmr Ansell: I don't believe there is a pecuniary interest. There is an interest, but it is not a financial interest. They are allowed to tender for business that the City is putting out for tender.*
- Q5 In relation to CJ72-08/98 - Lot 158, at the corner of West Coast Highway and Hepburn Avenue. It is a piece of land, approximately ten blocks, that was once owned by Estate Developments, and was then sold or given to the Main Roads Department. I would like to know how long ago and for how much? I am asking this question because the Main Roads Department do not want this land and it has now been given back to Estate Developments. The Hilmer report states that anything that is for sale has to go to tender. This land is worth \$3,000,000. Why isn't it out for tender and why is it just given back to Estate Developments?*
- A5 Response by Director, Development Services: That land was made available by the developer free of charge in approximately 1969/1970 and if that land is no longer required for road purposes, it is returned to the developer at no cost. The determination of cost is not Council's decision, it is made by the Department of Land Administration. It is something beyond the control of the City.*
- Mr Hollywood expressed concern that if that land was given to the Main Roads Department, no rates had been paid to the Wanneroo Council. He stated the land was now worth \$3,000,000 and he felt it was not right that rates had not been paid, and that this issue should be considered.*
- Q6 Did any money change hands on that land at all?*
- A6 Response by Director, Development Services: As I recall, there was a government agreement in 1969 or thereabouts, that all the roads - Marmion, Whitfords, Hepburn and West Coast Drive - were given up free of cost.*
- Q7 In relation to an item on the Shire of Wanneroo agenda - why is the caravan park at Quinns Rocks being closed?*
- A7 Response by Director, Development Services: The Quinns Rocks Caravan Park has been there for some time. It is run down and as a result of a number of applications to develop which were refused by the City and also the Western Australian Planning Commission, the former Council made the determination that it would not extend the caravan park and it would not renew the lease. When the determination of lease does arise, then a decision will need to be made whether to clean it up and bring it back to its natural state by planting. It is a fairly important foreshore reserve, which is owned by the City in fee simple, and that will no doubt be under consideration for sale by the Western Australian Planning Commission as part of the foreshore that fronts the whole of Joondalup and also the Shire of Wanneroo.*

- Q8      *You have not answered why it is closing. It might be a bit dilapidated but it is only because the owner is not going to spend any money for the next two years. But if he had a lease for ten years, I am sure he could make that a really nice site.*
- A8      *Response by Cmr Ansell:* I believe the Director, Development Services was saying that Council, of which you were a member of, determined not to extend the lease.
- Q9      *What is going to happen to the people who are already there? Is there another caravan park being gazetted for that area or not?*
- A9      *Response by Cmr Ansell:* Not that I am aware of. I will take this question on notice.

**Mr S Magyar:**

- Q1      *In relation to Item CJ64-08/98: Lot 17 Mindarie/Clarkson/Tamala Park - Appointment of Consultants - Page 16 refers to the consultancy brief. Have the consultants been briefed regarding the natural vegetation of the area and the possibility of retaining the vegetation?*
- A1      *Response by Director, Strategic Planning:* Concerning the briefing of the consultants, part of the responsibility of these consultants was that they were to review all the material and they would take the issues of vegetation into account in that process.
- Q2      *Is any of the land that is subject to this report, ever included in the System 6 reports prepared for the State Government in the 1980s and is any of the land that is subject of this report, been commented on in a report called "An Assessment of the Conservation Values of the Revenant Vegetation in the City of Wanneroo" with recommendations for appropriate reserves for the City, prepared for the City of Wanneroo by Malcolm Trugeon, consultant/botanist in September 1996.*
- A2      *Response by Director, Development Services:* In terms of System 6, Council did suggest an area of land across Lot 17 for incorporation as a transact of vegetation between the coast and Neerabup National Park which I believe represents the green belt that has been proposed - ie through the tip site, that is between the blow out northern and southern ridges.
- In terms of the Malcolm Trugeon Report, I do not recollect to what extent he is recommending the land ought to be included.
- Q3      *Should this planning audit and watching brief be proceeded with prior to fully considering the Trugeon Report?*
- A3      *Response by Director, Strategic Planning:* With respect to the Malcolm Trugeon Report, I will need to take that question on notice.

*Q4 In relation to Item CJ67-08/98 - Review of Pinnaroo Point Foreshore Management Plan - on page 24 under 'Comment', it states that the Community Directorate is reviewing local laws on matters of preventing the launching of jet skis from the beach. Does that mean a review that will make all of our beaches a safer, quieter and more enjoyable place or does that statement in the report only refer to review of jet ski laws for Pinnaroo Point?*

*A4 Response by Cmr Rowell: The latter.*

**Mr A Bryant:**

*Q1 I asked a question at the electors meeting on 20 January 1998 in regard to replacing mercury vapour luminaires with sodium vapour luminaires. The Director, Technical Services said it was a matter that was being taken up with Western Power and they were asked to supply information and once it had been received from Western Power I would be notified. Has not information come from Western Power yet?*

*A1 Response by Cmr Ansell: This question will be taken on notice.*

**Mrs M Zakrevsky:**

*Q1 In relation to CJ30-08/98: Verge and Median Working Party - What is the Verge and Median Working Party's perception of the functions of vegetation in median strips and verges in the City of Joondalup?*

*Q2 How is this committee, under the auspices of Cmr Morgan, implementing the strategic vision plan of community consultation in relation to its recommendations and decisions?*

*Q3 Is the recent planting splurge in Hepburn Avenue of sharp spiked palms, to endorse the interim adoption of the Joondalup Corporation's logo of a palm crown for the new City of Joondalup?*

*Q4 Why are the palms often non indigenous, providing scant shade and habitat and in the case of cotton palms, having decidedly a weather beaten, tatty appearance and a haven for rodents, still being planted in traffic islands and elsewhere by Council?*

*Q5 In what ways are the following Quindalup soil trees not meeting the criteria for verges and median strips -anacasuarina, lemania, june sheoak, eucalyptus decipiens, eucalyptus fecunda and eucalyptus solcata or indigenous trees such as the ilary - that is eucalyptus irifacorus which are growing very successfully in Mullalloo Drive, or indigenous shrubs too numerous to mention?*

*Q6 Could the working party please consider aesthetically pleasing and habitat providing plants such as those thriving in Warwick Road median strip and in the Marmion Avenue, Duncraig strip? Also could they consider having a variety in case of disease, which would wipe out whole avenues where there is only a single species planted, such as planted very recently in Hepburn Avenue?*

*Response by Cmr Morgan:* Following our discussion after our last meeting, I have discussed with Mr Cluning regular meetings of the committee that you referred to. We will be looking at that with the idea of scheduling those meetings to fit in with the meeting requirements of some of the members, particularly the gentlemen from the Kings Park Board. You should hear something about that very quickly.

These questions were taken on notice.

*Q7 I did not realise that the agenda and matters arising from the Verge and Median Working Party came to the Conservation Advisory Committee meetings.*

*A7 Response by Cmr Morgan:* The results of the working party are referred to that technical committee and I believed, and I thought you did, that we should have regular meetings of the technical committee, which will review the submissions of the working party.

**Mr B Higgins:**

*Q1 In relation to the Arena at Joondalup - I recently attended two functions there at night time and noticed that the lighting in the proximity is very poor. Is that the province of Council or is that the responsibility of some other body?*

*A1 Response by Chief Executive Officer:* The lighting on the road reserve would be the responsibility of the Council. It is normally set with the standards that are recommended by Western Power. The lights on the Arena site would be under its control.

*Q2 I have noticed that WAMA has recently advertised in relation to best practice awards and I ask has Council submitted any applications for those awards and, if so, what are they?*

*A2 Response by Chief Executive Officer:* WAMA has advertised and Council has listed some of the best practice awards. Where the list is at this stage, I am not sure. I will have to take this on notice.

- *Mr Higgins thought Council's in-house security service would probably rate fairly highly.*

*Q3 Is the City currently involved in any litigation concerning the building and the dwelling at Lot 560 Manakoora Rise, Sorrento and if so, what is the nature of that litigation?*

*A3 Response by Cmr Ansell:* As far as I am aware, we are not involved in any litigation.

*Response by Chief Executive Officer:* If I am understanding what Mr Higgins is saying, there was a check made by the Joint Commissioners regarding whether the building was in conformity with approved plans and I think it was found there was one item of concern, which was some balustrade. In that situation I know that an

order has been issued and we are currently in the period of time that allows the owner to respond. I know that was served on the builder and the builder did plead not guilty and it was remanded in Court until some time in September/October.

*Response by Cmr Rowell:* A notice has been served on the owner of the premises at Manakoorra Rise as well. The owner or the builder have not appealed the notice that has been served on them and at this stage we are awaiting on the due serving of the notice with regard to balcony railings.

**Mr K Zakrevsky:**

*Q1 In relation to the Quinns Beach Caravan Park - will the Council please, under the Commissioners, seriously look at retaining that caravan park and then handing over to Council when Council is established?*

- *Mr Zakrevsky stated there is a need for such facilities and believed Council should put more effort and funds into upgrading such.*

*A1 Response by Cmr Ansell:* This question will be taken on notice.

**Mrs A Hine:**

- *Mrs Hine raised her concerns in relation to Item CJ64-08/98: Lot 17 Mindarie/Clarkson/Tamala Park - Appointment of Consultants.*

*The Chief Executive Officer responded that the law as it stands at the moment allows that where a developer develops land and is required under that development originally to make available certain facilities for public use, if that land is no longer required for public use, it is required to be offered back to the original developer. That could fall into a number of categories, including a road reserve, public open space and could even mean amenities that the government may want to put into the area such as a school. In that situation where they are no longer required for the purpose indicated, then it must revert back to the original developer.*

*Q2 Why were there no Mindarie Regional Council minutes placed in the Wanneroo library from April? In the minutes of 2 July 1998, from an ordinary Mindarie Regional Council meeting, I see there is a community amenities of \$3,311,770. Is this to do with community amenities? What community amenities do you have at Mindarie Regional Council?*

*A2 Response by Cmr Ansell:* This question will be taken on notice, but I believe it relates to an asset.

*Response by Cmr Morgan:* I am quite certain it is an asset. It is not an item of expenditure and as you probably know, the total Mindarie operation is a very important and valuable asset of the Shire of Wanneroo.

Q3            *Why are there so many empty pages?*

A3            *Response by Cmr Morgan:* That is merely the format adopted by the Chief Executive Officer at Mindarie in preparation of firstly the agenda, and secondly the minutes. That has been the practice adopted at Mindarie over the years that I have been a member of that Council.

## **DECLARATIONS OF FINANCIAL INTEREST**

Nil

## **CONFIRMATION OF MINUTES**

C5-08/98            **MINUTES OF MEETING OF JOINT COMMISSIONERS -  
28 JULY 1998**

**MOVED** Cmr Rowell, **SECONDED** Cmr Morgan that the Minutes of the Meeting of Joint Commissioners held on 28 July 1998, be confirmed as a true and correct record.

**The Motion was Put and**

**CARRIED**

## **ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION**

### **COUNCILLORS' DINNER**

Following the founding of the new City of Joondalup and the new Shire of Wanneroo, it is fitting that we commemorate the service given to the community by those who served the old City.

My fellow Commissioners and I, along with senior council staff, are pleased to be hosting a special dinner for outgoing Councillors and their partners.

The dinner will be held in the Councillors lounge on 27 August 1998 and the former Mayor and all Councillors and their partners have been invited.

It is our intention to make the fine service to the community by the Councillors with a special presentation.

### **LOCAL GOVERNMENT WEEK**

As part of the celebrations for the public in Local Government Week, Disney Productions is bringing its fabulour children's show "Mickey's Magical Tour" to Joondalup.

### **WHITFORD CITY SHOPPING CENTRE**

As part of our undertaking to meet and consult with the community as widely as possible, one of the five Commissioners will be on hand at Whitford City Shopping Centre between 9.00 am and 10.00 am from Tuesday, 18 August 1998 until Friday, 21 August 1998 to answer questions from the public.

## **WANNEROO TOWN CENTRE**

Plans for an overhaul of Wanneroo's town centre are well under way. Some 200 people recently packed a public meeting to discuss the options - an attendance which shows the great amount of public interest in what a future Wanneroo could look like.

This meeting is just one part of the public consultation process and will be carefully studying all options before any final decision is made.

## **PETITIONS**

### **C6-08/98                      PETITIONS SUBMITTED TO THE MEETING OF JOINT COMMISSIONERS - 11 AUGUST 1998**

#### **1                      PETITION REQUESTING CONSTRUCTION OF A CLAY BMX TRACK, CNR HADDINGTON ROAD/BERKSHIRE DRIVE, BELDON - [06659J]**

A 40-signature petition has been received from residents of the City of Joondalup requesting consideration be given to construction of a clay BMX track at the park on the corner of Haddington Road and Berkshire Drive, Beldon.

This petition will be referred to Technical Services for a report to Meeting of Joint Commissioners.

#### **2                      PETITION REQUESTING CLOSURE OF PEDESTRIAN ACCESSWAY - SYCAMORE DRIVE AND KELVIN ROAD, DUNCRAIG - [26101J]**

A 14-signature petition has been received from Duncraig residents requesting the closure of the pedestrian accessway linking Sycamore Drive and Kelvin Road, Duncraig.

The petitioners cite robbery, vandalism and anti-social behaviour as reasons for the requested closure.

This petition will be referred to Development Services for action.

#### **3                      PETITION REQUESTING TRAFFIC CHANGES TO BANKS AVENUE, HILLARYS - [05576J]**

A 60-signature petition has been received from residents of Banks Avenue requesting traffic changes to Banks Avenue, Hillarys; these being:

- 1                      all commercial traffic and large vehicles be banned from using Banks Avenue;
- 2                      Banks Avenue be converted into a split road, that is a "No Through" road from either end with an environmentally constructed barrier approximately half way along its length.

The petitioners have requested that this proposal be combined with the restructuring of the road to incorporate the construction of roundabouts and traffic inhibitors.

This petition will be referred to Technical Services for a report to Meeting of Joint Commissioners.

**MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that Petition Nos 1-3 be received and referred to the appropriate business units for action.**

**The Motion was Put and**

**CARRIED**

<b>POLICY SECTION</b>
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Items CJ60-08/98 and CJ61-08/98 were Moved by Cmr Buckley and Seconded by Cmr Rowell.

**CJ60-08/98                      AMENDMENT TO REGISTER OF DELEGATIONS:  
EXPRESSIONS OF INTEREST - [11045]**

**SUMMARY**

The Register of Delegations does not include a delegation of authority in respect of choosing of acceptable tenderers under an Expression of Interest process being undertaken pursuant to the Local Government (Functions and General) Regulations 1996. To make the selection process more efficient, it is recommended that authority, under Regulation 23, be delegated to the Chief Executive Officer to choose acceptable tenderers from expressions of interest received.

**BACKGROUND/COMMENT**

When delegations were reviewed by the Joint Commissioners at the meeting of July 1, 1998, the delegation to determine acceptable tenderers from expressions of interest was overlooked.

It is considered that the power to choose acceptable tenderers should be delegated to the Chief Executive Office in accordance with the provisions of Section 5.42 of the Local Government Act 1995.

**MOVED Cmr Buckley, SECONDED Cmr Rowell that the Joint Commissioners delegate to the Chief Executive Officer the authority under Regulation 23 of the Local Government (Functions and General) Regulations 1996 to make the choice of acceptable tenderers from an expression of interest.**

Cmr Buckley spoke to the Motion.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

**CJ61-08/98                      CORPORATE POLICY FOR THE USE OF COMMON SEAL  
AND SIGNATORIES FOR EXECUTION OF CONTRACTS -  
[09763]**

## SUMMARY

The City needs a policy to regulate the use of the common seal and determine the authorised signatories for its contractual undertakings to ensure consistency, conformity to legal capacity and appropriate risk management for its business operation.

## BACKGROUND

Under the provision of Contract Law, Local Government Act 1995 and its Regulations, a contract document needs to be signed by authorised signatories with or without affixing a Common Seal. Section 2.5 and its sub sections 2 & 3 of the Local Government Act 1995(Act) state:

*2.5(2) The local government is a body corporate with perpetual succession and a common seal.*

*2.5(3) The local government has the legal capacity of a natural person.*

The Act makes however no specific reference to the use of a common seal for documents excepting section 9.49 which provides:

*“A document is, unless this Act requires otherwise, sufficiently authenticated by a Local Government without its common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to sign”*

The City procures goods and services through either public tenders or without public tenders as provided under the Part 4 of the Local Government (Functions and General) Regulations 1996 (amended 1998). The values range from a few dollars to several millions of dollars. It is necessary to have a formal agreement for execution of each contract. The City requires a clearly defined policy on the use of the common seal and signatories for the execution of contracts.

## DETAILS

### Formal instrument of Agreement

This is a part of the complete contract document for the procurement of goods or services. The format and content of the formal instrument of agreement varies depending on the type of contractual undertaking. A transfer of land is normally undertaken by a deed and a contract is a promise or a set of promises which the law will enforce. There are six elements required for a valid contract. These are:

1. intention to create legal relations
2. agreement consisting of offer and acceptance
3. consideration

4. legal capacity
5. genuine consent
6. legality of objects

Under the normal course of business for procuring goods or services the City undertakes a contract in writing, either through a purchase order or a contract document comprising of a formal instrument of agreement supported with general conditions of contract, specifications and scope of works and other relevant attachments. A deed is an instrument making up a bargain between two or more persons, with the requirements that it is "signed, sealed and delivered". The signature of a deed is to be attested to by at least one witness who is not a party to the deed. A contract by deed is called a formal contract because it gets its effect from its form. A deed does not take effect until delivery. The differences between contracts by deed and simple contracts are:

- (i.) The validity of a contract by deed depends on its formal requirements, whereas simple contracts have no formal requirements.
- (ii.) A contract by deed requires no consideration. Simple contracts, by contrast, must be supported by consideration to be enforceable.
- (iii.) Parties to contracts by deed can bring an action at common law for non-performance and performance different from that contemplated by the deed. However, they cannot obtain the equitable remedy of specific performance unless consideration has been given for, as "*equity will not assist a volunteer*".

*(Ref.: PP 5-040, Australian Business Law, CCH Australia)*

The City undertakes the procurement of goods or services by a simple contract.

To install a consistent and sound basis upon which contractual undertakings are assured by the City the Manager Contract Management has obtained legal advice. The salient features of the advice from the City's solicitor Clayton Utz are:

### **Common Seal**

A local government is a statutory organisation and in many respects is analogous to an ordinary corporation. The Local Government Act 1995 makes no specific reference to the use of a common seal for documents and indeed, the Local Government Act 1960 had only limited reference under its section 189.

At common law the general rule is that a corporation will contract under its common seal, but even at common law a contract may be made otherwise than under seal where to require sealing would cause inconvenience or to defeat the purpose of creating a corporation in the first place. On that basis, it has been long established in the common law that contracts may be entered into by a corporation in the ordinary course of its business without affixing its seal. However, that is subject to some important qualifications:-

- a) even if the memorandum and articles of association of a company requires the affixing of a seal in certain circumstances not actually followed, a third

party nonetheless may rely on the ostensible authority of the person executing on behalf of the corporation so as to bind the corporation;

- b) where a document is completed in those circumstances but does not represent the will of the corporation, the corporation may have a right of indemnity against the officer creating the contractual obligations;
- c) in some circumstances it is necessary to affix the common seal (for example, forms of transfer of land for registration at the Department of Land Administration, where an assumption is made that the document must be completed in accordance with the provisions of the Corporations Law failing which it will be necessary for the relevant sealing, power of attorney or authority for execution pursuant to the memorandum and articles of association of the corporation to be provided in each case);
- d) corporations executing deeds must do so under seal.

Under local government law as it presently stands, there is no absolute requirement in relation to the completion of documentation under common seal. None of these specifically deal with the issue of the affixing. For example, although section 5.43(b) provides a limitation on a delegation to a CEO (being the acceptance of a tender exceeding an amount prescribed) that is a slightly different question to the affixing of a common seal. In those circumstances, it would be for the Council to resolve to accept a tender but it may delegate to its CEO power to enter into the contract which flows from the acceptance of the tender.

Schedule 9.2 of the Local Government Act 1995 prescribes certain amendments to the Local Government Act 1960 and section 189 of the latter Act is repealed by virtue of clause 4(1) of the Schedule.

### **Signatories for a Contract**

1. In accordance with the ordinary principles of the common law, there is no necessity that a formal instrument of agreement be executed by the Mayor/Chairman and the Chief Executive Officer. The circumstances in which documents are required to be executed, are not prescribed by the Local Government Act 1995 (in common with the general intention of the Act to allow local governments to be similar in their operation to corporations incorporated under the Corporations Act). However, as a matter of good government, it would be prudent for there to be a policy implemented by the City to ensure that there is a sound and consistent basis upon which contractual undertakings are assumed by the City. This would involve a specification of the circumstances in which:-

- a) the common seal, to be countersigned by the Mayor/Chairman of Commissioners and the Chief Executive Officer would be required;
  - b) those agreements where the Chief Executive Officer is given delegated authority to execute on behalf of the City;
  - c) any constraints upon a sub-delegation by the Chief Executive Officer.
2. An agreement signed by a Council officer may bind a local government regardless of any internal compliance or non-compliance with policies and procedures within the City. Subject to compliance with the terms of the policy generally referred to under the preceding part, it would be permissible for an authorised Council officer to sign as principal, with such execution to be endorsed as execution "for and on behalf of the City of Joondalup or Shire of Wanneroo" as the case may be.
  3. There are no longer provisions dealing with the formalities associated with the affixing of the common seal, comparable to section 189 of the Local Government Act 1960. That is where the policy should specify how the common seal is to be affixed. Convention indicates that the common seal should be countersigned by each of the Mayor/Chairman of Commissioners and the Chief Executive Officer although there is no ostensible reason why, as a matter of policy and practice, the common seal could not be countersigned by, say, two Commissioners or the like.

For purpose of execution of a contract the principal is the City of Joondalup. How the City of Joondalup completes the document will be a matter for the City of Joondalup to determine. As a general principle it is preferable for formal contractual undertakings of the City to be executed under common seal but the practical reality of the matter is that there will be a wide variety of contracts which will not be the subject of a formal resolution and which will be required to be completed for and on behalf of the Council by an authorised officer. The policy to be created by Council will determine the extent of the delegation either generally or in any particular case and, as a consequence the principal will be the authorised officer signing for and on behalf of the City.

## **COMMENT/FUNDING**

The City procures goods and services through purchase orders and public tenders for multiple kinds and various considerations. Each such procurement is a simple contract and legally enforceable. The City also undertakes transfer of land as part of its regular business operation.

It is proposed that:

The City is not required to affix the common seal on all contracts. It is required to affix common seal on all deeds including transfer of land. There is a contractual undertaking while procuring goods or services and requires a simple contract which is not limited to \$50,000 value. There is a need to install a simple and consistent policy for execution of the City's contracts including deeds and simple contracts. There is already a procedure for purchase orders limiting the authority levels of the signatories. The following policy for the execution of simple contracts

ensures there is an approved framework to meet the legal requirements and provided a balanced risk management approvals. The policy is in line with the executive functions by the City's officers.

**MOVED Cmr Buckley, SECONDED Cmr Rowell that the Joint Commissioners:**

- 1 adopt the policy as per attachment A to Report CJ61-08/98 for the use of the common seal and execution of City's deeds and contracts;**
- 2 authorise the appropriate amendment to the contract management handbook.**

**The Motion was Put and**

**CARRIED**

Appendix I refers

<b>TECHNICAL SERVICES SECTION</b>
-----------------------------------

Items CJ62-08/98 and CJ63-08/98 were Moved by Cmr Morgan and Seconded by Cmr Rowell.

**CJ62-08/98**

**PETITION - CYCLE TRACK - KINROSS - [17015J]**

**SUMMARY**

A petition has been received from 54 residents in Kinross requesting construction of a cycle track. Assessment of the Public Open Space suitable for the type of facility requested has identified Thornton Park in Kinross as the preferred location.

**BACKGROUND**

Construction of limestone cycle tracks has been successfully completed in Duncraig, Kingsley and recently in Woodvale. The track in Clarkson has minimal use at present due to its location, however as the residential area increases, additional use is anticipated.

**DETAILS**

Report No SW3-07/98 recommended a process for the provision of cycle tracks in the Yanchep/Two Rocks area and it is therefore proposed that Kinross be included in that process.

Prior to any construction being undertaken a survey of adjoining residents would be undertaken. Due to the minimal costs involved in construction of a cycle track, it is proposed that these projects be funded via any surplus fund identified as projects are completed in the 1998/99 Capital Works Program.

Ratepayer survey and consultation will be undertaken initially to determine acceptance by residents.

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

- 1 undertake a survey of residents adjoining Thornton Park in Kinross to determine their acceptance of a limestone cycle track;**
- 2 submit a further report as funding options are identified in conjunction with the completion of the 1998/99 Capital Works Program;**
- 3 advise the petitioners of the proposed action.**

Cmr Morgan spoke to the Motion.

**The Motion was Put and**

**CARRIED**

**CJ63-08/98**

**CHRISTCHURCH PARK, CURRAMBINE - PROPOSED 40 DAY CAR PARK AND ACCESS ROAD - [07066]**

## **SUMMARY**

The corner of Christchurch Terrace and Broadmoor Green has been the proposed site for a car park and clubroom facility since the Currambine Structure Plan was approved in August 1988.

The car park was initially designed with two access points in accordance with the original design concept. However, the City received objections to the designed car park layout with the proposed entry/exit onto Christchurch Terrace. A report was presented to the Council meeting of the former City of Wanneroo in April 1998 where the Joint Commissioners reiterated the decision to construct a car park on Christchurch Park with access points from Christchurch Terrace and Broadmoor Green.

The City has received further objections to the designed car park layout and in particular to the proposed entry/exit onto Christchurch Terrace. In addition, residents living directly opposite the proposed access to Broadmoor Green have consented to the modification of removing the access to Christchurch Terrace.

Approval is now sought for a revised layout of the proposed car park which has one entry/exit point onto Broadmoor Green.

## **BACKGROUND**

A 40 bay car park was initially designed, as shown on Attachment 1. The layout was designed with two access points in accordance with the original design concept. An application for Development Approval was submitted in October 1997 and the proposal was advertised on site for 30 days. A number of objections were received. These were outlined in the report to Council of the former City of Wanneroo in April 1998 (Item TS61-04/98 refers). At this meeting the car park layout with access points from Christchurch Terrace and Broadmoor Green was approved.

Residents living in the vicinity of the proposed car park site approached Mr Chris Baker MLA with their objections regarding Council's decision. Mr Baker attended the inaugural meeting of the Currumbine Community Group (or Ratepayers Association) where the members present (60) voted unanimously against the proposed configuration of the entrance and exit points of the car park.

Mr Baker has approached the City requesting that consideration be given to modifying the car park layout to give one entry/exit point from Broadmoor Green.

The residents living directly opposite and most affected by this change all consented to this modification. The residents concerned are shown on Attachment 2.

## **DETAILS**

A re-design of the proposed 40 bay car park with only access to Broadmoor Green has been prepared. The new layout that allows for one entry/exit point off Broadmoor Green is shown on Attachment 3.

## **COMMENT/FUNDING**

The Council of the former City of Wanneroo allocated \$67,000 in its 1997/98 Budget for the construction of the 40 bay car park at Christchurch Park. The revised car park layout design is estimated to cost \$65,000. The original car park was designed with two access points in accordance with previous approved concept plan. The opportunity was there for residents to be informed of the car park/toilet block proposals. However, in view of the strong local community opposition to the proposal and the consent from the residents most affected by the modification, the construction of a 40 bay car park on Christchurch Park with one entry/exit point from Broadmoor Green is supported.

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

- 1            approve the construction of a 40 bay car park on Christchurch Park with one entry/exit point from Broadmoor Green;**
- 2            advise all affected parties accordingly.**

Cmr Morgan spoke to the Motion.

**The Motion was Put and**

**CARRIED**

**DEVELOPMENT AND PLANNING SERVICES SECTION**

Items CJ64-08/98 to CJ69-08/98 inclusive were Moved by Cmr Rowell and Seconded by Cmr Morgan.

**CJ64-08/98                      LOT 17 MINDARIE/CLARKSON/TAMALA PARK -  
APPOINTMENT OF CONSULTANT - [11045J]****SUMMARY**

The Cities of Perth, Stirling and Joondalup have jointly invited Expressions of Interest for the appointment of a consultant to undertake a planning audit and watching brief in respect to Lot 17 Mindarie/Clarkson/Tamala Park. It is recommended that Taylor & Burrell, The Planning Group and Whelans be listed as acceptable tenderers.

**BACKGROUND**

'Lot 17' is a landholding of approximately 432 hectare area, which has a common boundary with the localities of Mindarie, Clarkson and Tamala Park. It is jointly owned by the Cities of Perth, Stirling and Joondalup.

The Councils of the Cities of Perth and Stirling and the Council of the former City of Wanneroo (which was joint owner prior to the City of Joondalup) have previously resolved to jointly engage a consultant to undertake a 'planning audit' and 'watching brief' in respect of Lot 17.

Expressions of Interest (EOI) for the consultancy contract were invited by public advertisement in June of this year. Six (6) EOI were received.

**DETAILS**

The six (6) EOI were received from:

- Taylor & Burrell (in association with Kinhill Pty Ltd and Sullivans Real Estate)
- Whelans (in association with Sinclair Knight Merz)
- BSD Consultants (in association with Hurn Corporate Advisory)
- Satterleys (in association with Chappell & Lambert, Cossill & Webley, Bowman Bishaw Gorham and McDonald Hale and Associates)
- The Planning Group (in association with Coney Stevens Project Management, CMPS & F Pty Ltd, McDonald Hales & Associates, Clayton Utz and Time Conti Sheffield)
- Hames Sharley (in association with Wayne Silich and Associates and David Porter Consulting Engineer)

## COMMENT/FUNDING

Copies of the six (6) EOI and a copy of the Consultancy Brief have been placed in the Commissioner's Reading Room should further detail regarding the nature of the brief and the EOI be sought.

The EOI were independently assessed by officers of each local authority against selection criteria contained in the brief. On 23 July 1998, officers of each local authority met and compared their respective assessments. The outcome was that the ranking arrived at by each local authority was the same, and is as follows (from highest to lowest):

1. Taylor & Burrell
2. The Planning Group
3. Whelans
4. Hames Sharley
5. BSD Consultants
6. Satterleys

The officers concluded that the first 3 of the above listing should be short-listed (ie regarded as 'acceptable tenderers' pursuant to the Local Government (Functions and General) Regulations 1996 (as amended)).

Officers of Perth and Stirling advised that their respective Councils had delegated authority to specified officers to decide, in an EOI process, which EOI will be regarded as acceptable tenderers ( with those acceptable tenderers then being invited to submit tenders). Whereas it was originally thought that similar delegated authority existed under regulation 23 for this City, a closer examination of the Register of Delegations shows that in fact it does not. Consequently, approval of the Joint Commissioners is now sought concerning the selection of the acceptable tenderers.

## Funding

1998/99 budget provision of \$20,000 is currently being proposed for this consultancy. Perth and Stirling are making similar provisions, meaning that a total budget of \$60,000 is suggested for the consultancy.

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

- 1        **pursuant to Regulations 23(3) and (4) of the Local Government (Functions and General) Regulations 1996 (as amended), list the following persons as acceptable tenderers:**
  - **Taylor & Burrell (in association with Kinhill Pty Ltd and Sullivans Real Estate);**
  - **The Planning Group (in association with Coney Stevens Project Management, CMPS & F Pty Ltd, McDonald Hales & Associates, Clayton Utz and Time Conti Sheffield);**
  - **Whelans (in association with Sinclair Knight Merz).**

2 agree to include the sum of \$20,000 in:

- the City of Joondalup 1998/99 Annual Budget ;
- into account 41137 for the purpose of funding the above consultancy.

Discussion ensued.

The Motion was Put and

CARRIED

CJ65-08/98

**TENDER 018-98/99 - ESTABLISHMENT OF WHITFORD  
CITY SHOPPING CENTRE CUSTOMER SERVICE CENTRE -  
[02496J]**

## SUMMARY

Results of Tender 018-98/99 for the Whitford City Shopping Centre Customer Service Centre are tabled and approval is sought for the engagement of Bridan Projects to undertake the works. The lease arrangement, construction timing for the works and project cost have been reviewed and are incorporated in the report.

## BACKGROUND

Report TS83-04/98 to the Council of the former City of Wanneroo in April 1998 dealt with the basis for the establishment of the Customer Service Centre as Kiosk 15 in the Whitford City Shopping Centre. Approval in principle was given for the funding, design, leasing and order of events proposed in its procurement.

This provision of a comprehensive range of the City's services to the public and in a regional area was seen as a matter of priority and is being pursued in a manner which will see it operational by October 1998.

## DETAILS

### Tender Evaluation:

This tender was publicly invited on Saturday, 4 July 1998. The tender closed on Monday, 20 July 1998 and four tenders were received.

The tenders were evaluated by a committee comprising, J Sobon for the City of Joondalup, J Rafel and M Allen from Marshall Kusinski Design Consultants and A Doig from Norman Disney & Young under a selection criteria as detailed in this report.

The evaluation of tenders has been undertaken using the multi criteria model recommended by the City's framework of contract management.

Selection Criteria	Weighting Factor
1. Tender price	50%
2. Relevant skill, experience and quality	20%
3. Management skills and experience	20%
4. Proposed sub-contractors	10%
Ideal Total	100%

Tender Evaluation		Selection Criteria					
Tenderer	Tender Sum	(1)	(2)	(3)	(4)	total	Rank
		50%	20%	20%	10%	100%	
Newcastle Industries	\$112,891.00	50	12	6	1	69%	4
Optim Projects	\$115,147.00	49	18	16	8	91%	2
Bridan Projects	\$118,414.00	48	18	20	10	96%	1
Bishop Projects P/L	\$129,569.00	43.5	17	15	7.5	83%	3

The highest score in each category was assigned the maximum value when appropriate. The final score for each tender being the total of the four selection criteria scores. The evaluation of tenders has been undertaken on the basis of information provided by each tenderer in response to the tender document requirements.

Newcastle Industries while presenting the lowest price the breakdown of this price did not add up to the sum tendered, lacked priced schedules and could be considered a non conforming bid. The balance of its tender did not address the tender criteria and qualified the hours during which work would be undertaken.

Optim Projects presented the second lowest tender but did not fully address the tender criteria by not providing a schedule of rates for electrical work; offering no reference names with telephone numbers and did not give a clear picture as to its previous experience. This company did not provide details of its management structure. On the basis of past experience, Optim Projects management capacity to complete the work in the very short construction period was not questioned by the Consultants, but its tender was evaluated in strict accordance with the tender documentation requirements.

The selected tenderer, Bridan Projects, has recently completed the refurbishment of the Joondalup Administration Centre. This firm has demonstrated its capacity by completing this work within a short construction period. Bridan Projects is of good financial standing and has the technical resource appropriate to the task. In this tender when compared to its competitors, Bridan Projects has good management practices and this is reflected in the tender evaluation matrix. Bridan Projects offer is judged to be the best in this instance to successfully complete the works for the Customer Service Centre.

**Project Time Frame:**

While the on-site construction of the works will only take some two weeks after an initial four weeks off-site manufacture ready for assembly, this whole project is subject to the Centre Operations Manager ongoing approval and co-ordination and this needs to be factored into the proposed Customer Service Centres opening date.

**Key Events****Mile Stone Dates**

Building owners conditional approval to proceed	14 July 1998
End of tender period (6/07/98-20/07/98)	Monday 20 July 1998
Tender assessment (21/07/98-23/09/98)	Thursday 23 July 1998
Joint Commissioners approval	Tuesday 11 August 1998
Successful tender notified	Thursday 13 August 1998
Issue of construction documents	Thursday 13 August 1998
Works programme given for Centre Operations Manager approval	Friday 14 August 1998
Off-site lead in time (14/08/98-30/08/98)	Sunday 30 August 1998
On-site construction two weeks (30/08/98-14/09/98)	Monday 14 September 1998
Hand-over to City of Joondalup	Friday 18 September 1998

**Lease Agreement:**

Clayton Utz as the City's solicitor has been negotiating with the legal agents for the Centres Management Agent, First Pacific Davies, to secure a favourable lease over the Customer Service Centre Kiosk 15. To-date this negotiation has not given a conclusive result although agreement on the terms for the draft lease for Kiosk 15 would appear to be nearly ready for execution.

**COMMENT/FUNDING****Project Cost:**

The initial report TS83-04/98 to Council concerning this Customer Service Centre made the following financial allowances for the project and these allowances have been carried forward into the 1998/99 annual budget:

1. shop front fit-out and furniture capital costs	\$126,987.00
2. equipment capital costs	\$89,600.00
3. consultant fees	\$22,000.00
<b>Total</b>	<b>\$238,587.00</b>

This report addresses the establishment costs for the shop front fit-out and Consultant fees. The costs associated with equipment purchases and recurrent operational costs have been budgeted for elsewhere in accounts 39901 to 39938.

Capital equipment items managed and to be purchased by the City such as the Chubb Security (panic buttons \$2,700.00), cash safe (\$4,000.00), drop safes (\$2,400.00) and CCTV security monitoring (\$15,500.00) will be actioned as part of the construction work.

Account No:	39940	Account No:	39975
Budget Item:	Consultancy	Budget Item:	Building
Budget Amount:	\$22,000.00	Budget Amount:	\$120,000.00
Actual Cost:		Actual Cost:	

Total funding available for this project :

\$142,000.00

Summary of Project Costs:

tender price	\$118,414.00	
consultants fees (final legal fees not known)	\$ 22,000.00	
Whitford City approvals & co-ordination fees :		
Westfield design & construction P/L (design)	\$ 1,400.00	
First Pacific Davies (operational needs)	\$ 450.00	
BCIFL & building licence (0.004%)	\$ 480.00	
<b>Total Expenditure</b>		<b>\$142,744.00</b>

The funding shortfall of \$744.00 will be absorbed within the costs for equipment portion of this project.

**MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners accept Tender No 018-98/99 for the sum of \$118,414.00 from Bridan Projects for the construction of the City of Joondalup Customer Service Centre (Kiosk 15) at the Whitford City Shopping Centre and reject the other tenders.**

The Motion was Put and

CARRIED

CJ66-08/98

DEVELOPMENT ASSESSMENT UNIT AND DELEGATED AUTHORITY - [07032]

SUMMARY

This report provides a resumé of the development applications processed by the Development Assessment Unit and Delegated Authority Committee from 9 July 1998 to 22 July 1998.

**MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners note the action taken by the Development Assessment Unit and Delegated Authority Committee in relation to the applications described in Report CJ66-08/98.**

The Motion was Put and

CARRIED

Appendix II refers

CJ67-08/98

**REVIEW OF PINNAROO POINT FORESHORE  
MANAGEMENT PLAN - [02093]****SUMMARY**

The Joint Commissioners at their meeting of 21 April 1998 for the former City of Wanneroo, while considering a proposal to close the access road to the beach at Pinnaroo Point resolved, inter alia, to review the Pinnaroo Point Foreshore Management Plan. Questionnaires were forwarded to individuals and bodies who utilise the beach. As the suggestion made by the respondents are either already being dealt with or have already been addressed in the FMP, the FMP does not require an amendment.

**BACKGROUND**

A request for the closure of the access road to the beach at Pinnaroo Point, Hillarys was received from the Member for Hillarys, Rob Johnson, MLA on behalf of some of his constituents who complained regarding four-wheel-driving and jet ski operation in this area.

The Joint Commissioners at their meeting of 27 January 1998 for the former City of Wanneroo considered a proposal (DP33-01/98 refers) to close the access road leading to the beach and resolved to:

*“advertise twice in the ‘Wanneroo Times’ and ‘The West Australian’, together with a sign on site, the proposal to install a suitable lockable gate and bollards to close the access road at the beach end at Pinnaroo Point in order to stop four-wheel-driving and jet ski operation at the beach, inviting public comment for a period of four weeks.”*

The City received two petitions and 51 individual submissions. While 37 submissions including the petitions opposed, 14 submissions supported the proposals. Two other submissions suggested modifications to the proposals. Since a majority of the submissions opposed the subject proposal, and considering that the beach is extensively used for other recreational purposes, the Joint Commissioners resolved that they:

- 1 do not close the access road;
- 2 include in the review of the City’s local laws the matter of preventing the launching of jet skis from the beach;
- 3 increase the patrolling service and improve signage to stop four-wheel driving/parking and jet skiing at Pinnaroo Point beach;
- 4 review the Management Plan for Pinnaroo Point by discussing it with appropriate users of this beach area.

In view of resolution (4) above, a questionnaire was forwarded to every submitter who made a submission on the proposed closure, including Whitfords Bay Sailing Club, Boating Industry Association of Australia, and Cardinal Sailing & Seamanship Centre.

**DETAILS**

The City received 34 completed questionnaires including one each from Whitfords Bay Sailing Club, Boating Industry Association of Australia and Cardinal Sailing & Seamanship Centre. Of these 34 submissions, 10 respondents did not suggest any additional facilities at Pinnaroo Point. Three requested jet skiing off Pinnaroo Point and one requested car-parking on the beach.

The other issues raised and the number of respondents that raised them are as follows:

Issue	Number of Respondents
Provision of barbecue	2
Regular inspection of the boat ramp	7
Signage banning jet skiing and four-wheel driving and regular patrolling	12
Kiosk	1

**COMMENT**

The majority of the respondents stated that there should be better signage and patrolling of the beach. The City’s Community Development Directorate advised that patrolling has been increased at Pinnaroo Point and necessary action is currently being taken on erecting necessary signage and the review of the City’s local laws on the matter of preventing the launching of jet skis from the beach. The City’s Technical Services Directorate advised that the City maintains the boat ramp as and when the need arises. It is noted that the Foreshore Management Plan already makes provision for barbecue and kiosk facilities in the area.

Considering the above, an amendment to the Pinnaroo Point Foreshore Management Plan is not required.

**MOVED** Cmr Rowell, **SECONDED** Cmr Morgan that the Joint Commissioners, after careful consideration of all the responses received from the respondents on the review of the Pinnaroo Point Foreshore Management Plan, resolve that there is no need to amend the Foreshore Management Plan since the issues raised by the respondents are either already being dealt with or have already been addressed within the Foreshore Management Plan.

**The Motion was Put and**

**CARRIED**

CJ68-08/98

**RECONSIDERATION CAR PARKING REQUIREMENT FOR  
SIX CINEMA COMPLEX - LOT 929 (1244) MARMION  
AVENUE, CNR SHENTON AVENUE, CURRAMBINE -  
[00128J]**

METROPOLITAN SCHEME: Urban  
LOCAL SCHEME: Commercial  
APPLICANT: Davidson Pty Ltd and Roman Catholic Archbishop  
APPLICATION RECEIVED: Coney Stevens Project Management for Fascot Pty Ltd

## **SUMMARY**

A submission has been received from Coney Stevens Project Management on behalf of the lessee, Fascot Pty Ltd for re-consideration of the former City of Wanneroo's development approval condition 2 of the Approval to Commence Development dated 28 April 1998 (condition "1 (a)" refers in DP152-04/98) requiring the provision of 677 on-site car parking bays. The proponent is seeking an amendment to the approval whereby, a provision of 536 car parking bays are required. A variation of the car parking requirement from (Town Planning Scheme No 1) 8 bays/100m<sup>2</sup> GLA to 6.1 bays/100m<sup>2</sup> GLA for the retail floor space is proposed and the reciprocal car parking provision based on overlapping peak demands of the shopping centre and cinema complex. The proposal is recommended for approval based on the exercise of discretion pursuant to clause 9.1.1 of the Scheme, in consideration of the usage of the District Centre and reciprocity of the uses. This matter is also the subject of an Appeal to the Minister for Planning (AP 31106.98L) being held in abeyance subject to the outcome of City's re-consideration of the condition (see Attachment No 1). Variation to the carparking requirement is recommended.

## **BACKGROUND**

**April 1998** Stage 1 of the Currambine Shopping Centre with Woolworths as its anchor tenant has an area of 6,138m<sup>2</sup>. The application was considered by the former City of Wanneroo for Stage 2 of the Currambine District Centre involving a six (6) cinema complex (seating capacity 1,550), speciality shop (240 square metres) and an additional car parking area to accommodate 51 car bays (access off Marmion Avenue - See Attachment No 2). The cinema building, containing the speciality shop, extends north of the existing shopping centre currently occupied by Woolworths. Support was also requested for an overall structure plan for the area bounded by Marmion Avenue, Shenton Avenue and Delamere Avenue.

The Joint Commissioners of the former City of Wanneroo at the meeting held on 28 April 1998 (Ref: DP152-04/98) resolved to:

- "1 *approve the development application submitted by Coney Stevens Project Management/Hames Sharley on behalf of the owners, Davidson Pty Ltd and the Roman Catholic Archbishop for Stage 2 namely, six (6) cinemas; speciality shop (240m<sup>2</sup>); on Lot 929 (1244) Marmion Avenue, Currambine subject to:*

- (a) *the provision of a minimum of 677 on-site car parking bays;*
  - (b) *all site levels including finished floor levels shall be shown to integrate with the proposed development to the existing retail building; surrounding land; car parking; and future stages within the Currambine District Centre to the satisfaction of the City;*
  - (c) *standard and appropriate conditions as determined by the Manager, Approval Services;*
- 2 *exercise discretion under clause 9.1.1 of the City of Wanneroo Town Planning Scheme and accept in this instance, a reciprocal parking arrangement (of 226 car parking bays) to the extent that Stages 1 and 2 would require the provision of 677 car parking bays;*
- 3 *advise the applicant that consideration of the structure plan is considered premature until the Western Australian Planning Commission has finalised the review of the Metropolitan Centres Policy."*

**12 June 1998** The former City of Wanneroo received in writing, notice by the proponent an Appeal lodged with the Office for the Minister for Planning (Planning Appeals) with regard to condition 2 of the Approval to Commence Development. The letter also requested for an opportunity to discuss the proponent's position on the matter, with a view to seeking an amendment to the existing approval dated 28 April 1998.

**17 June 1998** The City received in writing from the Office of the Minister for Planning (Planning Appeals) that an appeal has been received.

**26 June 1998** The City's Officers met with the proponent.

## DETAILS

The applicant has provided documentation from David Porter Consulting Engineer to support the case for re-consideration.

The applicant has requested that the City consider the basis of the car parking calculation for the retail component at 6.1 bays per 100m<sup>2</sup> GLA instead of the Scheme requirement of 8 bays per 100m<sup>2</sup> GLA for "shop". The assessment is based on current car parking demand of the retail component and as recommended by the Road Traffic Authority NSW, 1992, Guide to Traffic Generated Developments.

The proponent has also requested a re-consideration of the reciprocity of car parking granted by the City. Peak utilisation of the shopping trading hours together with the proposed cinema use are proposed. Information from three similar developments (two from eastern states and one from Western Australia) is provided to support the case for reciprocity on the basis of car parking demand and requirement where a concurrent shopping and cinema parking demand peak, that is;

*Peak cinema period coinciding with retail trading:-*

*No of seats x Occupancy ratio x Retail parking utilisation ratio x Ratio of drivers = No of parking spaces.*

## COMMENT

The basis of the car parking requirement was calculated on individual use class requirements of the Scheme, that is, "Shop" and "Public Amusement". Additionally, a nominal figure was applied to the reciprocity of the retail and cinema uses.

The entire development required 903 car parking bays in accordance with the specific use class requirements of the Scheme. A total of 547 car bays were proposed to be provided, leaving a shortfall of 356 car bays.

In its consideration of the car parking requirement, the City referred to the Cash-In-Lieu of Car Parking Policy (No G3-08). The Policy recognises the need to provide a proportion of on-site parking and the balance being in payment. The Policy suggests that at least 75 per cent of the required car parking is to be provided on site. Accordingly, 75 per cent of the 903 car bays required is 677 car bays (an addition of 169 car bays to the existing provision of 508 car bays on-site).

However, as the proponent suggests, this does not take into consideration the function of the centre in terms of the peak periods when the cinema operation fell within normal shopping hours.

## Review of Car Parking Standards

The City is currently reviewing the whole of its Town Planning Scheme. As part of this review, consultants were engaged to undertake a review of the City's Car Parking provisions ("the Review"). The first draft of the report has been compiled and is in the process of being assessed by the City. Relative to this item, the Review attempts to address car parking requirements for shopping centres of different sizes and stages of development, and the effect of combinations of uses compared with stand-alone functions.

The Currabine District Centre which currently has a maximum retail floor space of 10,000m<sup>2</sup> GLA (Schedule 5 of the Scheme) is classified in the Review as a Neighbourhood Shopping Centre that is:

- total lettable area retail usually less than 10,000m<sup>2</sup> ;
- extended trading hours;
- residential area location;
- servicing for the immediate residential neighbourhood; and
- convenience provisions, catering for basic day-to-day retail needs.

For this category of shopping centre, the review recommends a parking rate of 6.58 bays per 100m<sup>2</sup> GLA instead of the present Scheme's 8 bays per 100m<sup>2</sup> GLA.

The use of Cinema was based on the Austroads guideline and the parking study undertaken for the Garden City Cinema Complex, which is 0.25 bays per seat (as per the Scheme). Where there is ample alternative parking available for cinema patrons by way of, for example, the cinema located adjacent to a shopping centre, the recommended parking provisions may be calculated to 0.1 bays per seat (or, one bay per 10 seats) instead of the Scheme’s one bay per 4 persons accommodated.

Applying these provisions to the Currambine District Centre Stages 1 and 2 would result as follows:

Stage 1 and 2: Retail Floor Space 6438 m2 GLA @ 6.58 bays per 100 m2 GLA			424 bays
Cinema	1550 seats @ 1 bay per 10 seats		155 bays
TOTAL NO OF BAYS CALCULATED			579 bays.

Therefore, the total number of car bays calculated using the review findings is 579 bays for the Currambine District Centre. It should be noted that the review is only at its first draft, and has not been adopted by the City. The review is currently being assessed by City Officers and is scheduled to be placed before the Joint Commissioners during 1998.

**Calculation of Car Parking Requirement for Retail Floor Space**

In order to justify the parking demand rates suggested in the applicant’s Consultant report, a study of the existing Stage 1 (existing) development was conducted during the month of April and May 1998. The report examined the distribution and utilisation of parking in the peak operating periods of Thursday PM and Saturday AM (on the weekend of Mothers’ Day). The report concluded the following:

“...the Saturday AM provides the greatest number of vehicles parked. During the Thursday peak 235 bays were occupied at a utilisation rate of 45% of the total parking available. During the Saturday peak 266 bays were occupied at a utilisation rate of 54% of the total parking available. The parking for the existing centre provided at a rate of 8 bays per 100m<sup>2</sup> GLA.

The current demand rate is 5.2 bays per 100m<sup>2</sup> GLA. As the Shopping Centre currently exists, the existing parking provided is in excess of demand. The current requirement of 8 bays per 100m<sup>2</sup> GLA is considered to be too high. A rate closer to the 6.1 per 100m<sup>2</sup> GLA suggested by Road Traffic Authority NSW, 1992, Guide to Traffic Generated Developments, would be more appropriate.”

Based on these ratios (and the addition of 388 bays for the cinema complex), the carparking requirements for Stages 1 and 2 would be 903 (Scheme ratio of 8 bays per 100m<sup>2</sup> GLA); 781 (at 6.1 bays per 100m<sup>2</sup> GLA); and 723 bays (at 5.2 bays per 100m<sup>2</sup> GLA), respectively.

The documentation also identifies that even if at the Saturday peak demand of 266 bays included an additional 20% of that 266 bays (an additional 53 bays utilised), there would remain a surplus of approximately 177 bays on the existing Stage 1 development.

The documentation by the applicant's Consultant identified that there was a variance in the calculation of car parking requirements for six selected commercial centres, including Currumbine. Namely, the "District Centres" of Landsdale, Alexander Heights and Currumbine; "Other Regional Centres" of Warwick Grove and Whitford City; and "Strategic Regional Centre" of Joondalup. These centres all have a different existing and total floor space potential. Accordingly, these centres for their location, access, catchment area, a Tribunal decision (in the case of Whitford City) and for other meritorious reasons, are different in the way in which they function. The opinion that a variance should apply to Currumbine merely on the basis that different parking requirements exist for District Centres and those centres which have cinemas is not supported. However, there is merit in re-considering the calculation for the car parking requirements for the Currumbine District Centre.

It would be considered unreasonable to apply a car parking ratio which reflected the current utilisation ratio given that the existing centre is only at 6,198m<sup>2</sup> GLA (Stage 1) with the potential of 10,000m<sup>2</sup> GLA (in accordance with Schedule 5 of the Scheme). More importantly, its catchment area is not fully developed specifically, to the north-east in Currumbine and to the north-west in Iluka. It is also identified that some of the catchment area from the higher order centre of Joondalup will overlay this District Centre. Given these factors, there is some sound merit in considering a higher basis in calculating the carparking requirement for the centre than 5.2 bays per 100m<sup>2</sup> GLA (the present demand) and a lower ratio than the Scheme requirement of 8 bays per 100m<sup>2</sup> GLA.

In this respect, the grounds of using a ratio of 6.1 bays per 100m<sup>2</sup> GLA is substantiated but only on the basis of considering the current and immediate future development of the Currumbine District Centre. That is, this latter ratio may be applied on the basis of the development as at Stage 2, and any future development of the District Centre is reconsidered depending upon its operation and function as the retail floor space expands to 10,000m<sup>2</sup> GLA and other mixed use developments are proposed. Generally, there will be further reciprocity of carparking utilisation over the District Centre as it develops.

### **Reciprocity**

The Scheme does not provide specific provisions relating to calculations of reciprocal uses. Nevertheless, because the cinema complex is located within the Currumbine District Centre and the use is complementary with the function of the centre the former City of Wanneroo has previously (DP152-04/98 refers) granted reciprocal car parking pursuant to clause 9.1.1 of the Scheme. However, if the uses were treated separately, the total number of car parking bays provided on the site (547 bays proposed) would cater for each of the separate car parking demands calculated in accordance with the Scheme (that is, 513 car bays and 388 car bays, respectively).

The applicant has supplied an extract of a report to the City of Canning in its consideration of a cinema complex adjacent to the Carousel Shopping Centre. The proponent has requested that the City re-considers its application of the reciprocal parking based on the expected traffic generation characteristics of the proposed cinema complex falling within normal shopping hours. This is based upon empirical evidence gathered from two operations in eastern states, namely, Warringah Mall, NSW and Chadstone, Victoria. The cinemas have a seating capacity of 2250 and 2150 seats, respectively.

The analysis gauged existing parking conditions; analysis of ticket sales and demographic characteristics of patrons during the busiest part of the cinema patronage season. A formula was used based on integrating the factors of popular cinema sessions, by the ratio of adult attendance levels at the most popular sessions, and by the ratio of adult attendees classified as drivers. The analysis found that the peak cinema parking demand during shopping hours does not coincide with the peak shopper parking demand. Therefore, being that the peak demand for carparking requirements for the shopping centre and cinema complex occurs at different periods, these uses can be considered complementary. Accordingly, it is justifiable that reciprocal car parking be imposed by the City.

The case for how much of that reciprocal carparking arrangement is to be determined is supported by the following findings. The report identified that there are about four (4) minor concurrent shopping and cinema parking demand peaks where the occupancy of the cinemas (19%) traverse with normal shopping hours. It was found that the most likely overlay between cinema operation and retail trading was the Thursday early evening session (say, 5:30 - 6:30 pm). The study identified that the carparking utilisation of the shopping centre was 41%. Based on the survey conducted by the consultant, in the case of the Currambine District Centre, the car park utilisation on Thursday was 47% at its peak at 5:30 to 6:30pm.

The proponent identified that during the Thursday peak shopping period there is a reduced demand for cinema parking. However, the consultant has used a higher cinema occupancy rate of 78% than that measured in the case of the eastern states examples which varied from 22.6% to 77.6% occupancy.

These principles would still apply even when the centre was operating at peak demand, ie its catchment fully developed.

Using the formula above, the following is calculated for the Currambine circumstance as follows:

*Peak cinema period coinciding with retail trading:-*

*1550 seats x 0.78(occupancy ratio) x 0.47 (retail parking utilisation ratio) x 0.62 (ratio of drivers) = 352 No of bays cinema parking demand.*

Using the concurrent shopping and cinema parking demand peak, that is, 78% of 388 bays (303 bays) for the cinema use and 47% of the 496 bays for shops (233 bays), the parking demand during this period equals 536 bays.

In comparison to the total Scheme requirement of 903 bays (8 bays per 100m<sup>2</sup> GLA), the provision of 536 bays (59% of the Scheme requirement) equates to a shortfall of 41% (367 bays). Alternatively, based on the retail floorspace of 6.1 bays per 100m<sup>2</sup> GLA, a total of 781 car bays would be required (a difference of 122 bays). In the case of the total 781 bays required and using the parking demand (as above) of 536 bays (69%), a reciprocity of 245 bays (31%) will result. Based on the former City of Wanneroo's previous decision of 75% car parking required on site and 25% reciprocity, this would equate to 586 bays required and a reciprocity of 195 bays.

Overall, the reciprocity between the number of bays required by the Scheme for the cinema complex and shop use represents some 367 bays (that is, 903 bays from 536 bays). In the application, it was intended to provide an additional 51 car bays to the existing 496 car bays on site (total of 547 bays).

Given that the peak periods for the cinema use does not coincide with peak shopping periods, the applicant's justification of the reciprocal use of the carparking for both the cinema and retail functions is supported. However, the justification to vary the carparking ratio for the retail component from 8 bays per 100m<sup>2</sup> GLA to 6.1 bays per 100m<sup>2</sup> GLA may be inappropriate and excessive.

Some reciprocal arrangement for carparking with the shopping centre can be accommodated and is justified for complementary uses on sites where there is variation in peak periods and the uses function differently. The Currabine District Centre is ultimately proposed to accommodate retail, mixed business, civic uses and public open space. The proposed public amusement use (cinema complex) is complementary to the other use of the Centre and at the same time, different from the manner in which these other uses function.

The City does not have a Policy which directly addresses the proportionate relaxation of carparking in the case of reciprocal parking, therefore, assessment based on the merit of the application is considered appropriate. The findings and recommendations identified in the City's Draft Review of car parking standards compared some 32 similar "Neighbourhood Shopping Centres". The recommended car parking ratio for retail floorspace of 6.58 bays per 100m<sup>2</sup> GLA and, for the cinema of one bay per 10 seats accommodated in this circumstance, is considered more appropriate in this circumstance given the function of the centre.

In the overall plan for the Centre, it is accepted that there will be complementary uses which will adequately cover the peak demands of the individual uses. However, until the full details of these are presented and assessed, it would be pre-emptive to apply the proposed car parking basis beyond the Stage 2 of the proposed development.

**MOVED** Cmr Rowell, **SECONDED** Cmr Morgan that the Joint Commissioners after consideration of the submission by Coney Stevens Project Management Pty Ltd on behalf of the lessee, Fascot Pty Ltd for re-consideration of the former City of Wanneroo's development approval dated 28 April 1998, in particular condition no 2 and footnote no 14 (condition no 1 (a) and 2 of DP152-04/98 refers):

- 1        **approve the variation of the carparking requirement from "*The provision of a minimum of 677 on-site carparking bays*" to the following condition:**
  - "2.        *The provision of a minimum of 579 on-site car parking bays;*"
- 2        **approve the discretion under clause 9.1.1 of the City of Joondalup Town Planning Scheme No 1 by the variation to the number of reciprocal parking arrangement (previously from "226") to "324" car parking bays, to the extent that Stages 1 and 2 car parking requirement is based on 6.58 car bays per 100m<sup>2</sup> GLA for the retail floorspace and one bay per 10 seats accommodated for the cinema use which would require (previously "677") the total provision of 579 car parking bays on site in this instance; and**

- 3 note that all other conditions and footnotes, with the exception of condition 2 and footnote 14 as amended above, of the development approval dated 28 April 1998 shall apply to the satisfaction of the Director, Development Services;
- 4 reserve the right to consider additional car parking bays on subsequent stages of development should the centre experience any parking problems.

Discussion ensued.

The Motion was Put and

CARRIED

CJ69-08/98

**HIGHWAY DEVELOPMENT ALONG JOONDALUP DRIVE -  
MODIFICATIONS TO DEVELOPMENT PLAN AND  
MANUAL - CLOSE OF ADVERTISING - [02758J]**

## SUMMARY

The Joint Commissioners adopted a draft modification to the Joondalup City Centre Development Plan and Manual to allow a wider range of uses on lots allocated to Highway/Drive-in uses along Joondalup Drive. No comment was received during advertising and adoption of the draft modification is therefore recommended.

## BACKGROUND

Meyer Shircore and Associates applied on behalf of Mr H Dillman for approval to construct a building to accommodate a Video Store and Retail on Lot 1 Dwyer Turn. These uses do not conform with the preferred uses in the Joondalup City Centre Development Plan and Manual (DPM). The DPM allocates this land to Highway/Drive-in uses; preferred uses are shown as Fast Food and Service Station.

Modification of the DPM was consequently felt to be appropriate. Discussions with LandCorp suggested the advertised revision of preferred Highway/Drive-in uses.

## DETAILS

At their meeting on May 1998, the Joint Commissioners of the former City of Wanneroo resolved to adopt and make available for public comment the following draft modification to the Joondalup City Centre Development Plan and Manual:

A 1.3 Preferred uses in the Highway/Drive-in area of the Western Business District to read as follows:

*Fast food outlets with drive-in facility*  
*Service Stations*  
*Video hire*  
*Take-away food without drive-in facility*  
*Bottleshop with/without drive through.*

The proposed change was advertised for a period of 30 days, closing on 10 July 1998. No submissions were received during advertising.

Clause 10.7 of the City of Joondalup Town Planning Scheme No 1 provides that *“an agreed Structure Plan may, subject to the approval of the Commission, be amended or revoked by the Council.”*

**MOVED** Cmr Rowell, **SECONDED** Cmr Morgan that the Joint Commissioners adopt the following modification to the Joondalup City Centre Development Plan and Manual: **A1.3 ‘Preferred Uses’ in the Western Business District section to read as follows:**

**“A1.3 - Highway/Drive-In  
Preferred Uses**

- *Fast food outlets with drive-in facility*
- *Service Stations*
- *Video hire*
- *Take-away food without drive-in facility*
- *Bottleshop with/without drive through.”*

**The Motion was Put and**

**CARRIED**

Items CJ70-08/98 to CJ77-08/98 inclusive were Moved by Cmr Rowell and Seconded by Cmr Morgan. Cmr Rowell gave his intention to speak on Items CJ70-08/98 and CJ71-08/98.

**CJ70-08/98**

**PETITION REQUESTING PROVISION OF VERGE PARKING  
BAYS - BEACONTREE WAY, JOONDALUP - [19855J]**

**SUMMARY**

Concerns have been expressed in a petition to Council that the verges are used for parking in Becontree Way, Joondalup City North and brick paving is requested to provide additional kerbside parking. Council is recommended to refuse the request and advise the petitioners of the nature of parking provision in City North.

**BACKGROUND**

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 of the former City of Wanneroo at their meeting held on 23 June 1998. The petition was referred to Development Services for a report to Council.

**DETAILS**

The petition takes the form of a letter which reads, in part:

*“.....we do have concerns about one small aspect that we have become increasingly aware of as we proceed with construction of our residences.*

*This being 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. The area on the verge designated for grassing at a later date by the homeowners is already being used for parking purposes. If this were to continue after the grass was planted this could result in these areas, due to grass and sprinkler damage, being both untidy and unsightly.*

*We have discussed this matter among ourselves and are agreed in asking you to consider the following two suggestions:*

- a) Removal of the verge area completely back to the pathway and brick pave the area.*
- b) Removal of part of the verge in front of each property and create brick paved parking bays as in other streets in the area."*

The following advice is provided:

A possible 7-9 bays could be provided in the verge area at a preliminary cost estimate of \$13,500. However, the provision of these bays is not supported as the cost could not be justified in a new subdivision. Council's provision of these bays would set an undesirable precedent throughout Joondalup City North residential precinct. The residents can, however submit their own engineering plans in accordance with the City's standards and fund any approved changes.

Not all streets have been provided with embayments for visitor parking. The main collectors into the precinct are the only streets that have embayments. The remaining streets have been designed narrow to discourage speeds. The width of the carriageway allows parking on one side while allowing other vehicles to pass.

## COMMENT

It is agreed with the analysis provided and the conclusion that the provision of additional parking throughout City North might then be requested. In a previous report to the Joint Commissioners (CJ49-07/98 refers), which responded to a similar petition, the following principles were stressed:

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.

The subject petition addresses similar concerns, and anticipates difficulties that are a result of the inner city nature of the area. Two onsite parking spaces are required to be provided for each dwelling in the area. It is considered important that parking on the street should be available for visitors and not become permanent or associated with a particular house. Provision by the landowners of permanent paved spaces is therefore not recommended.

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

- 1**           **advise the petitioners that:**
  - (a)       **City North is an inner city area and additional parking is expected to be accommodated on the streets in the form of kerbside parking;**
  - (b)       **the parking requirement appropriate to City North is provided for each dwelling unit, accessed from the rear laneways;**
  - (c)       **no further expenditure is contemplated in order to provide additional kerbside parking for residents;**
- 2**           **undertake further negotiations with LandCorp to look at alternative options to resolve the inner City parking problems being experienced.**

Discussion ensued.

**The Motion was Put and**

**CARRIED**

**CJ71-08/98**

**PROPOSED AMENDMENT NO 839 TO TOWN PLANNING  
SCHEME NO 1 TO REZONE PART LOT 7 AND PT LOT 158  
HEPBURN AVENUE, SORRENTO TO URBAN  
DEVELOPMENT ZONE - [16047J]**

METRO SCHEME:	Urban
LOCAL SCHEME:	Residential Development
APPLICANT/OWNER:	Estates Development Company/Crown
CONSULTANT:	Taylor & Burrell
APPLICATION RECEIVED:	21 May 1998

## **SUMMARY**

Taylor Burrell Town Planning and Design, on behalf of Estates Development Company, has requested an amendment to the City of Joondalup Town Planning Scheme No 1 (TPS1) to rezone Part Lot 7 Hepburn Avenue, Hillarys from Residential Development Zone to Urban Development Zone and to recode Part Lot 158 Hepburn Avenue Hillarys from R20 to R30 and

R50. It is recommended that the Joint Commissioners resolve to initiate and adopt the proposed amendment to rezone the entire subject land Urban Development Zone.

## BACKGROUND

Part Lot 7 Hepburn Avenue, Hillarys is situated at the north-eastern corner of Hepburn Avenue and Whitfords Avenue and Pt Lot 158 is situated to the south-eastern corner of Hepburn Avenue and West Coast Drive (Attachment 1). In the Metropolitan Region Scheme (MRS) and TPS1, these lots are zoned Urban and Residential Development (R20) respectively. The former City of Wanneroo previously supported a subdivision application (Stage 1) in respect of portion of Part Lot 7 and this subdivision has since been approved by the WAPC. With regard to Part Lot 158 and another portion of Pt Lot 7 opposite Part Lot 158, the WAPC approved a subdivision (Stage 2) although the City did not support this (Attachment 2).

In respect to the Stage 2 subdivision approval the WAPC advised the applicant that, *“an amendment is required to the Council’s Scheme to amend the zonings/codings of the subject land to facilitate the proposed residential lot sizes shown on the subdivision plan.”* This has culminated in the applicant seeking amendment to TPS1. Moreover, WAPC advised the City that any future subdivision applications in respect of the remaining land would not be supported unless there is an endorsed Structure Plan in place.

The applicant has also submitted a draft Local Structure Plan (LSP) for the subject land. This LSP indicates a range of residential densities namely, R20, R30 and R50; mixed use/commercial development and public open space.

The draft LSP is being assessed separately. The LSP was recently advertised inviting public comments for a period of 42 days which ended on 24 June 1998. The applicant has been requested to modify the LSP to reflect the matters discussed in the submissions received from the public, Government Agencies and the City. On receipt of the modified LSP, the subject matter will be reported to the Joint Commissioners.

## DETAILS

The amendment proposals are as follows (Attachment 3):

- 1 To recode the site on the south-eastern corner of West Coast Drive and Whitfords Avenue from R20 to R30 and R50.
- 2 To rezone Part Lot 7 Hepburn Avenue from Residential Development Zone to Urban Development Zone.
- 3 To de-vest portion of Lacepede Park on Pt Lot 158 and include it within the Residential Development Zone with an R50 code.

## COMMENT

While the applicant has requested to rezone the land situated to the north-east of Whitfords Avenue and Hepburn Avenue to Urban Development Zone, the land situated to the south-eastern corner of Hepburn Avenue and West Coast Drive was not included in its request. Given that the applicant has requested rezoning of its landholding to the north to Urban

Development Zone, it is proposed that the entire subject land be rezoned to Urban Development Zone.

The purpose of the Urban Development Zone is to provide for an orderly planning of larger areas of land in an integrated manner within a regional context whilst retaining flexibility to review planning with changing circumstances. Any subdivision or development in this zone will be subject to adopting a Structure Plan under the provisions of Part 10 of TPS1. The draft LSP submitted by the applicant covers the entire subject land and therefore by rezoning the subject land to Urban Development Zone, the provisions of the adopted Structure Plan will apply.

In taking the necessary action to close the portion of Hepburn Avenue, the City referred the matter to the servicing authorities and the Ministry for Planning (MFP) for comment. This matter has been reported to the Joint Commissioners' meeting of 28 July 1998 (CJ56-07/98) recommending that the road closure proposal be advertised inviting public comments.

In regard to the applicant's request to de-vest portion of Lacepede Park on Pt Lot 158 and include it within Residential Development, it is noted that the WAPC does not support this proposal.

**REPORT RECOMMENDATION:** That the Joint Commissioners in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended), amend the City of Joondalup Town Planning Scheme No 1 to rezone Part Lot 7 and Pt Lot 158 Hepburn Avenue, Hillarys from Residential Development Zone to Urban Development Zone and adopt Amendment No 839 accordingly.

**ADDITIONAL INFORMATION**

Director, Development Services advised a change to the recommendation to reflect that Pt Lot 158 Hepburn Avenue fell within the suburb of Sorrento and not Hillarys as stated.

**MOVED** Cmr Rowell, **SECONDED** Cmr Morgan that the Joint Commissioners in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended), amend the City of Joondalup Town Planning Scheme No 1 to rezone Part Lot 7 and Pt Lot 158 Hepburn Avenue, Sorrento from Residential Development Zone to Urban Development Zone and adopt Amendment No 839 accordingly.

The Motion was Put and

CARRIED

CJ72-08/98

**PROPOSED AMENDMENT NO 840 TO TOWN PLANNING SCHEME NO 1 TO REZONE A PORTION OF HEPBURN AVENUE ABUTTING PT LOT 158 HEPBURN AVENUE, SORRENTO TO URBAN DEVELOPMENT ZONE - [14935J]**

METRO SCHEME:	Important Regional Roads
LOCAL SCHEME:	Important Regional Roads
APPLICANT/OWNER:	Estates Development Company/Crown
CONSULTANT:	Taylor & Burrell
APPLICATION RECEIVED:	21 May 1998

## SUMMARY

Taylor Burrell Town Planning and Design, on behalf of Estates Development Company has requested an amendment to the City of Joondalup Town Planning Scheme No 1 (TPS1) to rezone a portion of Hepburn Avenue abutting Pt Lot 158 Hepburn Avenue, Hillarys from Important Regional Roads Reservation to Urban Development Zone. It is recommended that the Joint Commissioners resolve to initiate and adopt the proposed amendment and request the North West District Planning Committee to recommend to the Western Australian Planning Commission (WAPC) to amend the Metropolitan Region Scheme (MRS) to rezone the portion of Hepburn Avenue from Important Regional Roads Reserve to Urban Zone.

## BACKGROUND

The subject portion of Hepburn Avenue is situated on the south-eastern corner of Hepburn Avenue and West Coast Drive (Attachment 1). In the Metropolitan Region Scheme (MRS) and TPS1, Hepburn Avenue is an Important Regional Road Reserve. This stretch of Hepburn Avenue forms part of a subdivision in respect to Pt Lot 158 and a portion of Pt Lot 7 Hepburn Avenue which was approved by the WAPC although it was not supported by the former City of Wanneroo (Attachment 2).

In this subdivision approval, the WAPC advised the applicant that, *“an amendment is required to the Council’s Scheme to amend the zonings/codings of the subject land to facilitate the proposed residential lot sizes shown on the subdivision plan.”* This has culminated in the applicant seeking amendment to TPS1 in respect of the portion of Hepburn Avenue.

The applicant has also submitted a draft Local Structure Plan (LSP) in respect of Pt Lot 7 and Pt 158, including the subject portion of Hepburn Avenue. This LSP indicates a range of residential densities, namely R20, R30 and R50, mixed use/commercial development and public open space, and is being assessed separately. The LSP was recently advertised inviting public comments for a period of 42 days which ended on 24 June 1998. The applicant has been requested to modify the LSP to reflect the matters discussed in the submissions received from the public, Government Agencies and the City. On receipt of the modified LSP, the subject matter will be reported to the Joint Commissioners.

## DETAILS/COMMENT

The amendment proposal is to exclude a portion of Hepburn Avenue from Important Regional Road Reserves and include it within the Urban Development Zone (Attachment 3).

The applicant has also requested rezoning of Pt Lot 7 and Pt Lot 158 Hepburn Avenue from Residential Development Zone to Urban Development Zone. This amendment proposal has been dealt with separately and reported to the Joint Commissioners at their meeting on 11 August 1998 (CJ -8/98). As the subject portion of Hepburn Avenue would form part of the draft LSP for Pt Lots 7 and 158, it would be appropriate to rezone it to Urban Development Zone. In order to amend the MRS, it is recommended that the City advise the North West District Planning Committee to recommend to the WAPC to rezone the portion of Hepburn Avenue to Urban Zone.

In taking the necessary action to close the portion of Hepburn Avenue, the City referred the matter to the servicing authorities and the Ministry for Planning (MFP) for comment. This matter has been reported to the Joint Commissioners’ meeting of 28 July 1998 (CJ56-07/98) recommending that the road closure proposal be advertised, inviting public comment.

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

- 1
- request the North West District Planning Committee to recommend to the Western Australian Planning Commission to amend the Metropolitan Region Scheme to remove the portion of Hepburn Avenue abutting the northern boundary of Pt Lt 158, as shown on Attachment 3 of Report CJ72-08/98 from Important Regional Road Reserves and include it in the Urban Zone;
- 2
- in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) amend the City of Joondalup Town Planning Scheme No 1 to rezone the portion of Hepburn Avenue shown on Attachment No 3 Urban Development Zone and adopt Amendment No 840 accordingly.

The Motion was Put and

CARRIED

Appendix III refers

CJ73-08/98

EXPANSION OF EXISTING MEDICAL CONSULTING ROOMS TO ACCOMMODATE AN ADDITIONAL MEDICAL PRACTITIONER - LOT 102 (2) LYELL GROVE, CNR TIMBERLANE DRIVE, WOODVALE - [09521]

METRO SCHEME:	Urban
LOCAL SCHEME:	Residential Development
APPLICANT/OWNER:	Claire & Steven Burge

**SUMMARY**

An application has been received from Mr and Mrs Burge seeking modifications to the existing medical consulting rooms at Lot 102 (2) Lyell Grove, Woodvale to accommodate an additional practitioner.

A satisfactory carparking layout that makes provision for 12 on-site carparking bays has been provided. Apart from minor changes to an existing carport, no alterations to the existing structure are proposed.

The application was advertised. Seven submissions in favour of the proposal were received.

The application is recommended for approval.

## BACKGROUND

An application for permission to use Lot 102 (2) Lyell Grove for medical consulting rooms for the use by one physiotherapist was first considered and refused by the former Council of the City of Wanneroo at a meeting dated 9 February 1994 (Item I20208 refers). The application was refused at that stage, primarily because the on-site parking layout was considered to be inadequate. An amended proposal was subsequently considered and approved by the former Council at a meeting dated 9 March 1994 (Item I20303 refers).

## DETAILS

Currently there is one physiotherapist operating from Lot 102 (2) Lyell Grove, Woodvale. Until fairly recently, this practitioner and her family were also living at the premises. Since the property is no longer used for residential purposes, the space has now become available to accommodate a further practitioner.

The applicant has provided the following information in support of the application:

- The additional practitioner will be a podiatrist. Currently there is no podiatry service available in Woodvale and patients must be referred as far away as Joondalup and Duncraig.
- Expected population increases in areas such as Woodvale, Edgewater and Joondalup would result in an increasing demand for such services.
- Physiotherapy and podiatry are fields that are closely linked and a consultancy offering both services would generally be beneficial.
- Unlike medical doctors, appointment times in these fields are a minimum of 30 minutes.

As the accepted standard for consulting rooms is only one practitioner in terms of the policy for consulting rooms, the applicant is requesting that this application be considered on its merit and discretion be exercised in this instance to permit an additional practitioner at Lot 102 (2) Lyell Grove, Woodvale.

A consulting room is a use not permitted in the Residential Development Zone unless approval is granted. The City's Consulting Rooms Policy states that:

*"the primary objective ..... is to protect the amenity of residential neighbourhoods. Council is concerned about the reduction in amenity resulting from increased traffic and the obtrusive nature of carparking areas and business signs. " ... "Where a planning need can be shown for a consulting room in a residential neighbourhood, Council will consider them at locations where they will provide suitable buffers to protect residential amenity. Particular attention will be paid to the number of practitioners using consulting rooms in residential neighbourhoods to ensure the size and intensity of development does not become obtrusive. Developments which resemble dwelling houses in the locality and are limited to use by not more than one practitioner at any one time will be regarded as the standard to meet this requirement of the policy.*

As this application requests permission for more than one practitioner, it deviates from this policy.

In terms of the Town Planning Scheme No 1, the following requirements apply to Medical Consulting Rooms located in a residential area:

	SCHEME	PROPOSAL
Minimum lot area	800m <sup>2</sup>	719m <sup>2</sup>
Minimum frontage	20m to all streets	21m
Minimum setbacks	front - 7.5m side - 3.0m per storey rear - 7.5m	7.5m and 3m 1m from carport + 10m
Maximum plot ratio	0.30	0.23
Maximum site coverage	0.30	0.28
Carparking provisions	6 bays per practitioner (12 required)	12

The property under consideration is 719m<sup>2</sup> which is less than the minimum required in terms of the Town Planning Scheme. Furthermore, while the setback from Lyell Grove (7.5m) is in excess of the minimum requirements of the Scheme, the setbacks provided along Timberlane Drive (3m) and the northern side boundary (1m) is less than the minimum required under the Scheme. However, these issues were already addressed and resolved in 1994 when the former City of Wanneroo exercised its discretion and granted permission for medical consulting rooms on these premises.

The existing building on the property is 204m<sup>2</sup> in extent, includes a 36m<sup>2</sup> carport. This represents a site coverage of 28.4% and a plot ratio of 0.23, which is less than the maximum permitted. The building is single storey, was originally designed for residential purposes and therefore has a residential character.

The carparking layout has been amended to provide for an additional 6 bays, increasing the total number of on-site bays to 12. The parking layout is in accordance with the Australian Standards and makes adequate provision for manoeuvring space. Landscaping has been provided, mainly in a 3m strip along Timberlane Drive.

The proposal was advertised on site for a period of 30 days. Nine submissions were received. All the submissions were in favour of the proposed expansion.

## COMMENT

As approval has already been granted to use this site for Medical Consulting Room, the issue affecting this application is whether the proposed increase in the intensity in the use would result in changing its character to such an extent that it is no longer considered to be compatible with a residential area.

The application site is situated on the edge of an area that is used for non-residential purposes, and functions as a commercial node for Woodvale. To the south over Timberlane Drive, the Woodvale Shopping Centre (Lot 1), a service station (Lot 600) and Woodvale Day Surgery Centre (Lot 3) are situated. The Woodvale Medical Centre is situated to the west of the application site. To the eastern and northern boundaries there is single residential development. The property serves well as a buffer between the non-residential activities and its residential neighbours.

There is a 1.8m fence along Timberlane Drive and an attractive 1.8m high brick and picket infill wall along portion of the Lyell Grove frontages. The only view currently into the property is from Lyell Grove, and focuses on the current carparking area which comprises 3 car bays and a double carport. Most of this area is used for carparking, however, given the design of the development and quality landscaping and wall, the existing development is attractive, low key and retains the residential character.

With the requirement to increase the on-site parking bays, most of the existing rear garden will be replaced with 5 carparking bays, manoeuvring area, an access ramp to Timberlane Drive and landscaping. The applicant intends to retain the remainder of the 1.8m fence along Timberlane Drive. As the Timberlane Drive frontage currently contain full height Super Six fence along its full length, these changes would have the effect of improving the streetscape.

The proposal is considered to be meeting the objectives of the policy G3-10 for Consulting Rooms and is therefore recommended for approval.

**MOVED Cmr Rowell, SECONDED Cmr Morgan that:**

- 1 the Joint Commissioners approve the application submitted by Claire and Steven Burge for the expansion of the Medical Consulting rooms at Lot 102 (2) Lyell Grove, Woodvale, subject to:**
  - (a) no more than two medical practitioners shall be permitted to operate from the premises at any one time;**
  - (b) standard and appropriate conditions deemed appropriate by the Manager, Approval Services;**
- 2 the City's Policy for Consulting Rooms (Policy G3-10) be evaluated to determine its relevance in relation to prevailing urban conditions and be reviewed if necessary.**

**The Motion was Put and**

**CARRIED**

**CJ74-08/98                      SUBDIVISION      CONTROL      UNIT      -      DIRECTOR,  
DEVELOPMENT SERVICES - 11 JULY TO 22 JULY 1998 -  
[05961]**

## **SUMMARY**

Overleaf is a resumé of the Subdivision Applications processed by the Subdivision Control Unit 11 July 1998 to 22 July 1998. All applications were dealt with in terms of the delegation of subdivision control powers to the Chief Executive Officer (DP247-10/97 and DP10-01/98 refer). The Chief Executive Officer subsequently delegated to the Manager Development Management Services, the authority to deal with these applications as follows:

SCU1 Subdivision applications received which are generally consistent with an approved or agreed Structure Plan (including Outline Development Plan and Development Guide Plan).

SCU2 Subdivision applications previously supported, or not supported by Council and subsequently determined by the Western Australian Planning Commission (WAPC) consistent with the Council's recommendation.

SCU3 Applications for extension of subdivisional approval issued by the WAPC which were previously supported by Council.

SCU4 Applications for subdivision or amalgamation which result from conditions of development approval given by or on behalf of Council.

SCU5 Applications for subdivision or amalgamation of lots which would allow the development of the land for uses permitted in the zone within which that land is situated including applications involving the excision of land for road widening, sump sites, school sites, etc.

SCU6 Applications for subdivision or amalgamation of lots contrary to Council or WAPC Policy or are not generally consistent with an approved or agreed Structure Plan.

**MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners endorse the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ74-08/98.**

**The Motion was Put and**

**CARRIED**

Appendix IV refers

**CJ75-08/98**

**CLOSE OF ADVERTISING - AMENDMENT NO 818 TO TOWN PLANNING SCHEME NO 1 TO INCLUDE THE USE CLASS VETERINARY ESTABLISHMENT AS AN "AA" USE IN VARIOUS ZONES - [07381JW]**

## **SUMMARY**

Amendment 818 seeks to permit Veterinary Establishments with the approval of Council in the Commercial, General Industrial, Whitford Town Centre and Special Development A zones. The amendment was advertised for public comment for a period of 42 days which closed on 21 July 1998. No submissions were received as a result of the advertising. It is recommended that the Joint Commissioners resolve to adopt the amendment for final approval without modification.

## **BACKGROUND**

Amendment 818 was initiated and adopted for consent to advertise by the former Council of the City of Wanneroo at its meeting of 23 December 1997 (DP314-12/97) to include the use class Veterinary Establishment as an "AA" use in lieu of an "X" use in the Commercial, General Industrial, Whitford Town Centre and Special Development A zones.

**DETAILS**

The original request for change was submitted by Whelans Town Planning Consultants, acting on behalf of Vetwest Pty Ltd, for the rezoning of Strata Lots 1 & 2, Lot 201 (12) Davallia Road, Duncraig. It was considered that an alternative approach should be adopted to address an anomaly in the Zoning Table of Town Planning Scheme No 1, that being to include Veterinary Establishment uses as an AA use in the zones listed above.

The proposed amendment was advertised for public inspection in accordance with Town Planning Regulation 15 (1). Following the closing time for advertisement no submissions were received.

**COMMENT**

It is recommended that the Joint Commissioners resolve to adopt the amendment for final approval without modification.

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

- 1

pursuant to Town Planning Regulation 17 (2) adopt Amendment No 818 to Town Planning Scheme No 1 to modify Table 1 - Zoning Table to include the use class Veterinary Establishment as an “AA” use in lieu of an “X” use in the Commercial, General Industrial, Whitford Town Centre and Special Development A zones
- 2

authorise the affixation of the common seal to, and endorse the signing of, the amendment documents.

The Motion was Put and

CARRIED

CJ76-08/98

FRONT SCREEN WALL: LOT 34 (4) MABENA PLACE,  
OCEAN REEF - [07921J]

METRO SCHEME:	Urban
LOCAL SCHEME:	Residential Development
APPLICANT:	Beaumonde Homes
OWNER:	Mr R Benita & Ms S Genoni
APPLICATION RECEIVED:	28 August 1997
REPORT WRITTEN:	16 July 1998

**SUMMARY**

A building licence application was received on 28 August 1997 from Beaumonde Homes to construct a two storey residence on the above property.

The plans were approved and licensed by the former City of Wanneroo on 1 October 1997, and construction of the residence commenced on 9 February 1998. However, amended plans received 3 months later, indicated a proposed 1.8 metre high front fence without the 1.5 metre truncations which conflicts with Council’s fencing Local Laws. The proposal, although not in compliance with the Local Laws, is considered acceptable, and approval is recommended.

**BACKGROUND**

The City’s Local Law requires that, where an overheight fence is approved, it shall be constructed with a 1.5m x 1.5m truncation at driveways to provide for adequate sight lines for vehicles entering and leaving the site.

Clause 3 of Council’s Local Law relating to Fencing & Private Tennis Court Floodlighting allows Council to approve by a simple majority resolution a fence that would not comply with the requirements of the Local Law.

On 16 January 1998, the former City of Wanneroo received an amended site plan, for a previously issued building licence (97/4752) showing a proposed brick fence with wrought iron infill panels up to 1800 high to be constructed on the front boundary. Written approvals from the affected adjoining owners were received and the amended plan with front fencing was approved on 4 June 1998 with a condition that the builder must provide 1.5m x 1.5m truncations to the fence on either side of the driveway.

**DETAILS**

In July 1998 the City received a letter from the builder (Beaumonde Homes) stating that the owners are very security conscious and that a fence with a truncation would not allow the installation of an automatic security sliding gate and that therefore the 1500 x 1500 truncation to the fence is not acceptable to the owners, builder and gate installers as this type of gate requires a straight fence to allow the gate to slide along the fence. See Attachment 1 Page 1.

The proposed site has a road verge width of 4m and no street footpath.

**SUMMARY OF SUBMISSIONS**

	FROM	RELATIONSHIP	SUMMARY
1	Owner of 2 Mabena Place	Affected owner	No objection
2	Owner of 6 Mabena Place	Affected owner	No objection

**COMMENTS**

The proposed fence and the sliding gate, both of which incorporate wrought iron infills above 1m, will allow adequate sightlines to the verge and road. There will be no danger to pedestrians or traffic. In addition to this the house is located towards the end of the cul de sac, and both adjoining owners have indicated that they have no objections..

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

- 1

pursuant to Clause 3 of the City’s Fencing & Private Tennis Court Floodlighting Local Law approve the construction of a straight front screen wall on the front boundary, as submitted, of Lot 34 (4) Mabena Place, Ocean Reef without truncations at the driveway;
- 2

authorise the issue of a building licence.

The Motion was Put and

CARRIED

CJ77-08/98

**REDUCED FRONT SETBACK - DWELLING & GARAGE: LOT 209 (24) ROBERTSON COURT, KINGSLEY - [25049J]**

METRO SCHEME:	Urban
LOCAL SCHEME:	Residential Development (R20)
APPLICANT:	Kevin Honner Homes
OWNER:	Mr & Mrs N & N Bazzo
APPLICATION RECEIVED:	30 June 1998
REPORT WRITTEN:	21 July 1998

**SUMMARY**

A building license application has been received from Kevin Honner Homes on behalf of Mr & Mrs N & N Bazzo of Lot 209(24) Robertson Court, Kingsley for the construction of a dwelling and double garage forward of the dwelling with a reduced front setback of 1.5 metres to the garage. The proposal is considered acceptable in terms of the objectives of the Residential Planning Codes (R-Codes) particularly in relation to the amenity and the streetscape and approval is recommended.

**DETAILS**

The subject lot of 733m<sup>2</sup> is zoned R20 and is undeveloped. A total of three adjoining owners were contacted, all of whom have indicated no objection to the proposed garage being located forward of the minimum 3.0 metre front setback. The overall primary street setback is in accordance with the requirements of the R-Codes.

Council policy allows a carport or garage to be constructed up to 3.0 metres of a primary street alignment provided that the overall primary street setback is in accordance with the R-Codes. Setbacks lesser than 3.0 metres are required to be submitted to Council for consideration.

**SUMMARY OF SUBMISSIONS**

	FROM	RELATIONSHIP	SUMMARY
1	Owners of Lot 210 Robertson Court	Affected adjoining owners	No objection
2	Owners of Lot 222 Robertson Court	Affected adjoining owners	No objection
3	Owners of Lot 223 Robertson Court	Affected adjoining owners	No objection

**COMMENT**

The R-Codes Clauses 1.5.5 (a) & (b) provide Council discretion to allow a lesser setback having regard for the objectives of the Codes and the effect on the amenity of the surrounding lots and streetscape. In this instance, it is considered that the amenity is not unduly affected, and the adjoining owners are in favour of the proposal.

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

- 1        **having considered the proposal to erect a dwelling with a garage having a front setback of 1.5 metres at Lot 209 (24) Robertson Court, Kingsley, approve the proposal subject to Clause 1.5.5 (a) of the Residential Planning Codes;**
- 2        **authorise the issue of a building licence.**

**The Motion was Put and**

**CARRIED**

**CJ78-08/98        SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [151876]**

The following is a list of documents sealed under the common seal of the City of Joondalup from 1 July 1998 until 23 July 1998:

Document:        Application Form  
Parties:            City of Joondalup and BT Funds Management Limited  
Description:       Investment Account  
Date:               3.7.98

Document:        Application Form  
Parties:            City of Joondalup and Trustwest Wholesale Investment Trusts  
Description:       Investment Account  
Date:               3.7.98

Document:	Application Form
Parties:	City of Joondalup and AMP Investments
Description:	Investment Account
Date:	3.7.98
Document:	Application Form
Parties:	City of Joondalup and Commonwealth Bank of Australia
Description:	Bank Account Application
Date:	3.7.98
Document:	Deed
Parties:	City of Joondalup and Commonwealth Bank of Australia
Description:	Mortgage
Date:	3.7.98
Document:	
Parties:	City of Joondalup and Commonwealth Bank of Australia
Description:	Overdraft Accommodation
Date:	3.7.98
Document:	Lease
Parties:	City of Joondalup and Vodafone Network Pty Ltd
Description:	Lot 145 Beach Road, Warwick
Date:	7.7.98
Document:	Agreement
Parties:	City of Joondalup and Minister for Family & Children's Services
Description:	Funding of Services
Date:	7.7.98
Document:	Agreement
Parties:	City of Joondalup and Minister for Family & children's Services
Description:	Funding of Services
Date:	7.7.98
Document:	Agreement
Parties:	City of Joondalup and Minister for Family & Children's Services
Description:	Funding of Services
Date:	7.7.98
Document:	Surrender of Easement
Parties:	City of Joondalup and Masaka Holdings Pty Ltd
Description:	Lot 89 (97) Craigie Drive, Beldon
Date:	20.7.98
Document:	Withdrawal of Caveat
Parties:	City of Joondalup and Silkchime Pty Ltd
Description:	Lots 962 and 904 Warwick Commercial Park
Date:	20.7.98

Document:	Deed
Parties:	City of Joondalup and Joe Stenson
Description:	Copyright Agreement
Date:	22.7.98
Document:	Deed
Parties:	City of Joondalup and Henry Hall
Description:	Copyright Agreement
Date:	22.7.98
Document:	Deed
Parties:	City of Joondalup and Glynn Watkins
Description:	Copyright Agreement
Date:	22.7.98
Document:	Deed
Parties:	City of Joondalup and Zita and Jim Giglia
Description:	Copyright Agreement
Date:	22.7.98
Document:	Deed
Parties:	City of Joondalup and Gertrude Greenwood
Description:	Copyright Agreement
Date:	22.7.98
Document:	Deed
Parties:	City of Joondalup and Jessie Willsen
Description:	Copyright Agreement
Date:	22.7.98
Document:	Deed
Parties:	City of Joondalup and Joan Patricia Sherlock
Description:	Copyright Agreement
Date:	22.7.98
Document:	Deed
Parties:	City of Joondalup and Ruby Lillian Ashby
Description:	Copyright Agreement
Date:	22.7.98
Document:	Deed
Parties:	City of Joondalup and Mavis Irene Penno
Description:	Copyright Agreement
Date:	22.7.98
Document:	Deed
Parties:	City of Joondalup and Adrian Boogaard
Description:	Copyright Agreement
Date:	22.7.98

Document:	Transfer of Land
Parties:	City of Joondalup and Electricity Corporation
Description:	17 Uppill Place, Wangara
Date:	22.7.98
Document:	Agreement
Parties:	City of Joondalup and Commonwealth of Australia
Description:	Financial Counselling Programme
Date:	23.7.98

**MOVED Cmr Morgan, SECONDED Cmr Rowell that the Schedule of Documents executed by means of affixing the Common Seal be received.**

**The Motion was Put and**

**CARRIED**

### **DATE OF NEXT MEETING**

The next meeting of the Joint Commissioners has been scheduled for **5.30 pm** on **TUESDAY 25 August 1998** to be held in Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup.

### **CLOSURE**

There being no further business, the Chairman declared the Meeting closed at 1818 hrs, the following Commissioners being present at that time:

COMMISSIONERS:      ANSELL  
                             ROWELL  
                             BUCKLEY  
                             MORGAN, AM  
                             CLARK-MURPHY