



**MINUTES OF MEETING OF JOINT COMMISSIONERS
HELD ON 13 OCTOBER 1998**

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CITY OF JOONDALUP

MINUTES OF MEETING OF THE JOINT COMMISSIONERS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE BUILDING, BOAS AVENUE, JOONDALUP, ON TUESDAY, 13 OCTOBER 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, Technical Services:	R McNALLY
Manager, Division Taskforce:	B PERRYMAN
Manager, Executive Services:	K ROBINSON
Manager, Council Support Services:	M SMITH
Manager, Leisure Services:	M STANTON
Publicity Officer:	L BRENNAN
Committee Clerk: J AUSTIN	
Minute Clerk:	L TAYLOR

APOLOGIES AND LEAVE OF ABSENCE

Nil

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

The Chairman declared the meeting open at 1800 hrs.

PUBLIC QUESTION TIME

The following question, submitted by Mr J Hollywood, was taken on notice at the Meeting of Joint Commissioners held on 22 September 1998:

Q1 Over a year ago, I asked for a costing on constructing a limestone footpath from Marmion Avenue to Burns Beach. To date I have not received an answer.

A1 The cost to construct a temporary stabilised limestone path in Burns Beach Road between Marmion Avenue and Ocean Parade is in the order of \$33,000 as provided previously in Report TS86-05/98 to the Technical Services Committee meeting of 19 May 1998.

The following question, submitted by Mr B Higgins, was taken on notice at the Meeting of Joint Commissioners held on 22 September 1998:

Q1 I raised a question at the Meeting of Joint Commissioners on 8 September 1998 which was taken on notice and I was endeavouring to have clarified what I thought was a conflict in two previous answers that I had been given. I refer to Page ii of this evening's Agenda for Shire of Wanneroo. I am unable to reconcile the two answers that I have been given previously. One that states there had been no correspondence available and the other answer by Cmr Morgan who was of the belief that a record was kept. The answer I have been provided with in this evening's Agenda for the Shire of Wanneroo is as follows:

"as previously responded there is no written or electronic correspondence available. The only record will be via Parks Landscaping Services annual reporting of assets which is compiled as part of the end of financial year process and submitted to Resource Management in accordance with local government regulations. Contributions to Council's assets are identified and collated annually in accordance with the above regulations."

What is the date that this donation was made?

A1 Initial contact from Benara Nurseries was received in early July 1998.

Asset compilation is undertaken annually at the end of the financial year and this item will be recorded in the Parks Landscaping Services' Asset Compilation in July 1999. These will be held in a register for recording purposes only and will not affect Council's Balance Sheet.

Mr J Hollywood, Burns Beach:

Q1 Has there been any progress on the bar chart?

A1 *Response by Cmr Ansell:* Yes. There will be a copy made available to you at the conclusion of this meeting.

- Q2 In the 1997/98 Budget, an allowance of \$22,000 was allocated for maintenance work on the groyne at Burns Beach. When will this work be undertaken?*
- A2 Response by Director, Technical Services:* This work has yet to be programmed. Council is currently in the early stages of formalising a programme for the total budget.
- Q3 Is there any possibility of indicating a time schedule for this work to be undertaken?*
- A3 Response by Cmr Ansell:* This question will be taken on notice.
- Q4 The sum of \$6,000 was withdrawn from the Burns Beach Ratepayers Association account. Is this money going to be utilised in the Burns Beach area?*
- A4 Response by Manager, Leisure Services:* Approximately six months ago, a Council resolution indicated that the funds would be spent in the Burns Beach area and this is currently being programmed at present.
- Q5 Would you like suggestions from the Burns Beach Ratepayers Association as to where this money should be spent?*
- A5 Response by Manager, Leisure Services:* There has been previous discussions with representatives from the Burns Beach Recreation Association to indicate what their priorities were.
- Q6 Would it be possible for the City of Joondalup to employ a telephonist instead of an answering machine when ratepayers telephone the City for information?*
- A6 Response by Chief Executive Officer:* The City employs two telephonists. Where the telephonist is able to answer the calls, they do answer them personally. Where there is an overload situation, the calls are picked up by a recently installed system which allows for the caller to quickly access the department they require. This is an "add-on" facility, which only comes into use when there is an overload situation.
- Q7 Would it be possible to employ a third telephonist as opposed to having an answering machine?*
- A7 Response by Chief Executive Officer:* The Community Directory which is currently being distributed to residents lists direct line telephone numbers to officers in order to ease the pressure on the telephone network.
- Q8 Has there been any progress on whether juniors will be charged for the use of sporting grounds?*
- A8 Response by Cmr Ansell:* Commissioners are currently looking at this issue.

Mr K Zakrevsky, Mullaloo:

- Mr Zakrevsky, who had been a Councillor of the former Shire of Wanneroo, outlined Council's policy in relation to the provision of facilities.

Mrs M Zakrevsky, Mullaloo:

Q1 In relation to the petition listed on page (ii) of the Agenda with regard to barking dogs in Mullaloo, could you please advise what area of Gunida Street does this relate to?

(a) Has any action has been instigated by Health and Ranger Services?

(b) What can residents expect in the future in relation to complaints of this nature?

A1(a&b) Response by Cmr Ansell: We will contact you with the relevant information and current status in relation to this situation.

Mr F Nelson, Connolly:

Q1 Referring to the Local Law in relation to Animals, Pigeons and Bees (Second Schedule) does Central Park in Joondalup City come under the jurisdiction of the local authority?

A1 Response by Cmr Ansell: Yes that is correct.

Q2 Why is Central Park, Joondalup not listed under the Prohibited Dog Exercise Area?

A2 Response by Cmr Ansell: This question will be taken on notice.

DECLARATIONS OF FINANCIAL INTEREST

Nil

CONFIRMATION OF MINUTES

C14-10/98 MINUTES OF MEETING OF JOINT COMMISSIONERS -
22 SEPTEMBER 1998

Correction

CJ153-09/98, Page 91 - comment by Cmr Rowell be amended to read:

“.....therefore suggested an amendment to the *recommendation*.”

MOVED Cmr Morgan, SECONDED Cmr Rowell that the Minutes of the Meeting of Joint Commissioners held on 22 September 1998, amended as above, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

CUSTOMER SERVICE CENTRE AT WHITFORD CITY SHOPPING CENTRE

Council's first external customer service centre will be opened on Friday, 16 October 1998.

As part of our undertaking to reach out into the community, the customer service centre will be located at Whitford City shopping centre

We trust the opening of this facility will improve our customer focus. The centre will cater for such services as the payment of rates and other charges and will provide general Council information.

The new customer service centre will be open weekdays, on Thursday evenings and on Saturdays from 9.00 am to 5.00 pm to allow residents easy access to this innovative new service.

COMMUNITY DIRECTORY

Council's Directory of Services to the community has been completed and deliveries to the 78,000 households of Wanneroo and Joondalup have begun and will continue until the weekend of 17 and 18 October.

Residents should note that this directory is intended to provide them with a full and up to date guide of Council's services available to them.

To improve our customer service and to make our staff more accessible, direct phone numbers of staff in all areas have been provided.

Sporting groups and other information is not included in the directory as these numbers change so often.

The most up to date information on all sporting groups is available on computer updated lists by calling our community information line on 9400 4705.

SIR CHARLES COURT

During this week, Council had the pleasure of a visit from our distinguished former Premier, Sir Charles Court.

Sir Charles was a driving force behind the development of the Joondalup/Wanneroo region and we were pleased to welcome him here to discuss future cultural facilities.

EVENTS

Apart from the opening of the Whitford City customer service centre on Friday, 16 October 1998, Council has a busy schedule of events ahead.

The historic Perry's Paddock picnic day is on Sunday, 18 October 1998 and all residents are welcome to attend free of charge.

The Art Awards and environmental Discovery Week will be followed by the Joondalup Speed Classic race for vintage cars to be held on Sunday, 25 October 1998.

DEVELOPMENTS

Developments of our region continues to match the best in Australia, with many developments being approved.

In the City of Joondalup, these include:

- restaurants and shop in Davidson Terrace, Joondalup;
- additions to Target and mini major in Joondalup Drive, Joondalup;
- 21 two-storey houses in Whitfords Avenue, Hillarys;
- 13 group dwellings in West Coast Drive Sorrento;
- 7 aged persons' units in Blackwattle Parade, Padbury.

PETITIONS

C15-10/98

PETITIONS SUBMITTED TO THE MEETING OF JOINT COMMISSIONERS - 13 OCTOBER 1998

PETITION IN RELATION TO BARKING DOGS, MULLALOO - [10045]

A 12-signature petition has been received from Mullaloo residents in relation to dogs continually barking in Gunida Street, Mullaloo.

This petition will be referred to Health and Ranger Services for action.

MOVED Cmr Clark-Murphy, **SECONDED** Cmr Buckley that the petition in relation to barking dogs in Gunida Street, Mullaloo be received and referred to the appropriate business unit for action.

The Motion was Put and

CARRIED

POLICY SECTION

REQUIREMENT FOR ABSOLUTE MAJORITY VOTE

The Chairman, Cmr Ansell stated that for the purpose of this meeting, where a simple majority vote was taken, such vote would be considered to be an Absolute Majority vote.

**CJ158-10/98 REVIEW OF ANIMALS PIGEONS AND BEES LOCAL
LAW - [21067J & 05885J]****Summary of Purpose and Effect (was read aloud at Meeting of Joint Commissioners)**

The first action in the process of adopting a local law, requires a summary of the purpose and effect of the proposed local law to be read aloud by the chairman . The summary is as follows:-

“The purpose of this local law is to provide for the regulation, control and management for keeping of animals , pigeons and bees within the City of Joondalup”.

“The effect of this local law is to establish the requirements with which owners and occupiers of land within the district must comply in order to keep animals , pigeons and bees and provides the means of enforcing the local law”.

SUMMARY

The working party of officers formed to review the local laws for both the City of Joondalup and Shire of Wanneroo has completed the review of local laws relating to animals, pigeons and bees

A new local law based on the relevant provisions of the existing local laws relating to Dog Control, Dog Kennels, Keeping of Pigeons and Bees, and a section of Reserves and Foreshores, has been prepared. The proposed new local law is considered to be in keeping with what is required by both local governments.

BACKGROUND

The local laws of the former City of Wanneroo became the local laws of the City of Joondalup and Shire of Wanneroo on creation of the two new local governments on 1 July, 1998. The need to review these local laws was previously recognised and an officer working party was established to do this work.

The proposed Animals, Pigeons and Bees Local Law involved the review and consolidation of relevant sections of the following existing local laws:-

By Law B2: Keeping of Bees

By Law D2: Dog Kennels

By Law D3: Relating to Dogs

Local Law P6: Keeping of Pigeons

Clauses 9 and 9A of By Law: Reserves and Foreshores

A section on livestock has also been included.

DETAILS

Local Law Making Procedure

Section 3.12 of the Local Government Act 1995, details the procedure that a local government must follow when making a local law. The details relating to the first stage of making a local law are:-

- 3.12**
- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence it is described.
 - (2) At a Council meeting the person presiding is to read aloud ,or cause to be read aloud, a summary of the purpose and effect of the proposed local law .
 - (3) The local government is to -
 - (a) on at least 2 days , give statewide public notice stating that -
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day not less than 6 weeks after the notice is first given.
 - (b) as soon as the notice is given , give a copy of the proposed local law and a copy of the notice to the Minister and , if another Minister administers the Act under which the proposed local law is proposed to be made, to that other Minister, and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it .
 - (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law * that is not significantly different from what was proposed .

**Special Majority Required*

Major Changes

The proposed local law has involved significant restructuring to consolidate the local laws previously mentioned. The consolidation has achieved a reduction in overall content due to duplication of similar general empowering and enforcement clauses.

Where practicable, reference to other legislation has been replaced with the relevant information. This applied particularly to the definition section and enables the document to be read alone without having to refer to other legislation to fully understand it.

Several forms that were previously included in schedules to the local law have been treated as "forms approved by the local government". This allows greater flexibility for these forms to be amended without the need to amend the local law.

The areas designated as dog exercise and horse exercise areas, have been allocated into the relevant local government areas in the attached schedules. There has been no addition or deletion from what was previously detailed in the local laws carried over from the former City of Wanneroo.

Fees and charges applicable under the local law have been removed from schedules and either currently or in the future will, form part of the attachments to the annual budget. This is in accordance with the provisions of the Local Government Act 1995.

The modified penalty values have been put at a standard \$100. This has been done partly to rectify anomalies established with the introduction of the Dog Act Amendment Regulations 1996, which substantially increased modified penalty amounts, and partly in recognition of the seriousness of the offences.

The issue of infringements rather than initiating prosecution in the local court for minor offences, has been applied where considered appropriate. This approach enables persons authorised under the local law to enforce the provisions of that local law promptly. It also provides for the least cost for both the local government and the alleged offender and has been encouraged through the local law making provisions of the Local Government Act 1995 and local courts.

COMMENT

The proposed local law includes the repeal of the current local laws carried over from the former City of Wanneroo. The repeal coincides with the coming into operation of the proposed local law.

The proposed local law has been reviewed by the solicitors to ensure that its contents are within the bounds of operation of the Local Government Act 1995 and the Dog Act 1976 and provides for the effective management of dogs, dog kennel establishments, bees, livestock, and pigeons in accordance with the Dog Act 1976 and the Local Government Act 1995.

It is recommended that the proposed local law be advertised in accordance with section 3.12 of the Local Government Act 1995, in order to seek public comment.

MOVED Cmr Buckley, **SECONDED** Cmr Morgan that the Joint Commissioners in accordance with section 3.12 of the Local Government Act 1995, advertise the proposed local law, "City of Joondalup Animals, Pigeons and Bees local Law 1998", in order to seek public comment.

Cmr Buckley commented that this is the first stage in the procedure whereby the local law will be advertised for public comment and urged members of the public who wished to comment to present a submission.

The Motion was Put and

CARRIED

Appendix I refers

CJ159-10/98 REVIEW OF BUSHFIRE PREVENTION AND CONTROL LOCAL LAW - [29061 & 05885 J]

Summary of Purpose and Effect (was read aloud at Meeting of Joint Commissioners)

The first action in the process of adopting a local law, requires a summary of the purpose and effect of the proposed local law to be read aloud by the chairman. The summary is as follows :

"The purpose of the local law is to provide for the prevention, regulation, control and management of bushfires and the reduction of fire hazards in the district."

"The effect of the local law is to require all owners and occupiers of land in the district to establish and maintain firebreaks on land owned or occupied by them to assist in prevention of fires and provide access for firefighting vehicles and equipment."

SUMMARY

The working party of officers formed to review the local laws for both the City of Joondalup and Shire of Wanneroo has completed the review of local laws relating to bushfire prevention and control.

A new local law based on the relevant provisions of the existing fire control local laws has been prepared. It is considered to be more in keeping with what is now required by both local governments.

BACKGROUND

The local laws of the former City of Wanneroo became the local laws of the City of Joondalup and Shire of Wanneroo on creation of the two new local governments on 1 July, 1998. The need to review these local laws was previously recognised and an officer working party was established to do this work.

The proposed bushfire prevention and control local law involved the review of the following existing local laws:-

Bylaw B6 - Establishment, Maintenance and Equipment of Bush Fire Brigades
Bylaw F2 - Fire Control Order

DETAILS

Local Law Making Procedure

Section 3.12 of the Local Government Act 1995, details the procedure that a local government must follow when making a local law. The details relating to the first stage of making a local law are:-

- 3.12**
- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence it is described.
 - (2) At a Council meeting the person presiding is to read aloud ,or cause to be read aloud, a summary of the purpose and effect of the proposed local law .
 - (3) The local government is to -
 - (a) on at least 2 days, give statewide public notice stating that -
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day not less than 6 weeks after the notice is first given.
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the proposed local law is proposed to be made, to that other Minister, and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it

- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law * that is not significantly different from what was proposed .

**Special Majority Required*

Major Changes

The main changes between the current and proposed local laws is the deletion of clauses relating to:

- Burning of Firebreaks
- Local Government installing firebreaks where the owner or occupier fails to comply with requirements and recovery of costs incurred
- Offences and Penalties

Each of these matters are included in the Bush Fires Act 1954 and should be actioned in accordance with the provisions of that act.

As the whole of the City of Joondalup district is in the response zone of the W A Fire and Emergency Service, there is no need for bushfire brigades. There is no provision for bushfire brigades in the proposed City of Joondalup Bushfire Prevention and Control Local Law 1998.

The proposed local law includes the repeal of the current local laws carried over from the former City of Wanneroo. The repeal coincides with the coming into operation of the proposed local law.

The proposed local law has been reviewed by the solicitors to ensure that its contents are within the bounds of operation of the Local Government Act 1995 and the Bush Fires Act 1954.

COMMENT

The proposed City of Joondalup Bushfire Prevention and Control Local Law 1998 provides the authorised persons responsible for enforcement of firebreak requirements, with greater flexibility in determining where owners and occupiers of land in the district are to install firebreaks. For example, where the boundary of land is on a rock outcrop, the firebreak can follow the edge of the rock outcrop.

The proposed local law also provides for the effective management of bushfire brigades in accordance with the Bush Fires Act 1954.

It is recommended that the proposed local law be advertised in accordance with section 3.12 of the Local Government Act 1995, in order to seek public comment.

MOVED Cmr Buckley, **SECONDED** Cmr Morgan that the Joint Commissioners in accordance with section 3.12 of the Local Government Act 1995, advertise the proposed local law, "City of Joondalup Bushfire Prevention and Control local Law 1998", in order to seek public comment.

Cmr Buckley commented that this was the first stage in a procedure to adopt a new local law and that the public would have the opportunity to comment.

The Motion was Put and

CARRIED

Appendix II refers

CJ160-10/98 REVIEW OF PARKING LOCAL LAWS - [24185J & 05885J]

SUMMARY

This report provides details of the progress reached in the review of the proposed, "City of Joondalup Parking Local Law 1998. "The proposal to adopt the reviewed local law was advertised for comment, closing on Monday 14 September 1998. A schedule of representations received has been summarised and is attached to the report for consideration .

BACKGROUND

This matter was first considered at the meeting of Joint Commissioners held on 28 July, 1998 (Item CJ29-07/98 refers). The report submitted to that meeting outlined the process to be followed by local governments in accordance with the Local Government Act 1995, for creating and reviewing local laws. It was subsequently resolved:

"that the Joint Commissioners in accordance with Section 3.12 of the Local Government Act 1995, advertise the proposed local law, "Joondalup Parking Local Law 1998", in order to seek public comment."

DETAILS

Minor Amendments

Since submitting the proposed local law to the meeting of Joint Commissioners on the 28 July 1998, the opportunity has been taken to further review and improve the document. The improvements made relate mainly to deletion, where practicable, of references to other legislation, in particular, definitions that related to the 'Road Traffic Act 1974. The objective of this was to enable the document to be read alone, without having to obtain other legislation to fully understand it.

Other adjustments made were to wording that brought the document more into line with terminology used in the Local Government Act 1995.

The schedule detailing the forms attached to the local law has also been deleted. The forms are infringement and infringement withdrawal forms. They are still required and have been listed simply as forms "...of the First Schedule of the Local Government [Functions and General] Regulations 1996". This enables any minor amendments to wording to be made without having to go through the lengthy and costly process of amending the local law.

Three clauses relating to parking meters and ticket machines which appeared in Part 8 - "Miscellaneous" section of the local law were relocated in Part 2 - "Metered and Ticket Zones".

A copy of the proposed City of Joondalup Parking Local Law 1998 with all amendments to the original document printed in italics, is attached.

Amendments made are considered to be of a minor nature, as they do not alter the intent of the original document.

Public Comment Received

A total of fourteen (14) written submissions were received in response to the advertisement seeking objections to or representations relating to the adoption of the proposed Parking Local Law. The majority of submissions referred to several areas of concern which are outlined in the schedule. The most common areas of concern were:

- 7 Parking on a street verge;
- 7 Parking a commercial vehicle on a street verge;
- 5 Parking a commercial vehicle on a road for more than one hour;
- 4 Standing or parking a vehicle on private property;
- 3 Standing or parking in an occupied parking stall;
- 3 Display a vehicle for sale in a road reserve;
- 3 Parking on a reserve;
- 3 Other offences not specified.

From the information outlined in the various submissions received, it appears that the majority of people used the information detailed in the Schedule of Modified Penalties published in the Community Newspaper "Wanneroo Times". This schedule contains a significantly shortened version of the clauses in the local law.

Action to Progress Local Law

The following actions are required to progress the proposed local law to local law stage.

They are in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995. The relevant sections are:

- 3.12 (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* *Special majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give Statewide public notice -
 - (a) stating the title of the local law;
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

Local laws to be publicised

- 3.15 A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

Section 3.13 of the Act is of particular relevance at this stage of making a local law. It states:

“Procedure where significant change in proposal

- 3.13 *If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.”*

Action By Others

The following actions will be taken to complete the review and adoption process of the local law:

- the local law will be tabled in parliament by Parliamentary Council;
- review of the local law by the Joint Standing Committee On Delegated Legislation.

COMMENT

Submission Consideration

In reviewing the various submissions received and determining if they identified a need to make changes to the proposed local law, the following factors were taken into consideration.

The majority of content in the proposed parking local law was a carry over from the local laws currently in operation in both local governments. The main changes in the proposed parking local law, included the introduction of residential permits, scheduling of car parks and the consolidation of three local laws into one.

Much of the content of the parking local law has been drawn from the Road Traffic Code. Such matters are included in the local law to enable enforcement by the City's officers, and those otherwise authorised to do so. They are matters which have been identified as necessary for the general safety and functional use of streets /thoroughfares by both pedestrians and motorists alike, for example standing a vehicle within 18 metres of the approach side of a bus stop or children's crossing.

The majority of concerns raised in the submissions were based on the shortened version of clauses outlined in Modified Penalty Schedule attached to the local law. This schedule was published in the "Wanneroo Times " and if read in isolation, could give an incorrect indication of what is outlined in the full clause of the local law, for example the shortened version of clause 42 [2] reads "Parking on street verge" whereas the full clause reads " A person not being the occupier of the land abutting on to a road verge shall not without the consent of that occupier, drive, park or stand a vehicle upon that road verge".

The majority of the local law has been developed over many years in recognition of identified safety and functional needs in the community. The proposed local law enables authorised persons to support the community in addressing matters of concern for pedestrians and other road users.

The term "other offences not specified" is used in the schedule of Modified Penalties to allocate a penalty amount for minor offences. The more serious and frequently used clauses of the local law are generally specified in the Modified Penalties schedule.

After considering the submissions relating to parking of commercial vehicles on roads and road verges , the definition of "commercial vehicle "has been changed by deleting reference to passengers and carriage of persons, being :-

"...other than a motor vehicle for the conveyance of passengers and includes and any motor vehicle that is designed primarily for carriage of persons , but"

to make the definition more specific to what is generally accepted and understood as a commercial vehicle . The amended definition reads:-

"commercial vehicle" means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, or a vehicle which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

Clause 38 (1) relating to Commercial Vehicles and other vehicles , which prohibits the parking of those vehicles "on a road for more than 1 hour ..." has been altered to read as follows:-

“38 (1) A person shall not park:

(a) a commercial vehicle; (and other vehicles specified in (b) to (g))

on a road or verge for more than 3 hours consecutively between the hours of 7.00 am and 6.00 pm.”

Clause 38 (2) has been added as follows:-

“38 (2) The provisions of clauses 42 (1) and (2) relating to verge parking apply to verge parking permitted under clause 38 (1).”

This effectively prohibits verge parking where signs indicate that prohibition and requires the consent of the adjacent land owner to park on a verge where there is no prohibition.

These alterations provide the enforcement officers with the degree of flexibility needed to allow commercial vehicles to park on a verge with the agreement of the adjacent property owner for the time necessary to complete works. This clause also enables enforcement officers to prosecute unauthorised parking where this is not in keeping with the amenity of the area .

The way local laws are enforced is considered to be equally as important as having appropriate local laws which support the needs of the community. The enforcement process always allows for appeal against any infringement or penalty and each case must be considered on its merits.

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

- 1 in accordance with Section 3.12 of the Local Government Act 1995, adopt the proposed local law as per Attachment 1 to Report CJ160-10/98 , as the “City of Joondalup Parking Local Law 1998”;**
- 2 approve the Infringement Forms and Infringement Withdrawal Form to the proposed local law as per Attachment 2 to Report CJ160-10/98;**
- 3 approve progression of the remaining actions to finalise the local law in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995;**
- 4 advise those persons who made submissions of their decision.**

The Motion was Put and

**CARRIED BY A
SPECIAL MAJORITY**

Appendix III refers

CJ161-10/98 CLOSE OF ADVERTISING - HEIGHT POLICY FOR HARBOUR RISE ESTATE, HILLARYS - [16047J]

SUMMARY

Proposed variations to Council's Policy DS4, Height and Scale of Buildings within a Residential Area were advertised as draft Planning Policy for public comment for a 30 day period which closed on 9 September 1998. They control the height of houses in part of the first stage of Harbour Rise Estate, Hillarys. A total of ten submissions were received during advertising and approval of the variations to the policy is recommended.

BACKGROUND

Harbour Rise, Hillarys is a residential development, most of which is bounded by Hepburn Avenue, Whitfords Avenue, Angove Drive, and existing development on Ewing Drive and Waterford Drive, Hillarys. At their meeting on 28 July 1998, the Joint Commissioners resolved to accept the variations to the Policy for Stage 1 of the development (shown in Attachment 1) as a draft and to advertise them as required under the City of Wanneroo Town Planning Scheme No 1.

A 25-signature petition relating to this policy variation was presented to the meeting of the Joint Commissioners on 22 September 1998 and referred to Development Services for consideration.

DETAILS

The variations to the Policy that are proposed and attached (see Attachment 2) will allow lots above 600 sq m to be assessed before the Structure Plan has been completed and approved. They vary the existing Policy DS4, Height and Scale of Buildings within a Residential Area to control the form and size of residential development in part of Stage 1 of the development.

Ten submissions were received during advertising and are shown in the schedule attached (Attachment 3). The first was from a resident in Ewing Drive, objecting to the extension of the policy variation to the part of the estate facing Ewing Drive and Angove Drive. This will be taken into account when the Structure Plan for the remainder of the estate is considered. Two submissions were from the developer and his consultant commenting on the form of words in which the variations were made. These comments have been incorporated in the revised Policy attached (Attachment 2). It is not considered that the intention or detail of the policy has been altered by these changes.

The remaining submissions, including a 25-signature petition representing a further 19 lots were from residents who suggested that the ocean views from their lots would be adversely affected by the variation to the Policy and its application to lots adjacent to their properties. The variation to the policy is not proposed to apply to any lots adjoining existing properties.

COMMENT

The variation to the policy on the height of buildings seeks to allow house wall and roof ridge heights that are up to one metre higher but are set back further than those permitted under Council's current Policy. It also permits the addition of a third storey measuring no more than 6x6 metres.

With regard to the objections, it is considered that the views from four of these lots, the subjects of submissions 4, 5, 6 & 10, are not affected by area involved in the variation in any way. Two others, 7 & 8, and the further 19 represented by the petition, are separated from the area subject to the variation by a row of conventional lots. Houses built along this row will be in accordance with Council's existing Policy and will themselves block much of the ocean views from the lots concerned. The relative levels are such that houses built in accordance with the varied Policy nearer to the ocean than these, will have a minimal effect on the views. This is illustrated in the attached cross-sections (Attachment 4). It is therefore considered that the objections can be answered by explaining this to the affected owners, and the policy should be approved.

MOVED Cmr Buckley, **SECONDED** Cmr Morgan that the Joint Commissioners, pursuant to Clause 5.11 of the City of Joondalup Town Planning Scheme No 1, adopt the variations to Policy DS4, Height and Scale of Buildings within a Residential Area that are included as Attachment No 2 to Report CJ161-10/98 for Stage 1 of the Harbour Rise Estate.

The Motion was Put and

CARRIED

Appendix IV refers

FINANCE AND COMMUNITY SERVICES SECTION

Items CJ162-10/98 to CJ166-10/98 inclusive were Moved by Cmr Clark-Murphy and Seconded by Cmr Buckley. Cmr Clark-Murphy stated her intention to speak on Item CJ163-10/98.

CJ162-10/98 JOONDALUP CHILD HEALTH CLINIC - [27205J]

SUMMARY

Council operates a number of Child Health Clinics from Family Centres which are managed by community groups. The management committees of the various Family Centres annually request a contribution from Council towards the cost of operating and maintaining that part of the building from which the Child Health Clinic operates for the current financial year. This is in addition to any costs that have arisen during the year and for which they have sought immediate reimbursement.

DETAILS

The Joondalup Child Health Clinic operates from the Joondalup Family Centre. The management committee has requested a contribution from Council towards the operating and maintenance costs incurred by the Centre for the Child Health Clinic facilities. It has been determined that Council should meet 18% (generally based on floor area of facility) of the building operating and maintenance costs. The details of the component parts of the operating costs are as follows:

ITEM	1997/98 EST. COSTS	CONTRIBUTION REQUESTED	1996/97 EST. COSTS	CONTRIBUTION REQUESTED/ PAID
Cleaning	\$9,720.00	\$1,749.60	\$9,720.00	\$1,749.60
Commercial Refuse	\$517.00	\$93.06	\$563.60	\$101.45
Gardening	\$2,186.00	\$393.48	\$2,181.00	\$392.58
Building Insurance	\$800.00	\$144.00	\$800.00	\$144.00
Water Rates (1 fixture)	\$115.80	\$115.80	\$115.80	\$115.80
Water supply and meter rent	\$146.50	\$26.37	\$146.50	\$26.37
Water consumption	\$19.25	\$3.47	\$61.85	\$11.13
Pest Control	\$240.00	\$43.20	\$240.00	\$43.20
Sanitation and Hygiene Service		\$0.00	\$45.00	\$8.10
Garden Bin	\$60.00	\$10.80		
Bin Cleaning	\$105.00	\$18.90		
TOTALS	\$13,909.55	\$2,598.68	\$13,873.75	\$2,592.23
(% Contribution = 18%)				

NOTE 1: Electricity and Telephone accounts paid direct to suppliers by the former City of Wanneroo

NOTE 2: Water Corporation rate for one toilet fixture paid in full.

COMMENT/FUNDING

The cost for the Child Health Clinic will be accommodated within Council's Building Operating budget for 1998/99.

Account No: 22117
 Budget Item: Building Operating
 Budget Amount: \$Subject to re-allocation of funds.
 Actual Cost: \$2598.68

MOVED Cmr Clark-Murphy, **SECONDED** Cmr Buckley that the Joint Commissioners authorise a contribution to the Joondalup Family Centre Inc. of \$2,598.68 from Account 22117 for costs associated with the Joondalup Child Health Clinic in 1997/98.

The Motion was Put and

CARRIED

CJ163-10/98 JOONDALUP FESTIVAL COMMITTEE - [04089J]

SUMMARY

A meeting of the Joondalup Festival Committee was held on 15 September 1998 and the minutes are submitted for noting by Joint Commissioners.

DETAILS

A meeting of the Joondalup Festival Committee was held on 15 September 1998.

No action has arisen as a result of these minutes and these are attached for noting and inclusion in the Minute Book.

MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Minutes of the Joondalup Festival Committee held 15 September 1998 as attached to Report CJ163-10/98 be noted.

Cmr Clark-Murphy commented additional details would be available as the Joondalup Festival approached. She felt the festival would be a valuable addition to the City's calendar of events as a regional festival for the whole of the northern metropolitan region.

The Motion was Put and

CARRIED

Appendix V refers

CJ164-10/98 PERRY'S PADDOCK PICNIC DAY ORGANISING PARTY - [25097J]

SUMMARY

A meeting of the Perry's Paddock Picnic Day Organising Party was held on 2 September 1998 and the minutes are submitted for noting by Joint Commissioners.

DETAILS

A meeting of the Perry's Paddock Picnic Day Organising Party was held on 2 September 1998.

No action has arisen as a result of these minutes and these are attached for noting and inclusion in the Minute Book.

MOVED Cmr Clark-Murphy, **SECONDED** Cmr Buckley that the Minutes of the Perry's Paddock Picnic Day Organising Party held 2 September 1998 as attached to Report CJ164-10/98 be noted.

The Motion was Put and

CARRIED

Appendix VI refers

CJ165-10/98 GALLERY ART SCHOOL SCHOLARSHIP RECIPIENTS - [05009]

SUMMARY

The Cultural Development Fund Peer Assessment Advisory Committee has selected four student artists considered worthy of scholarships to attend the Gallery Art School in Term Four, 1998.

It is recommended that the Joint Commissioners endorse the recommendations of the Peer Assessment Advisory Committee and award a \$120.00 scholarship each to four student artists and award certificates to other entrants.

BACKGROUND

The Gallery Art School was included as a category of the Cultural Development Fund in August 1995 (Item CS148-08/95 refers). The Cultural Development Fund Peer Assessment Advisory Committee assesses the applications and recommends to Joint Commissioners the awarding of up to four scholarships valued at \$120 each.

Applications are assessed based on the following:

- potential benefit to the applicant's artistic development;
- artistic excellence of the applicant; and
- flow on benefit to fellow student artists.

DETAILS

A total of twenty eight applications were received from both primary schools and secondary schools. The Assessment Advisory Committee considered four applicants should receive scholarships and seven other student artists should receive a highly commended certificate.

COMMENT/FUNDING

The total cost of the scholarships is \$480. Funding details are listed below.

Account No:	32151
Budget Item	Cultural Sponsorship Scheme - Donations
Budget Amount	\$27,000
Actual Cost	\$480

MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Joint Commissioners endorse the recommendations of the Cultural Development Fund Peer Assessment Advisory Committee to:

- 1 award four Scholarships for Term Four 1998 Gallery Art School;**
- 2 presents seven Highly Commended Certificates.**

The Motion was Put and

CARRIED

**CJ166-10/98 CULTURAL DEVELOPMENT FUND PEER
ASSESSMENT ADVISORY COMMITTEE - [07084]**

SUMMARY

In July 1998 the Joint Commissioners of the former City of Wanneroo resolved to reinstate the Cultural Development Fund Peer Assessment Advisory Committee pending local public notice seeking interested persons to serve on the committee.

This report outlines the role of the Cultural Development Fund Peer Assessment Advisory Committee and recommends endorsement of its membership.

BACKGROUND

The Cultural Development Fund Peer Assessment Advisory Committee assess both Cultural Development Fund applications and Gallery Art School Scholarship applications.

DETAILS

The Terms of Reference of the Committee have been reviewed to reflect the responsibilities of the Cultural Development Fund Peer Assessment Advisory Committee and its reporting to the City of Joondalup (Attachment one refers).

It has been necessary to quickly convene the Committee to meet informally to assess Gallery Art School Scholarships utilising past committee members and filling two casual vacancies so that scholarships for fourth term 1998 can be awarded.

Prior to assessment of Cultural Development Fund applications expressions of interest from interested persons to serve on the Committee will be sought.

It is proposed that the Cultural Development Fund Peer Assessment Advisory Committee comprise the following:

- City of Joondalup - Arts Project Officer;
- Four independent professional and/or community representatives with experience in cultural or arts industries who reside in the City of Joondalup.

COMMENT/FUNDING

It is recommended the following persons be appointed by ABSOLUTE MAJORITY to the Committee in accordance with section 5.10 of the Local Government Act, 1995.

Ms Diana James, Writer
 Ms Fiki Pitts, Performing Artist
 Ms Janey Emery, Visual Artist
 Mr John Simpson, Visual Artist
 Ms Carmelita Baltazaar, Arts Project Officer

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

- 1 endorse the amended terms of reference of the Cultural Development Fund Peer Assessment Advisory Committee;**
- 2 establish the Cultural Development Fund Peer Assessment Advisory Committee in accordance with the Terms of Reference;**
- 3 appoint the following members of the Cultural Development Fund Peer Assessment Panel:**

**Ms Diana James, Writer
 Ms Fiki Pitts, Performing Artist
 Ms Janey Emery, Visual Artist
 Mr John Simpson, Visual Artist
 Ms Carmelita Baltazaar, Arts Project Officer**

- 4 call for expressions of interest from interested persons to serve on the Advisory Committee prior to the assessment of Cultural Development Fund applications.**

The Motion was Put and

**CARRIED BY AN
 ABSOLUTE MAJORITY**

Appendix VII refers

TECHNICAL SERVICES SECTION

Items CJ167-10/98 to CJ169-10/98 inclusive were Moved by Cmr Morgan and Seconded by Cmr Buckley. Cmr Morgan stated his intention to speak on Item CJ167-10/98.

CJ167-10/98 SUPPLY, INSTALLATION AND MAINTENANCE OF INTEGRATED BUS SHELTERS - [10094]

SUMMARY

Tenders were called by the former City of Wanneroo, for the supply, installation and maintenance of integrated bus shelters which may contain an advertising panel approved by Council at agreed locations within the former municipality.

At the close of tenders on 14 May 1998 only one tender was received that being from Adshel Street Furniture Pty Limited.

It is recommended that the submission from Adshel Street Furniture Pty Limited be accepted subject to the preferred design being to the satisfaction of the Director of Technical Services and a contractual agreement be entered into with Adshel Pty Ltd for a period of fifteen years.

BACKGROUND

Council currently provides concrete bus shelters at bus stops where patronage statistics supplied by the bus operators indicate that the demand for a shelter is considered warranted.

Funds are provided in the budget each fiscal year to finance the annual bus shelter installation programme. The budgeted funds (currently \$30,000) allow for the supply, erection and anti-graffiti coating of twelve (12) new bus shelters within the former City of Wanneroo district based on the highest patronage demand/priority.

An opportunity existed to invite tenders/registrations of interest for the supply, installation and maintenance of bus shelters at no cost to Council subject to advertising being permitted on the shelter.

The concept was considered to have merit as it would not only save and generate revenue for Council but would provide an aesthetically pleasing facility for bus patrons whilst protecting them from the elements.

In view of the above the Joint Commissioners of the former City of Wanneroo, at the Council meeting held on 24 March 1998 (former City of Wanneroo Report P21-03/98 refers) resolved to:

1. rescind policy "I1-03 (g) Advertising Signs in Road Reserve" which states that "It is Council Policy to prohibit bus shelter advertising in the road reserve;"

2. adopt the following policy to enable advertising to be placed on bus shelters;

Policy TS-A-6 Clause (7)

“Advertising on bus seats and bus shelters is permitted subject to Council's approval;”

3. authorise the Director of Technical Services to invite tenders/registrations of interest for the supply, installation and maintenance of bus shelters within the district at no cost to Council which may contain advertising.

The former City of Wanneroo invited tenders to supply, install and maintain integrated bus shelters within the former City of Wanneroo district for the period 1 July 1998 and ending 30 June 2003, with an option to extend by a further sixty (60) months.

The supply, installation and Maintenance of integrated bus shelters was based on the following Evaluation Criteria:

Essential Criteria

- Offers in respect to royalty payments
- Council Ownership
- Offers in respect to other benefits
- Vandal Proof nature
- Ergonomic Design and Comfort
- Approval system for location
- Preventative maintenance and level of service
- Aesthetics
- Response time to damages through vandalism and others

Desirable Criteria

- Tenderer past experience in rendering similar services
- Tenderer's experience with a Local Government Authority
- Quality Policy
- Tenderer's Safety Policy
- Tenderer's Environment Policy
- Tenderer's Disability Access Policy

DETAILS

At the close of tenders on 14 May 1998 only one tender was received that being from Adshel Street Furniture Pty Limited.

Adshel is an Australian company which services over 3,000 street furniture structures through 100 contracts. It has recently acquired the street furniture business of Australian Posters and Citysites, both of which own major street furniture contracts in Brisbane, Gold Coast, Adelaide and Sydney.

This firm has extensive experience with local government around Australia and New Zealand which includes the following Western Australian Councils.

- City of Perth
- Town of Mosman Park
- Town of Vincent

Adshel complies with the specifications in relation to the following essential and desirable criteria:

Essential Criteria

- offers in respect to other benefits
- vandal proof nature
- ergonomic design and comfort
- preventive maintenance and level of service
- aesthetics
- response time to damages through vandalism and other causes
- past experience in rendering similar services

Desirable Criteria

- Tenderer's past experience with a local government authority
- Quality policy
- Tenderer's safety policy

Ownership

The tender submitted by Adshel Pty Ltd does not conform with regard to Council ownership. It was specified that at the end of the contract period, or where the contract is extended for a further five (5) years, the integrated bus shelters shall revert to Council ownership upon the payment of \$1.00 in total for all integrated bus shelters.

Adshel is proposing that ownership will revert to Council at the end of a fifteen (15) year period which is conditional upon no advertising being displayed on the shelters after the 15 years has elapsed. It should be noted that any term less than fifteen (15) years could result in Adshel removing its shelters at the termination of the contract.

At the end of the 15 year period, the shelters become the property of the Council with still approximately ten (10) years of life expectancy. During the contract period all maintenance of the shelters would be undertaken by Adshel and revenue will be received from advertising royalties.

Given the capital cost which is estimated to be \$13,000 to supply and install each shelter, it is considered that a 15 year term is not unreasonable for the contract to run. It is therefore proposed to enter into negotiations with Adshel to apply a variation to proposed contract so that the term will be for the period 1 July 1998 and ending 30 June 2013.

Design and Installation

Relevant Council Officers and a representative from LandCorp have examined the range of shelters submitted by Adshel and have agreed that the Boulevard Shelter would be suitable taking cognisance of the architecture of development within the central business district of Joondalup. A prototype of the Boulevard Shelter has been installed by Adshel on Grand Boulevard, Adjoining Joondalup Central Park, Joondalup and the specifications for the Boulevard shelter has been indicated as Attachment No 1 of this report.

Also, it has been suggested that the Mini Boulevard shelter as detailed in Attachment No 2 of this report, be installed throughout the suburban areas and other parts of the City, where verge widths do not allow the Boulevard shelter to be positioned safely on the road reserve..

Both the Boulevard and the mini Boulevard have an incorporated illuminated advertising panel. The type of advertising installed shall not display any advertisement that is political, religious, or pornographic; any advertisement that depicts smoking or tobacco products or; any advertisement that resembles traffic signs or signals.

The sites which will have an integrated shelter installed, will be determined by both Adshel Pty Ltd and the City, to identify which stops have large bus patronage figures and considered suitable from an advertising point of view. This will ensure the shelter provides adequate protection from the elements for bus patrons.

Where there exists a concrete shelter at a proposed site, Adshel Pty Ltd has proposed that Adshel Pty Ltd relocate the existing shelter to the Council's Works Depot, at no cost to the City. This will enable the concrete shelter to be installed at other stops throughout the district, where it is considered that a shelter is warranted, however not beneficial from an advertising point of view.

In addition a teal colour should be utilised in Joondalup to match the existing colour scheme for the City.

Royalty Payments

Adshel Pty Ltd has indicated that Council can receive royalty payments for the use of the advertising panels on the shelters, by private companies.

The financial evaluation in terms of royalty payments for the Council is summarised on the following tables. Adshel has included six (6) royalty payment options and two shelter design options. (" +5" denotes additional option years).

Level One Design Option (Metro and Boulevard range)

Options	Years	No of Shelters	Revenue Share (%)	Potential Revenue (Based on 100% occupancy at \$500 per panel)
1.	5	Total: 25	0%	\$ 0
2.	5 +5	50 15 Total: 65	4% (Yr. 1 to 5) 8% (Yr. 6 to 10)	\$ 417,000
3.	5 +5 +5	65 25 10 Total: 100	4% (Yr. 1 to 5) 8% (Yr. 6 to 10) 12% (Yr. 11 to 15)	\$ 1,308,000
4.	10	Total: 75	5% (Yr. 1 to 5) 10% (Yr. 6 to 10)	\$ 675,000
5.	10 +5	95 15 Total: 110	5% (Yr. 1 to 5) 10% (Yr. 6 to 10) 15% (Yr. 11 to 15)	\$ 1,935,000
6.	15	Total: 125	5% (Yr. 1 to 5) 10% (Yr. 6 to 10) 15% (Yr. 11 to 15)	\$ 2,250,000

Level Two Design Option (Heritage, Colonial and Classic range)

Options	Years	No of Shelters	Revenue Share (%)	Potential Revenue (Based on 100% occupancy at \$500 per panel)
1.	5	Total: 20	0%	\$ 0
2.	5 +5	55 10 Total: 65	3.5% (Yr. 1 to 5) 7.0% (Yr. 6 to 10)	\$ 388,500
3.	5 +5 +5	65 15 5 Total: 85	3.5% (Yr. 1 to 5) 7.0% (Yr. 6 to 10) 10.5% (Yr. 11 to 15)	\$ 1,008,000
4.	10	Total: 80	3.5% (Yr. 1 to 5) 7.0% (Yr. 6 to 10)	\$ 504,000
5.	10 +5	90 10 Total: 100	3.5% (Yr. 1 to 5) 7.0% (Yr. 6 to 10) 10.5% (Yr. 11 to 15)	\$ 1,239,000
6.	15	Total: 115	3.5% (Yr. 1 to 5) 7.0% (Yr. 6 to 10) 10.5% (Yr. 11 to 15)	\$ 1,449,000

The potential revenue that Council may receive has been calculated on 100% occupancy of the advertising panels on the shelters, at \$500 per advertising panel.

The Royalty payments offered by Adshel Pty Ltd as listed in the above tables, indicate that if the Boulevard shelter was selected, the royalty payments would apply as indicated in the Level One Design Option.

There are three options in which a fifteen year contract can be negotiated with Adshel Pty Ltd for the supply of the integrated shelters.

The first option is a 5 year contract with two lots of five (5) optional years, which would generate a potential revenue of \$1,308,000 and a total of 100 shelters installed during the fifteen year period (65 shelter installed in years 1 to 5; 25 shelters installed between years 6 and 10 and; 10 shelters installed between years 11 and 15). Council would retain ownership of the shelters after the two lots of five (5) year options have expired.

The second option, is a 10 year contract with another five (5) optional years, which would generate a potential revenue of \$1,935,000 and a total of 110 shelters installed (95 shelters being installed between years 1 and 10 and 15 shelters installed between years 11 and 15). Council would retain ownership of the shelters after the five (5) renewal option has expired.

The third option is a full 15 year contract in which it is predicted that a potential revenue of \$2,220,000 could be achieved with 125 shelters being installed throughout the 15 year term. Council would retain ownership of the shelters after the fifteen years has expired.

Total revenue accrued to Council can be taken as an up front cash payment, exchanged for additional items of street furniture, as an annuity payment over the life of the agreement or as a combination of all three. An annuity payment over the life of the agreement would allow revenue to be received each year which may be utilised to maintain the City's existing bus shelters and/or purchase concrete shelters where the patronage figures indicate a shelter is warranted. It is therefore recommended that an annuity payment over the life of the agreement be negotiated with Adshel Pty Ltd and incorporated into the conditions of contract.

Maintenance and Level of Service

As part of the contract for the supply, installation and maintenance of the integrated bus shelters, Adshel Pty Ltd has indicated their proposed maintenance and level of service for the shelters during the period of contract.

All of Adshel Pty Ltd shelters are designed to be vandal proof in nature, however this does not prevent vandalism on shelters occurring. As part of Adshel's cleaning and maintenance regimes, any vandal activity will be repaired. Adshel Pty Ltd has indicated that there will be:

- 24 hour response time to all breakages;
- graffiti to be removed within 12 hours of being reported; and
- a critical response time within 4 hours.
- Cleaning and maintenance checks will be conducted fortnightly.

All costs associated with the installation, maintenance and cleaning of the shelters will be undertaken by Adshel Pty Ltd, during the period of contract.

The standard of maintenance of the integrated shelters, has been indicated in the tender documentation and the above levels of service as indicated by Adshel Pty Ltd, will be finalised and reflected in the contract after its formalisation.

COMMENT/FUNDING

It is considered that the selection of a suitable shelter should be made from a design and aesthetic point of view as well as shelter from the elements rather than seeking the best possible return from royalties.

In giving consideration to the term of the contract, it may be prudent to opt for a five (5) year term plus two five (5) year rollover options, however a fifteen (15) year term would provide an additional 25 shelters and increase potential revenue by \$942,000 (this being the difference between \$2,250,000 and \$1,308,000) as detailed in Level One Design Option.

If the existing shelter installation programme was to continue, it is envisaged that a total of 180 concrete shelters would be installed throughout the former City of Wanneroo district, over a fifteen year period (assuming budget provisions allow 12 shelters to be installed per year over 15 years). A full fifteen year contract with Adshel Pty Ltd, would enable a total of 125 shelters installed over this time frame.

The former City of Wanneroo considered approximately 90 sites for shelters from 1991 to 1998 as part of its annual Bus Shelter Installation Programme, with 60 requests with the City of Joondalup and 30 within the Shire of Wanneroo districts.

As the former City of Wanneroo has being split into the City of Joondalup and Shire of Wanneroo, two separate contracts will need to be negotiated relating to the respective local authorities. It will be necessary to apportion an amount of shelters to be placed within each local authority. The amount of shelters per the City of Joondalup and the Shire of Wanneroo should be determined by the amount of residents within each district (City of Joondalup population of 148,000 to Shire of Wanneroo population of 70,000). Out of the 125 shelters to be provided during the term of the fifteen year contract option, 85 shall be placed within the City of Joondalup and 40 to be placed within the Shire of Wanneroo

The amount of bus shelters per local authority is not limited to the amount indicated as additional shelters may be installed if the Council and Adshel agree to the installation.

It is for the Joint Commissioners to determine how the rights under the contract would be apportioned as between the two new local governments and what entitlement each new local government would have to the revenue should a contract be entered into for both Local Authorities. It is recommended that the revenue be apportioned according to the number of bus shelters in each district. The proposed revenue share for both the City of Joondalup and Shire of Wanneroo as per a fifteen (15) year contract with Adshel Pty Ltd is summarised in the following table:

Contract Term (Years)	No of Shelters	Potential Revenue Share
5	Total Number : 100	Total Revenue: \$1,308,000
+5	City of Joondalup Share: 70	\$915,600
+5	Shire of Wanneroo Share: 30	\$392,400
10	Total Number: 110	Total Revenue: \$1,935,000
+5	City of Joondalup Share: 75	\$1,319,317
	Shire of Wanneroo Share: 35	\$615,683
15	Total Number : 125	Total Revenue: \$2,250,000
	City of Joondalup Share: 80	\$1,530,000
	Shire of Wanneroo Share: 45	\$720,000

Taking cognisance of the above, it is recommended that the Council accepts the tender submitted by Adshel Street Furniture Pty Ltd subject to the final design of the preferred bus shelter (the Boulevard) being to the satisfaction of the Director of Technical Services. It is also conditional upon a contractual agreement being entered into (at no cost to Council) with Adshel for a fifteen (15) year term, to the satisfaction of the Chief Executive Officer.

The proposed contract term is for an initial period of fifteen (15) years. This could be seen as limiting the City to one contractor for an extensive period of time and therefore not being able to invite new tenders if there was a supplier in the market place prepared to offer a better style of shelter with larger financial returns. However, any period less than 15 years will result in Adshel removing its shelters installed throughout the area.

Alternatively, Adshel has indicated that Council may purchase the shelters after a 10 year term at a depreciated value of between \$5000 - \$6000, depending on electrical connection costs. Should a ten (10) year contract be entered, then the City would require approximately \$450,000 to purchase the shelters installed during that period (calculated by 75 shelters installed over 10 years as per option 4 of Level One Design Option, at a depreciated value of \$6000 per shelter).

Notwithstanding the above and in view of the financial returns, cost saving on maintenance, the revenue that will be received, the additional amount of shelters to be installed at no cost to the City, and the costs associated with the purchase of the shelters after a ten (10) year term, it is recommended that a full term of fifteen (15) years be approved rather than a ten year term with a five (5) year renewal option.

Both the City of Gosnells and the Town of Bassendean have recently entered into a 20 year contract with Adshel Pty Ltd for the supply of integrated shelters in their respective districts. In view of Adshel's list of local authorities which have entered into a contract for the supply of street furniture, consideration of a fifteen year term option has merit due to the additional financial return to Council and the quantity of shelters provided.

Reference checks have been conducted with the City of Perth, Bankstown City Council and Swanton & Yarra Trams, all of which gave favourable reports of their dealings with Adshel.

MOVED Cmr Morgan, **SECONDED** Cmr Buckley that the Joint Commissioners accept the tender submitted by Adshel Street Furniture Pty Limited to supply, install and maintain integrated bus shelters within the district of the City of Joondalup at no cost to Council subject to:

- 1 **Adshel agreeing to undertake modifications to the preferred design as determined by the Director of Technical Services;**
- 2 **the Boulevarde styled bus shelter be approved as the preferred design throughout the City Centre and the Mini Boulevarde styled shelter be approved as the preferred design throughout areas that cannot accommodate the Boulevarde styled shelter;**
- 3 **option 6 from the Level One Design Option Schedule be approved as the preferred Option (specifying the potential income to the Councils for 125 shelters for a fifteen (15) year term), with revenue being apportioned according to the number of shelters installed in both the City of Joondalup and Shire of Wanneroo districts;**
- 4 **the Council receiving an annuity payment of the share of revenue received for advertising royalties on the integrated bus shelters;**
- 5 **the City of Joondalup receiving a minimum of 85 integrated bus shelters and the Shire of Wanneroo receiving a minimum of 40 integrated bus shelters to be installed throughout the respective districts over the fifteen (15) year term;**
- 6 **a contractual agreement being entered into (at no cost to the Council) with Adshel Street Furniture Pty Limited for a fifteen (15) year term, to the satisfaction of the Chief Executive Officer;**
- 7 **the Council reserving the right to reject any advertisement it believes unsuitable.**

Cmr Morgan spoke in support of the Motion and congratulated administration staff on the successful negotiations that had been concluded with Adshel Street Furniture Pty Limited for the installation of bus shelters.

The Motion was Put and

CARRIED

**CJ168-10/98 PROVISION OF CYCLE TRACKS -
HADDINGTON PARK BELDON,
THORNTON PARK KINROSS - [06659J, 07619J]**

SUMMARY

Council received Report No CJ62-08/98 regarding a proposal to construct a bicycle track at Thornton Park Kinross. A petition was also received for construction of a bicycle track at Haddington Park Beldon.

A survey of residents surrounding these parks was undertaken and from the responses received the recommended site is Haddington Park Beldon.

BACKGROUND

Limestone cycle tracks have been constructed in various suburbs following requests from youths in those areas. Requests were received for the provision of a track in Beldon and Kinross.

DETAILS

Kinross

Report No CJ62-08/98 (refer Attachment A) a track be provided at Thornton Park Kinross. Survey results indicate the following:-

	Yes	No
Thornton Park	1	6

Correspondence was received from the Kinross Residents Association objecting to the proposed site in Thornton Park, and recommending MacNaughton Park. MacNaughton Park had been rejected as a site option due to available area and the desire to preserve the existing natural vegetation.

Beldon

A small petition was received requesting the installation of a track and survey conducted, in accordance with previous recommendations. Survey results indicate the following:-

	Yes	No
Haddington Park	13	5

Haddington Park is a small dry park with natural vegetation centrally located. Construction of a track can be achieved without impact on the vegetation or play area. Many of the objectors contacted Parks Landscaping Services with their concerns regarding vehicle parking, access, noise and loss of the visual amenity. Examples of existing locations were provided to residents for their inspection.

The surveys clearly indicate the site accepted by residents for track installation. Therefore, it is recommended that a track be installed at Haddington Park Beldon.

COMMENT/FUNDING

Funds are available from Account No 36800 (\$5,830) Chichester Park Cycle Track to complete installation at this park.

Reallocation from Account No 36800 Chichester Park Cycle Track is requested as follows:-

\$2,830 Haddington Park Beldon (City of Joondalup)

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

- 1 authorise the construction of a limestone cycle track at Haddington Park Beldon;**
- 2 in accordance with Section 6.8(1) of the Local Government Act 1995, authorise the reallocation of \$2,830 from Account No 36800 Chichester Park Cycle Track to Haddington Park Beldon (City of Joondalup).**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

**CJ169-10/98 PETITION - SUSSEX WAY ROAD ISLAND
CURRAMBINE - [22820J]**

SUMMARY

Council has received a petition submitted by the residents of Sussex Way in Currambine regarding the condition of the landscape within the road island.

This road island was initially irrigated via mains water by the developer. Disconnection occurred at handover to Council. Partial brick paving has been programmed for the road island, in conjunction with paving works throughout Currambine. This work is programmed in the 1998 financial year maintenance allocation.

BACKGROUND

Beaumaris Land Sales installed a series of road islands throughout Currambine and installed landscape irrigation via mains or bore. There are various areas within Currambine where the landscape has deteriorated due to the lack of summer irrigation. These have been assessed and partial or total brick paving recommended. Engineering Construction/Maintenance Services have listed the work as part of the maintenance programme.

The initial vegetation was removed and mulch applied as a temporary cover to minimise sand drift. The mulched area has been treated with herbicide during July to control weed growth.

DETAILS

It is proposed that trees be retained within the larger road islands and paving be installed to reduce long term maintenance. Small traffic islands will be totally paved. This work will commence during the 1998/99 financial year.

Attachment A indicates the traffic island locations and type.

MOVED Cmr Morgan, **SECONDED** Cmr Buckley that the Joint Commissioners advise the residents of Sussex Way Currambine that the upgrade of the road island is to be completed in the annual maintenance programme for 1998.

The Motion was Put and

CARRIED

DEVELOPMENT & PLANNING SERVICES SECTION
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Items CJ170-10/98 to CJ185-10/98 inclusive were Moved by Cmr Rowell and Seconded by Cmr Clark-Murphy.

**CJ170-10/98 YELLAGONGA ENVIRO-VILLAGE PROPOSAL -
[03370J, 02306J]**

SUMMARY

The West Coast College of TAFE has submitted a proposal for a Yellagonga Enviro-Village to be developed on Lot 1 Joondalup Drive, Joondalup. TAFE proposes that the City of Joondalup take the lead in providing initial funding required and in establishing a management committee for the proposal. It is recommended that the merits of the project be acknowledged, however consideration of funding and management issues be deferred until the Yellagonga Regional Park Management Plan has been progressed to a point to provide clear direction as to what sort of use CALM will consider appropriate for the site concerned.

BACKGROUND

'Lot 1' Joondalup Drive, Joondalup is actually Reserve 43290. Prior to being made a reserve, the land description of this land was Lot 1, and people generally still refer to it in that manner.

The following points summarise the background to Lot 1:

1. It is 27.1146 ha in area and is located on the north-west corner of Joondalup Drive and Lakeside Drive (see Attachment No. 1).
2. On 30 May 1995, it was vested in the National Parks and Nature Conservation Authority (NPNCA) for the purpose of Conservation Park.
3. Along with the rest of the Yellagonga Regional Park area within which it is situated, it is reserved for Parks and Recreation purposes under the Metropolitan Region Scheme and City of Joondalup Town Planning Scheme No. 1. It is also the subject of System 6 area M7 which led to the designation of the wetland system running from Lake Joondalup south to Lake Goollelul as a Regional Park.

4. It falls within the area over which the former Joondalup Development Corporation (JDC) had a responsibility for planning and development, and which the WA Land Authority current has such a responsibility. In 1982 and 1989, the former JDC prepared reports concerning the future use and management of the regional open space area (including Lot 1) adjacent to the Joondalup City Centre. These reports identified Lot 1 as a 'Cultural Park', with a Nature Study Centre on the peninsular which extends into the lake.
5. In 1982, the former Department of Planning and Urban Development released Yellagonga Regional Park Planning Review. This took the first steps toward the establishment of Yellagonga Regional Park. It included a Concept Plan which designated Lot 1 as a 'Community Park', and the following explanation of this proposal:

"To be developed as a Community Park with a Nature Study Centre and boardwalks through the fringing reedbanks. It is also anticipated that the Community Park will contain playground and picnic/barbecue areas with a series of water cascades and pools (James, 1989).

Other possible facilities are an information centre/kiosk/restaurant, scout camp and bungalow accommodation, toilet facilities and car parks."

The Planning Review proposed that the western portion of Lot 1 (comprising the land situated more than approximately 70m from the edge of the lake) be vested in the City, and the eastern portion be vested in NPNCA for management by CALM.
6. In late 1982, the former JDC commissioned a study on the feasibility of development of an Environment Centre on Lot 1.
7. For the past year or so, discussions regarding possible projects for Lot 1 have taken place between representatives of TAFE, Edith Cowan University, CALM, LandCorp and this City.

DETAILS

The Managing Director of the West Coast College of TAFE, Ms Kath White, has submitted to the City, along with other stakeholders, a document entitled "Yellagonga Enviro-Cultural Village". A copy of the full document has been placed in the Commissioners' Reading Room. Attachment No. 2 is an extract of the key part of the document which describes the proposal and provides cost estimates.

COMMENT/FUNDING

Stakeholders

The key stakeholders in this project are referred to in point 7. above. The WA Planning Commission will also have a role as the determining authority on any development applications which may be submitted for the site (as it is reserved under the Metropolitan Region Scheme).

Zoning

Paragraph 2 of Attachment No. 2 states that the site is currently zoned as an Environment Centre. As noted above, the land is actually reserved for Parks and Recreation purposes. A number of past studies and reports have suggested possible uses for the site, however no definite, approved use for the site has been determined.

Yellagonga Regional Park Management Plan (YRPMP)

CALM is currently preparing the YRPMP, in consultation with officers of this City. The YRPMP is intended to be a plan adopted by both CALM and the City. A draft of the plan is expected to be received soon from CALM for formal consideration by the Commissioners for approval for release for public comment.

The plan will be addressing the matter of vesting of the site. As noted in 5. above, the Yellagonga Planning Review suggested that much of the site might be vested in the City. The site is actually currently vested in CALM and it is anticipated that this will remain the case.

The YRPMP will also address the matter of appropriate future use and management of the site. This will provide guidance on the matter of whether the type of proposal described in TAFE's submission may be considered appropriate for this site or not.

Other Interest Groups

For several years now, a private community group (Yellagonga Environment Centre Inc.) has been pursuing the possibility of having an environment centre established on this site. CALM is aware of the group's proposal. This group needs to be properly involved in any consideration of future use of this site.

Funding

The penultimate paragraph of Attachment No. 2 states that in TAFE's view, the City of Joondalup should take the lead in providing initial funding to establish the necessary infrastructure and resources. It may be noted that the cost estimates also refer to a Structure Plan and Business Plan as being a first step, with an estimated cost of \$120,000. The City has no specific provision for this project in its current budget.

Management Committee

The TAFE submission states that the City should also take the lead in the establishment of a management committee for this project. This is considered premature pending the finalisation of the YRPMP.

Conclusion

The TAFE submission is considered to be of considerable merit in terms of the various benefits which it states could flow on from it. However, until the YRPMP has reached a point whereby some clearer direction is known as to what form of use CALM is going to consider appropriate for this site, consideration of funding commitments and establishment of management committees is considered premature.

MOVED Cmr Rowell, **SECONDED** Cmr Buckley that the Joint Commissioners advise the West Coast College of TAFE that they acknowledge the substantial benefits which could be associated with the development of a project as described in its 'Yellagonga Enviro-Cultural Village' document, however, they do not wish to consider funding and management issues associated with the proposal until the Yellagonga Regional Park Management Plan has reached a point where a clear direction is known as to what form of use CALM will consider appropriate for Lot 1 Joondalup.

Cmr Morgan spoke in support of the Motion.

The Motion was Put and

CARRIED

**CJ171-10/98 PROPOSED AMENDMENT No 761 TO TOWN
PLANNING SCHEME No 1 - COMMERCIAL
VEHICLE PARKING AND TRANSPORT DEPOTS -
[05-438]**

SUMMARY

Council at its Meeting on 23 December 1997 (DP287-12/97 refers) resolved to defer consideration of proposed changes to draft Amendment No. 761 to Town Planning Scheme No. 1 to allow for further clarification and immediate action on the matter of Commercial Vehicle Parking and Transport Depots. On 28 January 1998 Council officers met with representatives of the Transport Action Group (Transag) to further discuss and clarify the proposed amendment.

The amendment intends to define 'commercial vehicle' and 'transport depot' and make provision regulating the parking of commercial vehicles in those urban areas in which residential development is provided for.

As a result of the meeting with Transag the proposed amendment will not apply to the parking of commercial vehicles in Rural and Special Rural Zones - this is an issue that may need to be addressed in a future amendment in conjunction with Council's Local Rural Strategy.

BACKGROUND

Draft provisions for commercial vehicle parking were prepared in early 1996, and the matter of commercial vehicle parking and transport depots was the subject of a Special Elector's Meeting held on 29 April 1996. The draft provisions were considered by Council at its meeting of 25 September 1996 (TP217-09/96 refers) and deferred, pending the receipt of detailed comments from Transag, who had undertaken, on behalf of commercial vehicle operators, to provide input and recommendations on the proposed Amendment.

Transag and Land Planning Consultants, acting on their behalf, submitted recommendations seeking to make considerable changes to the City's draft proposal. Following receipt of Trans.'s submission, the provisions were reviewed and the proposed amendment resubmitted to Council and the Joint Commissioners during 1997 (most recently, the matter was deferred at the 23 December 1997 meeting - DP287-12/97 refers). Legal advice from Council's solicitors indicated that the proposed modifications suggested by Transag and Land Planning Consultants would weaken and further complicate Council's control over the parking of commercial vehicles, ultimately compromising the amenity of residents within the municipality.

Following the deferment of a decision by the Joint Commissioners at the Development and Planning Services Committee Meeting held on 16 December 1997, Council officers met with representatives from Transag on 28 January 1998, in order to discuss and clarify the City's proposed amendment, its intentions and the position favoured by Transag.

A further meeting was held on 9 September, 1998 with Transag representatives. Transag had requested for the opportunity to discuss the proposed scheme provisions prior to the submission of a Report to Council. Transag's issues of concerns included those previously identified during the formulation process, namely:

- The need to introduce Scheme provisions;
- Clause 1 (b) (ii): relating to the need to park the vehicles behind the front of the dwelling. It was argued that many individual operators would be unable to comply with this requirement. Council's use of its discretion under 1(c) to vary this condition was pointed out, and the availability of appeal rights to the Minister or Tribunal;
- Clause 1 (b)(iv) relating to vehicle dimensions, was also raised as a creating problems due to the larger dimensions presented by various vehicles;
- Transag representatives indicated that the maximum five minutes time allowed under Clause 1(b) (vi) was not sufficient and at least ten minutes would be adequate;
- Clause 1(b) (v) was also discussed. It was noted that many operators need to start their activities during this restrictive period.

Various modifications were made through out the formulation process. It was concluded at the meeting, that once a decision is made by Council further opportunity for public comments will be available to Transag and other interest groups.

Due to the diverse interests of the various parties, Council needs to maintain some threshold position so that the overall intent of the provisions, which is to maintain the amenity of residential areas, can still be achieved.

DETAILS

Changes to the proposed Amendment since its previous consideration include:

Deleting reference to Rural and Special Rural Zones and the specific provisions previously proposed for these two zones. It is envisaged that a future additional amendment to the Scheme may be required in order to adequately address the specific provisions that Rural and Special Rural Zones necessitate;

- Renumbering of paragraphs to simplify the construction of the provisions;
- Deletion of reference to licenced or unlicenced vehicles in the operative clause of the amendment, as this is proposed to be included in the definition of 'commercial vehicle';
- Modification of the wording of the definition of 'transport depot' to make it clear that such activities as maintenance and mechanical repair, by themselves, do not constitute a 'transport depot'.

A copy of the proposed provisions is contained in Attachment 1.

Because of the concerns raised by Transag, particularly in relation to the control of commercial vehicle parking in Rural and Special Rural Zones, it is proposed to delete reference to these zones in the current amendment. This will mean the controls can be introduced separately for the urban zones, which permit relatively intensive residential development and enjoy a high standard of residential amenity. The opportunity exists at a later time to review the current provisions relating to commercial vehicle parking in Rural and Special Rural Zones.

The main features of the current proposed amendment are controls over the number, dimensions, location and circumstances in which commercial vehicles may be parked in the urban zones. The provisions are similar to those adopted in a number of other municipalities, and are intended to permit limited parking of commercial vehicles while providing an acceptable level of protection of the amenity of adjacent properties and the locality in which such activity takes place.

Council receives many complaints concerning commercial vehicle parking within the municipality, with most of these complaints originating from areas zoned Residential. A small proportion of these complaints are directed towards tow trucks and their operators, whereby some residents within the municipality have expressed concerns to Council that a small minority of tow truck operators are responsible for excessive noise from motors, exhausts, chains, hydraulics and communication equipment (i.e. police scanners, CB radios etc) on a regular basis during the night time and early morning.

It would not be equitable to place a blanket ban on tow truck operators parking their commercial vehicle in Residential Zones, however the needs of the wider community must also be taken into account in instances where a single tow truck operator may prejudice the amenity of a particular area. For this reason, the current amendment presented to Council has been modified to allow tow truck operators to park their commercial vehicle (where previously it sought to prohibit them from Residential Zones) within their property in accordance with the present and proposed Scheme requirements, on the proviso that the vehicle is not used or operated as a tow truck or other emergency vehicle between the hours of 10pm and 6am in a manner that adversely affects the residential amenity of the area.

COMMENT

This proposal has been subject to much discussion between Council, Transag and Land Planning Consultants acting on their behalf. The amendment has been modified several times in an attempt to arrive at a set of provisions that do not unfairly inhibit transport operations.

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

- 1 in pursuance of Section 7 of the Town Planning and Development Act 1928, amend Town Planning Scheme No. 1 to introduce provisions to control commercial vehicle parking and transport depots and adopt Amendment No. 761 accordingly;**
- 2 advise Transport Action Group of the initiation of the proposed amendment.**

Cmr Rowell spoke to the Motion.

The Motion was Put and

CARRIED

CJ172-10/98 CLOSE OF ADVERTISING: AMENDMENT 825 TO TOWN PLANNING SCHEME NO 1 TO RECODE PORTION OF LOT 50 JOONDALUP DRIVE, JOONDALUP FROM RESIDENTIAL DEVELOPMENT R5 & R20 TO RESIDENTIAL DEVELOPMENT R10 - [00356J]

SUMMARY

Amendment 825 was adopted by Council at its meeting of 24 March 1998 (DP95-03/98 refers). The period of advertising for public comments closed on 15 September 1998. Eight submissions have been received. One of the submissions supported the proposed recoding, and three submissions expressed concerns primarily on the indicative subdivision design. The applicant has addressed the former City of Wanneroo's previous concerns by the provision of a landscape buffer, public open space area, and minimisation of fill on site.

Restrictive covenants to protect the buffer zone should be introduced. No objections to the proposed recoding were raised by the Water Corporation and Education Department of W.A.

It is recommended that the Joint Commissioners resolve to adopt Amendment 825 without further modification.

BACKGROUND

Amendment 825 proposes to recode Portion of Lot 50 (659) Joondalup Drive, Joondalup. The subject site is located south of Burns Beach Road and west of Joondalup Drive (Attachment No1). It covers an area of approximately 4 hectares. The land slopes towards the east. The site is presently vacant with significant vegetation coverage.

The site is zoned Residential Development under the Shire of Wanneroo Town Planning Scheme No1. It is zoned Urban by the Metropolitan Region Scheme.

Under the Residential Density Code Map, the subject site is coded primarily R5. The north-eastern portion of the site is coded R20 (Attachment No 2).

This amendment was originally initiated as Amendment 810. The former City of Wanneroo considered Amendment 810 on 22 October 1997 (DP229-10/97 refers) but resolved not to initiate it. The main objection to Amendment 810 was the preservation of the vegetation facing Joondalup Drive.

The application proposing the subject recoding was submitted on 21 January 1998. The former City of Wanneroo adopted Amendment 825 at its meeting of 24 March 1998 (DP95-03/98 refers), where it resolved to:

1. *rescind item (DP 229-10/97) viz:*
“that Council does not initiate Amendment No 810 to Town Planning Scheme No 1 to recode portion of Lot 50 (659) Joondalup Drive, Joondalup from Residential Development R5 and R20 to Residential Development R10”;
2. *amend Town Planning Scheme No 1 to recode portion of Lot 50 (659) Joondalup Drive, Joondalup from Residential Development R5 and R20 to Residential Development R10, and adopt Amendment No 825 accordingly;*
3. *refer the amendment to the Education Department of WA for comments during the formal advertising period.*

DETAILS

The applicant indicated that the larger residential lots of 2000 m² in the R 5 code areas were proposed because at the time it was not economically feasible to provide reticulated sewer to the site. Further, it was initially considered that by incorporating larger lots, the vegetation on the site could be retained. The benefits of the larger lots initially proposed were somehow offset by the need to carry out earthworks due to the slope of the site.

An indicative plan of subdivision was then submitted in support of the proposed amendment (Attachment 3). The amended subdivision plan proposes the creation of 1000 m² lots. The availability of reticulated sewer along Joondalup Drive permitted the proposed reduction in density.

Following Council's adoption of Amendment 825, the Western Australian Planning Commission granted consent for public advertisement. In addition to the standard public notification requirements, the Commission indicated that the Water Corporation and Education Department of W.A. were required to make submissions.

The proposed Amendment was advertised for public comments until 15 September 1998.

Eight submissions were received. Attachment 4 sets out the schedule of submissions received.

One of the submissions supported the proposed amendment. Three submissions expressed concerns over the traffic movement on the suggested subdivision plan.

The second submission also objected to the reduced requirement for public open space. Only two of the submissions objected to the increased number of residential dwellings proposed, and the reduced size of the proposed lots.

The fourth submission requested the inclusion of Lot 375 Derwent Meander in this recoding amendment.

The Water Corporation indicated that the area is capable of being serviced by the existing water main and reticulated sewerage. The developer will have the burden of funding the cost of protecting, relocating or modifying any of the existing facilities.

The Education Department of W.A. indicated that it has no comment on the Amendment proposal.

COMMENT

With reference to the concerns over the reduction of public open space, it was indicated in the previous report to the former City of Wanneroo, that the public open space requirement should be adjusted from the previous 2%, to the full 10%. During the subdivision stage, the applicant would be required to satisfy the full 10% of open space requirement.

Further, it was previously recommended that the tree preservation buffer along the Joondalup Drive boundary needs to be enforced by way of restrictive covenant on the titles. In addition to the buffer controls, vegetation clearing controls preferably by means of restrictive covenants will also be required.

Of particular relevance to the proposed amendment are the submissions relating to the increased number of dwellings.

The proposed recoding will allow the creation of 32 lots ranging from 1000 m² to 1575 m². The residential density code for the area in the northern portion of the subject site is being reduced from R20 to R10. The proposed R10 residential density would involve an increased number of dwellings for the major part of the site. Nevertheless, it is considered that the proposed recoding is not likely to detract from the amenity of the area.

The existing R5 code was initially introduced because of the steep topography of the site, the existing vegetation on site, problems with sewerage services, and the capacity of the primary school in the area. The suggested subdivision plan addresses some of the issues by minimisation of fill on the site, the introduction of a 10m wide tree preservation, and provision of public open space. As to the capacity of the Primary School the Education Department indicated that it had not comments on the Amendment.

Most of the concerns expressed by nearby residents related to the traffic movement system. One of the submissions indicated that the proposed subdivision layout changed the cul-de-sac nature of Derwent Meander into a service road. In fact only the northern section of Derwent Meander, running from east to west, is essentially a cul-de-sac. The section of the road extending from north to south acts as a service road for a number of cul-de-sacs. The traffic movement along Derwent Meander, servicing the proposed lots adjoining Joondalup Drive will be distributed into the northern and southern section of Derwent Meander.

Most of the traffic fronting the central section of Derwent Meander would be generated by the proposed lots fronting this road. A similar amount of residential lots were originally planned to be serviced by Derwent Circle under the lower density codes.

The draft subdivision proposal has been assessed by Council officers and is generally supported. With reference to the submissions objecting to the increase traffic volume, the City's Engineers indicated that the likely impact of the increased traffic volume would be minimal.

One of the submissions which supported the proposed amendment indicated that the internal access road in the subdivision plan could be extended to provide access to Hula Cove. Since the subdivision plan is only an indicative plan, these traffic considerations can be properly assessed at the final subdivision stage rather than at the recoding stage.

In conclusion, the proposed recoding of the area is not likely to detract from the amenity of the area. The main concern in the development of the site for residential purposes was the preservation of the natural vegetation, and the steep topography of the site. Restrictive covenants protecting the vegetation would be required.

No objection is raised to the proposed recoding of the site to R10 Residential Density Code.

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

- 1 pursuant to Town Planning Regulation 17(2) adopt Amendment 825 to Town Planning Scheme No 1 to recode portion of Lot 50 Joondalup Drive, Joondalup; from Residential Development R 5 & R 20 to Residential Development R10 without further modification;**
- 2 following advice that the Minister for Planning is prepared to finally approve the amendment, authorise the affixation of the common seal to, and endorse the signing of, the amendment documents.**

The Motion was Put and

CARRIED

**CJ173-10/98 MODIFICATIONS: PROPOSED AMENDMENT NO.
839 TO TOWN PLANNING SCHEME NO.1 TO
REZONE PT LOT 7 HEPBURN AVENUE, HILLARYS;
AND PT LOT 158 HEPBURN AVENUE, SORRENTO
TO URBAN DEVELOPMENT ZONE - [29189J]**

SUMMARY

Amendment 839 was adopted by the Joint Commissioners on 11 August 1998 (CJ71-08/98 refers).

The purpose of the amendment is to rezone Part Lot 7 Hepburn Avenue, Hillarys and Pt Lot 158 Hepburn Avenue, Sorrento to Urban Development Zone. The necessary amendment documents were forwarded to the Western Australian Planning Commission. The Commission has given its consent for public advertisement, subject to the incorporation of modifications to the resolution and Amendment Report. The modifications relate to recoding the land to uncoded.

It is recommended that the Joint Commissioners' Resolution be amended to include reference to the recoding of the subject land to uncoded.

BACKGROUND

Taylor Burrell Town Planning and Design, on behalf of Estates Development Company, requested an Amendment to the City of Joondalup Town Planning Scheme No1 (TPS 1). The subject land comprises Part Lot 7 Hepburn Avenue, Hillarys and Pt Lot 158 Hepburn Avenue Sorrento. (Attachment 1)

The land is zoned Urban under the Metropolitan Region Scheme. Under the TPS 1 the land is zoned Residential Development. The area's Residential Density Codes include predominantly R20 codes and two sites with R30 and R50 codes.

At its meeting on 11 August 1998 (CJ71-08/98 refers), The Joint Commissioners resolved to :

"...rezone Pt Lot 7 Hepburn Avenue, Hillarys and Pt Lot 158 Hepburn Avenue, Sorrento from Residential Development Zone to Urban Development Zone and adopt Amendment 839 accordingly."

DETAILS

The amendment proposes to rezone the subject land to Urban Development Zone, and recode the site on the east corner of West Coast Drive and Whitford Avenue from R20 to R30 and R50. A Draft Local Structure Plan has been prepared for the subject land. Following advertising the applicants have been requested to modify the Structure Plan to reflect the matters in the public submissions.

In a letter dated 26 August, 1998 the Western Australian Planning Commission gave its consent for public advertisement. The Commission indicated that prior to public inspection of the amendment, two conditions were to be satisfied by Council:

- 1) modification of the amendment to include a Residential Density Code Map to "uncode" the land, with the necessary modifications to the Resolution and Scheme Text.
- 2) deletion of paragraph 2 of the Scheme Amendment Report.

In accordance with Town Planning Regulation 1967 (25AA(6)(a)(ii)), within 42 days of being notified of any modifications, Council is required to resubmit the amendment documents with the necessary modifications

COMMENT

In order to satisfy the conditions specified by the W.A. Planning Commission, Council's resolution needs to be modified so as to include reference to the recoding of the land to uncoded. Further, the text of the Scheme Amendment requires modification accordingly.(Attachment 2)

The required modifications are intended to complement the proposed rezoning. The recoding of the land to uncoded would allow the Structure Plan to set the appropriate Residential Density Code for the whole area (Attachment 3)

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners, pursuant to Town Planning Regulations 1967 (25 AA (6) (a) (ii)), modify Amendment 839 to the City of Joondalup Town Planning Scheme No.1 to recode to uncoded in the Residential Density Code Map, the land known as Part Lot 7 Hepburn Avenue Hillarys, and Pt lot 158 Hepburn Avenue Sorrento.

The Motion was Put and

CARRIED

CJ174-10/98 DELEGATED AUTHORITY REPORT- [07032]

SUMMARY

This report provides a resumé of the development applications processed under Delegated Authority from 3 September 1998 to 22 September 1998.

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners note the actions taken and determinations made under Delegated Authority in Report CJ174-10/98.

The Motion was Put and

CARRIED

Appendix VIII refers

CJ175-10/98 REDUCED SIDE BOUNDARY SETBACKS : LOT 909 (9) HELSALL COURT, SORRENTO - [11284J]

METRO SCHEME: Urban
LOCAL SCHEME: Residential Development (R20)
OWNER: Mr & Mrs K R & J M Spragg.
BUILDER: Building Corporation W A Pty Ltd.
APPLICATION RECEIVED: 06/05/98
REPORT WRITTEN: 23 /09/98

SUMMARY

A building licence application has been received from Building Corporation WA Pty to construct a two storey dwelling on Lot 909 (9) Helsall Court Sorrento with a reduced side boundary setback of 3.0 metres to the upper floor. The proposal is considered acceptable in terms of the objectives of the Residential Planning Codes (R-Codes) particularly in relation to the impact on the amenity of the affected adjoining property.

DETAILS

The subject lot of 864 square metres is zoned R20, is undeveloped and is generally level through out the building envelope , except for the front left hand corner. The applicant is seeking a reduced side boundary setbacks of 3.0 metres from the upper floor level to left hand boundary. The upper floor level has a side balcony which faces the left hand boundary together with a major opening from the study. (See attachments) The Residential Planning Codes require the setbacks from the left hand side boundary to be a minimum of 3.5 metres because the balcony must be treated as a major opening.

SUMMARY OF SUBMISSIONS

	FROM	RELATIONSHIP	SUMMARY
1	Owner of Lot 908 (7) Helsall Court Sorrento	Affected adjoining owner	No objection.

COMMENT

The R-Codes provide Council discretion to allow a lesser setback having regard for the objectives of the codes and the affect on the amenity of the surrounding lots. In this instance, it is considered that the amenity is not unduly affected by locating 500mm closer than the required setback of 3.5 metres.

The affected adjoining owners have indicated that they have no objections to the proposed reduced side boundary and have sighted and signed a copy of the plans. The side of the affected

adjoining property, generally speaking, is the blank side of the dwelling, with the proposed balcony overlooking the garage roof and front yard area of their property.

The overshadowing of the adjoining property is within the requirements of clause 1.7.2 of the R Codes, in that the upper storey will be some 7.0 metres from the southern boundary of the subject lot at the nearest point. The requirements of the Residential Planning Codes will be achieved for the remainder of the development.

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

- 1 having considered the proposal for the two storey dwelling with a reduced side boundary setback of 3.0 metres on Lot 909 (9) Helsall Court Sorrento, APPROVE the proposal pursuant to Clause 1.5.7 of the Residential Planning Codes;**
- 2 authorise the issue of a building licence.**

The Motion was Put and

CARRIED

**CJ176-10/98 REDUCED FRONT SETBACK INCLUDING A
PARAPET WALL : LOT 134 (14) DURBAN CRESCENT,
KINGSLEY - [28398J]**

METRO SCHEME:	Urban
LOCAL SCHEME:	Residential Development (R20)
APPLICANT:	Alan Woodland
OWNER:	Mr & Mrs M Hannaford
APPLICATION RECEIVED:	28th August 1998
REPORT WRITTEN:	24th September 1998

SUMMARY

A building licence application has been received from Alan Woodland on behalf of Mr & Mrs M Hannaford of Lot 134(14) Durban Crescent, Kingsley for the construction of a double garage including a parapet wall forward of the dwelling with a reduced front setback of 2 metres to the front right corner of 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 683m² is zoned R20 and is developed with an existing single storey residence and carport. A total of four adjoining owners were contacted, all of whom have indicated no objection to the proposed garage including a parapet wall being located 2 metres from the front

boundary. The overall primary street setback is in accordance with the requirements of the R-Codes.

The R-Codes provide that dwellings must have a 6 metre average setback (3 metre minimum) and carports/garages a 6 metre setback.

Council policy allows a carport or garage to be constructed up to 3 metres of a primary street alignment provided that the overall primary street setback is in accordance with the R-Codes. Setbacks lesser than 3 metres are required to be submitted to Council for consideration.

SUMMARY OF SUBMISSIONS

	FROM	RELATIONSHIP	SUMMARY
1	Owners of Lot 135 (12) Durban Crescent	Affected adjoining owners	No objection
2	Owners of Lot 145 (9) Durban Crescent	Affected adjoining owners	No objection
3	Owners of Lot 146 (11) Durban Crescent	Affected adjoining owners	No objection
4	Owners of Lot 147 (15) Durban Crescent	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 of streetscape and the surrounding area is not unduly affected, and the adjoining owners are in favour of the proposal.

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

- 1 **having considered the proposal to erect a garage including a parapet wall with a front setback of 2 metres at Lot 134 (14) Durban Crescent, 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

**CJ177-10/98 REDUCED SIDE BOUNDARY SETBACKS : LOT 200
(17) RIPLEY WAY, DUNCRAIG - [23842J]**

METRO SCHEME:
LOCAL SCHEME:
APPLICANT

Urban
Residential Development (R20)
Settler Homes

OWNER:	Mr David Nelson
APPLICATION RECEIVED:	2 September 1998
REPORT WRITTEN:	24 September 1998

SUMMARY

A development approval application and building licence application have been received from Settler Homes for the construction of additions to the existing dwelling at Lot 200 (17) Ripley Way, Duncraig. The applicant is seeking a reduced boundary setback of 1.0 metres to both side boundaries. The proposal is considered acceptable in terms of the objectives of the Residential Planning Codes (R-Codes) particularly in relation to the impact on the amenity of the affected adjoining boundary.

DETAILS

The subject lot of 708 square metres is zoned R20 and is developed with an existing house. The applicant is seeking a reduced side setback of 1.0 metres to the left hand and right hand side boundaries. The setback to the right hand boundary for the proposed addition is identical to the existing dwelling. The Residential Planning Codes, (Table 2) require the setback from this boundary to be a minimum of 1.5 metres. The setback for the proposed addition to the left hand boundary is also required to be a minimum of 1.5 metres.

The proposed additions on the left hand side of the existing dwelling consist of a double carport, a bedroom, an ensuite and walk-in robe and on the right hand side, a games room. The affected adjoining owners have indicated that they have no objection to the proposed additions.

COMMENT

The Residential Planning Codes 1.5.7 provide Council with discretion to allow a lesser setback having regard for the objectives of the Codes and the effect on the amenity of the adjoining lots and streetscape. In this instance, it is considered that the amenity is not unduly affected.

The existing dwelling was originally approved under the Uniform Building By-Laws, hence the setback of 1.0 metres to the right hand boundary. The proposal is to maintain the existing roof and building line to the right hand boundary of the proposed games room which has no windows. The proposed games room addition will have no impact on the amenity of the adjoining property as it will be directly opposite a bathroom WC compartment, laundry and the blank wall to a bedroom of the dwelling on the adjoining property.

The proposal on the left hand side is to construct the bedroom wall and carport piers 1.0 metres from the left hand side boundary. The proposed bedroom wall which has no windows in it will be directly opposite a blank gable wall of the dwelling on the adjoining property. It is therefore considered that there will be no impact on the amenity of that property.

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

- 1 exercise discretion under Clause 1.5.7 of the Residential Planning Codes and authorise the APPROVAL of the proposed additions at Lot 200 (17) Ripley Way, Duncraig with a reduced side setback of 1.0 metre given that the**

affected adjoining owners have no objection to the proposal and it is considered that the amenity will not be unduly affected;

2 authorise the issue of a building licence.

The Motion was Put and

CARRIED

**CJ178-10/98 PROPOSED RETAINING WALLS EXCEEDING
2 METRES IN HEIGHT : LOT 626 (42) DALTON
CRESCENT KINGSLEY- [10052J]**

METRO SCHEME:	Urban
LOCAL SCHEME:	Residential Development
APPLICANT/OWNER:	Mr. & Mrs. J & J Clements
APPLICATION RECEIVED:	25th March 1998
REPORT WRITTEN:	24th September 1998

SUMMARY

A building licence application has been received from Mr & Mrs J & M Novatsis to construct a dwelling with an undercroft garage and retaining walls supporting a cut and fill situation in excess of 2.00 metres in height on the northern and southern boundaries of Lot 626 (42) Dalton Crescent, Kingsley. The proposal is considered acceptable in terms of the Residential Planning Codes. Approval is recommended.

DETAILS

The subject lot is 723m² in area, zoned R20 and rises 7 metres from the front to back. A building licence has been lodged with Council for a proposed dwelling and undercroft garage including the retaining walls.

The retaining walls are to be erected on the north, south, east and west boundaries, with the retaining walls on the northern and southern boundaries exceeding 2.00 metres in height in places.

The retaining wall on the southern boundary will be retaining a maximum of 2.36 metres fill, while the retaining wall on the northern boundary will be supporting a maximum of 3.20 metres cut. (See attachments)

COMMENT

Clause 1.5.8 of the Residential Planning Codes indicates that walls not exceeding 2 metres in height on the boundary are permitted as a matter of right, however where this is exceeded, the matter must be placed before Council for consideration.

The affected adjoining owners were notified of the proposal and comments of no objection were received.

SUMMARY OF SUBMISSIONS

FROM	RELATIONSHIP	SUMMARY
Lot 625 (44) Dalton Crescent Kingsley	Affected adjoining owner	No objection
Lot 627 (40) Dalton Crescent Kingsley	Affected adjoining owners	No objection

Given the steep contours of the lot, the fact that the lots are vacant and the affected adjoining owners have indicated that they have no objection to the proposed retaining walls, it is considered that the impact on the amenity of the adjoining properties and the streetscape will be minimal.

The dwelling has been stepped down the slope to minimise the extent of cut and fill and impact on the locality.

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

- 1** having considered the proposal to construct retaining walls exceeding 2.00 metres in height on the northern and southern boundaries of Lot 626 (42) Dalton Crescent, Kingsley, **APPROVE** the proposal pursuant to Clause 1.5.8 of the Residential Planning Codes;
- 2** authorise the issue of a building licence.

The Motion was Put and

CARRIED

**CJ179-10/98 PROPOSED PARAPET WALLS : LOT 46 (11)
MILLFARM CLOSE, PADBURY - [27834J]**

METRO SCHEME:	Urban
LOCAL SCHEME:	Residential Development
APPLICANT / OWNER:	Mr. & Mrs. J & J Clements
APPLICATION RECEIVED:	1/09/98
REPORT WRITTEN:	16/09/98

SUMMARY

A building licence application has been received from Mr & Mrs J & J Clements to construct a single storey dwelling with parapet walls on the northern and eastern boundaries of Lot 46 (11) Millfarm Close, Padbury.

The proposal for the parapet wall on the northern boundary is considered acceptable in terms of the objectives of the Residential Planning Codes particularly in relation to the impact on amenity. The affected adjoining owners have objected, however, approval is still recommended.

The proposal for the parapet wall on the eastern boundary is not in accordance with the requirements of the Residential Planning Codes. The affected adjoining owners have no objection to the wall stating that they have sighted the plans and are aware of the height and length of the proposed parapet wall. Approval is therefore recommended.

DETAILS

The subject lot of 666m² is zoned R20, is undeveloped and is generally level. The parapet wall for that part of the dwelling, which is the subject of the objection, is on the northern boundary. The proposed parapet wall will be adjacent to two adjoining properties along the northern boundary and it was deemed that only one of these properties may be significantly affected by the proposal. The wall is to be constructed next to an existing retaining wall on the northern boundary which is 1.80m high and 400mm wide. The wall will start 6.10 metres in from the eastern side boundary. It will be 8.990 metres long and 2.657 metres high. (See attachments) The proposal complies with section 1.5.8(f) of the Residential Planning Codes (R-Codes) which states that “ walls not exceeding 3.00 metres average and 4.00 metres maximum height can be built to a maximum of one quarter of the length of any common boundary” with the approval of Council.

The parapet wall for the proposed garage is to be constructed on the eastern boundary of the subject lot ,with a setback of 4.590 metres from the front boundary. It will be 10.910 metres long and 2.657 metres high. (See attachments) The proposal does not comply with Section 1.5.8(f) of the R-Codes which states that “walls not exceeding 3.00 metres average and 4.00 metres maximum height can be built to a maximum of one quarter of the length of any common boundary”.

A letter of no objection has been received in relation to this proposed parapet wall.

In accordance with 1.5.10(a) of the Residential Planning Codes the owners of the affected adjoining property were contacted for comment, and a subsequent letter of objection was received. Council policy states that if any objections are received, the matter is to be placed before the Commissioners for their consideration. The complainants are concerned that the proposed roof line to the dwelling will be an intrusion into their property.

SUMMARY OF SUBMISSIONS

FROM	RELATIONSHIP	SUMMARY
Owners of Lot 28(19) Toovey Court Padbury	Adjoining owners on Northern Boundary	Objection regarding roofline being close to boundary.
Owners of Lot 45(12) Millfarm Close Padbury	Adjoining owners on Eastern Boundary	Letter of no objection received.

COMMENTS

The natural ground level of the complainants' property is approximately 1.80m higher than the subject lot, with a two storey dwelling constructed on it. The proposed parapet wall on the northern boundary of the subject lot will be adjacent to an existing 1.8 meters high retaining wall, with a 1.8 metres high dividing fence on top, hence the parapet wall itself will not be visible from the complainants' property. The objection concerns the visual impact of the roof of the proposed dwelling from the complainants' property. It is considered that the impact on the amenity of the adjoining property will be no greater than if the proposed parapet wall had a setback of 1.00m from the common boundary.

The plans for the proposed parapet wall to the garage on eastern boundary have been sighted by the affected adjoining owners, who have indicated that they have no objection. The existing dwelling on the affected adjoining property is 8.250 metres from the common boundary where the parapet wall is proposed to be built. Given the awkward configuration of the lot and the location of the existing dwelling on the affected adjoining property, it is considered that even though the proposed parapet wall does not comply with the requirements of the Residential Planning Codes, the impact on the amenity of the adjoining property will be minimal. The setbacks for the proposed single storey dwelling and garage comply with the requirements of the Residential Planning Codes in all other aspects.

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

- 1 having considered the proposal to erect parapet walls on the boundaries of Lot 46(11) Millfarm Close, Padbury and the submission, APPROVE the proposal pursuant to Cause 1.5.8 of the Residential Planning Codes;**
- 2 authorise the issue of a building licence.**

The Motion was Put and

CARRIED

**CJ180-10/98 PROPOSED PARAPET WALL: LOT 1788 (3)
TARBOLTON GARDENS, KINROSS - [19967J]**

METRO SCHEME:	Urban
LOCAL SCHEME:	Residential Development
APPLICANT:	Commodore Homes
OWNER:	Mr & Mrs E & H Crane
APPLICATION RECEIVED:	28/07/98
REPORT WRITTEN:	18/08/98

SUMMARY

A building licence application has been received from Commodore Homes to construct a single storey dwelling, including a carport with a parapet wall on the southern boundary of Lot 1788 (3) Tarbolton Gardens, Kinross. The proposal is considered acceptable in terms of the objectives of the Residential Planning Codes (R-Codes) particularly in relation to the impact on amenity and approval is recommended.

BACKGROUND

This application was considered by the Joint Commissioners at their meeting of 22 September 1998 (Item CJ148-09/98 refers). A decision was deferred pending a site inspection to be made by Commissioner Rowell which has now taken place. This item is now presented for re-consideration. The recommendation remains unchanged.

DETAILS

The subject lot is 450m², is zoned R20, is undeveloped and generally level. The proposed parapet wall is to be constructed on the southern boundary with a setback of 3.4 metres from the front boundary. The wall will be 5.1 metres long and 2.5 metres high.

The proposal complies with section 1.5.8 (f) of the Residential Planning Codes which states that “walls not exceeding 2.5 metres average and 3.5 metres maximum height can be built to a maximum of two thirds of the length of the boundary”.

In accordance with 1.5.10(a) of the Residential Planning Codes, the owners of the affected adjoining property were contacted and a subsequent letter of complaint was received. Council policy states that if any objections are received, the matter is to be placed before Council for consideration. The complainant is concerned his house will be devalued, that there will be an impact on the aesthetic appearance and amenity of his property, given that this will be the second parapet wall abutting a common boundary of his property.

SUMMARY OF SUBMISSIONS

	FROM	RELATIONSHIP	SUMMARY
1	G & E LaBella	Affected adjoining owners	The aesthetic appearance will reduce the market value of the property. Prison effect caused by a second parapet wall.

COMMENT

The Residential Planning Codes (R-Codes) permit the construction of parapet walls on the boundary and this proposal complies with the requirements of Clause 1.5.8. The proposed carport will have little impact on the adjoining property.

The perceived effect on the market value of the existing dwelling is not known and is not a factor for consideration under the R-Codes. The alleged prison effect caused by a second parapet wall is unrealistic as the adjoining owner has a corner lot with sweeping views across the streetscape.

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

- 1 **having considered the proposal to erect a parapet wall on the boundary of Lot 1788 (3) Tarbolton Gardens, Kinross APPROVE the proposal pursuant to Clause 1.5.8 of the Residential Planning Codes;**
- 2 **authorise the issue of a building licence.**

The Motion was Put and **CARRIED**

**CJ181-10/98 PROPOSED HOME OCCUPATION FOR
ACUPUNCTURE AND CHINESE MEDICINE : LOT 14
(11) MOORGATE COURT, JOONDALUP - [08621J]**

METRO SCHEME:	Central City Zone
LOCAL SCHEME:	Joondalup City Centre
OWNER:	Quian Yang & Xiao Liang
APPLICANT:	Zhi Qing Zhao

SUMMARY

A home occupation application has been received from Zhi Qing Zhao, on behalf of Quian Yang and Xiao Liang, seeking approval to conduct acupuncture and Chinese herbal medicine from a residential premises on Lot 14 (11) Moorgate Court, Joondalup.

The proposal was advertised on-site for thirty (30) days and the owners of adjacent Lots 23 and 24 Putney Place, Joondalup were notified by letter. The City received two letters and a 66-signature petition objecting to the proposal, as well as one letter of support.

The proposal generally complies with the requirements for home occupations under Town Planning Scheme No 1 (TPS1). However, the number of objections received and the expected traffic generation in an area with limited on-site and street parking warrants concern. The application is recommended for refusal.

DETAILS

The application seeks approval to practise acupuncture and Chinese Traditional Medicine from her place of residence on Lot 14 (11) Moorgate Court, Joondalup (Refer to Attachment No 1). The applicant intends to reside at the premises and use one room, approximately, 14 square metres in area, as a consulting and treatment room. The proposed hours of operation are 10.0am - noon and 3.00pm to 6.00pm from Monday to Saturday. The applicant plans to receive two to three patients per day.

The subject site is located in the City North District of the Joondalup City Centre within an area where the preferred landuse is residential. The site contains a single storey dwelling with provision for two car bays accessed from a rear right of way.

The proposal was advertised on-site for 30 days and the owners of Lot 23 and 24 Putney Place, Joondalup were notified by individual letters. The city received 2 letters and a 66-signature petition objecting to the proposal, as well as one letter of support. The objections refer to the objectives specified in the Joondalup City Centre Plan and Development Manual, specifically that business/residential areas were specifically allocated for mixed use. Another concern relates to the restricted parking available in the area. The letter of support states that the proposal would be of great benefit to the community.

COMMENT

The City North District contains a commercial spine along Grand Boulevard special mixed use/residential areas, residential areas as well as the Joondalup Health Campus and Australian Institute for University Studies sites. The subject site is located within a residential area.

Low scale home occupations where limited clients visit the premises have, on occasion, been approved where adequate parking exists on-site. Joondalup City North is designed with narrow roads and restricted on-site rear parking. Moorgate Court in particular is designed as a cul-de-sac. The proposal would generate between four and six vehicular trips per day, (in addition to the residential component), and require on-street parking. There exists provision for limited street parking on Regents Park Road which could facilitate the expected vehicles, however, this would restrict the availability for other property owners and visitors within the area for which they were provided. Onstreet carparking has never been allocated for private development before and was provided for the purposes of overflow parking. The City has received numerous complaints over the perceived lack of parking in the City North District, notwithstanding the area is only partially developed.

Although the proposal generally complies with the requirements for home occupations under TPS1, the number of objections received and the expected traffic generation in an area with limited on-site street parking warrants concern. The application is recommended for refusal.

REPORT RECOMMENDATION: That the Joint Commissioners REFUSE the application submitted by Zhi Qing Zhao for a home occupation (acupuncture and traditional Chinese Medicine) on Lot 14 (11) Moorgate Court, Joondalup, for the following reasons:

- 1 adequate suitably on-site parking cannot be provided to support the use;
- 2 the number and nature of objections received;
- 3 the use would be more appropriate located within the residential/mixed, general City or medical landuse areas of City North, Joondalup;
- 4 approval of the application would set an undesirable precedent;
- 5 the proposal is contrary to orderly and proper planning and would adversely affect the amenity of the area.

ADDITIONAL INFORMATION

Director, Development Services advised the subject site is located on the corner of Morogate Court and Regents Park Road, Joondalup. The lots fronting onto Regents Park Road have generally been set aside for the purpose of residential/mixed use development with the exception of the subject lot, the adjacent Lot 24 and a group of lots towards the northern end of Regents Park Road. Should the Joint Commissioners consider that this home occupation application has merit and should be approved, then to avoid creating a precedent for the establishment of commercial related uses on lots set aside for residential purposes, it would be appropriate that the Commissioners first change the designation of the subject lot and the adjacent Lot 24 under the Joondalup City Centre Plan and Manual from 'Residential' to 'Residential/Mixed use'. This change would be supported.

If this is the Commissioners' intention, the following clause should be added to the recommendation:

"In accordance with Clause 10.7 of Town Planning Scheme No 1, amend the following sections of the City North District section of the Joondalup City Centre Plan and Manual:

- (a) *Plan 'A1 Land Use' by changing Lots 14 and 24 from 'Residential' to 'Residential/Mixed Use' category;*
- (b) *Plan 'A2 Plot Ratio' by changing Lots 14 and 24 from the 'R60 Residential Density' to the 'R60 Residential Density 0.5 Plot Ratio Other Uses' category;"*

It would also be appropriate to advise the applicant that the decision on the home occupation application may be reconsidered if and when the above change to the Joondalup City Centre Plan and Manual was successfully finalised.

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

1 REFUSE the application submitted by Zhi Qing Zhao for a home occupation (acupuncture and traditional Chinese Medicine) on Lot 14 (11) Moorgate Court, Joondalup, for the following reasons:

- (a) **adequate suitably on-site parking cannot be provided to support the use;**
- (b) **the number and nature of objections received;**
- (c) **the use would be more appropriate located within the residential/mixed, general City or medical landuse areas of City North, Joondalup;**
- (d) **approval of the application would set an undesirable precedent;**
- (e) **the proposal is contrary to orderly and proper planning and would adversely affect the amenity of the area;**

2 in accordance with Clause 10.7 of Town Planning Scheme No 1, amend the following sections of the City North District section of the Joondalup City Centre Plan and Manual:

- (a) Plan 'A1 Land Use' by changing Lots 14 and 24 from the 'Residential' to 'Residential/Mixed Use' category;
- (b) Plan 'A2 Plot Ratio' by changing Lots 14 and 24 from the 'R60 Residential Density' to the 'R60 Residential Density 0.5 Plot Ratio Other Uses' category.

The Motion was Put and

CARRIED

CJ182-10/98 PROPOSED SINGLE HOUSE: LOT 728 (72) SEAWARD LOOP, SORRENTO - [05517]

METRO SCHEME:	Urban
LOCAL SCHEME:	Residential Development
OWNER:	A and V Toutountzis
APPLICANT:	V Toutountzis

SUMMARY

An application has been received by Mr V Toutountzis for a single house on Lot 728 (72) Seaward Loop, Sorrento. The application complies with the design requirements of the Residential Planning Codes, however, the dwelling exceeds the plot ratio and building threshold envelope requirements of the City's Height of Buildings in Residential Neighbourhoods Policy. At the time of writing this report, the application was still being advertised for comment and one of the adjacent landowners had indicated opposition to the proposal. Commissioners will be advised of any further objection to the proposal prior to considering this report.

The subject lot is located within a prestigious portion of Sorrento and surrounded by substantial two storey dwellings. Only the roofline of the proposal exceeds the building threshold envelope. It is not considered that the proposal will significantly affect the amenity of the area.

DETAILS

The subject site is 802 square metres in area and rises approximately one metre away from the street. Seaward Loop is located adjacent to the coast within a prestigious portion of Sorrento. The street predominantly contains substantial two storey dwellings.

The proposal complies with the design requirements of the Residential Planning Codes in respect to setbacks, open space, carparking and the like. The City's Height of Buildings in Residential Neighbourhoods Policy (adopted in March 1998), however, requires a plot ratio of 0.5 and stipulates a building threshold envelope. If buildings exceed these requirements then public consultation and justification by the applicant is required. In this case the plot ratio measures 0.63 and the roofline of the dwelling extends outside the building threshold envelope to the extent shown on attachment 3 to this report.

It is important to note that this application was received prior to the introduction of the City's current Height policy. Previously the City's Height policy did not contain a plot ratio requirement and merely required consultation for proposals exceeding a standard height of two storey or an average of 6 metres. The recently received amended plans contain all of the changes requested by City officers and the applicant's designer was advised that upon receipt of satisfactory amended plans, the proposal would be advertised for comment.

Comments have been sought from the owners of land within 15 metres of the subject lot and immediately opposite. At the time of writing this report, the owner of Lot 747, located adjacent to the rear corner of the property had indicated objection to the proposal on the grounds that it is contrary to the City's requirements, the building is of significant bulk and would adversely affect lifestyle, value and amenity of the area. Commissioners will be advised of any further opposition received prior considering the matter.

COMMENT

The proposal complies with the design requirements of the Residential Planning Codes. Compliance with these standards are normally deemed to provide adequate standards of privacy, daylighting and amenity.

The subject lot is located within a prestigious portion of Sorrento and surrounded by substantial two storey dwellings. Only the roofline of the proposal exceeds the building threshold envelope.

The proposal was received prior to the introduction of the City's current policy on the Height of Buildings in Residential Neighbourhoods. Although the proposal would still have been the subject of public consultation under the now superseded height policy, that policy contained no plot ratio or building threshold envelope.

The objector's lot although not abutting the subject lot, is located within around one metre of the northern rear corner of the lot. The objector's lot contains a two storey dwelling setback approximately 10.0 metres from the rear corner of the subject lot. The double storey component of the proposed dwelling is at least 12 metres from the objector's lot and the portion extending outside the building threshold envelope is at least 17 metres from the objector's lot. Under these circumstances and given the relatively minor protrusion outside the building threshold envelope, it is difficult to accept that the proposal will affect the objectors more than a proposal that was contained wholly within the building threshold envelope.

It is not considered that the proposal will significantly affect the amenity of the area and an approval is therefore recommended.

ADDITIONAL INFORMATION

Director, Development Services advised that since the writing of this report, seven letters of support have been received from owners within the immediate vicinity of the subject site (Appendix X refers). The only landowner from within the immediate vicinity who has not commented is the owner of the adjoining Lot 729. It is understood that the owners of this property are currently overseas. A letter was sent from the applicant to this landowner's agent on 22 September 1998 regarding the proposal. No response has been received.

The proposal complies with the design requirements of the Residential Planning Codes and it is not considered that the proposal will significantly affect the amenity of the area. An approval is therefore still recommended.

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners APPROVE the application submitted by Mr V Toutountzis for a single house on Lot 728 (72) Seaward Loop, Sorrento, subject to standard and appropriate conditions of development.

The Motion was Put and

CARRIED

Appendix X refers

**CJ183-10/98 PROPOSED ROAD CLOSURE - PORTION OF
HEPBURN AVENUE, SORRENTO- [03018]**

METRO SCHEME:	IMPORTANT REGIONAL ROADS
LOCAL SCHEME:	IMPORTANT REGIONAL ROADS
APPLICANT/OWNER:	ESTATES DEVELOPMENT COMPANY/CROWN
CONSULTANT:	TAYLOR BURRELL
APPLICATION RECEIVED:	21 APRIL 1998
REPORT WRITTEN:	22 SEPTEMBER 1998

SUMMARY

Taylor Burrell on behalf of their clients, Estates Development Company has requested the City to initiate road closure procedures for an unconstructed portion of Hepburn Avenue, Sorrento, between West Coast Drive and Howland Road. The land within the road closure is to be included in the subdivision of the applicant's adjoining property and the adjoining public open space. The proposed road closure was advertised in the local newspaper for a period of thirty five days. Two written objections were received during the advertising period, however, both objectors were under the impression that the constructed portion of Hepburn Avenue was affected and as this is not the case their objections should be considered not relevant.

BACKGROUND

In November 1997 the Western Australian Planning Commission approved the subdivision of Pt lot 158 Hepburn Avenue, Sorrento. The subdivision included the land the subject of the road closure application. This portion of Hepburn Avenue is reserved for Important Regional Roads in the Metropolitan Region Scheme (MRS). The Ministry for Planning is currently preparing the North/West Corridor Omnibus No.4 MRS Amendment and this proposal is likely to be considered by the Commission for inclusion within the proposed MRS Amendment.

DETAILS

The proposed road closure was referred to the servicing authorities and the Ministry for Planning for their comments. Western Power and Alinta Gas have services within the road reserve which can be relocated. The applicants have agreed to meet all service relocation costs. The Ministry for Planning supported the road closure as it is in accordance with the approved subdivision of pt lot 158, Hepburn Avenue. The Ministry has advised that where the land within the road closure abuts the existing public open space area, the land should be amalgamated with the Crown Reserve for Recreation.

Advertising

The Joint Commissioners at their meeting on 28 July 1998 (Item CJ56-07/98) supported the road closure in principle and resolved to advertise the proposal in accordance with the provisions of the Land Administration Act, 1997.

A notice was placed in the local newspaper and at the close of the thirty five day advertising period two written submissions were received objecting to the closure. Both objectors thought that the constructed portion of Hepburn Avenue was being closed and that traffic would be redirected through the residential areas. They have both been sent plans showing the portion of road being considered for closure and no further correspondence has been received from either objector.

COMMENT

The portion of Hepburn Avenue being considered for road closure is surplus to requirements. The closure is consistent with the approved subdivision for the adjoining land holdings which received approval by the Western Australian Planning Commission on 21 November 1997. Subject to the applicants meeting all costs associated with closing the road, including service relocation, and the portion of road reserve adjoining public open space being amalgamated with the adjoining Public Recreation reserve then the closure of the road should be supported.

MOVED Cmr Rowell, **SECONDED** Cmr Buckley that the Joint Commissioners support the closure of a portion of Hepburn Avenue between West Coast Highway and Howland Avenue, Sorrento adjoining Pt Lot 158 Hepburn Avenue and request the Hon Minister for Lands to close the road reserve in accordance with the provisions of Section 58 of the Land Administration Act 1997.

The Motion was Put and

CARRIED

**CJ184-10/98 REQUESTED CLOSURE OF PEDESTRIAN
ACCESSWAY BETWEEN DELTA COURT AND DAVIT
PLACE, OCEAN REEF - [02366J]**

METRO SCHEME:	Urban
APPLICANT/OWNER:	Adjoining property owners/Crown
REPORT WRITTEN:	15 September 1998

SUMMARY

The four property owners adjoining the pedestrian accessway between Delta Court and Davit Place, Ocean Reef have applied to have the accessway closed on the grounds of vandalism and anti-social behaviour. Alternative access is available for residents if the accessway is closed and closure should therefore be supported.

DETAILS

The adjoining properties have experienced problems with graffiti, theft, vandalism against property and stones being thrown at a dog owned by one of the adjoining owners. They also claim that the area is frequently littered. On one occasion sharp metal objects were thrown into a swimming pool destroying the vinyl lining.

The proposed closure was referred to the servicing authorities, the Ministry for Planning and the Department of Transport for their comments. The Ministry for Planning and the Department of Transport have no objections to the proposed closure. The Water Corporation has a water main within the accessway which is required to be cut and capped and Telstra has cables within the accessway which will need to be protected by an easement. No other services will be affected by the closure.

The owners of lot 77 (9) Delta Court and lot 50 (14) Davit Court have agreed to purchase the land within the accessway and to meet all of the associated costs.

Advertising

The proposed closure was advertised for a period of thirty days by way of on site signs and a notice in the local newspaper. At the close of the advertising period one written objection was received. The objector claims that the accessway is well used by residents to walk to school, for exercise, to access a bus stop and by children delivering milk.

COMMENT

The closure of the accessway will have minimal impact on pedestrian access to residents in the vicinity as alternative routes along constructed footpaths are available. Closure should therefore be supported.

MOVED Cmr Rowell, **SECONDED** Cmr Buckley that the Joint Commissioners support the closure of the pedestrian accessway between Delta Court and Davit Place, Ocean Reef and requests the Department of Land Administration to close the accessway and dispose of the land to the owners of lot 77 (9) Delta Court and lot 50 (14) Davit Place, Ocean Reef.

The Motion was Put and

CARRIED

**CJ185-10/98 SUBDIVISION CONTROL UNIT - DIRECTOR,
DEVELOPMENT SERVICES - 3 SEPTEMBER 1998 TO
22 SEPTEMBER 1998 - [05961]**

SUMMARY

Overleaf is a resumé of the Subdivision Applications processed by the Subdivision Control Unit 3 September 1998 to 22 September 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). 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 Buckley that the Joint Commissioners endorse the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ185-10/98.

The Motion was Put and

CARRIED

Appendix IX refers

REPORT OF THE CHIEF EXECUTIVE OFFICER
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**CJ186-10/98 REDUCED FEES FOR RESIDENTIAL PLANNING
CODE DISCRETION ON GARAGE/CARPORT
SETBACKS - [01730]**

DETAILS

Where a single dwelling requires a Residential Planning Code (R-Code) discretion, the building licence application is converted administratively to a planning application and processed accordingly to the requirements of the Town Planning Scheme. A planning application fee of \$100 minimum or 0.25% of the cost of the development is required to be paid.

The Council has a policy which provides that the Building Surveyor can approve a reduced garage or carport setback of 3 metres.

The R-Codes however require that where a carport or garage is proposed to have a setback of less than 6 metres, the Council's discretion must be exercised, ie, a planning approval.

The R-Codes require that where a Council discretion is required that discretion needs to be treated as a planning approval.

As this has not been the Council's requirement in the past, some builders have expressed concern that the fees are being charged for consideration that was previously being undertaken at no additional charge.

That is the case, however, a planning approval is required only generally where single dwellings do not comply with the R-Codes and the City is hence required to undertake all the administrative processes associated with any applications, eg record, scan process, serve notices, issue a determination, report to Council, etc.

There is no ability for the fees set out in the budget to be administratively deferred or reduced and hence it is recommended that this particular fee imposition be deferred for a period of 2 months.

The City's processes and practices in respect to this matter comply with the requirement of the Town Planning Scheme and the R-Codes. Other local authorities' processes and practices may not.

MOVED Cmr Rowell, SECONDED Cmr Morgan that:

- 1 the Joint Commissioners APPROVE a reduction of fees to nil for a Development Application involving Council discretion pursuant to Clause 1.5.5(a) and (b) of the Residential Planning Codes for applications requesting the averaging of front setbacks and a 3 metre minimum setback to a garage or carport for a period of 2 months;**
- 2 during that period the Manager, Approval Services:**
 - (a) distributes to both major builders and the Housing Industry Association an information brochure setting out the planning fees and approval requirements;**
 - (b) reports back to the Joint Commissioners with options for more generally dealing with Residential Planning Code discretion.**

Cmr Rowell spoke to the Motion.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

DATE OF NEXT MEETING

The next meeting of the Joint Commissioners has been scheduled for **6.00 pm** on **TUESDAY 27 OCTOBER 1998** to be held at Wanneroo Civic Centre, Civic Drive, Wanneroo.

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 1825 hrs, the following Commissioners being present at that time:

COMMISSIONERS: ANSELL
MORGAN
ROWELL
CLARK-MURPHY
BUCKLEY