



**MINUTES OF MEETING OF JOINT COMMISSIONERS  
HELD ON 7 DECEMBER 1999**

**INDEX**

<b>No:</b>	<b>Item</b>	<b>Page</b>
	<b>ATTENDANCES</b>	<b>1</b>
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>	<b>1</b>
	<b>PUBLIC QUESTION TIME</b>	<b>2</b>
	<b>DECLARATIONS OF FINANCIAL INTEREST</b>	<b>12</b>
<b>C53-12/99</b>	<b>CONFIRMATION OF MINUTES</b> <b>MINUTES OF MEETING OF JOINT COMMISSIONERS HELD</b> <b>ON 23 NOVEMBER 1999</b>	<b>12</b>
	<b>ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT</b> <b>DISCUSSION</b>	
	<b>INAUGURAL ELECTIONS</b>	<b>12</b>
	<b>COMMISSIONERS' FAREWELL</b>	<b>13</b>
<b>C54-12/99</b>	<b>PETITIONS</b>	
	<b>PETITION OBJECTING TO THE PROPOSED SHOPPING CENTRE</b> <b>– LOT 715/110 FLINDERS AVENUE, HILLARYS – [04412J]</b>	<b>14</b>
	<b>PETITION OBJECTING TO THE PROPOSED CLOSURE OF</b> <b>THE PEDESTRIAN ACCESSWAY BETWEEN MARMION</b> <b>PRIMARY SCHOOL AND HODGE COURT, MARMION – [48081J]</b>	<b>14</b>
	<b>REPORT NO:</b>	
	<b>POLICY</b>	
<b>CJ419-12/99</b>	<b>REVIEW OF LOCAL GOVERNMENT AND PUBLIC PROPERTY</b> <b>LOCAL LAW - [22513 &amp; 05885] .....</b>	<b>15</b>
<b>CJ420-12/99</b>	<b>PROPOSED REPEAL LOCAL LAW 1999 - [05885].....</b>	<b>22</b>
<b>CJ421-12/99</b>	<b>LOCAL LAWS - APPOINTMENT OF AUTHORISED PERSONS -</b> <b>[05885] .....</b>	<b>26</b>

**FINANCE AND COMMUNITY DEVELOPMENT**

CJ422-12/99	SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876].....	33
CJ423-12/99	PETITION - RATES INCREASES 1999/2000 - [07125].....	36
CJ424-12/99	HOME AND COMMUNITY CARE PROGRAM – IMPLEMENTATION OF NATIONAL FEES POLICY - [01075] .....	39
CJ425-12/99	SPONSORSHIP OF THE SAFETY HOUSE PROGRAM - [17843] .....	46
CJ426-12/99	SPONSORSHIP OF THE CONSTABLE CARE CHILD SAFETY PROJECT - [02707].....	49
C55-12/99	ACTIONS AND OTHER PROCEEDINGS THAT COULD HAVE BEEN BROUGHT BY OR AGAINST THE FORMER CITY OF WANNEROO - JOONDALUP AND WANNEROO ORDER 1998, CLAUSE 8 DETERMINATION [23475] .....	54
C56-12/99	HERITAGE COLLECTIONS (LOCAL HISTORY, MEMORABILIA AND ARTIFACTS) - JOONDALUP AND WANNEROO ORDER 1998, CLAUSE 8 DETERMINATION [23475] .....	55
C57-12/99	UNASCERTAINED ASSETS AND LIABILITIES OF THE FORMER CITY OF WANNEROO - JOONDALUP AND WANNEROO ORDER 1998, CLAUSE 8 DETERMINATION - [23475].....	59
C58-12/99	INSURANCE CONTINGENCIES (MUNICIPAL WORKCARE AND MUNICIPAL LIABILITY SCHEME) OF THE FORMER CITY OF WANNEROO - JOONDALUP AND WANNEROO ORDER 1998, CLAUSE 8 DETERMINATION [23475] .....	60

**INFRASTRUCTURE MANAGEMENT**

CJ427-12/99	PROPOSED SUBDIVISION RETAINING WALLS OVER 3 METRES IN HEIGHT - JOONDALUP STAGE THREE - [35190J].....	63
CJ428-12/99	ANNUAL TENDERS FOR BUILDING MAINTENANCE: 059-99/00 SUPPLY OF ELECTRICAL MAINTENANCE SERVICES - [32957J].....	65
CJ429-12/99	ANNUAL TENDERS FOR BUILDING MAINTENANCE: 060-99/00 SUPPLY OF GRAFFITI CONTROL SERVICES TO COUNCIL BUILDINGS - [33957J].....	67
CJ430-12/99	ANNUAL TENDERS FOR BUILDING MAINTENANCE: - 061-99/00 SUPPLY OF PLUMBING MAINTENANCE SERVICES - [34957J] .....	70
CJ431-12/99	TENDER NO 070-99/00 - NEIL HAWKINS PARK LIGHTING INSTALLATION - [07386J] .....	72
CJ432-12/99	TENDER NUMBER 047-99/00 – SUPPLY, MAINTENANCE AND DELIVERY SERVICE OF MOBILE GARBAGE BINS - [47253J].....	73
CJ433-12/99	RUTHERGLEN PARK KINROSS - PETITION - [40500J] .....	76

**PLANNING AND DEVELOPMENT**

CJ434-12/99	METROPOLITAN REGION SCHEME AMENDMENT NO 992/33 – CLARKSON-BUTLER - [00097J].....	77
CJ435-12/99	PROPOSED HOTEL, COMMERCIAL AND RESIDENTIAL UNITS AT LOT 495 (167) GRAND BOULEVARD, JOONDALUP - [37738J] .....	84
CJ436-12/99	MARINE RESEARCH AND EDUCATION FACILITY FOR FISHERIES WESTERN AUSTRALIA – RES 39197 HILLARYS BOAT HARBOUR (255) WEST COAST DRIVE, HILLARYS - [01081J].....	91

CJ437-12/99	WHITFORD CITY SHOPPING CENTRE ALTERATIONS AND ADDITIONS: PT LOT 501 (470) WHITFORDS AVENUE, HILLARYS - [00081J].....	99
CJ438-12/99	SIX GROUPED DWELLING DEVELOPMENT ON LOT 736 (35) WATERSTON GARDENS, HILLARYS - [35895J].....	121
CJ439-12/99	APPLICATION TO CLOSE PEDESTRIAN ACCESSWAY BETWEEN FINSTOCK MEWS AND CHADLINGTON DRIVE, PADBURY - [35984J].....	127
CJ440-12/99	SUBDIVISION REFERRALS PROCESSED 25 OCTOBER – 19 NOVEMBER 1999 - [05961] .....	130
	<b>REPORT OF THE CHIEF EXECUTIVE OFFICER</b>	130
	<b>DATE OF NEXT MEETING</b>	132
	<b>CLOSURE</b>	132

# **CITY OF JOONDALUP**

## **MINUTES OF MEETING OF THE JOINT COMMISSIONERS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 7 DECEMBER 1999**

### **ATTENDANCES**

#### **Commissioners:**

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

#### **Officers:**

Chief Executive Officer:	L O DELAHAUNTY
Director, Resource Management:	J B TURKINGTON
Director, Planning & Development:	C HIGHAM
Director, Infrastructure Management:	D DJULBIC
Director, Community Development:	C HALL
Executive Manager, Strategic Planning:	R FISCHER
Manager, Division Taskforce:	B PERRYMAN
Manager, Executive Services:	K ROBINSON
Manager, Council Support Services:	M SMITH
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

### **APOLOGIES AND LEAVE OF ABSENCE**

Nil

There were 42 members of the Public and 1 member of the Press in attendance.

**The Chairman declared the meeting open at 1900 hrs.**

## PUBLIC QUESTION TIME

**The following questions, submitted by Mr V Harman, Ocean Reef, were taken on notice at the Meeting of Joint Commissioners held on 23 November 1999:**

- Q1 Can the decibel control unit in the Community Hall be disconnected? This disconnection will indicate whether recent alterations made by Council to the hall have removed the need for the control unit.*
- A1 Following alterations to the hall, it has been possible to reset the noise meter to trigger at a higher volume. It is however considered essential that the meter remains in place for the comfort of local residents.
- Q2 Can I be provided with the record of incidents on Resolute Way attended by Security Services in the month of November? This is a trouble spot and I understand there have been a number of road accidents on a roundabout on Resolute Way.*
- A2 A total of three calls were received during the month of November, to attend Resolute Way, Ocean Reef. The types of calls were related to youths loitering, and antisocial behaviour. As a result this area will be patrolled on a more frequent basis on Friday and Saturday nights. Joondalup Police have been advised of the concerns relating to the frequency of accidents on the roundabout on Resolute Way.

**The following question, submitted by Mr J Hollywood of Burns Beach, was taken on notice at the Meeting of Joint Commissioners held on 23 November 1999:**

- Q1 Have any preliminary design plans for housing development been submitted for Council approval by owners of Lot 2?*
- A1 No housing development, subdivision plan or amendment plans have been submitted for Council approval by the owners of Lot 2 Burns Beach. The land is however subject to a Metropolitan Region Scheme amendment currently available for public comment from the Western Australian Planning Commission. The amendment and its associated documentation, including structure planning and other reports are available for public inspection at the City of Joondalup offices.

**The following questions, submitted by Mr M Sideris of Mullaloo, were taken on notice at the Meeting of Joint Commissioners held on 23 November 1999:**

- Q1 Where is the table of contents, results, conclusion, discussion, where does it identify appendices, where is the data tables?*
- A1 A full copy of the report has been provided to Mr Sideris, which includes the table of contents and all results and appendices.

- Q2 In broad terms, it is lacking as a report. It took some four months to prepare and cost some \$27,800 of ratepayers' money. Can the Commissioners please explain why such a poorly presented document was accepted by Council and when a properly presented document might be available to ratepayers?*
- A2 The report, produced by Research Solutions, is a comprehensive and valuable document that provides the City with independent data as to the needs of the community and the level of satisfaction with the City's services. The report is available for inspection at the City's offices.
- Q3 With respect to the survey details contained, can you show me where 78% of the people living in the City are concerned with security?*
- A3 Appendix 2 includes a detailed analysis of the issues of community concern in each of the five precincts. The individual level of concern with security varied in each precinct with an average level of concern across all precincts of 78%.
- Q4 Is the 78% figure referring to prompted or unprompted questions in the survey?*
- A4 A prompted question.
- Q5 With respect to the response received on the possible Oceanside Promenade road realignment and works, will the Council consult with the local residents and progress association prior to formalising and proceeding with any such consideration?*
- A5 Yes, Council will make a point of consulting with local residents prior to finalising plans for any local area.

**The following question, submitted by Mr B Cooper of Kinross, was taken on notice at the Meeting of Joint Commissioners held on 23 November 1999:**

- Q1 At a previous meeting I asked a question regarding Landcorp and its commitments in Joondalup. Residents have recently raised their concerns with me regarding pedestrian crosswalks within the City Centre. Could I ask what Landcorp, or Council, plan to do?*
- A1 The City is currently negotiating with Landcorp over the provision of a number of infrastructure items, including the pedestrian overpasses and underpasses originally planned for the Joondalup City Centre. The City has clearly stated its position that these infrastructure items are the responsibility of LandCorp, and that there is an expectation by the City that they will be provided for by Landcorp. Landcorp has not yet responded to the latest submission from the City.

In relation to pedestrian crossings generally, the City will need to consider additional crossing points and the appropriate type of crossing as the City Centre develops. This will depend on future planning, specific locational requirements and being able to meet the Main Roads WA warrant for pedestrian crossings.

**The following questions were submitted by Mr Bruce Sutherland of Burns Beach:**

**Re: CJ434-12/99      Metropolitan Region Scheme Amendment No 992/33 – Clarkson-Butler**

- Q1      The Burns Beach Ratepayers, Residents and Community Recreation Association have recently written to all of the candidates for the upcoming City of Joondalup elections. We have received 16 responses indicating some support for our proposal: that the City of Joondalup makes submission to the WA Planning Commission's current Clarkson – Butler Metropolitan Region Scheme Amendment, suggesting the protection of the greatest possible area of Regionally Significant Bushland at Lot 2 Burns Beach. Of these responses 75% were strongly in favour of our proposal. Given the level of interest in the subject, will the Commissioners please defer consideration of Item CJ434-12/99 until the next scheduled City of Joondalup Council meeting when elected local representatives will be able to deliberate on the matter?*
- A1      The request for Commissioners to defer consideration of item CJ434-12/99 until the next scheduled City of Joondalup Council meeting when elected local representatives will be able to deliberate on the matter is acknowledged. Submissions are required to be lodged by Friday 31 December 1999. Accordingly the item could be dealt with at the Council meeting scheduled for 21 December, and still meet the deadline for submissions.
- Q2      Will the Commissioners ensure that detailed briefing papers, relating to all matters raised in the Clarkson – Butler Metropolitan Region Scheme Amendment are prepared for all incoming Councillors prior to their first meeting?*
- A2      Detailed briefing papers relating to all matters raised in the Clarkson-Butler Metropolitan Region Scheme Amendment will be prepared for all Councillors prior to their first meeting.
- Q3      Will the Commissioners also ensure that these briefing papers include the City Planner's report – TP414-12/95; and canvas all perspectives, especially those behind the 1995 City of Wanneroo's submission to the Public Environmental Review on Lot 2, which highlighted important environmental issues and recommended considering Lot 2 in the context of the City's own Local Conservation Strategy, and other national and international agreements?*
- Q3      A copy of the City Planners Report TP414-12/95 will be attached to the above briefing documentation.
- Q4      Will the Commissioners acknowledge that matters involving conservation of the environment, especially when competing with plans for development, are very important Public Participation issues, and will they ensure that Council facilitates the highest level of Public Participation possible in these issues?*

- A4 Conservation of the environment and development issues are considered to be important public participation issues. In the context of the subject Metropolitan Region Scheme amendment the Western Australian Planning Commission is the responsible authority and through relevant legislation seeks public comment on the amendment proposal and the Environmental Review. Landowners whose property is directly affected by a proposed change are notified in writing and advertisements were placed in local and Statewide Newspapers.
- Q5 *Will the Commissioners appraise staff of this importance?*
- A5 Staff are aware of the importance of public participation in environmental and development issues generally and the role it plays in the planning process.
- Q6 *What level of Public Participation has there been in the process leading to the listing of Item CJ434-12/99 on the agenda for this meeting?*
- A6 The Western Australian Planning Commission initiates the amendment to the Metropolitan Region Scheme and the Metropolitan Region Town Planning Scheme Act regulates the process. Leading up to the listing of item CJ434-12/99 landowners whose property is directly affected by a proposed change were contacted via letter, and advertisements were placed in the local and statewide newspapers. Copies of the documents were made available at the City of Joondalup administration office, State Reference Library and the Ministry for Planning.

**The following questions were submitted by Mr B Cantu of Mullaloo:**

**Re: CJ437-12/99 Whitford City Shopping Centre Alterations And Additions: Pt Lot 501 (470) Whitfords Avenue, Hillarys**

- Q1 *What is the agreed size of the extensions (also in dollars) currently before Council when it compared to the extensions proposed, and refused by Council 3 years ago?*
- A1 The size of the current proposal is considerably smaller than the one refused by Council three years ago. The proposal refused in December 1996 would have enlarged the centre to 70425m<sup>2</sup> Nett Leasable Area ( NLA), whereas the current proposal would increase floor area to just under 50000m<sup>2</sup> NLA (retail). The estimated value of the new works has been quoted as \$45,000,000 in the current application.
- Q2 *Considering there are a number of background issues that were associated and voted on and rejected 3 years ago by the former Councillors. I would put to you, on behalf of the ratepayers in my area that this is a matter for further discussion with our newly elected Councillors. I am requesting/asking can under those circumstances this matter is deferred until after the election?*



- A2           The issue could be deferred, however, if a decision were taken to do so, it would need to be substantiated from a technical viewpoint. The parameters expressed in policy and Town Planning Scheme controls are consistent with those referred to in Council's decision of 1996, however the current proposal is substantially reduced in scale and compares favourably with those parameters. The applicant's submission and the assessment of the current proposal also took into account the findings of the Town Planning Appeal Tribunal determination of the original proposal.
- Q3           *Is it true that whilst the attention is put on the Flinders Avenue/Waterford Drive shopping centre, the Council is taking advantage by racing through the Whitfords City Shopping Centre extensions before the ratepayers have a chance to even consider this? Not everyone has the opportunity of going to look at the plans at Whitfords City yet, nor has enough time been given to consider the recommendation put forward in the agenda?*
- A3           *The proposal has undergone a structured public consultation program. Each application (Whitfords and Flinders have and will continue to be evaluated on their merits). The duration of the advertising period was at least three weeks for each proposal. In addition, late submissions are also considered in reports, wherever possible.*
- Q4           *Why were the people on Dampier Avenue not consulted, as were the people in Banks Avenue regarding the additional traffic the proposal will cause?*
- A4           Community input was invited by advertising in newspapers, signage on site, and the display of plans in the shopping centre and at Council's Administration centre. An additional step of writing to adjoining neighbours is a standard practice of the City to increase awareness of the proposal, hence the individual letters sent to the Banks Avenue residents.
- Q5           *Could the people on Dampier Avenue be consulted and informed of the increase in traffic the proposal will cause?*
- A5           All residents who have an interest in the proposal are welcome to liaise directly with Council staff concerning detailed aspects of the proposal. A detailed traffic examination was undertaken as a component of preparing the application, and the impact on local roads has been included in the report to Council.

**The following questions were submitted by Mrs A Hine of Wanneroo:**

**Re: CJ431-12/99 - Tender No 070-99/00**

- Q1           *Could Council tell me if any consideration has been allowed for in relation to the "wildlife" in and around the lake area?*
- A1           Lighting design incorporated Silvania Micro Vapour (White Metal Halide type) for low impact to wildlife and midge attraction.

*Q2           How long will the lights stay on till and how much will this cost to run? Who pays the electric bills?*

*A2           Light Operating times are:*

Summer - 7 days per week	7.00 pm – 10.00 pm
Winter - Friday, Saturday and Sunday	6.00 pm – 10.00 pm

and Council meets the cost of these lights.

**Re: CJ437-12/99**

*Q3           Can Council defer this item until a fully elected Council is elected and the public can hear the whys and wherefore about such an expansion to Whitford Shopping Centre?*

*A3           The matter could be deferred if Council wished, however, Council's obligation is to determine the application on a timely basis. If the proposal was deferred, Council would need (in all fairness) to be able to provide technical reasons for doing so. The application, as presented, provides sufficient opportunity for a determinative decision to be reached. Significant dialogue occurred during the development of the application to ensure that information was complete and in a form to facilitate a determination. The application has been checked rigorously to ensure it meets the requirements of the Town Planning Scheme and related policies.*

*Q3 (a)       Will Council consider ratepayers money for a second time by giving the go ahead tonight? Will this be a political or common sense decision - "In the public interest"?*

*A3 (a)       Whitford City Shopping Centre is designated as a Regional Centre under the Metropolitan Centres Policy (1991), and the proposed extension to 50,000 square metres retail floorspace is consistent with its function as a regional centre. The recommendation for the Whitford's expansion is based on this, and an assessment of the prevailing requirements of Town Planning Scheme No.1. Part of this assessment has included an evaluation of the submissions received as a result of the public advertising. The submissions have been addressed in the recommendation.*

*Q4           With a proposal to build a new shopping centre at Waterford Drive, is this expansion of Whitfords needed?*

*A4           The Waterford Drive site is intended to provide a neighbourhood shopping centre site for the local resident population. Whitford City is intended to provide for regional shopping requirements to a wider community. As such, each centre provides a different function to a separate section of the market. As referred to in Q(2), Whitford City Shopping Centre is proposing to expand to almost 50,000 square metres retail floorspace, consistent with its role as a Regional Centre.*

**Mr Vic Harman, Ocean Reef:**

*Q1 As a follow-up on a question I asked at the last meeting regarding the decibel control unit at the Community Hall, could I have the figures of what was the original decibel level, and what is the new level?*

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

**Mr John Hollywood, Burns Beach:**

- *Mr Hollywood gave his best wishes to the Joint Commissioners.*

**Mr A Bryant, Craigie:**

*Q1 As an elector and ratepayer in the City of Joondalup Local Government elections and a concerned citizen and a Justice of the Peace since 1951, I have done a survey on 3<sup>rd</sup> and 4<sup>th</sup> December of the various signs placed throughout the City by candidates who have nominated for the position of Mayor of the City. I now draw your attention to my count of these signs:*

*Poliwka – 84; Bombak – 39; Cooper – 34; Carlos – 26.*

*I now ask what the Council is going to do about the candidate who has obviously breached the Council by-laws or rules in regard to the number of signs allowed to be placed under these by-laws? I understand the allowable limit is 70 signs in the whole of the City of Joondalup.*

*I might mention my count was conducted only on the main arterial/feeder roads, and there could well be signs in other roads.*

*I state as a matter of interest that I do not belong to any political party. In about 1957 I was a member of the Mt Hawthorn branch of the Liberal party for only just one year.*

*A1 Response by Chief Executive Officer: You may recall that Council was in the process of adopting a new Local Law, part of which was to ban election signs. Unfortunately the Standing Committee in Parliament has ruled that election signs are to be permitted, even though all other local authorities in the metropolitan area have in the past been able to ban election signs on road reserves. We are continuing negotiations with the Standing Committee and are hopeful that election signs will not be allowed in future. The Standing Committee has requested that we undertake to provide guidelines specifically for this election. These guidelines were adopted and provided to candidates and we have relied upon the candidates to ensure they did not contravene.*

Of all issues regarding the election, the issue of signs has been the biggest problem, and has required staff to check on accusations of signs been removed. The counting of signs has almost been on an hour-by-hour basis, for all candidates. As late as this week we have had separate counts undertaken by Ranger Services. We have issued instructions to Mr Poliwka to ensure that signs are removed where they exceed the limit of 70 signs, and we have today advised that we will remove signs which are not in accordance with the guidelines, and that is being undertaken at the moment.

*Q2 Have you removed some today?*

*A2 Response by Chief Executive Officer:* I am not sure whether some have been removed today, but certainly the Rangers have been authorised to act.

*Q3 Could you let me know the number that you have removed please?*

*A3 Response by Chief Executive Officer:* With speaking to the candidate today, that was the only one that exceeded the limit. We will further check tomorrow morning to make sure the limit of 70 signs is not exceeded, and those instructions are with Ranger Services now.

**Mr M Sideris, Mullaloo:**

*Q1 I understand I have now been provided with a copy of the full report on Customer Satisfaction?*

*A1 Response by Chief Executive Officer:* I am advised by the member of staff that provided the information that it is the full report.

*Q2 I understand the survey was initiated by the Commissioners, is that correct?*

*A2 Response by Chief Executive Officer:* Yes that is correct. The report was asked for by Commissioners and allowed some valuable market research to be undertaken in the community on a number of issues.

*Q3 Were the Commissioners in agreement with the format of the questions for the research?*

*A3 Response by Chief Executive Officer:* The survey was prepared by a professional market research firm who consulted with the respective areas of staff on the questions. One of the reasons for employing a professional market research firm is to ensure that the questions are framed in such a way as to not beg an automatic answer, which may be the case if the words were framed by members of staff.

*Q4 Did the Commissioners have an influence or review the results as presented in the report?*

*A4 Response by Cmr Ansell:* Yes, we reviewed the report before it was presented.

*Q5 Do the Commissioners understand the difference between prompted and unprompted responses? Can you clarify what they are?*

*A5 Response by Cmr Ansell: A prompted question is one where you ask the question rather than asking a general question which brings a response.*

*Q6 Can you advise why, in any of the publications or literature, the public has not been made aware as to the actual responses contained within the survey reports, in particular the fact that the two highest prompted responses to the questions should not be involved, which were for provision of security services by the Council and the imposition of any additional charges for these services.*

*Q7 Are we the ratepayers meant to accept a report and subsequent Council publications and presentations arguing for the initiation of a security levy, when the structure, the question and the format of the report are so heavily biased to present and promote initiatives that may or may not be required, or there is no measured argument to substantiate implementation.*

*A6&7 Response by Cmr Ansell: These questions will be taken on notice.*

**Mr Brian Cooper, Kinross:**

- *Mr Cooper gave his best wishes to the Joint Commissioners.*
- *Mr Cooper commented that he had placed 70 election signs, as had Mr Don Carlos and Mr John Bombak.*

*Q1 In relation to CJ434-12/99 and CJ437-12/99, I query whether it is appropriate that Commissioners should make a decision on these items, in view of the consequences of both matters, when a new Council will be elected within a few days.*

*A1 Response by Cmr Ansell: Regarding CJ434-12/99, Commissioners are merely making a submission on this issue and the new Councillors will be able to make a further submission if they so choose. Regarding CJ437-12/99, the Commissioners considered that, whilst it would be an easy decision to defer this matter, they believe this proposal is beneficial for the City and is inevitable and something which the Commissioners are prepared to go ahead with.*

**Mr B Cantu, Mullaloo:**

*Q1 I sent a letter to Council on Monday 6 December 1999 with comments on the Whitford City development and asking that my letter be reviewed and answered, but not all questions were answered this evening. I also pointed out that if all my questions had not been addressed, then perhaps other persons who had sent comments to Council may also not have had all their questions answered. I asked Council to do this and prepare something for this meeting, why was that not done?*

A1 *Response by Chief Executive Officer:* I have a copy of the facsimile, received on 6 December 1999. Certainly in the first paragraph comments are made and disappointment is expressed with the lack of addressing items submitted by you. This comment has been forwarded to the Planning and Development Directorate for consideration and they will contact you in this regard.

*Response by Director Planning and Development:* We believe those issues raised have been incorporated in the comments within the report.

Q2 *On the basis that the agenda was not made available until Friday and we were not given enough time to fully research the recommendations in the agenda and submit questions, I am disappointed that this matter is being pushed through. Why can't the newly elected Council make this decision? Why were all my questions not answered? Why wasn't the agenda available for more than two working days to the public? Does anyone here live on Dampier Avenue and will they be directly affected by the increased traffic which is clearly stated in the traffic report prepared by Council?*

A2 *Response by Cmr Ansell:* The first questions have been answered. No one here, as far as I am aware, lives on Dampier Avenue. Regarding the availability of the reports, the agenda is available by the Friday evening, before the Tuesday meeting.

Q3 *The people on Banks Avenue were consulted regarding the traffic problem that would be generated by Whitford City. This opportunity was not given to the residents of Dampier Avenue. The report mentions 44 residences on Dampier Avenue, but I live at 84 Dampier Avenue, and I question the report. Would it be in Council's best interest to defer this decision until we have elected Council members that would perhaps have the interests of the people in Dampier Avenue at heart?*

A3 *Response by Cmr Rowell:* The question regarding Dampier Avenue is answered on Page 92 of the report. I would mention that the proposal was advertised and submissions closed on 12 November. There is a clear cut process of when submissions can be received to adequately allow for administration to assess the submissions and comment to them. A late submission is always difficult to adequately reply to and I would suggest that it is difficult when people make a late submission and expect an immediate reply to go forward to an agenda for a meeting. There is no doubt that agendas for meetings are normally prepared at least five days before the meeting date.

*Response by Cmr Ansell:* Your comments will be considered when Commissioners make their decision on the matter.

**Mr B Higgins, Carabooda:**

- *Mr Higgins endorsed the comments made by Mr John Hollywood and Mr Brian Cooper regarding the Commissioners.*
- *Regarding availability of agendas raised by Mr Cantu, Mr Higgins stated he had recently corresponded with the Chief Executive Officer to commend him on the availability of the agendas as of 5.00pm on the Wednesday prior to the meeting.*

*Q1 In relation to the matter of donation of palm trees, which I have previously raised, I would like to place on record the fact that in September 1998 I was told that a record of the donation would be made available in the Budget of the financial year which has just passed. This was not done. When I raised the question on 26 October 1999, I was told that Mr Robert Searle, Director of Corporate Services, City of Wanneroo would provide the information; however I discussed the matter with Mr Searle both before and after that time and he had no further information. Therefore that record still has not been produced. Mr Cluning, Manager Operations has advised that the information could be generated but would take some time and expense to do so, and I asked him not to proceed on those grounds.*

*I make the comment that the information has not been produced and ask if the Commissioners have any comment to make?*

*A1 Response by Chief Executive Officer: This information is contained within the Annual Accounts. Any local government which might receive assets are taken into account at the end of each financial year. If necessary Director Resource Management can assist you to locate the transfers for that particular financial year.*

**Mr T Darby-Smith, Joondalup Residents' Association:**

- *On behalf of members of his committee, Mr Darby-Smith gave appreciation for the work carried out by the Commissioners.*

**DECLARATIONS OF FINANCIAL INTEREST**

Nil

**CONFIRMATION OF MINUTES**

**C53-12/99      MINUTES OF MEETING OF JOINT COMMISSIONERS –  
23 NOVEMBER 1999**

**MOVED** Cmr Buckley, **SECONDED** Cmr Clark-Murphy that the Minutes of the Meeting of Joint Commissioners held on 23 November 1999, be confirmed as a true and correct record.

**The Motion was Put and**

**CARRIED**

**ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION**

**INAUGURAL ELECTIONS**

With the date of the City of Joondalup's inaugural election now less than a week away, to be held on Saturday, 11 December 1999, I am pleased to announce that the Swearing-in of the new Mayor and 14 Councillors will be conducted on Sunday, 12 December 1999 at 6.30 pm.

The Minister for Local Government, Paul Omodei will perform the ceremony in the Civic Chamber.

99,000 election packs have been sent to voters in the City of Joondalup from Burns in the north to Warwick in the south.

The count will take place here in the Civic Centre after the close of polling on Saturday, 11 December 1999 at 6.00 pm.

### **COMMISSIONERS' FAREWELL**

After two years “at the helm” in this time of transition, it is now time for Commissioners to say farewell. This, of course, is the Commissioners’ last meeting.

My fellow Commissioners and I are proud to have been part of the birth of the new Cities of Joondalup and Wanneroo.

Both the City of Joondalup and the City of Wanneroo are poised for a bright future and Commissioners will soon hand them over with confidence to elected Mayors and Councillors.

Before this, my fellow Commissioners and I would like to thank all the residents who have assisted us in our task of dividing the former City of Wanneroo and creating the two new Cities. This includes the “Council Watchers” on both sides of Lake Joondalup.

Our local newspaper, the Wanneroo Times Community has also played a very important role in informing residents of Council issues.

Commissioners would also like to thank Chief Executive Officer, Lindsay Delahaunty and staff at Joondalup, as well as Chief Executive Officer, Kath White and staff at Wanneroo for their assistance.

Commissioners thank them for all the support they have provided and the professional way they have helped Commissioners achieve their objectives.

Joondalup staff deserve special mention for the extraordinary effort of coping both with running their City and creating the new City of Wanneroo.

Both the Cities of Joondalup and Wanneroo will share a bright future, going from strength to strength.

Once again, thanks to all!

On behalf of my fellow Commissioners, I wish you the very best for the festive season and prosperity in the new century.



**PETITIONS****C54-12/99      PETITIONS SUBMITTED TO THE MEETING OF JOINT COMMISSIONERS – 7 DECEMBER 1999****1      PETITION OBJECTING TO THE PROPOSED SHOPPING CENTRE – LOT 715/110 FLINDERS AVENUE, HILLARYS – [04412J]**

A 176-signature petition and a 4-signature letter have been received from Hillarys residents objecting to the proposed shopping centre being built at Lot 715/110 Flinders Avenue, Hillarys in the current format.

Main areas of concern are skateboard area, outdoor stage, possibility of a combined liquor store and tavern and total size of the development.

This petition and letter will be referred to Planning and Development for action.

**2      PETITION OBJECTING TO THE PROPOSED CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN MARMION PRIMARY SCHOOL AND HODGE COURT, MARMION – [48081J]**

A 114-signature petition has been received from residents of the City of Joondalup opposing the proposed closure of the pedestrian accessway between Marmion Primary school and Hodge Court, Marmion.

A request has also been made for the City of Joondalup to undertake and implement policies ensuring the parking and surrounding roadways are parent friendly for the conveyance of school children.

This petition will be referred to Planning and Development (Urban Design and Policy Services).

**MOVED Cmr Morgan, SECONDED Cmr Buckley that the:**

- 1      petition and letter objecting to the proposed shopping centre being built at Lot 715/110 Flinders Avenue, Hillarys in the current format;**
- 2      petition opposing the proposed closure of the pedestrian accessway between Marmion Primary school and Hodge Court, Marmion;**

**be received and referred to the appropriate Business Units for action.**

**The Motion was Put and**

**CARRIED**

<b>POLICY</b>
---------------

Items CJ419-12/99 to CJ421-12/99 inclusive were Moved by Cmr Buckley and Seconded by Cmr Morgan. Cmr Buckley stated her intention to speak on Items CJ419-12/99 and CJ420-12/99.

## **CJ419-12/99      REVIEW OF LOCAL GOVERNMENT AND PUBLIC PROPERTY LOCAL LAW - [22513 & 05885]**

---

### **SUMMARY**

This report provides details of the progress reached in the review of the proposed, “City of Joondalup Local Government and Public Property Local Law 1999” and the actions necessary in the second stage to finalise adoption of the local law.

#### **Local Law Adoption**

The first stage of adopting the proposed local law was reached at the meeting of Joint Commissioners on 10 August, 1999, when the following summary was read aloud by the Chairman:

*“ The purpose of this local law is to:*

*provide for the regulation, control and management of activities and facilities on local government and public property within the district.*

*The effect of this local law is to:*

*establish the requirements with which, any persons using or being on local government or public property within the district, must comply.”*

#### **Advertising and Comment Received**

In keeping with the requirements of Section 3.12 of the Local Government Act 1995, the proposal to adopt the reviewed local law was advertised for a six week comment period, which closed on Monday, 27 September, 1999.

Two submissions were received plus correspondence from the Department of Transport Marine Safety, in response to the advertisements and direct approaches by the City. The submissions were from Whitfords Bay Sailing Club and the Boating Industry Association relating to clause 41, prohibiting the launching boats from any beach. The detail of these submissions, assessment of matters raised and amendments to the local law have been included under the “DETAILS” section of this report. The amendments have the effect of prohibiting personal watercraft rather than all boats, from launching from the beach and by extending clause 5 and adding clause 69, clarify the purpose of the local law with its application into the sea by 200m.

## BACKGROUND

This matter was considered at the meeting of Joint Commissioners held on 13 August, 1999 (Item CJ270-08/99, 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. At that meeting, it was subsequently resolved:

*“that the Joint Commissioners in accordance with Section 3.12 of the Local Government Act 1995, APPROVE the advertising of the proposed local law, “City of Joondalup Local Government and Public Property Local Law 1999”, in order to seek public comment.”*

## DETAILS

### Advertising

In accordance with section 3.12 (3) and (3a) of the Local Government Act 1995, statewide and local public notice was given of the proposed adoption of the City of Joondalup Local Government and Public Property Local Law 1999, in the West Australian on 13 August, 1999 and in the Wanneroo Times on 17 August, 1999. The advertisements invited public comment from the community and provided the opportunity to be informed and obtain a copy of the proposed local law.

### Public Comment

Copies of the proposed local law were sent to the following organisations. Each organisation was encouraged to make a written submission.

Manager Marine Operations, Department of Transport  
Jetsport West  
Whitfords Bay Sailing Club  
Yachting Association of WA

As Monday 27 September, 1999, officially the last day for receipt of submissions, was a public holiday, additional time was allowed and two submissions were received by 29 September, 1999, from the Whitfords Bay Sailing Club and Boating Industry Association of Western Australia Inc.

Both submissions received relate to clause 41(1) which states:

*“A person shall not launch a boat or personal water craft into the sea other than at a boat launching ramp designed and approved for the purpose, or from the beach where this activity is permitted and designated by signs.”*

Correspondence was received on 6 October 1999, from the Manager Marine Operations, Department of Transport indicating that the local law, in so far as its application into the sea by 200 metres would be in conflict with the WA Marine Act 1982 and therefore inoperable.

## **Comment Details and Assessment**

### **Whitfords Bay Sailing Club**

#### **Comment**

Whitfords Bay Sailing Club, which has operated from Pinnaroo Point, Hillarys for some 27 years, requested that they be permitted to continue to operate from that area. They have indicated that the majority of boats their members launch from the beach at Pinnaroo Point are small catamarans. In discussion, it was indicated that they also regularly launch a small cabin cruiser rescue boat on race days and occasionally a second rescue boat if required. A copy of their correspondence is attached.

#### **Assessment**

The use of the Pinnaroo Point Beach by Whitfords Bay Sailing Club as in the past 27 years, appears complimentary to the other activities of peaceful enjoyment, swimming and family use of this area by the public. The fact that Whitfords Bay Sailing Club have based their activities at this area without any conflict, suggests that they should be permitted to doing so in the future. That they are a reasonably small, well structured club that conduct organised and co ordinated activities for their members, makes it relatively easy for the City to deal with them should there be any matter which could be a concern. There appears to be no reason why the club should not continue to operate from the Pinnaroo Point Beach area.

### **Boating Industry Association of Western Australia Inc (BIAWA)**

BIAWA have opposed any restriction on the launching and retrieval of personal water craft (jet ski) on any part of the coastline under the control of the City and make the following five points:

- 1 May be in breach of the Marine Act under the jurisdiction of the Department of Transport.

#### **Assessment**

It is unlikely that the proposed restriction could be in breach of that legislation, as the Marine and Harbours Act 1982 provides the authority for the Department of Transport to control and manage waterways and adjacent land reserves, vested in the Minister and necessary to support marina and port activities. Eg Hillarys Marina. A review of that Act failed to provide evidence of a possible breach, as Pinnaroo Point is under the care control and management of the City. If the City proposed to use the local law to prevent boats or personal water craft from operating in the sea adjacent Pinnaroo Point, which is a designated water ski and personal water craft freestyle area, then the local law would be ultra vires.

- 2 Discriminates against personal water craft which are registered vessels and entitled to use the waterways in exactly the same manner as other registered vessels.

**Assessment**

This statement is somewhat misleading, as the intent of the local law is to restrict the launching and retrieval of personal water craft from the beach at Pinnaroo Point and all other beach areas in the City. It is not the intention of the local law to restrict the entitlement of personal water craft to use the waterways. It is recognised that the City has limited or no control over the conduct of boats once they are in the water. This is clearly the responsibility of the Department of Transport who are the responsible agency for licencing and controlling boating activities in the state.

Most waterway areas through out the state have restrictions relating to water craft, water sports and activities, mainly for safety and control reasons. Water skiing and freestyle jet skiing is restricted to designated areas only. One of these areas is north of Pinnaroo Point.

Unlike Whitfords Bay Sailing Club, there are large numbers of jet ski users and it is extremely difficult to effectively communicate with them all. In the event that some riders act irresponsibly, in the use of their jet skis, it has been extremely difficult to take positive action to achieve a more responsible outcome.

- 3 Discriminates against Joondalup residents who make up a large proportion of personal water craft owners, wishing to launch and retrieve their vessels locally.

**Assessment**

It is not proposed to discriminate against Joondalup residents or any other owners of personal water craft, but simply treat them the same, by requiring personal water craft to be launched at boat launching ramps designed, constructed and approved for the purpose. Boat launching ramps are located at Hillarys and Whitfords Marina's so Joondalup residents who own personal water craft would not be dis-advantaged by using either of these local facilities instead of the beach at Pinnaroo Point.

- 4 Is not supported by the BIAWA.

**Assessment**

Comment noted.

**Department of Transport – Marine Operations**

Following receipt of correspondence from the Department of Transport, Marine Operations, a reply was sent outlining the intent of the local law application into the sea by 200m. That correspondence also advised that the City and most other local governments with boundaries bordering the sea, have had in operation since 1964, Model Bylaws developed by the Department of Local Government, with similar provisions to enable Beach Inspectors and Life Saving Patrols to designate swimming areas. Control of boats, personal watercraft, surf boards and other floatation devices by Beach Inspectors, life Saving Patrols is only intended for the safety of swimmers.

In discussion with representatives of the Department of Transport, it was agreed that the authority to designate swimming areas and exclude boating activities for swimmer safety should remain. Several appropriate clauses confirming the intent of the local law have been added to avoid any further misunderstanding.

### **Background – Four Wheel Drive Vehicles and Jet Skis at Pinnaroo Point**

To better understand the city's position on this matter it is important to review what has happened in the past. Concerns about four wheel driving, parking of four wheel drive vehicles plus storage of fuels on the beach and operation of jet skis on and from the beach at Pinnaroo Point, were initially raised by the Member for Hillarys in response to complaints about these activities. At that time it was suggested that a gate be placed across the limestone accessway to the beach to restrict access to other than those persons who obtained approval. Public comment was sought on the proposal and the majority of submissions received opposed the installation of a gate and bollards to prevent/control access to the area.

The report submitted to the Council at the time (DP109-04/98 refers) supported the continuation of the long established activities of the Whitfords Bay Sailing Club, as acceptable and complimentary to swimming and other activities in the area. However, the report re affirmed concerns with the parking of four wheel drive vehicles on the beach by jet ski users, the storage of fuel on the beach for jet skis, deterioration of sand dunes as a result of four wheel driving and the conflict with the animal exercise area.

At the meeting of Joint Commissioners on 28 April, 1998, it was resolved in part .....

“... after careful consideration of the submissions made by the public in regard to a proposal to close the access road to the beach at Pinnaroo Point, Hillarys to stop four wheel driving and jet skiing:

- 1           do not close the access road;
- 2           include in the review of the City's local laws the matter of preventing the launching of jet skis from the beach;
- 3           increase the patrolling service and improve signage to stop four wheel driving/parking and jet skiing at Pinnaroo Point Beach;.....”

### **Local Law direction**

From the above resolutions adopted by the Joint Commissioners at their meeting on the 28 April, 1998, it appeared clear that the appropriate direction to be taken was to prevent the launching and retrieval of personal water craft (jet skis) from any beach in the City area.

### **Joint Standing Committee on Delegated Legislation – Date of Birth**

All legislation made under delegated power of an Act of Parliament is subject to review by the Joint Standing Committee on Delegated Legislation. In review of the City's Signs, Animals and Trading in Public places Local laws, that Committee has disallowed the clause which permits Authorised Persons and Police Officers, to demand the date of birth of a person seen or who on reasonable grounds is suspected of committing an offence against a local law.

It is understood that an amendment will be sought to the Local Government Act 1995 to address this matter. The need for a date of birth to be included on an infringement notice is well recognised and supported by enforcement officers in the industry and the administrator of the Fines Enforcement Scheme.

The “Date of Birth” clause and the associated infringement provision for non compliance, has been removed from 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. The review of all delegated legislation by this committee is in accordance with section 42 of the Interpretation Act 1984.

It has become standard practice that ten copies of the local law together with an Explanatory Memorandum and details of any submissions be forwarded to the Joint Standing Committee on Delegated Legislation, to assist in its review of the local laws.

**COMMENT**

In order to prohibit the launching of personal water craft from any beach which is otherwise not designated by signs for that purpose, the proposed local law as submitted to the meeting of Joint Commissioners on 10 August 1999, needs some minor amendment, being:

Reword the definition of “boat” excluding personal watercraft, to read as follows:

“boat” means any structure or vessel, excluding personal water craft, whether motorised or not and made or used to travel or float on water or travel under water;

Clause 41 be amended to read:

- (1) A person shall not launch a boat into the sea other than at a boat launching ramp, designed, constructed and approved for the purpose, or from the beach where this activity is permitted and designated by signs.
- (2) A person shall not launch a personal water craft into the sea other than at a boat launching ramp, designed, constructed and approved for the purpose.
- (3) Sub clauses (1) and (2) do not apply to any member of a surf life saving club or life saving patrol in the course of their duties, training or in competition.

The First Schedule relating to Offences and Modified Penalties, has been adjusted to reflect the above amendments.



The amendments to the proposed local law document have been made in italics for ease of identifying the extent of change.

The above amendments allow for the operation of Whitfords Bay Sailing Club to be retained at Pinnaroo Point by placement of an appropriate sign indicating that launching of boats is permissible. The launching of personal watercraft will be prohibited.

The suggested amendments could not be considered sufficiently major as to warrant the re-commencement of the local law making process. The intent of the local law as initially put forward has not changed. It is therefore recommended that the local law as amended, be adopted.

**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 forming Attachment 1 to Report CJ419-12/99, as the “City of Joondalup Local Government and Public Places Local Law 1999”;**
- 2 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.**

Cmr Buckley spoke in support of the Motion and advised this Item was the last to be undertaken of the review of local laws, apart from the review of Standing Orders. As advised by the Chief Executive Officer, the Signs Local Law was currently under negotiation with the Parliamentary Standing Committee.

**The Motion was Put and**

**CARRIED BY A  
SPECIAL MAJORITY**

Appendix 1 refers – click here: [Attach1min0712.pdf](#)

## **CJ420-12/99 PROPOSED REPEAL LOCAL LAW 1999 - [05885]**

---

### **SUMMARY**

This report provides details of the progress reached in the review of the proposed, “City of Joondalup Repeal Local Law 1999” and the actions necessary in the second stage to finalise adoption of the local law.

### **Local Law Adoption**

The first stage of adopting the proposed local law was reached at the meeting of Joint Commissioners on 10 August, 1999, when the following summary was read aloud by the Chairman:

*“ The purpose of this local law is to:*

*repeal those local laws made obsolete by new legislation or considered no longer relevant within the City of Joondalup.*

*The effect of this local law is to:*

*repeal obsolete or outdated local laws within the City of Joondalup.”*

In keeping with the requirements of Section 3.12 of the Local Government Act 1995, the proposal to adopt the local law was advertised for a six week comment period, which closed on Monday, 27 September, 1999.

The objective of the local law is to repeal all local laws that have not previously been repealed in the process of creating new local laws and which have been identified as obsolete or no longer relevant. Local laws (old By laws) have been progressively repealed as they have been replaced by new local laws of similar subject matter.

## **BACKGROUND**

This matter was considered at the meeting of Joint Commissioners held on 10 August, 1999 (Item CJ271-08/99, refers). The report submitted to that meeting listed the Local laws (old By laws) to be repealed and the process to be followed by local governments in accordance with the Local Government Act 1995, for creating and reviewing local laws. At that meeting, it was subsequently resolved:

*“that the Joint Commissioners in accordance with Section 3.12 of the Local Government Act 1995, APPROVE the advertising of the proposed local law, “City of Joondalup Repeal Local Law 1999”, in order to seek public comment.”*

## **Local Laws to be Repealed**

The following local laws are those identified as obsolete, irrelevant or no longer necessary as a result of new legislation and are to be repealed by this local law:

By Law B3: Relating to Building Lines, published in the Government Gazette - 16 January, 1963;

By Law E1: Eating Houses, published in the Government Gazette – 12 August 1988;

By Law H2: Holiday Accommodation No 18, published in the Government Gazette - 21 February, 1975;

By Law M3: Construction, Establishment, Operation and Maintenance of Motels, published in the Government Gazette - 27 October, 1960;

By Law O1: Removal and Disposal of Obstructing Animals or Vehicles, published in the Government Gazette – 29 August 1963;

By Law O2: Old Refrigerators and Cabinets, published in the Government Gazette - 1 May, 1962;

By Law P3: Pest Plants, published in the Government Gazette - 18 March, 1985;

By Law R1: Deposit of Refuse and Litter, published in the Government Gazette - 12 April, 1967;

By Law R2: Removal of Refuse and Rubbish, published in the Government Gazette - 20 July, 1979;

By Law R4: Payment of Rates, published in the Government Gazette - 19 May, 1989;

By Law R5: Removal of Refuse, Rubbish or Disused Material, published in the Government Gazette - 21 December, 1990;

By Law S1: Sewerage, published in the Government Gazette - 13 April, 1973.

Bylaw S4: Stallholders, published in the Government Gazette - 31 October 1986;

## **DETAILS**

### **Advertising**

In accordance with section 3.12 (3) and (3a) of the Local Government Act 1995, statewide and local public notice was given of the proposed adoption of the City of Joondalup Repeal Local Law, in the West Australian on 13 August, 1999 and in the Wanneroo Times on 17 August, 1999. The advertisements invited public comment from the community and provided the opportunity to be informed and obtain a copy of the proposed local law.

### **Public Comment**

No comment or submission had been received in response to the advertisements by close of the six week submission period which ended on 27 September, 1999.

### **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.”

### **Action By Others**

The following actions will be taken to complete the 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. The review of all delegated legislation by this committee is in accordance with section 42 of the Interpretation Act 1984.

It has become standard practice for ten copies of the local law together with an Explanatory Memorandum and details of any submissions to be forwarded to the Joint Standing Committee on Delegated Legislation, to assist in its review of the local laws.

### **COMMENT**

No written submission or comment has been received in response to advertisements placed.

The proposed Repeal Local Law is a procedural process that must be followed to remove former local laws that are deemed no longer appropriate to meet the requirements of the local government.

As it is not proposed to change the local law from what was submitted to meeting of Joint Commissioners on 10 August 1999, it is recommended that the proposed local law be adopted.

**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 forming Attachment 1 to Report CJ420-12/99 , as the “City of Joondalup Repeal Local Law 1999”;**
- 2 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.**

Cmr Buckley spoke in support of the Motion and advised this Item was the last to be undertaken of the review of local laws, apart from the review of Standing Orders. As advised by the Chief Executive Officer, the Signs Local Law was currently under negotiation with the Parliamentary Standing Committee.

**The Motion was Put and**

**CARRIED BY A  
SPECIAL MAJORITY**

Appendix 2 refers – click here: [Attach2min0712.pdf](#)

## **CJ421-12/99 LOCAL LAWS - APPOINTMENT OF AUTHORISED PERSONS - [05885]**

---

### **SUMMARY**

The City recently consolidated 39 old by-laws to a set of new modern local laws in accordance with the Local Government Act 1995.

The purpose of this report is to identify the various actions and authorities required to administer the City’s revised local laws and appoint relevant staff members as “Authorised Persons” to enable them to legally perform the tasks involved.

### **BACKGROUND**

The City recognised the need to revise and consolidate the thirty nine (39) old By laws carried over from the former City of Wanneroo, so as to achieve a set of modern local laws which are more in keeping with the current and future needs of the City.

The majority of the review process has been completed and the City will have ten (10) new operational local laws, being:

- Bushfire Prevention and Control 1998
- Parking 1998
- Private Property 1998
- Extractive industries 1998
- Health 1999

Signs 1999  
 Trading in Public Places 1999  
 Animals 1999  
 Local Government and Public Property 1999  
 Standing Orders 1999

The eleventh local law is the non operational Repeal Local Law 1999, which removes the old By-laws that have been replaced in new legislation or are considered obsolete.

## DETAILS

Most of the new local laws have administrative functions which must be performed by “Authorised Persons” appointed by the local government for the purpose, in accordance with Section 9.10 of the Local Government Act 1995 (Act). Many of these functions can follow the process of delegation from the Council to the Chief Executive Officer and be on delegated. The further delegation would be to appropriate designated positions, or persons in honorary positions. Eg Honorary Parking Inspectors.

By nominating the classification of staff rather than naming the person, the need for on going appointments due to staff changes is not necessary. The appointment of Authorised Persons represents a delegation of authority to them.

The City has a current Delegation of Authority titled “Performing Executive Functions”, which provides a general authority to the Chief Executive Officer, Directors and Business Unit Managers to administer local laws and other things necessary in performing the local government functions. In view of the need to appoint a number of “Authorised Persons” to carry out specific duties and responsibilities to administer the new local laws, it was considered preferable to detail those duties and responsibilities and the classification of the staff positions concerned.

All Authorised Persons appointed by the local government, must be issued with a Certificate of Appointment detailing the duties and responsibilities they are authorised to perform. This certificate is mainly used to identify the authorised persons and the authority they have.

## Local Law Administration - Licences, Approvals and Permits

Many local laws require that a written approval, licence or permit be obtained from the local government prior to the applicant taking any action subject of the approval process. The majority of these approvals will be issued by Approval Services. In some instances, where fairly straight forward approvals can be given, these should be processed by Customer Service Officers to facilitate a quick process.

Issue various licences, approvals and permits required for:

### LOCAL LAWS

Parking, Animals, Signs and Bushfire  
 Prevention and Control

### AUTHORISED PERSONS

Manager, Leisure and Ranger Services  
 Team Leader – Ranger Services  
 Senior Administration Officer – Leisure and  
 Ranger Services  
 Clerk/Typist – Ranger Services

Signs and Local Government and Public Property      Senior Administration Officer and Administration Officer – Infrastructure Management Services

Private Property, Extractive Industries, Animals, Local Government and Public Property, Trading in Public Places, Health and Signs      Manager, Approval Services  
Co-ordinator, Planning Approvals  
Co-ordinator, Building Approvals

Animals and Health, Trading in Public Places      Manager, Community and Health Services  
Environmental Health Officers

Receive and receipt all money generated through local laws      All Customer Service Officers

Interim receipts for all types of poundage Fees and charges      All Rangers

### **Local Law Enforcement – Issue of Notices, Cautions and Infringements**

Officers in the Current positions of:

Team Leader Ranger Services	Senior Administration. Officer – Infrastructure Management Services.
Rangers	Administration Officer – Infrastructure Management Services

Manager Approval Services	Manager Community and Health Services
Coordinator Planning Approvals	Environmental Health Officers
Coordinator Building Approvals	
Planning Liaison Officer	

be appointed Authorised Persons to:

- Issue notices requiring things to be done under local laws
- Issue of Caution Notices
- Issue of Infringement Notices

### **Determine Written Requests for Consideration on Infringements**

Infringement recipients frequently request withdrawal or granting of some consideration, in view of extenuating circumstances that resulted in them being issued with an infringement notice.

To effectively manage the review process, officers in the current positions of:

Manager Leisure and Ranger Services  
Team Leader Ranger Services  
Senior Administration Officer - Leisure and Ranger Services  
Fines Enforcement Officer

Manager Community and Health Services

Manager Infrastructure Management Services  
Senior Admin. Officer - Infrastructure Management Services

Manager Approval Services  
Coordinator Planning Approvals  
Coordinator Building Approvals

be appointed Authorised Persons and given delegated authority to:

- Grant extension of time to pay in accordance with S9.19 of the Act;
- Waive or reduce penalties in accordance with S6.12 of the Act;
- Withdraw an infringement notice in accordance with S9.20 of the Act.

(Note: S9.23 The person authorised to issue infringements (S9.16) cannot be authorised to receive payment (S9.17), grant an extension of time to pay (S9.19) or withdraw an infringement issued by that person. (9.20). It follows that an authority delegated to a person to waive or reduce penalties, (S6.12) should not apply to infringements issued by that person.)

### **Recovery of Infringement Penalties Through Fines Enforcement Registry**

Seven (7) of the ten (10) new local laws have infringement issue as their base enforcement tool. Infringement management for the Council will be overseen by the Community Development Directorate which has the greatest depth of experienced staff in this area and the systems in place.

It is proposed that all outstanding infringement penalties will be recovered through Fines Enforcement Registry and to facilitate this process, officers in the current positions of:

Manager Leisure and Ranger Services  
Team Leader Ranger Services  
Senior Administration Officer - Leisure and Ranger Services  
Fines Enforcement Officer

be appointed to the position of Prosecution Officers under the Fines, Penalties and Infringement Notice Enforcement Act 1994, with authority to:

- (1) Sign Enforcement Certificates to initiate prosecution (Sect. 16); and
- (2) Sign Withdrawal of Proceedings Notices (Sect. 22). For those matters already registered with Fines Enforcement.



### **Appointment of Beach Inspectors and Members of Surf Life Saving Clubs**

Clause 42 of the City's Local Government and Public Property Local Law allows for the appointment of beach inspectors and members of surf life saving clubs to be appointed as "Authorised Persons" to designate permitted bathing areas plus regulate, control and conduct surf life saving activities on beaches. It is proposed that the appointment of beach inspectors and members of surf life saving clubs be restricted to enabling them to carry out the provisions of Part 7 of the local law.

It is expected there will be numerous changes to the number of people in these roles and as with other authorisations it would be more practicable and expedient for the CEO to be delegated power under section 5.42 to appoint them as "Authorised Persons" and issue appropriate certificates of appointment in accordance with section 9.10 of the Local Government Act 1995

### **Appointment of Honorary Parking Inspectors**

The appointment of Honorary Parking Inspectors cannot be made to a class of persons like other appointments of the City's staff. Honorary Parking Inspectors are usually persons who are employees of a shopping centre or business proprietors. Such persons must be individually appointed and authorised to issue caution and infringement notices relating to breaches of parking legislation.

As with other persons appointed and authorised, to perform specific tasks, there is a regular need for adjustments as people move to other employment and businesses change ownership. To enable new appointments to be made without the need for preparation of a specific report, it is preferable that the Chief Executive Officer be delegated authority under section 5.42 to appoint Honorary Parking Inspectors, in accordance with section 9.10 of the Local Government Act 1995.

The role of honorary parking inspectors is to enforce the provisions of the Parking Local Law 1998 and the Local Government (Parking for Disabled Persons) Regulations 1988. It is recommended that the Chief Executive Officer be delegated the power to appoint Honorary Parking Inspectors.

### **COMMENT**

The making of new consolidated local laws is considered a significant step. Staff are currently working to develop an implementation process that includes familiarisation for staff and the community. Part of this process involves identification of all the actions necessary to achieve implementation, including appointment of Authorised Persons to administer and carry out specific duties and responsibilities with the local laws.

The latter task has been done in consultation with the relevant employees and it is recommended that the persons occupying the nominated positions, be appointed as "Authorised Persons" to administer the local laws.

The exceptions to appointment of employees of the City as authorised persons, are the appointments of persons as honorary parking inspectors and members of surf life saving clubs.

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

- 1** in accordance with Section 9.10 of the Local Government Act 1995, **APPOINT** the incumbents holding the following positions from time to time, as “authorised persons” for the purpose of:

- (a) issuing licences, approvals and permits for:

<b>LOCAL LAWS</b>	<b>AUTHORISED PERSONS</b>
<b>Parking, Animals, Signs and Bushfire Prevention and Control</b>	<b>Manager, Leisure and Ranger Services</b> Team Leader – Ranger Services Senior Administration Officer – Leisure and Ranger Services Clerk/Typist – Ranger Services
<b>Signs and Local Government and Public Property</b>	<b>Senior Administration Officer and Administration Officer – Infrastructure Management Services</b>
<b>Private Property, Extractive Industries, Animals, Local Government and Public Property, Trading in Public Places, Health and Signs</b>	<b>Manager, Approval Services Co-ordinator, Planning Approvals</b> <b>Co-ordinator, Building Approvals</b>
<b>Animals and Health, Trading in Public Places</b>	<b>Manager, Community and Health Services</b> <b>Environmental Health Officers</b>

- (b) receiving, receipt and accounting for money;

<b>Receive and receipt all money generated through local laws</b>	<b>All Customer Service Officers</b>
<b>Receive and issue interim receipts for all types of poundage, fees and charges</b>	<b>All Rangers</b>

- (c) issue of notices, cautions and infringements;

**Team Leader Ranger Services**  
**Senior Administration Officer - Leisure and Ranger Services**  
**Rangers**

**Senior Administration Officer – Infrastructure Management Services.  
Administration Officer – Infrastructure Management Services**

**Manager Community and Health Services  
Environmental Health Officers**

**Manager Approval Services  
Coordinator Planning Approvals  
Coordinator Building Approvals  
Planning Liaison Officer**

- 2 in accordance with Section 6.12 and 9.10 of the Local Government Act 1995, APPOINT as “authorised persons” the incumbents from time to time of the following positions:**

**Manager Leisure and Ranger Services  
Team Leader Ranger Services  
Senior Administration Officer - Leisure and Ranger Services  
Fines Enforcement Officer**

**Manager Infrastructure Management Services  
Senior Administration Officer - Infrastructure Management Services**

**Manager Community and Health Services**

**Manager Approval Services  
Coordinator Planning Approvals  
Coordinator Building Approvals**

**to grant extension of time to pay, waive or reduce penalties and withdraw infringement notices;**

- 3 in accordance with the Fines, Penalties and Infringement Notice Enforcement Act 1994 APPOINT as “prosecution officers” the incumbents from time to time of the following positions:**

**Manager Leisure and Ranger Services  
Team Leader Ranger Services  
Senior Administration Officer - Leisure and Ranger Services  
Fines Enforcement Officer**

**to manage recovery of unpaid infringement penalties through the Fines Enforcement Scheme, with authority to:**

**Sign Enforcement Certificates to initiate prosecution (Sect. 16); and**

**Sign Withdrawal of Proceedings Notices (Sect. 22). For those matters already registered with Fines Enforcement.**

- 4** in accordance with Section 5.42 of the Local Government Act 1995, DELEGATE to the Chief Executive Officer the power to appoint honorary parking inspectors to issue caution and infringement notices under the City of Joondalup Parking Local Law 1998 and the Local Government (Parking for Disabled Persons) Regulations 1988;
- 5** in accordance with Section 5.42 of the Local Government Act 1995, DELEGATE to the Chief Executive Officer the power to appoint beach inspectors and members of surf life saving clubs to carry out the provisions of Part 7 of the Local Government and Public Property Local Law;
- 6** ISSUE all appointed “authorised persons” with a relevant certificate of appointment to confirm their authority to act.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

<b>FINANCE AND COMMUNITY DEVELOPMENT</b>
--

Items CJ422-12/99 to CJ426-12/99 inclusive were Moved by Cmr Clark-Murphy and Seconded by Cmr Buckley. Cmr Clark-Murphy stated her intention to speak on Item CJ423-12/99.

## **CJ422-12/99 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]**

### **SUMMARY**

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 17.11.99 to 24.11.99:

Document:	Deed of Amendment of Constitution Agreement
Parties:	City of Joondalup and City of Perth, City of Stirling, Town of Cambridge, Town of Vincent, Town of Victoria Park and City of Wanneroo
Description:	Mindarie Regional Council
Date:	17.11.99
Document:	Variation Agreement
Parties:	City of Joondalup and Lincolne Scott Australia P/L and City of Wanneroo
Description:	Overview of Mechanical and HVAC Services
Date:	17.11.99
Document:	Variation Agreement
Parties:	City of Joondalup and City of Wanneroo and WA Plant Hire Service Pty Ltd
Description:	Hire of plant, auxiliary plant and vehicles
Date:	17.11.99

- Document: Variation Agreement  
Parties: City of Joondalup and City of Wanneroo and Alvito P/L  
Description: Hire of plant, auxiliary plant and vehicles  
Date: 17.11.99
- Document: Variation Agreement  
Parties: City of Joondalup and City of Wanneroo and King Diamond P/L  
Description: Hire of plant, auxiliary plant and vehicles  
Date: 17.11.99
- Document: Variation Agreement  
Parties: City of Joondalup and City of Wanneroo and McLeod and Co  
Description: Supply of Legal Services  
Date: 17.11.99
- Document: Variation Agreement  
Parties: City of Joondalup and City of Wanneroo and Wintergreen Drilling Contractors P/L  
Description: Construction, developing and testing of bores  
Date: 17.11.99
- Document: Variation Agreement  
Parties: City of Joondalup and City of Wanneroo and M J and H Vendertogt  
Description: Installation of firebreaks  
Date: 17.11.99
- Document: Variation Agreement  
Parties: City of Joondalup and City of Wanneroo and Turbo Mulch  
Description: Cartage and spreading of mulch  
Date: 17.11.99
- Document: Contract  
Parties: City of Joondalup and Turfmaster P/L  
Description: Supply and application of pesticides  
Date: 17.11.99
- Document: Service Agreement  
Parties: City of Joondalup and City of Wanneroo  
Description: Supply of fleet maintenance services  
Date: 24.11.99
- Document: Service Agreement  
Parties: City of Joondalup and City of Wanneroo  
Description: Provision of construction works  
Date: 24.11.99

Document:	Variation Agreement
Parties:	City of Joondalup and City of Wanneroo and Chivas Enterprises P/L
Description:	Supply of hire plant, auxiliary plant and vehicles
Date:	24.11.99
Document:	Variation Agreement
Parties:	City of Joondalup and City of Wanneroo and Proclaim Software P/L
Description:	Supply of land information system
Date:	24.11.99
Document:	Variation Agreement
Parties:	City of Joondalup and City of Wanneroo and Old Ridge Investments P/L
Description:	Supply of hire plant, auxiliary plant and vehicles
Date:	24.11.99
Document:	Contract 049-99/00
Parties:	City of Joondalup and Shayler P/L
Description:	Shredding of greens waste
Date:	24.11.99
Document:	Variation Agreement
Parties:	City of Joondalup and City of Wanneroo and D M E Contractors
Description:	Installation of concrete cricket match practice wickets and bases
Date:	24.11.99
Document:	Service Provider
Parties:	City of Joondalup and Family and Children's Services
Description:	Occasional Child Care services
Date:	24.11.99
Document:	Funding Agreement
Parties:	City of Joondalup and Department of Family and Community Services
Description:	Commonwealth Emergency Relief Program – 1999/2000
Date:	24.11.99
Document:	Copyright Agreement
Parties:	City of Joondalup and Bonnie Bowers
Description:	Local Studies – Oral History
Date:	24.11.99
Document:	Copyright Agreement
Parties:	City of Joondalup and Angelina Ellemor
Description:	Local Studies – Oral History
Date:	24.11.99

Document: Copyright Agreement  
Parties: City of Joondalup and Alyson Major  
Description: Local Studies – Oral History  
Date: 24.11.99

Document: Deed  
Parties: City of Joondalup and Steven Teik Kooi Oh and The Perth Diocesan Trustees  
Description: Kinross Medical Centre  
Date: 24.11.99

Document: Deed  
Parties: City of Joondalup and Steven Teik Kooi Oh and The Perth Diocesan Trustees  
Description: Kinross Medical Centre  
Date: 24.11.99

Document: Memorial  
Parties: City of Joondalup and Rockingham Pork Ltd and Butte Holdings P/L  
Description: Prime Lifestyle village, Kingsley  
Date: 22.11.99

Document: Transfer of Land  
Parties: Former City of Wanneroo to New Cities of Joondalup/Wanneroo  
Description: Lot 17 Tamala Park  
Date: 23.11.99

Document: Transfer of Land  
Parties: Former City of Wanneroo to City of Joondalup  
Description: All land transferred to City of Joondalup  
Date: 23.11.99

**MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Schedule of Documents executed by means of affixing the Common Seal be NOTED.**

**The Motion was Put and**

**CARRIED**

## **CJ423-12/99 PETITION - RATES INCREASES 1999/2000 - [07125]**

---

### **SUMMARY**

The City is in receipt of a 52-signature petition relating to the high increases in Council's rates for 1999/00. The petitioners seek:-

- “(a) No houseowner should have to pay more than 5 - 10% of the previous years assessment.*
- (b) A maximum amount of twice the minimum amount of rates per financial year be set.*

*In making these requests, we note that it is within the power of the City of Joondalup to set differential rates for different areas within the City of Joondalup.”*

This report outlines the provisions of the Local Government Act 1995 relating to rating and details the reasons why the City is unable to accede to the petitioners’ requests.

## **BACKGROUND**

The City is in receipt of a 52 signature petition protesting against the high increases in Council’s rates for 1999/00.

## **DETAILS/COMMENT**

The provisions of the Local Government Act 1995 require all local governments in Western Australia to distribute their rates burden based upon valuations supplied by the Valuer General's Office. In relation to non rural land, this is the gross rental valuation or the rental valuation of the property if it were rented.

Every three years the Valuer General's Office revalues Gross Rental Valuations (GRVs) throughout the district for use by Local Governments in determining their rates. In the previous three years the valuations supplied by the Valuer General for rating purposes had a currency date of 1 September 1994. The current valuation, which is applicable for this year, 2000/01 and 2001/02, was struck on 1 August 1997.

Addressing each of the elements of the petition in turn, the position is:-

- (a) *No houseowner should have to pay more than 5 - 10% of the previous years assessment.*

In a normal year (other than a revaluation year), the request for rates to be increased between 5 - 10% could be accommodated. In fact, in the past, the former City of Wanneroo, for the last 13 years had rate increases which were equal to or less than the inflation rate. Given that the local government rating system is based on valuations and once every 3 years the Valuer General revalues properties for rating purposes, this objective cannot be accommodated if valuations increase dramatically.

Under the current legislative requirements, a local government cannot ‘peg’ rate increases, as proposed by the petitioners. The valuation is supplied independently by the Valuer General’s Office and is used together with the rate-in-the-\$ to determine rates payable.

- (b) *A maximum amount of twice the minimum amount of rates per financial year be set.*

The Local Government Act 1995, at Section 6.35, does permit a local government to strike a minimum payment which is the minimum amount payable on all rateable property. The current minimum residential payment is \$403 which, when divided by the residential rate-in-the-\$ of 6.6693¢, equates to a rateable value of \$6,042. Thus, properties with a valuation equal to, or less than \$6,042, pay the minimum payment. This minimum payment relates, in the main, to vacant residentially zoned lots, units, duplexes and houses with a valuation less than the \$6,042.

The current minimum applying to commercial/industrial zoned land is \$791.



The Local Government Act 1995 does not provide for a maximum payment as requested by the petitioners. The valuation and rate-in-the-\$ determine the rates payable with no ‘pegging’ or limit on the amount to be paid. Consequently, this proposal cannot be accommodated.

*“In making these requests, we note that it is within the power of the City of Joondalup to set differential rates for different areas within the City of Joondalup.”*

The Local Government Act 1995, at Section 6.33, does permit the levying of differential general rates based on the purpose for which the land is zoned; the purpose for which the land is used or whether it is vacant land. The provisions permit a local government to impose a differential general rate, which is up to twice the lowest differential general rate without approval from the Minister for Local Government.

It is to be recognised that it is not possible to differentiate for rating purposes within rating categories (ie residential), except to the extent that the land is vacant. By way of example, the City is not permitted to rate residential properties in Hillarys or Sorrento different to residential properties in Craigie or Padbury.

In conclusion, therefore, the City is required by law to levy rates pursuant to the provisions of the Local Government Act 1995. These provisions do not permit:-

- (a) restricting annual rate increases to a maximum of 5 - 10%, albeit in normal years (other than when the Valuer General’s Office reassesses valuations for rating purposes) this is certainly the intention.
- (b) the ‘pegging’ of rates payable to a maximum amount as requested by the petitioners; and
- (c) the application of Differential Rates other than those based on:-
  - 1. land zoning;
  - 2. land use;
  - 3. or whether the land is vacant or not.

To accommodate the petitioners wishes requires amendments to the rating provisions within the Local Government Act 1995. This would require the State Government to initiate proceedings in this regard.

The issue of Gross Rental Values in the metropolitan area and the impact of the Valuer General’s assessment processes on Local Government will be considered by WAMA at its meeting to be held on 8 December 1999.

A number of local governments have expressed concern about the impact of revaluations on rate assessments and the resulting criticism directed at local government from property owners.

The WAMA will be considering a recommendation to request the Valuer General to provide an explanation for the problems experienced by many local governments arising from the application of gross rental values in 1999, together with information as to the actions that have been taken to prevent a recurrence of the problems.

It is pertinent to note that the Local Government Act 1995 section 6.38, allows a Local Government to impose a service charge to meet the cost of providing a prescribed service in relation to the land. The City of Joondalup imposed the Specified Area Rate – Iluka for properties within the Iluka district to meet the costs of providing additional landscaping services in the district during the 1999/2000 year.

In view of the petitioners concerns, the City of Joondalup will consider the method of rating for the next financial year within its 2000/2001 budgetary process.

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

- 1 NOTE that the City of Joondalup is unable to accede to the requests detailed in the petition on rating matters as they fall outside the rating provisions of the Local Government Act 1995;**
- 2 NOTE that the impact of the Valuer General's assessment processes on Local Government will be considered by Western Australian Municipal Association at its meeting to be held on 8 December 1999;**
- 3 NOTE that the City of Joondalup will consider the method of rating for the next financial year within its 2000/2001 budgetary process;**
- 4 advise the petitioners accordingly.**

Cmr Clark-Murphy spoke to the Motion and was of the belief that upon their return, elected members would take up this issue on behalf of the ratepayers.

**The Motion was Put and**

**CARRIED**

**CJ424-12/99 HOME AND COMMUNITY CARE PROGRAM –  
IMPLEMENTATION OF NATIONAL FEES POLICY -  
[01075]**

---

## **SUMMARY**

In response to the introduction of a new National Fees Policy and Safeguards Policy, a new State recommended fee structure and processes are required to be introduced for customers receiving the City's home support and adult day centre services under the Home and Community Care (HACC) Program. The home support services include home help, respite, personal care and shopping. The City's other HACC services, which include transport and meals, are not required to implement the new fee structure and processes.

HACC is a joint Commonwealth-State funded programme which enables Council to provide a range of services to the City's frail aged people and people with disabilities.

The State Government authority involved is the Health Department of Western Australia (HDWA). HDWA has recommended a fee structure and processes that are consistent with the National Fees Policy and the Safeguards Policy. The Safeguards Policy describes the approach required to ensure that people who need many services and those who are financially disadvantaged, are not excluded from the services they need. The consultation phase on these policies has concluded and at this stage there is no opportunity to review, modify or influence the State and Commonwealth Agreement.

The City is currently collecting fees for the HACC services concerned (home support and adult day centre services) but the structure and processes are not aligned with the HACC Program's policies and requirements. At present, all major service providers with which the City of Joondalup and its customers liaise regarding the provision of HACC services, have complied with the State's policies. The City's lack of conformity with the policies is obvious within the aged care industry.

It is a requirement of the HACC program that the City conform with and implement the new fee structure and processes by 1 January 2000. Failure to do so will threaten current Commonwealth/State funding for this program which currently totals \$713,105.

It is recommended that the State HACC recommended and industry consistent fee structure and processes be implemented.

## **BACKGROUND**

Two years ago, providers of HACC services, including the former City of Wanneroo, were surveyed about their fee structures and collection processes, and the impending changes regarding fees for the industry. This information added to the national picture, which was one of anomalies and inconsistencies between service providers, and inequities and lack of transparency for consumers.

The survey occurred in a climate where the Commonwealth and State administrators of the HACC program had agreed that fees from consumers would comprise a significant portion of the program's funding.

Based on 1998/99 financial year figures, the City of Joondalup fees income has been assessed by HACC as comprising 9.06% of the Home Support budget. If the implementation of the new fee structure and processes results in a lesser amount being received, there is to be some shortfall funding available through State HACC's safety net funding program. The latter is a new funding program which is expected to operate for a period of two years whilst the new fee policy is being implemented.

## **DETAILS**

### **Current fee schedule and processes**

The City's current HACC fees and processes do not comply with the program's requirements. The points of divergence are:

- Three services (home help, respite and personal care) are charged on an hourly rate, one service (adult day centre) is charged on a per day basis and another (shopping) is charged per service.
- Fees are not linked to an individual's capacity to pay (that is, they are not income tested).
- Income testing using the HACC-provided income self-assessment form has not been followed up. This was a program requirement which commenced on 1 July 1999.
- Fees charged do not take into account the financial burden for those consumers receiving multiple services and in some cases services from several different agencies.
- There is no fee limit or cap applied to an individual's charges.
- Customers are not issued with a fee reduction or waiver application form.

Current fees	Home help	\$3 per hour
	Respite	\$2 per hour
	Personal care	\$2 per hour
	Shopping	\$2 per service
	Adult day centre	\$3 per day

### Proposed fee schedule and processes

The schedule and its application must be in line with the HACC Safeguards Policy. The major initiatives are:

- Client self-assessment of income according to a Program-wide standard.
- Opportunity for clients to seek fee reduction or waiver.
- The client assesses their income to be at one of four income levels. This determines the maximum fees (cap) that can be applied to their services.
- Services included in the income cap system are home support which includes home help, respite, personal care and shopping and adult day centre.
- Meals and transport are excluded from the income cap, and will continue to charge fees as is current practice within the organisation. They can, however, be considered if a client applies for a fee reduction or waiver.
- Fees are not to be charged for social support, advocacy or assessment.

### Recommended State HACC and Industry-wide Fee Schedule

LEVEL	INCOME	FEE PER UNIT OF SERVICE	FEE LIMIT (PER WEEK)
One	Full pension or equivalent income	\$4	\$20
Two	Part pension or equivalent income	\$6	\$30
Three	No pension, taxable income up to \$77,500 per annum	\$10	\$50
Four	No pension, taxable income above \$77,500	Unit Cost	5 times unit Cost

The significant changes to the fee schedule relate to the introduction of income testing, placement of upper limits on the weekly fees which can be charged and the introduction of the fee schedule itself. It should be noted that if customers choose to not disclose their income levels then they will be charged at the maximum rate, i.e. level four.

**Impact on our customers of the State HACC recommended fee structure and processes**

<b>Description</b>	<b>Possible impact</b>
1 The fee schedule is the same as other service providers	Positive - the industry becomes transparent to the customer - Customers can choose between service providers and services, based on criteria other than fees
2 Income self-assessment tool enables a sliding scale of charges dependent upon income levels	Positive - self-assessment is non-bureaucratic and the least invasive of all the methods available - a sliding scale of charges is more equitable
3 The incorporation of a maximum fee (cap) to be applied to each of four income levels as determined by the income self-assessment tool	Positive - ensures that persons with high needs and limited resources will still be able to access the services they need
4 The opportunity to formally apply for a fee waiver or reduction	Positive - further enhances transparency and equity
5 The required fees will result in different charges for some individuals	Undetermined - currently customer income information is not gathered, so the perceived higher charges may be balanced out by the fee cap for multiple services

**Impact on the Council's HACC Program**

<b>Description</b>	<b>Possible impact</b>
1 Fees charged and the range of services they will be applied to, are clear and comparable across the State.	Positive - the industry-wide standards will enable staff to provide clear and consistent information to customers; particularly helpful to those who will be referred to other HACC services
2 Customers are required to complete an income self-assessment.	Positive - for those customers who are able to complete the self-assessment Undetermined - for those who cannot, staff time will be required to assist in completing the form
3 The income stream following the application of a maximum fee (cap) for multiple services	Undetermined - as the income self-assessments have not been completed and no modelling has occurred to determine the likely income Positive - State HACC has set up a fund to support agencies who experience a shortfall in their funds as a result of the fees policies
4 Formally applying for a waiver or reduction	Positive - Council's procedures become transparent and employ an industry-wide approach

5 Using a different fee structure and processes	Positive - the opportunity to conform to the State and Commonwealth program's expectations will have a positive impact on the City's relationship with the funding body. A communication strategy will be established. This may include communication tools, such as information sheets, to explain the changes and re-assure customers. A help/information contact number can be established within current work practice to alleviate any concerns customers may have.
---	--

### **Budget Implications**

The City of Joondalup has a good record of attracting fee income, however the current process does not income test customers and set fees accordingly, as is required by the new system. Therefore, no information is available about the income levels of customers. Without such information, financial modelling of the budgetary impact of the new system is not possible.

In addition, customers receiving multiple services and/or services from multiple providers may, under the new system, apply for a fee reduction or waiver, and have an upper limit (cap) applied to the amount of fees they would be charged. Likewise, the budgetary impact of this practice cannot currently be determined.

The State HDWA has responded to the industry-wide concern about the financial impact of the new fee structure and processes, by establishing the Safety Net Fund. Service providers who have adopted the new fee structure and processes in their entirety will be eligible to apply for top-up funding should their fee income fall below the level achieved prior to the new system.

State HACC officials have stated that "if an agency is not using the industry recommended fee schedule, it would be difficult for HACC to compensate them (in the event of a fee shortfall)."

Service providers which modify the State and industry recommended fee structure and processes will bear the risk themselves of any shortfall in funding. The State has deemed that 9.06% of the City's funding will be derived from fees. In the event that the City chooses not to adopt the recommended fee structure and does not reach the deemed fee income level, services to customers would need to be reduced or the City would need to inject additional funds into the Program from the rate base income.

Should the City generate more income from fees than is the current situation HACC has indicated that it will develop a system to redistribute surplus funds to those areas of highest need as identified by HACC's needs based planning processes.

## **Implementation Strategy**

The following implementation strategy is proposed:

- 1 Establish a communication strategy to explain the changes to customers. Include information sheets and letters to all clients, a phone number for enquiries or assistance and a home visit by a customer's community services officer, if required.
- 2 Utilise Council's current HACC database to record receipt of the income self-assessment form and the determination of an individual's fee schedule.
- 3 Issue new clients from 1 July 1999 (those clients who have accessed services after 1 July 1999) with the required HACC Self-Assessment Income Form. This will determine the level of fees payable.
- 4 Issue existing clients (those clients who were already receiving services as at 1 July 1999) from 1 January 2000 with the required HACC Self-Assessment Income Form and determine the level of fees payable.
- 5 Issue all clients with a fee reduction or waiver application form.
- 6 Enter into discussions with other service providers and the State, to arrive at an acceptable arrangement for sharing fee income from customers who receive multiple services from different providers.
- 7 Keep records of any shortfall/difference in fee income from that estimated by HACC. These figures may then be used to apply for safety net funding in instances where the service provider has implemented the recommended fee schedule.

## **COMMENT/FUNDING**

Council is already charging fees for some services provided by the HACC program. HDWA has identified that Council policy and practice in charging fees are not in accord with the Commonwealth and State policies. A commitment by Council to adopt the State recommended schedule and processes for administration and collection of fees needs to occur.

Failure to progress this issue will create inequities for customers, particularly those receiving services from providers who have complied with the State policy, and potential conflict with the funding bodies. There is no opportunity to negotiate different arrangements as the consultation phase has now concluded.

Accordingly, it is recommended that the State HACC recommended and industry consistent fee structure and processes be implemented. By adopting the schedule, an opportunity exists to apply for safety net funding should there be a shortfall between the deemed fee income and actual fee income.

It is to be noted that HACC funded agencies which have already implemented the new fee schedule and processes are experiencing significant increased costs in administration. The City can expect additional program administration costs to occur as a result of increased reporting requirements and liaison with other agencies where multiple services are provided to customers.

The State's peak body for non government social service organisations WACOSS – the Western Australian Council of Social Services – of which the City is a member, has performed an active role in advocating the non government sector's concerns regarding the implementation of the National Fees Policy and Safeguards Policy in relation to its implications for consumers and service providers.

The Executive is concerned about the implications for local government service providers and service consumers and considers the matter to be one of industry wide concern.

It is noted that this matter is listed for consideration by the Executive of the Western Australian Municipal Association (WAMA) at its forthcoming meeting. Currently, it is proposed that WAMA make representation to the Federal and State Governments requesting that there be a review of the implementation of the policy and a simplification of its processes. It is recommended that the City endorse the action to be taken by WAMA in relation to this matter.

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

**1 in accordance with Section 6.16(1)(3)(a)&(b) of the Local Government Act 1995 APPROVE the implementation of:**

**(a) the following State Home and Community Care and industry recommended Fee Schedule which is a fee schedule that complies with the Commonwealth and State Home and Community Care program policies:**

<b>LEVEL</b>	<b>INCOME</b>	<b>FEE PER UNIT OF SERVICE</b>	<b>FEE LIMIT (PER WEEK)</b>
<b>One</b>	<b>Full pension or equivalent income</b>	<b>\$4</b>	<b>\$20</b>
<b>Two</b>	<b>Part pension or equivalent income</b>	<b>\$6</b>	<b>\$30</b>
<b>Three</b>	<b>No pension, taxable income up to \$77,500 per annum</b>	<b>\$10</b>	<b>\$50</b>
<b>Four</b>	<b>No pension, taxable income above \$77,500</b>	<b>Unit Cost</b>	<b>5 times unit Cost</b>

**(b) the self-assessed income and procedures identified by the Home and Community Care Safeguards Policy, these being:**

- (i) client self-assessment of income according to a Program-wide standard;**
- (ii) opportunity for clients to seek fee reduction or waiver;**
- (iii) the client assesses their income to be at one of four income levels. This determines the maximum fees (cap) that can be applied to their services;**



- (iv) services included in the income cap system are home support (home help, respite, personal care and shopping and day centre;
  - (v) meals and transport are excluded from the income cap, and will continue to charge fees as is current practice within the organisation. They can, however, be considered if a client applies for a fee reduction or waiver;
  - (vi) fees are not to be charged for social support, advocacy or assessment;
- 2 NOTE that Council's Officers will progress the implementation of the fee schedule and procedures as detailed in recommendation 1 above in order to achieve compliance by January 2000;
- 3 INTRODUCE the schedule of fees effective from 4 January 2000;
- 4 ADVERTISE the proposed new fees in accordance with Section 6.19 of the Local Government Act 1995;
- 5 ENDORSE the action to be taken by the Western Australian Municipal Association to express concerns to the Federal and State Governments about the implications for local government service providers and service consumers arising from the introduction of the new National Fees Policy and Safeguards Policy.

The Motion was Put and

CARRIED BY AN  
ABSOLUTE MAJORITY

## **CJ425-12/99 SPONSORSHIP OF THE SAFETY HOUSE PROGRAM - [17843]**

---

### **SUMMARY**

A submission has been received by the City from the Safety House Association of Western Australia Inc. requesting that the City provide the Association with financial assistance in order to promote child safety by funding the Safety House Program within the City.

Within the City there are 36 Primary Schools involved with the Safety House Program and 1,127 Safety Houses located within the City's boundaries.

The Safety House Association has requested financial assistance to the value of \$2,000 for the purchase of 15,000 Safety House identification stickers which would be placed on children's school books and which would serve as a constant visual reminder to the children of the protection behind the Safety House logo. The stickers would include the name of the City as sponsor.

It is recommended that the City sponsor the Association as one of the City's Safer Community Program and Community Connections Project strategies.

## **BACKGROUND**

The Safety House Association provides a proactive, preventative program in the community known as the Safety House Program. It is a local community based child protection program that provides a safe place for children to shelter if a child feels in danger. The Association promotes its program as protecting young West Australians whilst they are going to and from school.

As well as the Safety House Program providing physical protection for children, the program also provides them with the skills and confidence to feel safe through providing a network of safe places within the community.

The Safety House Association of Western Australia is responsible for the administration of the entire program. The Association reports that it does not receive any direct funding to assist with the implementation of this concept and therefore must seek funding as required to support the Program's operation in the City.

At the Council meeting of 23 June 1998, the Joint Commissioners of the former City of Wanneroo resolved to make a financial contribution in the 1998/99 financial year to the value of \$5,500 to the Safety House Association to support the operation of the Associations' Safety House Program within the City and former Shire of Wanneroo. The funds were used by the Association to produce 100 Safety House signs and 15,000 Safety House identification stickers. The City also undertook responsibility to install the signs on street verges directly accessing school areas. The Safety House Association has met all accountability conditions associated with the provision of the funds by the City.

## **DETAILS**

The Safety House Association has again requested that the City give consideration to supporting the Safety House program in the City by funding the purchase of 15,000 Safety House school identification stickers which would be affixed to children's school books and which would serve as a constant visual reminder of the protection behind the Safety House logo. The City's support would be recognised on every sticker together with the placement of the City's logo. The total cost of producing the stickers is \$2000.

## **COMMENT/FUNDING**

The Safety House Association of Western Australia is responsible for the administration of the entire Safety House Program. The Association reports that it does not receive any direct funding for the items for which financial assistance has been requested, and seeks financial assistance to the value of \$2,000 from the City to support the Safety Houses located within the municipality.

Sponsorship of the Safety House Program is considered to be an important component of the City's current Safer Community Program. The project would be managed through the City's Community Connections Project which has already established a close and productive working relationship with Education Department in the region.

The program is also viewed as an important prevention and early intervention strategy in the fight against crime and anti social behaviour in the region.

It is considered essential that appropriate accountability and reporting mechanisms be put in place with the Association. The City's recently adopted Community Funding Guidelines will be used as the basis to ensure appropriate accountability for the sponsorship arrangement.

The following conditions of sponsorship by the City are proposed:

- the City's sponsorship be a one-off financial contribution for the financial year 1999/2000;
- the City receives appropriate public recognition for its financial support of the Program including written recognition of the City on the Safety House stickers produced by the Association with the City's funds;
- the Safety House Association provide to the City an audited financial statement by 31 October 2000 for funds which have been provided by the City;
- the Safety House Association return any unused funds which have been provided by the City for the purposes outlined in this report and that such funds be returned to the City by 31 October 2000.

In the current financial year, the City has allocated funds in the budget to develop and implement a range of strategies as part of its Safer Community Program. It is recommended that an amount of \$2,000 of these funds be committed to support this initiative.

**MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Joint Commissioners AGREE to sponsor the Safety House Program operated by the Safety House Association of Western Australia Inc. within the City for the production and distribution of 15,000 Safety House identification stickers to the value of \$2,000, subject to the Association agreeing to the following conditions:**

- 1 the City's sponsorship be a one-off financial contribution for the 1999/2000 financial year;**
- 2 the City receives appropriate public recognition for its financial support of the Program including written recognition of the City on the Safety House stickers produced by the Association with the City's funds;**
- 3 the Safety House Association provide to the City an audited financial statement by 31 October 2000 for funds which have been provided by the City;**

- 4 the Safety House Association return any unused funds which have been provided by the City for the purposes outlined in Report CJ425-12/99 and that such funds be returned to the City by 31 October 2000.**

**The Motion was Put and**

**CARRIED**

## **CJ426-12/99 SPONSORSHIP OF THE CONSTABLE CARE CHILD SAFETY PROJECT - [02707]**

---

### **SUMMARY**

A sponsorship proposal has been received by the City from the Constable Care Child Safety Project Inc which is owned by the Safer WA Council. The City was a major sponsor of the Project in the 1998/99 financial year.

The proposal would involve the City sponsoring the development and delivery of age appropriate, interactive educational plays which would travel to 45 primary schools within the City and promote child safety to approximately 10, 500 children in Years 5 to 7. A further 4 shows would be scheduled to be held during educational events held by the City as part of the City's Community Connections Project.

The program would cost the City \$19,110 in sponsorship for the production and performance of 114 shows to 30 June 2000 and the development of product resources which would be used as merit awards during the program.

It is recommended that the project be sponsored by the City as one of several strategies of the City's Safer Community Program and Community Connections Project.

### **BACKGROUND**

The Constable Care Child Safety Project was first introduced in 1989 by the then State Community Policing Crime Prevention Council Inc., now Safer WA Council, as one of a number of strategies aimed at children by encouraging crime prevention through education. The project plays a significant role in educating primary school children throughout Western Australia on children's safety issues.

The Constable Care Child Safety Project is owned and operated by the Safer WA Council and is an incorporated, not for profit, non Government funded organisation that relies on financial assistance from private businesses and organisations throughout Western Australia. The Project is supported by the Constable Care Board of Management which is made up of representatives from the Education Department of Western Australia, the Constable Care Office, the WA Police Service, a member of the general public and a Safer WA Council member.

The mission statement of the Constable Care Child Safety Project is expressed as “To educate primary school aged children on the many safety issues in order to protect our greatest resource - Young Western Australians”.

Constable Care is a registered character which is used in various passive or active ways to impart messages of safety and security to children. The character is used on promotional resources such as calendars, police caps, stickers and t-shirts and attends special educational facilities such as a road safety training track and playsafe playground.

The Constable Care Child Safety Project also operates a Constable Care Puppet Show which is designed to teach primary school aged children a number of safety messages over a short period of time, in a format that promotes both recall and fun.

The puppet show has the full support of the Western Australian Police Service. Currently, the West Australian Police Service and the City are working in partnership on other community safety and security related issues; an objective of this partnership is to create a safer environment within the City.

At the Council meeting of 23 June 1998, the Joint Commissioners of the former City of Wanneroo resolved to sponsor the Constable Care Child Safety Project’s “Respect Crime Prevention through Education” puppet shows by providing sponsorship assistance to the value of \$35,760 (Report CS85-06/98). As a result, approximately 200 shows were performed during the 1998/99 financial year throughout the City of Joondalup and former Shire of Wanneroo estimated to have reached 20,000 children from Pre primary to Year 4. Except for the provision of an audited financial statement, all the conditions of the sponsorship arrangement have been met to the satisfaction of Council Officers. The audited financial statement will be provided shortly.

## **DETAILS**

The Constable Care Child Safety Project currently uses a travelling Puppet Show which visits primary schools throughout the metropolitan area and country regions to convey messages of child safety.

To date, various themes have been used in the puppet shows of the Project including the new theme of “respect” which was developed in the previous financial year as a result of funding provided by the City. Students from Pre Primary to the lower classes of Primary Schools have been the main target audience for these shows.

The Constable Care Child Safety Project is now proposing to expand its program to include age appropriate, interactive educational plays for children in Years 5 to 7. Specific issues to be addressed would include protective behaviors, bullying and drug abuse as part of a continued focus on the theme of respect.

The management of the Constable Care Child Safety Project believes that if the issue of respect is taught and understood at the grass roots level then the next generation will grow with an inherent appreciation of themselves and their surroundings.

The development of the new programme will have input from Family and Children's Services, Education Department of W.A. and the Police Service.

Presently, there are 10,444 primary school children from Years 5 to 7 in 45 schools within the City. A total of 110 shows would be performed throughout the schools and an additional 4 shows would be available to be staged during events held by the City as part of its Safer Community Program and Community Connections Project.

As part of the program a merit award scheme would operate for which various products are distributed which promote the key safety messages of the Constable Care Child Safety Project. The products proposed for sponsorship by the City include water bottles and frisbees. As part of the sponsorship package it is proposed that the City's logo be prominently displayed on these products.

It is proposed that the City will be acknowledged as a major sponsor of the Project through the following:

- A sponsor's board acknowledging the City as the sponsor of the show will be displayed at every performance
- All media releases by the Project will feature the City as a major sponsor
- All promotional material including newsletters, brochures, flyers and print and electronic media campaigns and advertising to feature the City as a sponsor
- Inclusion as a sponsor on the Constable Care 12 Months of Safety Calendar for 2000
- Affixing of the City's logo to 1,200 product resources to be used as merit awards.

The City will also be granted permission to use the Constable Care logo on any of its relevant promotional material and will be consulted in relation to any changes to the Project's promotional materials and evaluation processes.

An evaluation survey on each performance to evaluate the impact on the children will be distributed to each teacher and a sample of children. The survey forms will be collated and will form part of an evaluation report to be provided to the City each quarter so as to monitor the effectiveness of the shows and the sponsorship arrangement between the two organisations.

## **COMMENT/FUNDING**

Sponsorship of the Constable Care Child Safety Project is presently considered to be an important component of the City's current Safer Community Programme. The project would be managed through the City's Community Connections Project which has already established a close and productive working relationship with the Education Department in the region.

The proposal is also viewed as an important prevention and early intervention strategy in the fight against crime and anti social behavior in the region.

A breakdown of the total cost of the proposal is as follows:

Performances (includes preparation, wages, travel and setup costs)

\$140 per show x 114 shows	= <b>\$15,960</b>
600 Water Bottles \$2.55 each	= <b>\$ 1,530</b>
600 Frisbees @ \$2.70 each	= <b>\$ 1,620</b>
<b>Total cost of performances</b>	= <b>\$19,110</b>

In the report submitted to Council in June 1998, it was noted that the Constable Care Office had requested that the City consider the option of extending financial assistance to the Project for a further two years. At that time, this option was not supported as it was not considered the City's responsibility to fund this initiative on an ongoing basis. However, it was considered appropriate to assist the Constable Care Office to secure ongoing sponsorship for the Project, subject to the outcomes of the evaluation of the Project's effectiveness and impact. It was also proposed that officers of the City enter into discussions with the Constable Care Office to canvass ways by which the City may be able to assist in securing local sponsorships so as to enable the project to be maintained in the region on an ongoing basis. There has been no progress on this matter.

The sponsorship proposal submitted by the Constable Care Office for this financial year presents the opportunity to build on the work conducted during the previous financial year by targeting older Primary School children. The proposed program is of significant difference to warrant further support by the City. It is still considered appropriate to offer Council's assistance to the Constable Care Office to pursue alternative local sponsorship for the Project and further discussions will be held with the Office to canvass this option.

The program proposed by the Constable Care Child Safety Project will need to be developed to ensure that it is appropriate to the ages of the children in Years 5 to 7 and that it is interactive in nature. These are the main risk factors associated with the sponsorship of the Project. As part of the sponsorship arrangements, the City would ensure that the proposed performances meet these criteria. Initially, this will be achieved via the City reviewing the proposed program and subsequently through an ongoing process of evaluation of the effectiveness of the Project in achieving its aims. Negotiations will take place with the Constable Care Office in relation to these matters.

The City was the first local government authority in Western Australia to provide financial assistance to the Constable Care Child Safety Project. The Constable Care Office reports that at least eight other local government authorities are now providing financial assistance to the Project. In the 1998 calendar year, the Constable Care Child Safety Project performed 620 puppet shows for 43,400 children throughout the State. By comparison, in this calendar year 1129 shows have been produced for 86,828 children to date.

Given the scope and level of sponsorship involved with this initiative it is considered essential that appropriate accountability and reporting mechanisms be put in place and that the project be subject to evaluation. The City's recently adopted Community Funding Guidelines will be used as the basis to ensure appropriate accountability and evaluation of the Project.

The following conditions of sponsorship by the City are proposed:

- the City's sponsorship be a one-off financial contribution for the financial year 1999/2000;
- the City is satisfied that the proposed program is age appropriate and suitable for children in Years 5 to 7;
- the City receives appropriate public recognition for its financial support of the project throughout the sponsorship period based on a mutually agreed sponsor benefit program;
- the effectiveness of the performances be comprehensively evaluated by the Constable Care Office and quarterly written progress reports together with a final written evaluation report be provided to the City by 31 July 2000;
- the Constable Care Office provide the City with an audited financial statement by 31 October 2000 for funds which have been provided by the City and return to the City any unused funds by this date.

In the current financial year, the City has allocated funds in its budget to develop and implement a range of strategies as part of its Safer Community Program. It is recommended that an amount of \$19,110 of these funds be committed to support this initiative.

**MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Joint Commissioners AGREE to sponsor the Constable Care Child Safety Project Inc. by providing funds to the Constable Care Office to the value of \$19,110 subject to the Constable Care Office agreeing to the following conditions:**

- 1 the City's sponsorship be a one-off financial contribution for the 1999/2000 financial year;**
- 2 the City is satisfied that the proposed program is age appropriate and suitable for children in Years 5 to 7;**
- 3 the City receives appropriate public recognition for its financial support of the project throughout the sponsorship period based on a mutually agreed sponsor benefit program;**
- 4 the effectiveness of the Project be comprehensively evaluated by the Constable Care Office and quarterly written progress reports together with a final written evaluation report be provided to the City by 31 July 2000;**
- 5 the Constable Care Office provide the City with an audited financial statement by 31 October 2000 for funds which have been provided by the City and return any unused funds by this date.**

**The Motion was Put and**

**CARRIED**



Items C55-12/99 to C58-12/99 inclusive were Moved by Cmr Clark-Murphy and Seconded by Cmr Buckley. Cmr Clark-Murphy spoke on these Items.

**C55-12/99      ACTIONS AND OTHER PROCEEDINGS THAT  
COULD HAVE BEEN BROUGHT BY OR AGAINST  
THE FORMER CITY OF WANNEROO - JOONDALUP  
AND WANNEROO ORDER 1998, CLAUSE 8  
DETERMINATION [23475]**

---

**BACKGROUND**

The Manager Division Task Force reports that Clause 8 (1) of the Joondalup and Wanneroo Order 1998 (the Order) requires the Commissioners to determine the adjustment or transfer that is to be made between the two new local governments of property, rights and liabilities of the former City of Wanneroo. Clause 9(1) sets out the position with respect to that property, and those rights and liabilities until such time as the Commissioners have made the determination required by clause 8.

Personal property, rights and liabilities include actions and other proceedings that could have been brought by or against the former City. However, clause 9 (1) (c) deals with actions and other proceedings separately. Hence, the Commissioners are making a separate and distinct determination in relation to these matters

**DETAILS**

The Commissioners consider it appropriate that actions and other proceedings that could have been brought by or against the former City of Wanneroo may be brought by or against the City of Joondalup and the new City of Wanneroo together. However there was some question as to whether the two Cities should share these rights and liabilities as joint tenants or otherwise.

Legal advice suggests that the right of the former City to bring actions or other proceedings and the responsibility to respond to such actions or other proceedings that could have been brought against the former City should be shared by each as joint tenants. In the case of the right to bring actions, the advice is that, at law, such a right can only be held jointly. In the case of potential actions against the former City, it is considered that, as was provided in the Order, it would be appropriate for both the new Cities to be jointly sued and be jointly responsible for these potential responsibilities.

**MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Joint Commissioners pursuant to Clause 8 of the Joondalup and Wanneroo Order 1998, DETERMINE that as from 1 July 1999, actions and other proceedings that could have been brought by or against the former City of Wanneroo may be brought by or against the City of Joondalup and the new City of Wanneroo as joint tenants.**

Cmr Clark-Murphy spoke in support of the Motion.

**The Motion was Put and**

**CARRIED**

**C56-12/99      HERITAGE COLLECTIONS (LOCAL HISTORY, MEMORABILIA AND ARTIFACTS) - JOONDALUP AND WANNEROO ORDER 1998, CLAUSE 8 DETERMINATION [23475]**

---

## **SUMMARY**

Clause 8 (1) of the Joondalup and Wanneroo Order (the Order) requires the Commissioners to determine the adjustment or transfer that is to be made between the City of Joondalup and the new City of Wanneroo of property, rights and liabilities of the former City of Wanneroo.

The former City of Wanneroo, as at 30 June 1998, held a comprehensive collection of oral, written and visual materials relating to the history, culture and development of its district (the local studies collection), as well as collections of memorabilia and artifacts. This report refers to those collections collectively as the Heritage Collection. Following the abolition of the former City of Wanneroo and throughout 1998/99, the City of Joondalup, on behalf of both new local governments maintained and added to the local studies collection. The City of Joondalup undertook this role of custodian pursuant to clause 10 of the Order. From 1 July 1999, however, the City of Joondalup, through its central library, has continued to maintain the existing local studies collection. As part of the services agreement for library services, between the City of Joondalup and the City of Wanneroo, the City of Joondalup has contracted to maintain and develop the local studies collection for both local governments.

The Cities of Joondalup and Wanneroo have agreed that memorabilia displayed by the former City of Wanneroo should now form part of this collection.

In addition to the local studies collection the former City of Wanneroo held a number of artifacts at various locations, including Gloucester Lodge, Cockman House and Buckingham House all of which are located in the district of the new City of Wanneroo. The new City of Wanneroo has agreed to be responsible for the maintenance and development of this collection.

This report deals with: -

- the adjustment and transfer of the Local Studies Collection and the Artifacts Collection of the former City of Wanneroo; and
- the care control and management of those collections together with additional future additions.

## **BACKGROUND**

The Manager Division Task Force reports that the former City of Wanneroo had a large collection of oral, written and visual materials relating to the history, culture and development of its district. This collection includes an extensive list of items that have been recorded and many others either not yet recorded, or not intended to be catalogued. In broad terms, recorded holdings on the library database are as follows: -

- Monograph holdings
- Oral history collection
- Maps
- Newspaper clippings - 16000 items
- Ephemera, posters - 1800 items
- Photographs and captions for 23 historical displays
- 3700 historical local and Council photographs (more to be added)

Other local study resource material held by the City of Joondalup Central Library, but not recorded on the database includes (but is not limited to): -

- Council Minutes, Agendas, Annual Reports, Year books, Community Information and Business Directories, Budgets, Street Lists
- Gifts, presentations and all other memorabilia
- Video collection - 80 items
- Microfiche - Wanneroo Rates book 1903-1911
- Various reference materials on family history resources Archives
- Negatives of Councils photographic collection
- Master tapes of the Oral History Collection

Many items included in the local studies collection relate to the history, culture and development of the region rather than the district of one or other new local government and it is therefore difficult, if not impossible, to determine an appropriate adjustment/transfer in relation to future ownership by one or other of the new local governments.

The former City of Wanneroo also had on display a significant number of items of memorabilia. It has been agreed by the administration of both Cities that this should now form part of this local studies collection.

In addition the former City of Wanneroo held a number of artifacts at various locations, including Gloucester Lodge, Cockman House and Buckingham House all of which are located in the district of the new City of Wanneroo. The new City of Wanneroo has agreed to be responsible for the maintenance and development of this collection.

## **DETAILS**

Both the local studies collection (including memorabilia) and the artifacts collection of the former City of Wanneroo are considered to be a regional resource and should therefore be adjusted/transferred into the ownership of the City of Joondalup and the new City of Wanneroo as joint tenants

The City of Joondalup, is well capable of storing and preserving the collection and should therefore be charged with the care control and management of the Local History Collection. Similarly, due to the current locations of the artifact collection it is appropriate that the new City of Wanneroo be charged with the care, control and maintenance of that collection. It is important, however, that both Cities recognise the rights of the other City, as a joint owner of the collection for which it is responsible.

The Library Services Service Agreement recently entered into by both Cities provides for the City of Joondalup, as the service provider to invoice the new City of Wanneroo the sum of \$3,010.42 per month by way of a service fee in relation to the local history programme. The administrations of both Cities have agreed that, in view of the agreement by the new City of Wanneroo to maintain and develop the Artifacts collection at its own cost, the aforementioned Service Agreement will be varied to the extent that no service fee will be charged in respect of the local history programme.

To provide a forum for the joint owners to each have input to the management arrangements for both collections it is recommended that an Advisory Group be established consisting of equal representation from both Councils. Whilst this will have no decision making power, it will be charged with the responsibility of overseeing all aspects of the collections. The following framework has been developed as a guide for the Advisory Group.

## **HERITAGE COLLECTIONS – Local Studies (including memorabilia) and Artifacts**

### ***Statement of the regional importance of the collection***

The heritage collection of the former City of Wanneroo and its regional significance to the new Cities of Joondalup and Wanneroo is acknowledged. This charter seeks to provide for its promotion and management so as to maintain its integrity and value to the community.

### ***Elements***

The heritage collections consist of the following elements;

- Local studies (including memorabilia displayed by the former City of Wanneroo)  
The objective of the Local Studies Collection is to collect, document and permanently preserve all recorded resource materials that reflect the history, development, culture and society of the region. The region is that which since the early days of the Swan River Colony has been known as Wanneroo. The function of the collection is to allow interpretation of the resources to promote education, enjoyment and community participation.
- Artifacts  
*The objective is to collect, document and conserve objects that record the history, culture and natural environment of the municipality and adjacent coastline, with interpretation of the collection promoting education, enjoyment and community participation.*

### ***Ownership***

The City of Wanneroo and City of Joondalup will jointly own each heritage collection

### ***Responsibilities***

The elements of the collection will be managed as follows

- Joondalup- Custodian for Local Studies
- Wanneroo- Custodian for Artifacts

### ***Objectives***

The objectives include

- Maintenance of collections
- Development of the collection
- Regional promotion of the collection

### ***Cost allocations/responsibilities***

Each City will be responsible for all development, management and other costs associated with its area of responsibility.

### ***Access to the collections***

Each local government will provide access to the collections under its care for the public and the other local government. Details of access arrangement are to be determined which will address the following: -

- Joint access
- Conditions to protect the collections
- Loan arrangements
- Availability to the public
- Information content
- Internet access
- Display
- Duplication of pieces, etc

### ***Management arrangements***

An advisory Group of Senior Officers from the respective Cities to make recommendations on issues including the following;

- Policy development
- Collection development
- Dispute resolution
- Acquisition standards
- Access arrangements between the two Cities.

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

- 1 RECOGNISE that the Heritage Collections of the former City of Wanneroo, as described in Report C56-12/99, are a regional resource;**
- 2 pursuant to Clause 8 of the Joondalup and Wanneroo Order 1998, DETERMINE that the Heritage Collections referred to in 1 above, be adjusted/transferred to the ownership of the City of Joondalup and the new City of Wanneroo as tenants in common in equal shares;**
- 3 ENDORSE the framework for the care control and management of the Heritage Collections as outlined in Report C56-12/99;**
- 4 SUPPORT the establishment of the Heritage Collections Advisory Group recommended within Report C56-12/99;**

- 5 AUTHORISE, as a consequence of the new City of Wanneroo agreeing to maintain and develop the Artifacts collection at its own cost, a variation to the Library Services Service Agreement between the City of Joondalup and the new City of Wanneroo, to reduce the “applicable service fee” in relation to the local history programme from \$3,010.42 per month to nil .**

Cmr Clark-Murphy advised this report addressed both the oral history collection and the artifact collection of the Cities of Joondalup and Wanneroo.

Commissioners were of the view that it was impossible to divide these collections between the two new Cities as the collections were inevitably regional in nature. It was recommended that ownership be held jointly by the two new Cities and that management of the collection be divided based on the location of the collections currently combined with the facilities and abilities that the two Cities have.

**The Motion was Put and**

**CARRIED**

**C57-12/99 UNASCERTAINED ASSETS AND LIABILITIES OF THE FORMER CITY OF WANNEROO - JOONDALUP AND WANNEROO ORDER 1998, CLAUSE 8 DETERMINATION [23475]**

---

## **SUMMARY**

Clause 8 (1) of the Joondalup and Wanneroo Order 1998 (the Order) requires the Commissioners to determine the adjustment or transfer that is to be made between the two new local governments of property, rights and liabilities of the former City of Wanneroo.

A number of determinations have already been made pursuant to clause 8(1) of the Order in respect to the various classes of assets and liabilities that have been identified throughout the division process. This report refers to unascertained property, rights and liabilities other than real property. An earlier determination in respect to real property dealt with ascertained and unascertained property.

The word unascertained simply means that which is not known is undiscovered. Hence, this determination can be seen as a ‘catch all’ determination.

## **BACKGROUND**

The Manager Division Task Force reports that property can be either real or personal. Real property is generally regarded as meaning freehold land and personal property is all other forms of property. The Commissioners have previously made a number of determinations pursuant to clause 8(1) of the Order that have encompassed all real property (both ascertained and unascertained), ascertained personal property, rights and liabilities. It is the unascertained personal property, rights and liabilities of the former City of Wanneroo that are the subject of determination in this report.

## DETAILS

Real property of the former City of Wanneroo has been determined on the basis of geographic location, except for the former City's interest in the Tamala Park land (generally referred to as Super Lot 17) which was adjusted between the Cities of Joondalup and Wanneroo equally, as tenants in common. Other ascertained property such as plant and vehicles, furniture and fittings and other plant and equipment have been determined on the basis of needs. The balance of what the Commissioners considered to be essential infrastructure needs of the two new local governments, formed the basis of the determination of available cash.

It is the intention of the Commissioners that all unascertained personal property, rights and liabilities, which have yet to be determined by the Commissioners, are to be adjusted between the City of Joondalup and the new City of Wanneroo as tenants in common in equal shares.

**MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Joint Commissioners pursuant to Clause 8 of the Joondalup and Wanneroo Order 1998, DETERMINE that as from 1 July 1999:**

- 1 all personal property owned by or vested in the former City of Wanneroo, not the subject of an earlier determination by the Commissioners, is transferred to the City of Joondalup and the new City of Wanneroo as tenants in common in equal shares;**
- 2 all liabilities of the former City of Wanneroo, not the subject of an earlier determination by the Commissioners, are transferred to the City of Joondalup and the new City of Wanneroo jointly.**

Cmr Clark-Murphy spoke in support of the Motion.

**The Motion was Put and**

**CARRIED**

**C58-12/99 INSURANCE CONTINGENCIES (MUNICIPAL WORKCARE AND MUNICIPAL LIABILITY SCHEME) OF THE FORMER CITY OF WANNEROO - JOONDALUP AND WANNEROO ORDER 1998, CLAUSE 8 DETERMINATION [23475]**

---

## BACKGROUND

Clause 8 (1) of the Joondalup and Wanneroo Order 1998 (the Order) requires the Commissioners to determine the adjustment or transfer that is to be made between the two new local governments of property, rights and liabilities of the former City of Wanneroo.

The former City of Wanneroo was a member of the Municipal Liability Scheme in respect of insurance covers for its Public Liability and Professional Indemnity exposures. In respect of Workers' Compensation insurance the former City was a member of the Municipal Workcare Scheme and was provided with such cover on a "burning cost" basis.

## **DETAILS**

Two issues arise as a result of these arrangements.

### **Scheme Membership**

Firstly, as a member of both the Municipal Workcare Scheme and the Municipal Liability Scheme, the former City of Wanneroo had an entitlement to distributions (if any) in respect of the Schemes' operations up to 30 June 1998. Similarly, the former City had a liability for any "call" made by either Scheme in respect to the period up to 30 June 1998. The Scheme managers have advised that the possibility of a distribution or "call" for the period of the former City's membership is most unlikely, but nevertheless possible.

In the unlikely event that a distribution or "call" is made by either Scheme in the future, so much of that distribution or "call" as relates to the period of the former City's membership should be shared equally by the City of Joondalup and the new City of Wanneroo.

### **Workers' Compensation**

Secondly, in respect to the former City's Workers' Compensation insurance, the years 1996/97 and 1997/98 had not been finalised as at 30 June 1999. Deposit and "top-up" premiums in respect to these years and paid as at 30 June 1999 fall short of the combined maximum premiums of around \$600,000. Although impossible to estimate accurately, the insurers advise that there is a good likelihood that the maximum premium will be required in respect of 1996/97 whereas the former City's performance in 1997/98 was somewhat better. Furthermore, the City of Joondalup in performing all or most of the functions of the then Shire of Wanneroo in 1998/99 enjoyed a relatively good experience in terms of Workers' Compensation.

The City of Joondalup made provision in its 1998/99 accounts for further 1996/97 Workers' Compensation "calls" up to the level of the maximum premium. This provision amounts to \$286,600. It is an amount arising out of charges to the operations of both parties in 1998/99 and is the only provision held by either of the two Cities in respect of Workers' Compensation.

It may be that the calls in respect to the 1996/97 year will be \$286,600 or some lesser amount. It is recommended that all future calls for which the former City would have been liable, be paid by the City of Joondalup using the provision established for such purposes, provided that if the 1996/97 insurances are settled for an amount less than the maximum the remainder of the provision amount held by the City of Joondalup be shared equally by the City of Joondalup and the new City of Wanneroo.

In the event that further calls are made by the insurers for 1997/98 and/or 1998/99 such calls will be met by each of the new local governments in equal proportions. Similarly, should no further calls be made and a refund of portion of the deposit premium(s) become due, such refund(s) will be paid to each of the new local governments in equal proportions.



It is recognised that in relation to the arrangements regarding the 1998/99 provision and the 1998/99 period of insurance that an exchange of letters will be necessary. In respect of all other matters addressed in this report the Commissioners have the power to determine pursuant to clause 8(1) of the Order.

**MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that:**

- 1 the Joint Commissioners, pursuant to Clause 8 of the Joondalup and Wanneroo Order 1998, DETERMINE that:**
  - (a) the former City of Wanneroo's right to any future distribution or "call" (arising from its membership of the Schemes) by either the Municipal Liability Scheme or the Municipal Workcare Scheme will become a right or liability (as the case may be) of the City of Joondalup and the new City of Wanneroo jointly;**
  - (b) any calls made by the Municipal Workcare Scheme on the former City of Wanneroo and in respect of the 1996/97 insurance year, will be paid by the City of Joondalup;**
  - (c) any calls made by the Municipal Workcare Scheme on the former City of Wanneroo and in respect of the 1997/98 insurance year, will be the responsibility of the City of Joondalup and the new City of Wanneroo jointly;**
- 2 the City of Joondalup undertakes to pay to the new City of Wanneroo one half of the remainder of the 1998/99 Workers' Compensation provision within seven days of the finalisation of the claims in respect of the 1996/97 insurance year, PROVIDED THAT the new City of Wanneroo agrees to accept responsibility jointly for any calls made by the Municipal Workcare Scheme on the City of Joondalup in respect of the 1998/99 insurance year.**

Cmr Clark-Murphy spoke in support of the Motion.

**The Motion was Put and**

**CARRIED**

**INFRASTRUCTURE MANAGEMENT**

Items CJ427-12/99 to CJ433-12/99 inclusive were Moved by Cmr Morgan and Seconded by Cmr Rowell. Cmr Morgan stated his intention to speak on Items CJ428-12/99 to CJ432-12/99 inclusive.

**CJ427-12/99 PROPOSED SUBDIVISION RETAINING WALLS OVER 3 METRES IN HEIGHT - JOONDALUP STAGE THREE - [35190J]****SUMMARY**

Halpern Glick Maunsell Consulting Engineers, on behalf of the owner Joondel Developments Pty Ltd, propose to construct retaining walls that have a total effective retaining height over 3.0 metres and, in some instances, up to 5.0 metres for the 35 lot Joondalup Stage 3 subdivision. The site of the subdivision is steep and the need to retain as many mature trees as possible whilst complying with maximum allowable falls across the lots and providing suitable building areas dictates the use of retaining walls of up to 5 metres. It is considered that the Consulting Engineer has designed the retaining walls in a manner that reduces the impact on the amenity of the surrounding area and Council's approval of the retaining walls as proposed is, therefore, recommended.

**BACKGROUND**

The site is located between Joondalup Drive to the east, Windemere Circle/Derwent Meander to the west, Ohrid Place to the north and Hula Cove to the south. An application for the subdivision of the site was originally approved by the Western Australian Planning Commission (WAPC Ref. 108751) on 28 January 1999. 34 residential lots were created in the subdivision. Subsequent to this, and in consultation with the City, the owners/developers are proposing minor modifications to the layout of the subdivision and are currently awaiting WAPC approval of the revised application. A total of 35 residential lots will be created in the revised subdivision and its layout is shown on Attachment 1.

**DETAILS**

The difference in elevation between Windemere Circle/Derwent Meander and Joondalup Drive varies between 14 and 16 metres, falling from west to east. Grades across the site of between 1 in 5.5 and 1 in 6.5 result. With the inclusion of the internal subdivisional road parallel with Joondalup Drive grades across the lots of greater than 1 in 5 would result and not meet the City's standard of a maximum grade of 1 in 8. Retaining walls are, therefore, required.

The site is covered with large mature trees and there is a requirement for as many mature trees as possible to be retained within road reserves and residential lots. There is a further requirement to restrict the clearing of vegetation within a 10 metre wide "tree preservation area" at the rear of the lots abutting the western boundary of Joondalup Drive.

Halpern Glick Maunsell Consulting Engineers on behalf of the developers propose to construct retaining walls at the rear of the lots fronting Windemere Circle and Derwent Meander and on the 10.0 metre tree preservation boundary at the rear of the lots fronting road 1. This will provide for maximum tree preservation whilst providing level building areas within the lots and not adversely impacting on the adjoining properties. The layout of the proposed retaining walls is shown in attachment 1 with cross-sectional details shown on Attachments 2.

Proposed Lots 920 to 936 are located on the low side (east side) of Derwent Meander and Windemere Circle and the natural ground falls away at grades of approximately 1 in 5.5 to 1 in 6.5 to the rear of the lots. Retaining walls proposed along the rear boundary of these lots would create level building areas of approximately 20 metres in length with the remainder of the lots to retain natural grades.

Proposed lots 901 to 919 are located on eastern side of road 1 with the natural ground falling away at similar grades. Retaining walls are proposed along the tree preservation line located 10 metres in from the rear boundary of the lots and thereby creating level building areas of approximately 25 metres in length. The tree preservation area at the rear of lots 901 to 919 will reduce the impact of the large retaining walls facing Joondalup Drive.

Proposed Lot 936 abuts an existing lot at the corner of Derwent Meander and Hula Cove (Lot 375) at the southern end of the subdivision. A retaining wall is proposed along northern boundary of Lot 375 that extends from the eastern end of the lot at a height of three metres tapering to existing ground level over a 30 metre distance.

The Consultant approached the owner of Lot 375, Mr Nelson, late in the afternoon of 19 November 1999 to discuss the proposal and obtain his support. Mr Nelson subsequently advised in a letter to the City dated 20 November 1999 that it posed no problem and was happy for it to proceed. However, Mr Nelson has since rescinded his support in a letter to the City dated 23 November 1999 advising that in hindsight insufficient notice was provided and requires further time to consider the proposal.

Mr Nelson received approval from the Minister for Planning for the subdivision of Lot 375 after successfully appealing the Western Australian Planning Commission's refusal. Mr Nelson requires retaining walls within Lot 375 to facilitate its subdivision and intends to have them constructed at the same time as the Joondalup Stage 3 subdivision. However, as the conditions for approval for the subdivision of Lot 375 make no mention of retaining walls it has been indicated that this issue can best be addressed via a development application. Provided that the development application is processed in a timely manner it is considered that Mr Nelson will again support the proposal.

Lots 919, 920 and 921 abut the road reserve of Ohrid Place. The proposed retaining walls along their northern boundary vary in height from zero to 3.5 metres. The retaining wall along the northern boundary of Lot 919 extends from the eastern end of the lot at a height of 2.5 metres tapering to existing ground level over a 25 metre distance. The retaining wall along northern boundary of Lot 920 extends from the eastern end of the lot at a height of 3.5 metres tapering to existing ground level over a 30 metre distance. The retaining wall along northern boundary of Lot 921 extends from the eastern end of the lot at a height of 3.0 metres tapering to existing ground level over a 25 metre distance. Given the steep natural ground levels in the vicinity of the proposed lots adjacent to Ohrid Place, the height of the retaining walls proposed is considered appropriate.

## COMMENT

The existing landform on which the subdivision is to be constructed suggests the retaining walls over 3.0 metres in height are warranted. It is considered that the design of the retaining walls will not have an adverse impact on the amenity of the surrounding area. A precedent exists for approving retaining walls of over three metres in height where topographical constraints have existed. The proposed design and height of the retaining walls will not create overshadowing of adjoining lots.

Due to topographical constraints, existing roads and abutting properties, the design of the subdivision had been difficult to achieve without the use of high retaining walls. The Consulting Engineer, Halpern Glick Maunsell, in its design to reduce the impact of large retaining walls on the surrounding area, has proposed to retain existing vegetation and natural ground levels where possible.

The City is committed to the timely processing of a development application for the construction of retaining walls within Lot 375 and it is considered that this should allay the concerns of the owner.

No major concern has been raised in relation to the impact of the proposed retaining walls on the public amenity. The height of the retaining walls on the northern boundary of lots 920 and 921 were reduced by 1.0 metre and 0.5 metres respectively from that originally proposed by the Consultant.

The total effective retaining height of the proposed walls is over 3.0 metres and, in some instances, up to 5.0 metres. In accordance with Council's policy on retaining walls, approval is sought for the use of retaining walls in excess of 3.0 metres in height.

**MOVED Cmr Morgan, SECONDED Cmr Rowell that the Joint Commissioners APPROVE the retaining wall design, with the total effective height exceeding 3.0 metres, as proposed in the proposed Joondalup Stage 3 Subdivision as shown on Attachments 1 and 2 to Report CJ427-12/99, subject to the retaining walls being structurally sound.**

**The Motion was Put and**

**CARRIED**

Appendix 3 refers – click here: [Attach3min0712.pdf](#)

**CJ428-12/99      ANNUAL TENDERS FOR BUILDING MAINTENANCE:  
059-99/00 SUPPLY OF ELECTRICAL MAINTENANCE  
SERVICES - [32957J]**

---

## SUMMARY

This report examines the tender submissions and assessment method for the annual building maintenance tender for the Supply of Electrical Maintenance Services (059-99/00) and recommends acceptance of the tender from Wanneroo Electric Pty Ltd.

## **BACKGROUND**

At the ordinary meeting of 27 October 1998, the Joint Commissioners of the City of Joondalup and Shire of Wanneroo resolved to execute a contract for the Supply of Electrical Maintenance Services for the City of Joondalup and Shire of Wanneroo. This contract expired on 31 October 1999, but contained a provision to extend the term for a further twelve months.

With the division of staff and formal separate operation of the two municipalities on 1 July 1999, the City of Wanneroo advised that it wished to re-tender the contract rather than extend it for a further 12 month period. Since the contract did not contain any provision to novate or assign the role of Principal, both local governments have had to re-tender the contract.

## **DETAILS**

### **Tender Submissions**

Public invitations to tender were issued on 23 October 1999 with a revised technical specification. Tenders closed on 9 November 1999. The contract is a “schedule of rates” contract.

Tenders were received from:

P&O Asset Services Pty Ltd,  
Regnaud’s Electrics Pty Ltd,  
Wanneroo Electric Pty Ltd, and  
Transfield Maintenance (note that this tender did not include the first page of the Schedule of Rates, therefore not complying with the requirements of the tender);

Wanneroo Electric Pty Ltd has been the electrical maintenance contractor for both the City of Joondalup and the former City of Wanneroo.

### **Contract term**

The contract has been structured with the term commencing on 15 December 1999 and terminating on 30 June 2001 (18 months and 17 days) with an option to extend the term by mutual agreement for a further twelve months. The contract term was established to bring the maintenance service contract in line with the financial reporting year.

### **Tender Evaluation Method**

The tender specified that tender submissions would be assessed against the following criteria:

- Price (rates) submitted
- Tenderer’s resources
- Tenderer’s references
- Tenderer’s ability to carry out services at short notice, and
- Tenderer’s previous experience

In addition, the following criteria was added:

- Conformity with tender documents, and
- Tenderer's industrial relations and safety records

Each criterion has been given a weighting, and each submitted tender was scored accordingly. The relationship between tender scores for each criterion, the weighting and the product of the relationship score and weighting produce a score against each criterion for each tenderer.

### **Evaluation results**

By applying the above evaluation method, it has been determined that the best value for the City of Joondalup can be achieved by accepting the tender from Wanneroo Electric Pty Ltd for Contract No 059-99/00 Supply of Electrical Maintenance Services.

### **COMMENT/FUNDING**

The consideration for each contract is for services performed against the scheduled rates. The funding for these considerations is available in the maintenance budget for each building.

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

- 1 ACCEPT the tender from Wanneroo Electric Pty Ltd for the Supply of Electrical Maintenance Services (059-99/00) to 30 June 2001;**
- 2 AGREE to the execution of contract documents under common seal;**
- 3 ADVISE unsuccessful tenderers.**

Cmr Morgan spoke in support of the Motion.

**The Motion was Put and**

**CARRIED**

**CJ429-12/99 ANNUAL TENDERS FOR BUILDING MAINTENANCE:  
060-99/00 SUPPLY OF GRAFFITI CONTROL  
SERVICES TO COUNCIL BUILDINGS - [33957J]**

---

### **SUMMARY**

This report examines the tender submissions and assessment method for the three annual building maintenance tenders for the Supply of Graffiti Control Services to Council Buildings (060-99/00) and recommends acceptance of the tender from Dalecoast Pty Ltd trading as Graffiti Systems Australia.

## **BACKGROUND**

At the meeting of 27 October 1998, the Joint Commissioners of the City of Joondalup and Shire of Wanneroo resolved to execute a contract for the Supply of Graffiti Services for the City of Joondalup and Shire of Wanneroo. This contract expired on 31 October 1999, but contained a provision to extend the term for a further twelve months.

With the division of staff and formal separate operation of the two municipalities on 1 July 1999, the City of Wanneroo advised that it wished to re-tender the contract rather than extend it for a further 12 month period. Since the contract did not contain any provision to novate or assign the role of Principal, both local governments have had to re-tender the contracts

## **DETAILS**

### **Tender Submissions**

Public invitations to tender were issued on 23 October 1999 with a substantially revised technical specification. Tenders closed on 9 November 1999. The contract is a “schedule of rates” contract.

Tenders were received from:

Dalecoast Pty Ltd trading as Graffiti Systems Australia  
Novacoast Pty Ltd  
Reekie Property Services  
Transfield Maintenance

Graffiti Systems Australia was formerly known as Graffiti Coatings Australia. Under this former name, Dalecoast Pty Ltd has been the anti-graffiti service provider for both the City of Joondalup and the former City of Wanneroo.

### **Contract term**

The contract has been structured with the term commencing on 15 December 1999 and terminating on 30 June 2001 (18 months and 17 days) with an option to extend the term by mutual agreement for a further twelve months. The contract term was established to bring the maintenance service contract in line with the financial reporting year.

### **Tender Evaluation Method**

The tender specified that tender submissions would be assessed against the following criteria:

- Price (rates) submitted
- Tenderer’s resources
- Tenderer’s references
- Tenderer’s ability to carry out services at short notice, and
- Tenderer’s previous experience

In addition, the following criteria was added:

- Conformity with tender documents, and
- Tenderer's industrial relations and safety records.

Each criterion has been given a weighting, and each submitted tender was scored accordingly. The relationship between tender scores for each criterion, the weighting and the product of the relationship score and weighting produce a score against each criterion for each tenderer.

### **Evaluation results**

By applying the above evaluation method, it has been determined that the best value for the City of Joondalup can be achieved by accepting the tenders from Dalecoast Pty Ltd trading as Graffiti Systems Australia for Contract No 060-99/00 Supply of Graffiti Control Services.

### **COMMENT/FUNDING**

The consideration for this contract is for services performed against the scheduled rates. The funding for these considerations is available in the maintenance budget for each building.

The scope of this contract has been carefully considered against the scope of the Joondalup/Wanneroo Graffiti Campaign, to which the City is contributing \$181,100 in the 1999/2000 financial year. It must be noted that in 1998/99, there were 601 calls for graffiti removal from both the interior and exterior of City of Joondalup Buildings. To add this number number of removals to the Joondalup/Wanneroo Graffiti Campaign would seriously overload the Campaign workforce. Further, the Joondalup/Wanneroo Graffiti Campaign is for removal of external graffiti only, not for internal graffiti removal nor for coating buildings with non-sacrificial anti-graffiti coatings or repairing damaged coatings. Anti-graffiti coatings are used on Council Buildings to make removal easier, quicker and therefore cheaper.

In the 1998/99 financial year, removal of graffiti from Council Buildings cost in the vicinity of \$52,000.

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

- 1 ACCEPT the tender from Dalecoast Pty Ltd trading as Graffiti Systems Australia for the Supply of Graffiti Control Services to Council Buildings from 15 December 1999 to 30 June 2001;**
- 2 AGREE to the execution of contract documents;**
- 3 ADVISE the unsuccessful tenderers.**

Cmr Morgan spoke in support of the Motion.

**The Motion was Put and**

**CARRIED**



---

**CJ430-12/99     ANNUAL TENDERS FOR BUILDING MAINTENANCE:  
- 061-99/00 SUPPLY OF PLUMBING MAINTENANCE  
SERVICES - [34957J]**

---

**SUMMARY**

This report examines the tender submissions and assessment method for the annual building maintenance tender for the Supply of Plumbing Maintenance Services (061-99/00) and recommends acceptance of the tenders from Joondalup Plumbing Service.

**BACKGROUND**

At the meeting of 27 October 1998, the Joint Commissioners of the City of Joondalup and Shire of Wanneroo resolved to execute a contract for Plumbing Maintenance Services for the City of Joondalup and Shire of Wanneroo. This contract expired on 31 October 1999, but contained a provision to extend the term for a further twelve months.

With the division of staff and formal separate operation of the two municipalities on 1 July 1999, the City of Wanneroo advised that it wished to re-tender the contract rather than extend it for a further 12 month period. Since the contract did not contain any provision to novate or assign the role of Principal, both local governments have had to re-tender the contract.

**DETAILS**

**Tender Submissions**

Public invitations to tender were issued on 23 October 1999 with a revised technical specification. Tenders closed on 9 November 1999. The contract is “schedule of rates” contract.

Tenders were received from:

Joondalup Plumbing Service;  
MCD Plumbing & Gas Services;  
Odin Central Services Pty Ltd trading as Gregory’s Plumbing & Pipeline Services;  
P&O Asset Services Pty Ltd; and  
Transfield Maintenance.

Joondalup Plumbing Service is a trading name of a family partnership. Under that partnership’s alternative trading name (Wanneroo Plumbing Service) this partnership has been the plumbing maintenance contractor for both the City of Joondalup and the former City of Wanneroo.

**Contract term**

The contract has been structured with the term commencing on 15 December 1999 and terminating on 30 June 2001 (18 months and 17 days) with an option to extend the term by mutual agreement for a further twelve months. The contract term was established to bring the maintenance service contract in line with the financial reporting year.

**Tender Evaluation Method**

The tender specified that tender submissions would be assessed against the following criteria:

- Price (rates) submitted,
- Tenderer's resources,
- Tenderer's references,
- Tenderer's ability to carry out services at short notice, and
- Tenderer's previous experience.

In addition, the following criteria was added:

- Conformity with tender documents, and
- Tenderer's industrial relations and safety records.

Each criterion has been given a weighting, and each submitted tender was scored accordingly. The relationship between tender scores for each criterion, the weighting and the product of the relationship score and weighting produce a score against each criterion for each tenderer.

**Evaluation results**

By applying the above evaluation method, it has been determined that the best value for the City of Joondalup can be achieved by accepting the tender from Joondalup Plumbing Service for Contract No 061-99/00 Supply of Plumbing Maintenance Services.

**COMMENT/FUNDING**

The consideration for this contract is for services performed against the scheduled rates. The funding for these considerations is available in the maintenance budget for each building.

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

- 1 ACCEPT the tender from Joondalup Plumbing Service for the Supply of Plumbing Maintenance Services from 15 December 1999 to 30 June 2001;**
- 2 ADVISE the unsuccessful tenderers.**

Cmr Morgan spoke in support of the Motion.

**The Motion was Put and**

**CARRIED**

## **CJ431-12/99      TENDER NO 070-99/00 - NEIL HAWKINS PARK LIGHTING INSTALLATION - [07386J]**

---

### **SUMMARY**

Tenders were advertised in November 1999 to submit prices for the installation of lighting in Neil Hawkins Park Joondalup, in accordance with the specification supplied. Tenders closed on 17 November 1999 and the schedule of tender prices is detailed on Attachment 1. The tender submissions have been evaluated based on the selection criteria and it is recommended that Council accepts the tender from Wanneroo Electric Pty Ltd for a lump sum price of \$65,724.00.

### **BACKGROUND**

Lincoln Scott was the consultant for lighting installation to the car park and adjacent park in Neil Hawkins Park. The design and specification was developed in 1997 and Council has approved funds in the current year to implement the project. In the meantime, a few light poles and two (2) distribution boards were installed in the park area by Wanneroo Electric. This report considers the recommendation on suitable tender for remaining lighting installation in Neil Hawkins Park.

### **DETAILS**

Five tenders were received and the summary of the submissions is shown in the attachment.

Generally, the tender conforming to the specifications and meeting the selection criteria is recommended to Council for acceptance. High Speed Electric, in its lump sum price schedule, did not price several items and priced them elsewhere. By only adding the price for painting of the poles, its lump-sum price increases the tender value by \$6,000.00 which makes them second lowest tenderer (\$68,945.00).

The tender submitted by Wanneroo Electric was based on different methods of installation and its underground services layout differs from the specification supplied with the drawing. Wanneroo Electric mentioned that it is the same approved method that Western Power uses for installation of its street lighting. Council has previously accepted this installation type in many other instances. They also want to assure that the proposed alterations to the specification will provide the same quality finished result with every aspect complying with the relevant Australian Standards.

The method of installation used by Wanneroo Electric only involves deleting unnecessary cable pits and it only involves pits where really necessary. Wanneroo Electric has already installed the existing services and lighting in Neil Hawkins Park and followed Western Power's approved method of installation.

Wanneroo Electric is the City's maintenance contractor for the Administration building and car park for the current year and has completed similar projects for the former City of Wanneroo and the City of Joondalup previously. Following the specified method of installation will only increase its tender price, however they will achieve the highest score in the tender evaluation as the major component of the price schedule is the price of poles and luminaires, for which Wanneroo Electric has quoted a very low price. Considering the inexpensive method of installation, and as it is in line with Australian Standards, Wanneroo Electric should be awarded the tender for its quoted lump-sum price of \$65,724.00 for lighting installation at Neil Hawkins Park, as per the proposed method.

#### **COMMENT/FUNDING**

The lump sum prices of the recommended tenderer for Schedule A scheduled in the current financial year is \$ 65,724.00 which is well within the funding provisions. Surplus funds will be utilised for lighting in Boas Avenue to connect Neil Hawkins Park with the residential area of The Sanctuary.

Account No:	11 60 72 724 4230 2360
Budget Amount:	\$ 93,500.00
Actual Cost:	\$ 65,724.00

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

- 1 ACCEPT the tender schedule of prices submitted by Wanneroo Electric for Tender No 070-99/00 Neil Hawkins Park Lighting Installation in the current financial year, for a lump sum price of \$65,724.00;**
- 2 ADVISE the unsuccessful tenderers;**
- 3 AUTHORISE the signing of the contract documents.**

Cmr Morgan spoke in support of the Motion.

**The Motion was Put and**

**CARRIED**

**CJ432-12/99 TENDER NUMBER 047-99/00 – SUPPLY, MAINTENANCE AND DELIVERY SERVICE OF MOBILE GARBAGE BINS - [47253J]**

#### **SUMMARY**

The City has invited a competitive tender to supply Mobile Garbage Bins (MGBs) Option 1, and to supply and provide a maintenance and delivery service (Option 2). The Tender Evaluation Committee (TEC) has analysed the tenders and recommends that Brickwood Holdings is the preferred tenderer.

## **BACKGROUND**

The City of Joondalup provides, as part of its rubbish service, the supply of MGBs to residents and is responsible for their maintenance. Under the Service Level Agreement, the City of Joondalup is responsible for the supply of MGBs and the City of Wanneroo provides for the delivery of new MGBs and a maintenance service. As part of the City of Joondalup's commitment to benchmarking, a price for the delivery and maintenance service was sought under Option 2 of the tender.

## **DETAILS**

The City needs to maintain its rubbish service to rate payers and from time to time needs to replace, repair and provide new MGBs to new residents.

A public invitation to tender was carried out in accordance with the City's Contract Management framework and in conformation with Regulation 14 and its sub regulations of the Local Government (Functions and General) Regulations 1996.

The advertisement was placed in the West Australian on 30 October 1999 and in the Wanneroo Times on 2 November 1999. The Tenders closed at 3pm on 16 November 1999 and were received from the following businesses:

### **Option 1 only**

Sulo MGB Australia  
David Gray & Co. Ltd.  
Brickwood Pty Ltd

### **Option 2 only**

Allan & J Caple

### **Options 1 &2**

Waste Tech  
The Bin Guy

A tender was expected by Schaefer Systems International Pty Ltd but was not received.

The non-conforming tenders were from The Bin Guy, who failed to complete the tender form, which made the tender invalid. It did not provide information regarding its operation to satisfy the TEC that it could perform the tasks outlined in the tender document. Allan & J Caple tender could not be evaluated because of failure to provide a unit price for an MGB.

A tender was also received from Waste Tech for Option 1 and Option 2. The business has only recently registered with the Ministry of Fair Trading. The tenderer did not satisfy the TEC that it could perform the task required for the price quoted. The submission lacked details and a request to provide further details was initiated. The response received still lacked the information in order to fully evaluate the tender.

The TEC gave due consideration to the use of post consumer plastics in the MGBs. Brickwood Holdings have at least 45% post consumer plastics i.e. plastic milk bottles recovered from the municipal recycling service. Other suppliers only utilise up to 10% post consumer plastics.

Council undertakes an extensive recycling programme that includes the collection of plastics. Markets are required to close the loop and have the collected material used productively. The 'close the loop' policy is a State Government initiative and aims to create a demand for recycled materials. The Brickwood MGBs are manufactured differently and this allows the use of a higher proportion of recycled plastic. The product is particularly robust and has a 10-year warranty and an expected service life of 15 years compared to a 10 to 12 years service life of the Sulo and Otto MGBs. Sulo's warranty is 5 years and Otto's is 7 years from the date of purchase.

## **EVALUATION SUMMARY**

It is recommended that the tender submitted Brickwood Holdings be considered as the tender providing best value for money meeting the selection criteria provided under conditions of tendering and being the best place in the evaluation process.

The difference between the cheapest tenderer and Brickwood Holding's tender is \$25,270. However, industry experience shows that the Brickwood MGB has approximately 15 years of service life as compared to 10-12 years service life for the alternative bin suppliers. The anticipated difference in service life is reflected in the varying warranty periods offered by the suppliers.

In regard to Option two, the tenders from The Bin Guy and Allan & J Caple were non-conforming. The other, Waste Tech, was price competitive, however the submission lacked details and a request to provide further details was initiated. The response failed to satisfy the TEC on the grounds it fully understood the task, it had demonstrated expertise, experience and qualifications, and a capacity to undertake similar work and a proven capacity to supply goods.

As part of the evaluation exercise, the issues of reliability, continuity of service, established local service, types of MGBs (recycled content) and price were considered the most important. The outcome of the benchmarking exercise was that the City of Wanneroo is the best placed to carry out the maintenance and delivery service and for Brickwood to supply the mobile garbage bins.

The purchase of the MGBs has been provided for in the budget:

Account No:	11 60 62 651 4503 0001
Budget Item:	Plant & equipment purchase minor
Actual Cost:	\$148,500

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

- 1 ACCEPT the tender from Brickwood Holdings for the supply of Mobile Garbage Bins (Option 1) (Tender 047-99/00) for a consideration of the price schedule submitted with the tender, for 12 months, with an option to extend for another twelve months or part thereof, at the Council's discretion;**
- 2 AUTHORISE the signing of the contract document under common seal;**
- 3 NOTIFY the unsuccessful tenderers accordingly;**
- 4 NOTE that the City of Wanneroo continues to provide a maintenance and delivery service to the City of Joondalup through the Service Level Agreement arrangements.**

Cmr Morgan spoke in support of the Motion.

**The Motion was Put and**

**CARRIED**

## **CJ433-12/99 RUTHERGLEN PARK KINROSS - PETITION - [40500J]**

---

### **SUMMARY**

Council has received a 91-signature petition from the residents of Kinross requesting upgrading of Rutherglen Park.

Peet & Co Pty Ltd developed Rutherglen Park in Kinross as a dry park during subdivisional works. The size and proximity of the park to other areas of Public Open Space impact on further development.

Within the suburb of Kinross there are six reticulated parks (13.76ha) and three dry parks (2.25ha) and one proposed park of approximately 1.6ha.

### **BACKGROUND**

During the development planning phase for the suburb of Kinross, Peet & Co identified various parks for either reticulation or dry park retention. Due to their location within the suburb, various parks were identified as future dry parks. Provision of reticulation to small areas is not economical when treated in isolation.

It was agreed that, where possible, parks would be connected to reticulation. For example:-

Bore 1 - Callander Park connects the Connolly Drive verge and median and the Edinburgh Avenue verge.

Bore 2 - Falklands Park connects the Marmion Avenue verge and is proposed for connection to the Marmion Avenue median.

Bores 3 & 4 - Macnaughton Park connects Menteith Park, Thornton Park, Stonehaven Park.

Bore 5 - Roxburgh Park - proposed connection to Marmion Avenue median.

Retention of indigenous vegetation is a priority at Rutherglen Park, Earlsferry Park and the new area of Public Open Space bordered by Cranston Loop, Blairgowrie Heights and the northern boundary of the City of Joondalup and City of Wanneroo.

## DETAILS

The residents' requirements can be partially accommodated by developing a section of Rutherglen Park by the provision of play equipment and access paths.

It is therefore proposed that this park project be listed for consideration in the 2000/2001 Budget submissions.

**MOVED Cmr Morgan, SECONDED Cmr Rowell that the Joint Commissioners AGREE to give consideration for the provision of play equipment and access paths to Rutherglen Park Kinross in the 2000/2001 Draft Budget submissions.**

**The Motion was Put and**

**CARRIED**

## PLANNING AND DEVELOPMENT

### **CJ434-12/99 METROPOLITAN REGION SCHEME AMENDMENT NO 992/33 – CLARKSON-BUTLER - [00097J]**

## SUMMARY

The proposed Clarkson Butler amendment is intended to facilitate the implementation of important elements of the North West Corridor Structure Plan (1992) in relation to the Parks and Recreation, Public Purposes, Railways, Primary Regional Roads and Other Regional Roads reservations and the Rural, Urban and Urban Deferred zones.

The inclusion of the necessary zones and reservations in the Metropolitan Region Scheme (MRS) will formalise long term planning within the North West Corridor which not only sets land aside for urban purposes but also the extension of the Kwinana Freeway and the Northern suburbs railway and a rail car stowage and servicing depot. The Clarkson-Butler MRS amendment contains the following proposals that are of interest to the City:



- The rezoning of the south eastern portion of the ‘western cell’ of Pt Lot 2 Burns from the Rural zone to the Urban zone and Parks and Recreation reservation;
- The rezoning of the southwest portion of Lot 17 Marmion Avenue from Rural zone to Parks and Recreation reservation.
- Transfer of portion of Lot 17, Marmion Avenue, Tamala Park from the Rural zone to the Public Purposes (Special Use) Reservation, Tamala Park Refuse Disposal Facility;
- The transfer of portion of Lot 17 between the proposed Mitchell Freeway Transportation Corridor and the coast from the Rural zone to the Parks and Recreation reservation; and
- The rezoning of the northern portion of Lot 17 Marmion Avenue, Clarkson the Rural zone to the Urban Deferred zone.

The Environmental Protection Authority (EPA) resolved to formally assess the amendment under Section 48A of the Environmental Protection Act 1986. With respect to that land the subject of environmental reviews, the approved management strategies will be implemented through incorporation of environmental conditions into the MRS and be specifically applicable to Clarkson-Butler. The environmental conditions will be set by the Minister for the Environment on agreement with the Minister for Planning and upon advice from the EPA.

The North West Corridor Structure Plan identified a portion of Pt Lot 2 for urban development with the balance of the site including the System 6 recommended area, being identified as ‘subject to further investigation’. Perth’s Draft Bushplan reviews and replaces System 6. The western cell is identified in the Draft Bushplan as part of Site 322, which also extends north into Lot 17. The western cell is the only recommended site in the metropolitan region to be identified as ‘subject to further investigation’. The draft document also notes:

*‘The most appropriate mechanism for the protection of this Bushplan Site (No.322) to be considered through the public comment period in consultation with the land owners.’*

Objections are raised to limiting the use of Lot 17 Tamala Park, the rezoning of the southwest portion of Lot 17 from Rural Zone to Park and Recreation reservation, and an Urban Deferred zoning on the northern portion of Lot 17.

## **BACKGROUND**

The subject amendment is a continuation of a program of Major Amendment to the MRS, which commenced in April 1993. Since that time a number of major amendments have been introduced for the North West Corridor and outer sub-regions of the Perth Metropolitan Region.

The purpose of the MRS is to incorporate changes to zones and reservations arising from decisions, studies, policies made by the Western Australian Planning Commission (WAPC), or Government proposals for the use and development of land, from more detailed studies of a specific proposal of the MRS, or generally to advance planning and to ensure the MRS is kept up to date as a statutory region plan for Perth.

The proposed Clarkson Butler amendment is intended to facilitate the implementation of important elements of the North West Corridor Structure Plan (1992) in relation to the Parks and Recreation, Public Purposes, Railways, Primary Regional Roads and Other Regional Roads reservations and the Rural, Urban and Urban Deferred zones. The inclusion of the necessary zones and reservations in the MRS will formalise long term planning within the North West Corridor.

The amendment also covers Lot 17 that is jointly owned by the Cities of Joondalup, Wanneroo, Perth and Stirling. In 1984 the then owners (Perth Stirling and the former City of Wanneroo) purchased Lot 17 principally for waste management and investment purposes.

The owners prepared a Structure Plan over four principal development cells, however only three of these have been formally endorsed by the owners, being Mindarie North, Clarkson West and Clarkson East cells. The Mindarie South cell has not been endorsed by the owner Councils. As a general note, the endorsed structure plan reflects the design approaches of the time of its preparation and is not the current approaches of the Western Australian Planning Commission's Liveable Neighbourhoods Community Codes.

The owners are currently calling tenders for the appointment of consultants to prepare a new Structure Plan.

## **DETAILS**

### **Current Proposals**

The Clarkson-Butler Metropolitan Region Scheme contains the following proposals that are of interest to the City:

- **The rezoning of the south eastern portion of the 'western cell' of Pt Lot 2 Burns from the Rural zone to the Urban zone and Parks and Recreation reservation;**

The Burns Beach property Trust, the owners Pt Lot 2 Burns Beach have requested the rezoning of approximately 170ha of Pt Lot 2 from Rural to Urban, with the balance of the lot 120ha to be transferred from the Rural zone to Parks and Recreation reservation. (Attachment 1).

The western cell of Lot 2 Burns Beach has been the subject of a previous proposal for urban development. It was recommended that this original proposal could not meet the EPA's objectives, but that a modified proposal to develop 55ha of land which was not considered to be regionally significant by the EPA could be managed to meet the objectives.

The boundaries now contained in the Clarkson-Butler amendment were developed after consultation with the EPA and largely reflect the EPA's factors for the current assessment. The revised proposal also includes the re-zoning of the balance of the subject land (120ha) to the Parks and Recreation reservation instead of it remaining in the Rural zone. The landowner proposes to cede this 120ha free of cost for park purposes. The key features of the Clarkson-Butler amendment that relate to the subject land are the rezoning of 169.5ha to Urban (which includes the 55ha previously agreed to by the Minister for the Environment) and the transfer of 120ha of land to the Parks and Recreation reservation.

A copy of the Burns Beach Western Cell Structure Plan Report was also forwarded with the rezoning documentation. The purpose of the report is to present a proposal to amend the MRS as part of the statutory approvals process necessary to facilitate the development of Pt Lot 2 Burns Beach Road, otherwise known as the Western Cell. It is not considered essential to comment on the content of the report at this stage, as there is the opportunity later in the process to provide comment.

- **The rezoning of the south western portion of Lot 17 Marmion Avenue, Mindarie from Rural to Parks and Recreation reservation;**

The Amendment proposes to transfer portion of the southern part of Lot 17 from the rural Zone to Parks and Recreation reservation. This area coincides generally with the Mindarie Regional Council lease area (together with the Public Purposes reserve). The principle of a lateral open space wedge between Neerabup National Park and the coast at Burns/Tamala Park has been proposed since the Northwest Corridor Structure Plan 1977 (and 1992) and is consistent with the 1983 System Six recommendations M6 and M2. Under Bushplan terms, negotiations with the owners have commenced but are incomplete.

This area forms part of the operational buffer for the tip site and contributes to the east-west green link. It has been subject to a structure plan prepared by the owner Councils in the early 1990's. Albeit this particular cell has not been formally endorsed.

- **The transfer of portion of Lot 17, Marmion Avenue, Tamala Park from the Rural zone to the Public Purposes (Special Use) Reservation, Tamala Park Refuse Disposal Facility;**

The amendment proposes to transfer a 78ha portion of Lot 17 Marmion Avenue, Tamala Park from the Rural zone to the Public Purposes (Special Use) reservation. The Mindarie Regional Council operates the Tamala Park Refuse Disposal Facility under leasehold arrangements from the landowners (Cities of Wanneroo, Joondalup, Stirling and Perth). The disposal site is located in the central portion of Lot 17 between Marmion Avenue and Connolly Drive (Attachment 1).

The reservation is proposed to reflect the use of the site incorporating an operational buffer to control environmental impacts including dust, odour emissions and noise. The operational buffer requirements will need to be considered in regard to future planning of adjoining land uses. The surrounding portion of Lot 17 is proposed to be included in the Parks and recreation reservation, which partly incorporates a buffer for the site.

The North West Corridor Structure Plan (1992) identified the Tamala Park site as Public Utilities and recommends that as the landfill is completed it could be progressively rehabilitated for purposes that are compatible with the proposed adjacent Parks and Recreation reservation.

- **The transfer of portion of Lot 17 between the proposed Mitchell Freeway Transportation Corridor and the coast from the Rural zone to the Parks and Recreation reservation;**

The amendment proposes to transfer some 152ha of the southern portions of Lot 17, Marmion Avenue/Connolly Drive, Tamala Park from the Rural zone to the Parks and Recreation reservations. As mentioned above the land is currently leased by the Mindarie Regional Council from the landowners, of which the City is one (Attachment 1).

The 1977 NW Corridor Structure Plan showed lateral open space wedges at Alkimos, Burns Beach, and on the northern boundary of the metropolitan region intended as open space breaks in the urban corridors. These lateral wedges are not intended to be given up exclusively to public open space but were proposed as strategic areas of open land to assist in defining distinctive communities and to create a quality of greenness and openness in the corridor development. This proposal is also compatible with the System 6 report, which recommends the preservation of an east-west corridor between the coast and Neerabup National Park.

The area east of Connolly Drive is proposed to accommodate a public golf course. The Parks and Recreation reservation is also consistent with that proposal and maintains the integrity of the east/west green link.

- **The rezoning of the northern portion of Lot 17 Marmion Avenue, Clarkson from the Rural zone to the Urban Deferred zone;**

The amendment proposes to rezone some 135ha of the northern portion of Lot 17 (Attachment 1). The Urban deferred zone refers to land which is suitable for urban development but which may require further planning/assessment, servicing or have other constraints which need to be overcome before subdivision and development occurs. The MRS provides that the lifting of deferment for the transfer of land to the Urban zone may be dealt with by resolution of the WAPC. The deferred zoning in this amendment allows for the long-term resolution of impacts such as odour and noise from the adjacent Tamala Park Refuse Disposal Facility.

The subject area presently supports pockets of remnant vegetation and rural based activities, however, the eastern portion of the site is currently included in Neerabup National Park. The North West Corridor Structure Plan (1992) identifies the subject land as future urban – land having no constraints to urban development in the short term. The joint owners funded the requisite environmental review for this proposal. The intrinsic environmental value for this portion of Lot 17 is relatively low, not having been identified in System 6, or the Trudgen study of Perth's draft Bush Plan.

### **Relevant Legislation**

The procedures for amending the MRS are prescribed by the Metropolitan Region Town Planning Scheme Act (1959). Section 33 of the Act sets out the substantial (major) amendment process which, in essence involves the formulation of an amendment by the WAPC, referral to the Environmental Protection Authority for consideration of the need for an environmental assessment, completion of the assessment to EPA standards, Ministerial approval to public submissions being sought on the amendment (including the environmental

assessment), advertisement, consideration of submissions including the opportunity for formal hearings, environmental conditions set by the Minister for the Environment, approval by the governor with any modifications in response to submissions and tabling before each House of Parliament.

### **Advertising and Summary**

The amendment is being advertised for public submissions for a period of three months from the date of gazettal, being 28 September 1999.

### **COMMENT**

#### **Issues**

- **The rezoning of the south eastern portion of the ‘western cell’ of Pt Lot 2 Burns from the Rural zone to the Urban zone and Parks and Recreation reservation;**

The System 6 study originally identified 105ha of land for conservation purposes within the western cell with the balance available for future urban development.

The North West Corridor Structure Plan identified a portion of Pt Lot 2 for urban development with the balance of the site including the System 6 recommended area, being identified as ‘subject to further investigation’. Perth’s Draft Bushplan reviews and replaces System 6. The western cell is identified in the Draft Bushplan as part of Site 322, which also extends north into Lot 17. The western cell is the only recommended site in the metropolitan region to be identified as ‘subject to further investigation’. The draft document also notes:

*‘The most appropriate mechanism for the protection of this Bushplan Site (No.322) to be considered through the public comment period in consultation with the land owners.’*

- **The rezoning of the south western portion of Lot 17 Marmion Avenue, Mindarie from Rural to Parks and Recreation reservation;**

The City of Stirling is currently seeking tenders (closing 23 November 1999) on behalf of the joint owners for a consultant to prepare a revised structure plan for parts of Lot 17 including this area. The intention is that the joint owners of Lot 17 seek to define the nature and extent of urban development on the part of Lot 17 west of Marmion Avenue. This is seen as important to the owners of Lot 17, especially in the context of negotiations to date on draft Bush Plan in which Ministry for Planning officers have sought to retain 50% of the Urban zoned portion for vegetation conservation to the north of this area.

Given these circumstances, the owners of Lot 17 strongly object to reservation of this part of Lot 17 until such time as further investigations and negotiations have taken place.

It may be noted that there are similarities between this part of Lot 17 and Pt Lot 2 to the south where in considering the environmental issues and in negotiations it has been possible to define areas for urbanisation and reservation. The same opportunity should apply for resolving issues of concern for this portion of Lot 17.

- **The transfer of portion of Lot 17, Marmion Avenue, Tamala Park from the Rural zone to the Public Purposes (Special Use) Reservation, Tamala Park Refuse Disposal Facility;**

It needs to be acknowledged that waste management is a key strategic issue for the northern suburbs and whilst it is acknowledged that waste to landfill should be reduced, alternative waste management options need to be determined. The Mindarie Regional Council is currently preparing strategies for the minimisation of waste to landfill and secondary treatment processes. The option to accommodate waste facilities at Tamala Park needs to be kept open.

- **The transfer of portion of Lot 17 between the proposed Mitchell Freeway Transportation Corridor and the coast from the Rural zone to the Parks and Recreation reservation;**

The Parks and Recreation reservation is consistent with the 1977 NW Corridor Structure Plan and the System 6 report, which recommend the preservation of an east-west corridor between the coast and Neerabup National Park.

- **The rezoning of the northern portion of Lot 17 Marmion Avenue, Clarkson from the Rural zone to the Urban Deferred zone;**

The intrinsic environmental value for this portion of Lot 17 is relatively low, not having been identified in System 6, or Bushplan. The Environmental Review describes approaches to minimise the environmental impact of the development and proposes management provisions be included in the scheme.

Whilst no objection is raised to the zoning proposal the joint owners of Lot 17 have indicated a preference for an Urban zoning in lieu of Urban Deferred for the portion of land located outside the 500 metres operational buffer of the tip site. Such a zoning would acknowledge that that portion is not constrained for development and would enable early structure planning, subdivision and development of that land nearer to Neerabup Road and the proposed Clarkson Railway Station, both of which are to be developed in the next two years. Senior officers of the owner Councils in relation to Bushplan and the subject amendment made this request in recent correspondence.

**MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners ADVISE the Western Australian Planning Commission that:**

- 1 **the changes to the Metropolitan Region Scheme proposed in Amendment No 992/33, Clarkson-Butler are SUPPORTED with the exception of the following:**

- (a) the rezoning of the south western portion of Lot 17 Marmion Avenue, Mindarie from Rural to Parks and Recreation reservation is NOT SUPPORTED pending further discussions and negotiations with the owner Councils;
- (b) it is RECOMMENDED that the northern portion of Lot 17 Marmion Avenue, Clarkson north of the Tamala Park buffer be included in the Urban zone instead of the Urban Deferred zone;
- (c) it is RECOMMENDED that the Amendment documents make clear that it is not necessary for the tip site to be closed to permit the development of land within the buffer zone;

2 it is not considered appropriate to comment on the structure plan submitted for Burns Beach Western Cell at this stage as the amendment essentially is concerned with the broader planning requirements such as zoning and reservation and the more detailed planning can be assessed at a later stage.

Cmr Rowell reiterated the comments made earlier in the meeting by Chairman of Commissioners that this was a submission by the City of Joondalup, not an issue that the City was approving. The end of December is the closing date for submissions. This would still allow time for the newly elected Council to lodge a further submission in this area should it wish to do so.

Considerable time, effort and resources had been involved in preparing a submission and it was felt that the Commissioners had an obligation to progress this.

Cmr Rowell advised individual parties could lodge a submission should they wish to do so.

**The Motion was Put and**

**CARRIED**

Appendix 4 refers – click here: [Attach4min0712.pdf](#)

**CJ435-12/99 PROPOSED HOTEL, COMMERCIAL AND  
RESIDENTIAL UNITS AT LOT 495 (167) GRAND  
BOULEVARD, JOONDALUP - [37738J]**

---

## **SUMMARY**

An application has been received for a residential hotel (including restaurant), commercial and residential units at Lot 495 (167) Grand Boulevard, Joondalup.

The proposed site is in an ideal location, taking advantage of the City Centre, with its proximity to public transportation, major educational and training institutions and considered compatible with the surrounding developments. The development is considered to satisfy the urban design intentions for the land and to conform to the general requirements of the Joondalup City Centre Development Plan and Manual, Town Planning Scheme No.1, proposed revised structure plan and relevant Council policies.

Traffic and pedestrian issues associated with the proposal have been adequately addressed. The mix of on site and cash in lieu provisions for carparking is considered acceptable in this situation, as there are public carparks within close proximity of the development site. Discretion is recommended because of the significant contribution of the proposal towards the City Centre. The proposal is a tall structure and functionally meaningful and will inevitably become a landmark within the urban form and economy of the City centre. The significant number of openings and balcony spaces create a natural surveillance surrounding the site. The proposal is also highly visible from Grand Boulevard and Boas Avenue.

It is recommended that the Joint Commissioners exercise discretion as is allowable under the Scheme and the Joondalup City Centre Development Plan and Manual, and that development approval be granted to the proposal.

## BACKGROUND

Lot No	495
Street Address	167
Land Owner	Grand Boulevard/Cnr Boas Avenue
Owner/Applicant	Kyme Holdings Pty Ltd
MRS Zoning	Central City Area
TPS Zoning	Joondalup City Centre
Land Use	Hotel, Commercial, Residential
Lot Area	9363m <sup>2</sup>

The above site is located on the Southeast corner of Grand Boulevard and Boas Avenue, Joondalup. The site falls within the Central Business District within the Joondalup City Centre Zone where the preferred uses are office, retail, accommodation, residential, leisure and entertainment, cultural facilities, commercial service facilities, medical suites, Council administration, civic centre, law courts and police facilities.

Development within the abovementioned area is subject to the provision of City of Joondalup Town Planning Scheme No 1 (TPS1), the Joondalup City Centre – Development Plan and Manual, Council's Policy 3.1.12 – Cash in Lieu of Car Parking and Policy 3.1.3-Alfresco Dining. The applicant's submission dated 26 October 1999 including site plans, elevations and development brief (tabled) is summarised as follows:

- The proposal has been designed on the basis of a future subdivision of the site into 3 individual fee simple lots. All access would be by way of appropriate easements over the proposed lots to be subdivided.
- The residential hotel includes a separate restaurant, 53 hotel rooms and 20 serviced apartments but no licensed facilities. The 20 service apartments have been designed to accommodate future conversion of up to 54 rooms.



- Carparking calculations have been based on the total site and will be accommodated via a mix of on site provisions and cash in lieu payments.
- Traffic Report and safety audit indicates risk as generally low and could be addressed by detailed design initiatives which also include appropriate traffic management plans to ensure that during construction stage, traffic is managed in a safe manner.
- Current traffic design for access off Grand Boulevard is based on safety, efficiency and operational sensibilities.
- Tandem carbays would be used for hotel valet services or allocation for apartment use.
- Service access for vehicles would be via a ground level parking access.
- Compressors, exhaust fans, etc. (generally located on the roof) would be acoustically designed by an acoustic consultant.
- 91 multiple dwelling units having outlook to pedestrian accessway, Central Park and Grand Boulevard, a communal swimming pool and commercial ground floor units to Grand Boulevard.

## DETAILS

The development proposal for the above vacant site comprises the following components:

- North section – residential hotel including restaurant, 53 rooms and 20 apartments (5-storey building), basement and ground level carparking.
- Northwest section – commercial units on ground floor with 36 apartments (5 storey).
- South section – commercial units on ground floor with 91 residential units (multiple dwellings and 4 storey).
- Total commercial area proposed is 1242 square metres.
- The main entry to the hotel would be off Boas Avenue with rear access carparking and access for service vehicles off Grand Boulevard. All vehicular access for the commercial and 91 residential units will also be off Grand Boulevard. A median opening is proposed along Grand Boulevard to provide for right turns in but not out of the development site.

## Traffic

The safety audit concludes that risk associated with the median opening along Grand Boulevard and the overall traffic impact associated with the development proposal as low.

The proposed left and right in and left out access of Grand Boulevard is acceptable with the reduction in widths to the entry and exit points to and from the development. This is a significant improvement in terms of traffic and pedestrian conflict when compared to the original plans which indicated a total of 4 entry/exit lanes.

## Carparking

Carparking has been provided in accordance with the revised carparking requirements proposed for the City Centre and are as follows:

Residential hotel rooms	-	1 bay per 2 rooms (Nil for service areas)
Commercial	-	1 bay per 30m <sup>2</sup>
Multiple Residential	-	1 bay per unit

**CARPARKING TABLE:**

Use	Parking Provision	No of Reciprocal Bays	No of Bays Provided
GF Hotel	1 bay per 2 rooms (53 rooms x 0.5)	27	
Commercial	1 bay per 30 m <sup>2</sup> GFA (1242 ÷ 30)	42	
Residential Units	1 bay per unit 20 apartments x 1	20	
	36 apartments x 1	36	
	91 multiple units x 1	91	
<b>Total</b>		<b>216</b>	<b>190 bay</b>
<b>Parking mix: 190 bays on site – 26 bays cash in lieu</b>			

**Setbacks, Site Coverage and Plot Ratio**

The proposed setbacks are in accordance with the relevant provisions of the TPS1 and the Joondalup City Centre Development Plan and Manual where 'Nil' setbacks are preferred on all lot boundaries. Balconies proposed indicate slight protrusion into adjoining road reserves, public accessway (P.A.W) and public open space reserves. Similar balconies have been approved in other parts of the City.

The original density in this area was R60 under TPS NO 1. Subsequently the area was uncoded (TPS1). The proposed density under the Structure Plans is R60 and with Council's discretion could be increased to R100B. The proposed density of this development is R136. The 91 multiple units, and the 36 apartments have been included in the density calculations. The 20 apartments within the hotel have been not included as they are to be converted to hotel rooms at a future date.

The maximum plot ratio of 2.5 applies only to commercial development and does not include the residential components of this proposal. The commercial plot ratio for this development is well below the maximum applicable to the site.

The Council's discretion is also requested in respect to the height of the buildings facing the Grand Boulevard, Boas Avenue and Central Walk (pedestrian accessway). The standard maximum permissible height is 13.5 metres along the streets and 10 metres along Central Walk, which is a P.A.W. The proposed wall height along this elevation is approximately 21 metres for the hotel and drops off significantly to about 11.5 metres for the residential units.

**Urban Design Analysis**

The subject lot is extremely significant in the structure of the Central Business District. The Grand Boulevard/Boas Avenue corner of the site will present a facade southwards over Central Park east to Central Walk, north to Boas Avenue and will be visible for a considerable distance to the north and south along Grand Boulevard. A building in this location will inevitably be a landmark and it is considered appropriate that it should be tall and functionally meaningful and satisfy the design requirements within the Joondalup City Centre Development Plan and Manual. The proposal creates an urban wall with active frontages on all four sides and is a significant achievement. Urban design initiatives around the development site including façade treatments would have to be further considered in conjunction with the proposal.

## **Health**

The main areas requiring consideration relate to noise from air conditioning compressors, refuse disposal and noise from adjacent entertainment areas. Requirements under the relevant legislation require adherence in relation to public buildings such as the commercial swimming pool.

## **Building**

Preliminary discussions have occurred with the applicant's architects and the WA Fire Brigade Board. All building related matters and compliance with the Building Code of Australia (BCA) would be addressed at building licence stage.

## **Signage**

The proposed signages indicated on the relevant elevations are considered acceptable under the guidelines for signage within the Joondalup City Centre Zone. A separate signage application would have to be lodged for consideration and approval by the City.

## **Relevant Legislation**

The proposed uses are in accordance with the preferred uses within the Central Business District of the Joondalup City Centre.

In order to approve the variations to the carparking, height of buildings facing Grand Boulevard, Boas Avenue and Central Walk pedestrian spine it will be necessary for the Joint Commissioners to exercise the Council's discretion under Clause 5.9 of Town Planning Scheme No 1, which reads as follows:

### Clause 5.9

*"If it is established to the satisfaction of the Council that a particular requirement or standard specified in this part of the Scheme is unreasonable or undesirable in the particular circumstances of the case, the Council may at its discretion modify the requirement or standard."*

## **COMMENT**

Clause A2.3 of the Joondalup City Centre Development Plan and Manual states: "The provision of public open space and residential development will not be counted towards the site plot ratio." Plot ratios within the Joondalup City Centre were determined based on projected employment expectations.

At their meeting on 25 August 1998 (CJ86-08/98) the Joint Commissioners approved an addition to the Joondalup City Centre Development Plan and Manual that allows Council to "permit development up to a residential density of R100B where the City considers that this has been demonstrated to create an appropriate landmark which enhances the overall legibility and amenity of the City Centre." Amendment 832, which recodes Joondalup City Centre to 'uncoded', was approved by Council on 22 December 1998 (CJ305-12/98) and gazetted on 5 February 1999.

The main issues associated with the proposal for consideration are as follows:

- Variation to heights of buildings facing Grand Boulevard, Boas Avenue and Central Walk. The variation is supported as the building bulk directly faces the streets thereby creating a landmark effect and contributing visually to the streetscape.
- Potential for the storage to be reduced to allow for more space to be made available to increase the entry foyer presence on Grand Boulevard. It is to be noted that the Residential Planning Codes requirements do not apply to mixed use developments in the Joondalup City Centre.
- Staged construction of the development to conform to the Development Plan and Manual requirement that each stage appear complete. This is to ensure that if the development were to be staged, the exterior finishes and overall composition would be of a standard which is aesthetically acceptable.
- Urban design initiatives around the development site would also have to be further considered in conjunction with the proposal. Being an important landmark site, the City's involvement with the developers is necessary to ensure the objectives of the Joondalup City Centre are achieved
- Proposed residential density greater than R100B. The variation is supported on the basis that the proposal is a mixed development and to encourage further residential development within the City in an integrated manner. The higher density proposed is appropriate in this instance based on the overall benefits this development would provide to the development of the City Centre.

### **Assessment and Reasons for Recommendation**

The above proposal is viewed as generally satisfying the requirements of the Joondalup City Centre Development Plan and Manual in terms of facades of buildings and urban design intentions for the location. The uses proposed are preferred uses within this area. The proposal creates a landmark. It presents a strong façade to the surrounding streets with active commercial frontages at street level on the main roads, which articulate each street corner. The proposed development is acceptable in terms of commercial and residential integration of differing uses within the context of City Living. Consideration and attention have been focused in providing safe vehicle and pedestrian movements. The proposal is a significant building and a big step for development within the City Centre. The variations proposed are within reason and are supported as such.

It is recommended that the proposal be approved for the reasons stated in the above report.

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

- 1 EXERCISE discretion for the residential hotel (including restaurant), commercial and residential units at Lot 495 Grand Boulevard/cnr Boas Avenue, Joondalup, under Clause 5.9 of the City of Joondalup Town Planning Scheme No 1 to:**
  - (a) increase to the Residential density from R100B to R136;**
  - (b) relax the height requirement for buildings facing Central Walk, Grand Boulevard and Boas Avenue in recognition of the site significance, highly visible buildings facing the streets thereby creating a visually attractive streetscape;**

- 2**        **APPROVE the development on the above site, subject to the following conditions:**
- (a)    provision of 216 carbays to the satisfaction of the City;
  - (b)    provision for access for people with disabilities in accordance with the relevant regulations;
  - (c)    glazing to commercial premises at street level is to be non-obscure;
  - (d)    all stormwater to be disposed of in a manner acceptable to the City;
  - (e)    all verge areas to be reinstated to their original condition at the cost of the owners or other alternative arrangements to the satisfaction of the City;
  - (f)    all cost associated with the relocation of existing verge carparking and roadwork's to be at the cost of the owners or other alternative arrangements to the satisfaction of the City;
  - (g)    Submissions on the staged construction of the development to conform to the Development Plan and Manual requirement that each stage appears complete;
  - (h)    prior to submission of building licence, submission of an Acoustic Consultants report to the satisfaction of the City;
  - (i)    all refuse storage areas to be provided to the satisfaction of the City;
  - (j)    all access to the site and internal manoeuvring and carparking to the satisfaction of the City;
- 3**        **applicants/owners be advised of 1 and 2 above and be further advised that a separate Sign application is required to be submitted for all proposed signage.**

Cmr Rowell spoke in support of the Motion and advised this issue was a significant step in the development of the city business district of the City of Joondalup.

**The Motion was Put and**

**CARRIED**

Appendix 5 refers – click here: [Attach5min0712.pdf](#)

**CJ436-12/99     MARINE RESEARCH AND EDUCATION FACILITY  
FOR FISHERIES WESTERN AUSTRALIA – RES 39197  
HILLARYS BOAT HARBOUR (255) WEST COAST  
DRIVE, HILLARYS - [01081J]**

## **SUMMARY**

An application has been lodged by Fisheries Western Australia for a proposed 2 storey-building complex on a 1.0 Hectare site within the boundaries of the existing Hillarys Boat Harbour (HBH). The determination of the proposal rests with Western Australian Planning Commission (WAPC) as the land forms part of a regional reserve (the land is zoned Parks and Recreation in the Metropolitan Region Scheme). The City is however able to make comments as to the appropriateness of the development.

The development parallels the northern boundary of the existing car park. The proposal would run east to west with a small L-shaped extension at the northern boundary of the existing HBH (see attachment No. 1).

The scale, form and texture of the building has been designed to match the existing harbour. Associated carparking would be provided around the development to offset and increase the overall parking provision within the HBH area.

This report recommends that the proposal be supported, subject to those conditions specified within this report.

## **BACKGROUND**

Lot No	Res39197
Street Address	(255) West Coast Drive, Hillarys
Land Owner	The Minister for Transport
MRS Zoning	Metropolitan Region Scheme Parks and Recreation Reservation
TPS Zoning	Metropolitan Region Scheme Parks and Recreation Reservation
Land Use	Marine Facility
Permissibility of Use	N/A
Lot Area	1.0 hectare

## **Site History**

The Hillarys Boat Harbour (HBH) has established itself as one of the Perth's more popular tourist attractions. The success of the HBH has led to increased pressure for take up of any available areas to capitalise on its viability, and all the originally intended land-based area is now leased. The Harbour adjoins the suburbs of Sorrento and Hillarys, and access from the wider suburban area is available via West Coast Drive, Hepburn Avenue and Whitfords Avenue.

The HBH has generated some negative impacts on the surrounding community due to its popularity and variety of uses. Traffic and parking issues associated with the Boat Harbour are a significant concern to the local community.

The harbour is divided by a substantial carpark into two distinct areas. The southern end provides for retail/commercial activity, tourist and temporary accommodation and the northern end caters for marine based type activities.

With the harbour being close to its maximum potential, pressure is mounting for additional development and extensions to existing businesses. This proposal represents additional development and lease site.

A draft structure plan for HBH is currently being advertised in recognition of the need to co-ordinate land use in the area.

### **Previous Council Decisions**

The City's records indicate that 72 applications for development have been made over time. The Draft Structure Plan & Implementation Strategy for Hillarys Boat Harbour states "the critical time has arrived to assess the future of HBH. A decision needs to be made to either consolidate and enhance the existing facilities or, if continued expansion is to be promoted, how to facilitate future development."

Previous applications have involved considerable discussions on the issue of parking and access. Applications previously advertised by the City have attracted many objections based on parking, access, building design and bulk.

### **DETAILS**

#### **Current Proposal**

The proposal incorporates two buildings which have a Gross Floor Area (GFA) of approximately 7287.75m<sup>2</sup> and a Net Lettable Area (NLA) of approximately 6434.5m<sup>2</sup>. The realignment of Northside Drive, additional carparking and modifications to the existing carparking areas are also proposed.

The Fisheries building comprises a two-storey structure that runs east west with an internal parking compound located at the eastern end (see Attachment No. 2). The floor plan incorporates a combination of daily work areas and facilities and areas for special events (see Attachment Nos. 3 & 4).

The second, smaller building is located on the western end of the larger building (see Attachment No. 2). The ground floor incorporates a display space, shop front, kiosk and training lab, with a second display space and the Department of Transport (DOT) administration offices on the second level. (see Attachments Nos. 3 & 4)

The realignment of Northside Drive, additions and modifications to carparking will establish:

- an additional 34 bay parking area to the west of the existing T.S. Marmion site;
- an additional 35 bays to the existing carparking area which abuts Whitfords Avenue;
- an internal 6 trailer and 35 car bay parking area at the eastern end of the fisheries building;
- a remaking and modification of the existing boat and trailer parking area to create 242 car/trailer bays and an additional 12 car/trailer or 36 carbays; and
- the realignment of Northside Drive. (See attachment No. 2 for all of the above)

### *Use & Acceptability*

#### **Fisheries - Western Australia**

James Christou of James Christou & Partner Architects (the original architects for HBH) described the use as “most appropriate” for the harbour. The applicant provided the following points to create an association between the location and proposed use:

- access to high-quality seawater;
- a suitable beach front land area;
- immediate location to Underwater world; and
- client Group Access.

Fisheries Western Australia also indicate that the facility will have educational benefits, as outlined below:

- school visits will occur on a regular basis;
- there will be co-ordinated education programmes in conjunction with Underwater World;
- an environmental programme will be put in place, as a result of an initiative by the City;
- the building will be used as a training facility for volunteer fishing inspectors, who act as licencing officers for the Fisheries Department;
- guided tours will be conducted for both interstate and international visitors;
- its location facilitates contact with fishermen both leaving via the boat jetty and landing ramps.

#### **Kiosk**

The applicant advises that “a small kiosk facility to be operated privately within the public sector of the building, was incorporated to:

- meet the internal catering needs of staff, public visitors to the display/shopfront areas (Fishers WA and Department of Transport), and morning/afternoon tea, sandwiches etc. for client group meetings.
- provide a facility for the basic refreshments on the weekends, primarily for members of the public utilising the northern marina beach and adjacent Whitfords Nodes lawn recreation areas.

The kiosk facility is seen as providing both an improved public amenity to the area and being a key strategy to retain the public in both the display areas and the education/training facility within the laboratory complex.”



### ***Carparking and Traffic***

As part of the application, a Traffic Report (by Mr Peter Metropolis – Metropolis & Associates – Traffic Planners for Fishers WA) was submitted to address the issues of carparking and traffic. The report states that “specific location of the facility was influenced considerably by traffic and parking requirements with several options having been considered.” A point summary of that report follows:

#### *Existing car/trailer-parking provisions*

- The Department of Transport requires a minimum of 240 car/trailer parking bays to be retained out of the 273 currently available.
- The proposed reconfiguration will result in 242 bays being available for car/trailers.

#### *Carparking requirements for the development.*

- The development has a net floor area of approximately 3200m<sup>2</sup>.
- The standard agreed to by the Department of Transport, requires 8 bays per 100m<sup>2</sup> of floor area. This equates to 256 bays.
- Calculations based on staff and visitor numbers estimates that 119 bays are required.
- The Ministry for Planning has indicated that 6.4 bays per 100m<sup>2</sup> of useable floor area appears acceptable. This equates to 128 bays based on the 2000m<sup>2</sup> footprint area.
- The Department of Transport and Fisheries Western Australia have agreed that 140 bays is an acceptable compromise. The proposal therefore provides for a total of 140 bays.

### **Relevant Legislation**

#### *Metropolitan Region Scheme*

All the land comprising the Hillarys Boat Harbour, including the current proposal, is within the Parks and Recreation Reservation in the Metropolitan Region Scheme (MRS).

The MRS provides that reserved land may not be developed without the approval of the WAPC, except that the land may be used for:

- Parks and Recreation;
- By the public authority in whom the land is vested (i.e. Minister for Transport in this instance); or
- Any other purpose which may be approved by the WAPC, with or without conditions.

#### *Hillary's Structure Plan*

The following issues were raised in the Hillary's Structure Plan as items to be addressed in consideration of the Fisheries proposal:

- The lease area and building 'footprint' being kept to a minimum to prevent the loss of the existing parking;
- Adequate car parking being provided within the lease site and close by within the Hillarys Boat Harbour boundaries to serve the development;
- Preservation and integration of the existing dune system into the design concept for the building;

- Establishment of adequate and clearly defined pedestrian links to and from the building to improve connections between the Whitfords Nodes and Hillarys Boat Harbour;
- Access and visibility for the naval cadet building, TS Marmion, being retained; and
- Retention of an appropriately designed northern access drive linking Whitfords Avenue and the northern breakwater.

The structure plan's conclusion states "the development of the proposed fisheries facility can be supported if it occupies a minimum building footprint, if car parking issues can be satisfactorily resolved, and if its impact on the dunes is minimal.

#### *Former City of Wanneroo – Foreshore Management Plan*

A Foreshore Management Plan was prepared for land immediately north of the existing harbour known as the Whitfords Node area in 1991. The proposal has no impact on this plan.

#### *Bushplan*

Bushplan is intended to provide for the protection of remnant vegetation on the Swan Coastal Plain. The land immediately north of the existing harbour known as the Whitfords Node area has been designated as Bushplan site No. 325. This comprises the northern coastal strip to Burns Beach Road. The Ministry is currently assessing the implications of Bushplan on the development, however, it is understood that this document is unlikely to affect the proposal.

### **Advertising and Summary**

Advertising of the proposal was carried out in accordance with Part 3 of the City's Town Planning Scheme No.1 and Policy 3.1.8 of the City's Policy Manual.

The proposal was advertised by way of two signs on site for a period of 21 days, and advertisements in three editions of the Wanneroo Times newspaper, on consecutive Thursdays.

The submission period closed on 19 November 1999. At the close of advertising, four submissions had been received, all of which objected to the proposal.

Following is a summary of the grounds of objection:

1. The proposal incorporates commercial facilities which would be in direct competition with existing businesses within the boat harbour.
2. The northern area of the harbour was to be developed as carparking, therefore this alternative development has serious implications for the adjoining landholding in terms of height and bulk.
3. The proposal is more suited to the Ocean Reef Marina.
4. Serious problems already exist within the boat harbour in terms of carparking and over development.

## COMMENT

### Issues

#### Land availability for future predicted growth.

The submitted plans and information indicate potential future expansion of the facility, however, any further growth on this site is highly unlikely given the constraints referred to in this report.

#### Poor Pedestrian links

Pedestrian linkages between and through all harbour carparks is poor at best. The current proposal is also deficient in this aspect, and further consideration will need to be given to this. The proposal's pedestrian access network needs to be treated as an integral component. The strengthening of pedestrian linkages should be a requirement of the application, being that changes to the car parking and road layout are included within it. This issue should be recommended as a condition of approval to the Western Australian Planning Commission.

#### Alternative location – Ocean Reef Marina

A number of suggestions have been made that this facility be located at Ocean Reef Marina. Fisheries WA advise that this location was considered, however, was deemed to be unsuitable due to the inadequate water quality for research purposes at the Marina.

## Assessment and Reasons for Recommendation

### *Public Submissions*

- 1 The first ground of objection related to the incorporation of commercial facilities. This is not normally a planning consideration, however, the applicant was requested to provide a justification for the proposed kiosk facility and it is concluded that this facility should be considered as incidental to the overall proposal.
- 2 The second objection regarding the height and bulk of the building and its effects on the adjoining residents is valid, however, the buildings' height, orientation and design are such that they are consistent with other buildings within the Harbour precinct.
- 3 Fisheries WA advise that the issue of water quality is considered to be fundamental to the proposal. The applicant has stated that the Ocean Reef Marina was "excluded on the basis of water quality, as the site is immediately inshore of the major metropolitan sewerage outfall which is programmed to expand output in the future."

### *Car Parking*

The issue of carparking will continue to be debated for a long time in the future, and the matrix below is self-explanatory. It does however demonstrate the huge variations in requirements, if separate standards were adopted.

### MATRIX FOR CARPARKING REQUIREMENTS

	CARPARKING RATIO	BUILDING AREA CALCULATION	BAYS REQUIRED
City of Joondalup	1 bays per 30m <sup>2</sup> NLA	6434.5m <sup>2</sup>	214 bays
Proposed Structure Plan	4 bays per 100m <sup>2</sup> GFA	7288m <sup>2</sup>	292 bays
Department of Transport	Staff and utilisation rates	-	140 bays
Submission Report	Staff and utilisation rates	-	140 bays

The proposal will result in a net increase in the provision of carparking and the applicant has provided information demonstrating that the peak demand times of the Harbour (in general) and this development are different. This development will operate at its peak during weekdays, while the Harbour peaks on weekends. Extended holiday periods will need to be closely monitored by the Department of Transport to assess if any further traffic management strategies are required.

It is noted that some of the parking is shown as encroaching the road reserve. A condition of approval requiring a redesign of the car park is recommended.

It is also necessary that the car parking areas be adequately lit for safety and security reasons. Again, this can be addressed through an appropriate condition on the approval.

#### *Vehicle Access*

The realignment of Northside Drive at the Whitfords Avenue entry point is designed to improve safety for vehicles entering and exiting the north eastern car park. The Fisheries WA facility will generate more vehicle movements and therefore further upgrading to the Northside Drive/Whitfords Avenue intersection will be necessary. It is therefore recommended that Fisheries WA contribute 50% to the cost of a single lane roundabout at that intersection.

#### *Land Use*

The use is concluded to be appropriate within the Harbour. If water quality was not an issue at Ocean Reef Marina, then it may have been the preferred site.

#### *Building Design and Scale*

The building design, colours, materials, height, bulk and orientation are concluded to be consistent with those of the Harbour, and will contribute to the integration of the proposal with the HBH.

#### *Whitfords Nodes*

The proposed facilities and ancillary car parking does not physically impact on the Nodes, however, the increased level of vehicle movement and personnel at the northern end of the boat harbour site has the potential to impact over time. To protect the southern edge of the Nodes, it is recommended that a suitable barrier fence be constructed along the northern edge of Northside Drive.

On the balance of all information supplied by the applicant, submissions received and research completed by the City, it is concluded that the proposal should be supported by the City subject to those conditions and further advice to the Commission detailed within the recommendation.

**MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners, in consideration of the development application dated 15 October 1999, submitted by Fisheries Western Australia for a Marine Research and Education Facility, on Res 39197 “Hillarys Boat Harbour” (255) West Coast Drive, Hillarys:**

- 1 RECOMMEND support for the proposal to the Western Australian Planning Commission, subject to the following conditions:**
  - (a) the submission and approval of revised plans to the City and Commission addressing the following issues:**
    - (i) the provision and location of adequate and clearly defined pedestrian links to and from the building to improve connections between the Whitfords Nodes and Hillarys Boat Harbour;**
    - (ii) the relocation of carparking bays located within the Whitfords Avenue Road Reserve prior to the submission of a Building Licence;**
    - (iii) the construction of Northside Drive, including road pavement, footpath and suitable barrier fencing to adjacent Whitfords Nodes;**
    - (iv) a landscaping plan for the site;**
    - (v) construction of new parking areas which shall be paved, drained and lit;**
- 2 RECOMMEND a contribution of 50% by Fisheries WA to the construction of a single lane roundabout at the intersection of Northside Drive and Whitfords Avenue;**
- 3 REFER copies of all submissions for the proposal to the Western Australian Planning Commission for its consideration.**

Cmr Rowell spoke in support of the Motion and advised a submission had now been received from a Mr West on this Item, and in particular the issue of car parking which had inadvertently been misplaced among the submissions received for the proposed shopping centre to be located on Flinders Drive.

**The Motion was Put and**

**CARRIED**

Appendix 6 refers – click here: [Attach6min0712.pdf](#)

**CJ437-12/99      WHITFORD      CITY      SHOPPING      CENTRE  
ALTERATIONS AND ADDITIONS: PT LOT 501 (470)  
WHITFORDS AVENUE, HILLARYS - [00081J]**

---

## **SUMMARY**

An application has been received seeking approval for the expansion of the Whitford City Shopping Centre from 37,697m<sup>2</sup> net leasable area (NLA) to 49,601m<sup>2</sup>. The proposal requires a determination from Council pursuant to the City of Joondalup Town Planning Scheme No.1. The proposal also requires a separate determination from the Western Australian Planning Commission pursuant to the Metropolitan Region Scheme.

Key issues are as follows. The proposal:

- is consistent with State and Local Centre Policies regarding the size of Whitford City in the policy hierarchy;
- complies with the range of discretion allowed under the City of Joondalup Town Planning Scheme No 1 regarding carparking;
- complies with retail floorspace limits expressed in Draft District Planning Scheme No 2.
- was advertised and ten (10) submissions were received, most of which objected to the proposal due to traffic issues and economic impact of the development on Lakeside Joondalup Shopping Centre;
- has been assessed for its traffic implications and has addressed resident concerns;
- attempts to address the negative aspects of the traditional shopping mall by breaking open an expanding Whitford City to create a “village centre”;
- increases the opportunity for community, entertainment and recreational activities within a “village centre”;
- will provide an economic boost to the local economy and will improve the functionality of Whitford City Shopping Centre.

From a planning perspective, this report recommends that the proposal is conditionally supported.

## **BACKGROUND**

File Reference:	00081J
Local Government:	City of Joondalup
Application No:	DA99/1299
Applicant:	NMFM Property Pty Ltd
Owner:	Permanent Trustee Australia Ltd
Date Received:	30 September 1999
Zoning:	TPS1: Whitford Town Centre & Service Station
MRS:	Urban
Lot Area	19.84 hectares
Existing Retail NLA	37,697m <sup>2</sup> Net Leasable Area (NLA)

Existing GLA	55,807m <sup>2</sup> Gross Leasable Area (GLA)
Proposed Retail NLA	49,601m <sup>2</sup> NLA
Proposed GLA	70,240m <sup>2</sup> GLA
Use Class:	“P” – Shops, “IP” – Car Park, “AA” - Use not listed (such as restaurants)

### Site History

The pertinent history of approvals and growth of the site is summarised below:

- |              |   |
|--------------|---|
| 1977         | Application was approved for 22,307m <sup>2</sup> retail with other activities at a gross total of 29,938m <sup>2</sup>   |
| 1978         | Centre was first opened with a department store, a discount store, large and small supermarket, 60 specialty shops and office suites. Separate buildings on-site for hardware, TAB, squash courts, service station and a tavern.  |
| 1985-1990    | Extensions were approved for a further 17,140m <sup>2</sup> . Foodhalls, speciality shops etc added increasing centre to 43,372m <sup>2</sup> GLA.  |
| 1991         | Further additions of 13,070m <sup>2</sup> GLA added including second discount department store and 42 more specialty shops. Basement and roof deck car parking was added in addition to further ground level parking.   |
| 1992         | An application for six (6) cinemas was approved by the Town Planning Appeal Tribunal in 1992(on appeal) after being refused by Council.   |
| 1997         | Council refused an application for major alterations and additions to Whitford City comprising of a two level department store, specialty shops, non-retail uses, a mall over the existing mall, the relocation of Action supermarket and removal of the BP Service Station. The total floor space proposed was 91,000m <sup>2</sup> GLA, including 72,150m <sup>2</sup> retail NLA.  |
|              | The Western Australian Planning Commission also refused the application. The reasons for refusing the proposal were based on several planning issues relating to the effect of the proposal on existing and planned centres, traffic impacts on surrounding residents and failure to comply with Town Planning Scheme No 1 requirements relating to parking and landscaping.  |
| 4 Nov 1998   | The Town Planning Appeal Tribunal considered an appeal against the refusal decision in 1997 by the Council. The Tribunal determined the appeal in favour of the City and the WA Planning Commission. The appeal was substantially determined on local traffic and amenity grounds and not retail floorspace limits. The appellant accepted the decision and advised they would address the Tribunal concerns of amenity and urban design in a new proposal. |
| 30 Sept 1999 | Current Planning Application received, the subject of this report.  |

- 11 Oct 1999 Application referred to the Western Australian Planning Commission for separate determination.
- 21 Oct 1999 Public advertising commenced for the proposed alterations and additions to Whitford City for a period of 21 days.
- 12 Nov 1999 Advertising of proposal ceased and eight (8) submissions were received including one late submission. The submissions raised objection to further expansion of the centre.

## **Location**

The Centre is located 23 km north west of Central Perth at the southern end of the North-West Urban Corridor of the Perth Metropolitan Region. The Centre is bound by Whitfords Avenue to the north, Marmion Avenue to the east, Banks Avenue to the south and Endeavour Road to the west. Whitfords Avenue provides direct access to the Mitchell Freeway located 3 km to the east. Marmion Avenue links with West Coast Highway, south of Karrinyup.

The Centre is a single level structure surrounded by a car park with undercroft and roof top parking. The Centre is sited on a hill side, which has been partially excavated to enable undercroft parking and a first floor shopping level. The Whitford Avenue hill side is still evident with sloping parking towards the shopping entrances.

The current Centre major tenants comprises two (2) discount department stores (Big W and Target) and two (2) supermarkets (Woolworths and Action). There is 13,510m<sup>2</sup> GLA of other retail shops. Cinemas, a TAB, health club, tavern, (2) fast food outlets, a BP Service Station and office suites make up the remainder of the existing centre.

The centre currently has three (3) vehicle crossovers to Whitfords Avenue, one (1) to Endeavour Road and four (4) on Banks Avenue. There are currently no crossovers onto Marmion Avenue.

## **DETAILS**

### **New building layout**

The extension of the centre is focused on the intersection of Whitfords and Dampier Avenue. This is intended to be the location of a new central village square which is an outdoor mall area. Activities which could utilise this space include retail, restaurant, café and entertainment facilities. This is designed to enable the centre to be used during the day and into the evening.

Other changes involve:

- Two new malls will be created, with one running parallel to the east west mall and the other running through the site of Woolworths store and connecting into the village square.
- The existing Woolworths store will be relocated.
- Two new mini-major stores are proposed.
- New entrances are provided from the north east and from the west side of the building.



- Provision is also made for the possibility of the construction of a new library and a community centre at the main entrance opposite Whitford Avenue and Dampier Avenue. It should be noted that there has been no formal dialogue as to this aspect of the proposal at this time.

### Supporting Documentation

The applicant has provided the following documents in support of the proposal:

- Development Application Report;
- Traffic and Parking Study;
- Economic Impact Assessment;
- Copies of plans and elevations (some of which are attached for ease of reference).

### Economic Impact Assessment

The applicant has included an economic impact assessment report in support of the proposal. The report can be summarised as follows:

- **Trade area population** has grown significantly from 1991-96 census and growth rate of 3.4% pa. Population growth and retail spending will require additional facilities to cater for consumer needs at Whitford City and other centres.
- **Trade area retail spending** will increase within Whitfords trade area necessitating the expansion of both Whitford City and other centres. Projections in retail trade area spending are provided.
- **Retail competition** was assessed by a shopper and household survey within the trade area indicated a minimal impact of the Centre's expansion over a number of centres because people use a variety of centres to satisfy their shopping needs.
- **Current and future performances** considered that Whitford City currently attracts a 15.5% market share of spending residents living within its total trade area and is projected to grow to 16.4% with the expansion proposed. This is relatively strong with room for improvement.
- **Economic impact** is assessed in terms of the probable reduction in retail turnover at various shopping centres resulting from this proposal. The method compares turnovers of an expanded centre. Economic impact is expressed in a percentage of impact on turnover levels of existing centres. Surveys reinforced the desire for an expanded and revamped centre to continue at Whitfords as a centre for a range of goods, personal and financial services and entertainment.

The applicant also states the expansion of the Whitford City Shopping Centre offers positive economic impacts through:

- a broader range of goods and services to the trade area population;
- 1200 jobs created during construction and 800 jobs created in the long term operation of the centre; and
- new land uses contributing to the multi-functional Regional Centre.

### **Traffic and Parking Study** (refer to attachment 1 existing driveways)

The traffic and parking study evaluates the following aspects of the proposal:

- Reduces traffic on Banks Avenue between Endeavour Road and Driveway F and increases traffic along the balance section to Marmion Avenue.
- Increases traffic on Dampier Avenue from 10,700 vehicles per day (vpd) to 11,800vpd.
- Increases traffic on Whitfords Avenue from 19,720vpd east of Dampier Avenue to 26,740vpd.
- New traffic signals at the Whitfords Avenue – Driveway A junction between Dampier Avenue and Marmion Avenue;
- Alters Driveway E to limit access to an indirect link from Banks Avenue to the basement carpark only;
- New Driveway J (left turn in only) from Marmion Avenue;
- Modify existing driveway C unsignalised junction to provide a right turn movement from Driveway C to Whitfords Avenue east;
- Provides an additional 419 carparking bays in deck parking form;
- Upgrades pedestrian/cyclist access through the Centre;
- Improves facilities for patrons of public transport.

### **Car parking**

The community expects there will be adequate provision for on-site parking and the proposal will not create parking requirements beyond that provided on-site. The applicant proposes to determine future parking based on estimated parking demand derived from a parking survey.

The City of Joondalup Town Planning Scheme No.1 requires parking at a rate of 1 bay per 10 m<sup>2</sup> of GFA up to 1000 m<sup>2</sup> plus 1 bay per 7.5 m<sup>2</sup> of GFA over 1000 m<sup>2</sup>. These statutory parking standards are unreasonable and undesirable as they do not reflect the existing provision of parking (at a lower parking ratio) within the centre and the previous Tribunal decision that accepted a lower parking ratio of 5.44 bays per 100m<sup>2</sup>. Discretion is available to Council and would be reasonably applied under Town Planning Scheme No.1 to vary parking standards in these circumstances. The proposal was therefore assessed for its conformity with the parking standards of Draft District Planning Scheme No 2. as set out on the following table.

### **Carparking Table**

<b>Existing Parking Provision</b>	<b>Parking Provision Required under Draft District Planning Scheme No 2.</b>	<b>No. Bays Required</b>	<b>No. Bays Proposed</b>
3735 Bays (approx. 6.31 bays per 100 sqm NLA. Figures provided by applicant)	3000 bays for the first 50,000 m <sup>2</sup> of NLA plus 4.8 bays per 100 m <sup>2</sup>	4154 bays	4154 bays

## Building Setbacks

Town Planning Scheme No.1 specifies building setbacks from boundaries for shops listed in the table below. In most instances the development exceeds setbacks of 9.0 metres from a front boundary however the site has four frontages. A minor variation is requested for one setback to Whitfords Avenue, where an approximate 5-metre setback is proposed to the corner wall of the relocated Woolworths supermarket. Clause 5.9 of Town Planning Scheme No.1 allows Council to vary setback standards. The Town Planning Appeal Tribunal previously accepted the position that it was not appropriate to apply a rigid front building setback at all to this site and in any event not to the whole of the site. It is on this basis, combined with the wide road reserve of Whitfords Avenue and appropriate facade treatment that the proposed setbacks are considered acceptable. The 'Height and Scale of Buildings in Residential Areas' Policy 3.1.9 is not applicable to commercial zoned land of Whitford City.

## Building Setbacks

	Building setbacks proposed	Building Setbacks required by Town Planning Scheme No 1.
<b>Front Setback</b>	5.0m (min approx.)	9.0m (Not Applicable)
<b>Side Setback</b>	(Not Applicable)	3.0m (Not Applicable)
<b>Rear Setback</b>	(Not Applicable)	6.0m (Not Applicable)

## Landscaping

The amount of landscaping proposed is generous for the development and will positively contribute towards the amenity of the locality. The focus of the landscaping is upgrading along Whitfords Avenue on the periphery of the site and in car park areas. Entrances will feature significant landscaping treatments. The Village Square will include feature pools, gardens and trees and furniture and other structures. Pedestrian paving will also be upgraded in key positions around the site. Landscaping exceeds Town Planning Scheme No1. standards.

Landscaping Proposed	Landscaping Required
2.07ha approx. is provided given site of 19.83ha (10.48%)	1.58ha is required given a site of 19.83ha (8%)

## COMMENTS

### Floorspace Calculations

The development application proposes to expand the Whitford City Shopping Centre from 55,807m<sup>2</sup> GLA to 70,240m<sup>2</sup> GLA and from 37,697m<sup>2</sup> NLA to 49,601m<sup>2</sup> NLA. GLA refers to the gross or total floor area of the development while NLA refers to the area that can be leased for retail use.

The above figures indicate an increase of 14,433m<sup>2</sup> GLA and 11,904m<sup>2</sup> NLA and have been audited by Council officers as a component of this assessment.

## **Application Assessment Criteria**

Similar criteria were applied to the current proposal as had been raised by the Town Planning Appeal Tribunal; as follows:

- (a) **Level of Service**  
Place of the centre in hierarchy. Service in regard to projected population, trade area, projected population of the trade area, future capita spending.
- (b) **Commercial Impact**  
Policies, need for expansion. Impact of expansion on other centres.
- (c) **Planning Requirements**  
Parking, compliance with development standards eg landscaping.
- (d) **Planning Impact**  
External traffic, location of crossovers and intersections;  
Internal traffic, ring road system and car parks;  
Efficient operation of infrastructure services of public transport.
- (e) **Summary of Submissions**  
Each of these criteria are assessed in detail below.

## **Level of Service - Policy Framework**

There are several State and Local Government Policies that establish a hierarchy of centres and provide guidelines to the location and the size of centres. These are relevant considerations for this proposal since it is important to distinguish the role of Whitford City as compared to other higher order centres such as Joondalup Centre. The Policies briefly discussed below are relevant planning considerations on future development within Whitford City and provide an important planning context for assessing the proposal.

### North West Corridor Structure Plan Retail Strategy (NWCSPRS) 1990

The NWCSPRS used population forecasts and medium term expansion of 50,000 m<sup>2</sup> for Whitfords City was suggested as justifiable.

### Metropolitan Centres Policy (MCP) 1991

The MCP identified a hierarchy of centres to serve the Perth Metropolitan Region and provides a guide to the location and size of centres. Significant centres within the district are listed below:

- Strategic Regional Centre – Joondalup
- Other Regional Centre – Whitford City, Warwick Grove
- District Centres – Greenwood Village, Woodvale.

The policy does not specify upper limits on the amount of retail floor space in ‘Strategic Regional Centres’ and ‘Other Regional Centres’. It requires that development of these centres must not cause unacceptable impacts on existing or planned centres.

### North West Corridor Structure Plan (NWCSP) 1992

This plan provided a planning framework for the corridor until the year 2021. The NWCSP provides more detail on retail and commercial centres than the 1991 MCP. The Policy accepted the hierarchy of centres in Metroplan and assessed the distribution of floorspace. Whitford City is provided with '50,000 m<sup>2</sup> allocated' of NLA for medium term expansion within a 5 – 15 year period.

### Review Metropolitan Centres Policy Draft (MCP) 1999

The draft policy shifts from an emphasis on floorspace to the functional role of centres in a centre hierarchy and designates the following centres within the district:

- Strategic Regional Centre – Joondalup
- Regional Centre – Whitford City, Warwick Grove
- District Centre – Greenwood Village

The role of Whitford City as a Regional Centre in the proposed hierarchy of centres is as a large shopping centre with good accessibility, rather than providing a 'total' mix of use in a strategic location (such as Joondalup).

### City of Joondalup Draft Centres Strategy 1999

The draft Centres Strategy like the Metropolitan Centres Policy identifies a hierarchy of centres and takes a new approach to the distribution, size and nature of the centre. The draft policy specifies upper retail floor space limits. Whitford City Shopping Centre is designated as a "Town Centre" and the proposed expansion fits within this draft strategy.

## **Commercial Impact**

Much of the concern of commercial impact stems from competition and size of centres. In this case the proposal conforms to the suggested size of centres espoused in various planning policies (discussed previously) and the provisions of draft District Planning Scheme No 2.

### Trade Area

Trade area definition is the population catchment of a centre has been described by Jebb et al in 1999 report titled 'Whitford City Shopping Centre – Economic Impact Assessment' Sept 1999 based upon a shopper survey:

- Primary Trade Area 6kms east of Whitfords and 2.5 kms north and south.
- Secondary Trade Area 8kms north including Joondalup, the southern sector 7 kms south and eastern sector 9 kms east
- Tertiary Trade Area 15 kms north.

The retail consultant concluded:

*"As a result, (of the research undertaken) none of the anticipated impacts are sufficient to create circumstances in which the level of services and amenity available to consumers would be reduced"* (Jebb Holland Dimasi 1999;vii)

## Planning Requirements

### Town Planning Scheme No 1. Zoning

Whitford City is zoned 'Whitford Town Centre' in the City of Joondalup Town Planning Scheme No.1 and is zoned 'Urban' under the Metropolitan Region Scheme. The application is considered on the basis that the shopping centre falls within the definition of a "shop" use class under the City Scheme, which is a permitted use in the 'Whitford Town Centre Zone'.

Part of the subject land falls within a "Service Station Zone", where a Shop is a use that is not permitted ('X'). This area is used as a car park in the proposal, which has an 'IP', designated as an incidental use. The centre also comprises multiple uses, such as non-retail uses that generally have an 'AA' designation in the Zone.

Town Planning Scheme No.1 sets out development requirements, which are summarised below and addressed in this report:

- Building design must be integrated and complimentary to height, awnings, colour, tone, texture to blend in harmoniously.
- Building design must consider uniformity of future advertising signage in character with development.
- Landscaping treatment must enhance the environment relative to adjoining land.

Draft District Planning Scheme No 2. identifies the subject land within the 'Centre' zone. The intent of the zone is to accommodate existing and proposed business centres varying in size from small neighbourhood centres to large multi-purpose regional centres and provides for coordinated planning or structure planning prior to subdivision or development. The current proposal is not required to follow this structure planning process until the finalisation of Draft District Planning Scheme No 2. The Council should have regard to the objectives of the proposed 'Centre Zone' in determining this proposal. These are summarised below and addressed in this report:

- Accommodate a hierarchy of centres to large regional centres catering for the community;
- Commercial centres be integrated and compliment one another in retail, commercial, entertainment and community services;
- Create an attractive urban environment;
- Opportunity for coordinated and comprehensive planning and development through an Agreed Structure Plan process.

While Town Planning Scheme No.1 does not contain any limits on retail floor space Draft District Planning Scheme No 2. indicates that the development for 'Hillarys (Whitford City)' is 50,000-m2 retail NLA. This figure specified in Schedule 3 '*shall bind the development of the land to no more than that area specified*'. Draft District Planning Scheme No 2. was adopted by the Council and is therefore a 'seriously entertained proposal' that can be applied as policy in relation to a retail floorspace allocation to Whitford City.

### Urban Design

According to the applicant the proposal focuses on creating improvements in land use distribution through the centre by the creation of the Village Square with a lighthouse central element surrounded by malls and a broad range of entertainment and community uses. The finishes of the extension build upon elements of the existing centre to create a complementary complex. Finishes used will include brick, limestone veneer, coloured concrete panels, painted steel, glass and colourbond roofing.

The physical orientation of the extensions and existing centre is to focus the shopping experience around a new village square. This becomes the central point at which the malls radiate outwards towards magnet stores at the four corners of the centre. The centre noticeably 'turns its back' to Whitford Avenue with the exception of a possible future community facility.

The expanded centre remains typical of a 'bigger box' surrounded by lower scale development. Notwithstanding these comments, broad structure planning of the area beyond the centre has been assessed by the applicants on a preliminary basis and has positively influenced the final design. Good attempts have still been made to 'break up' elevations by materials, finishes and landscaping. The proposal represents a softening of the 'big box' approach and will add to aesthetic appeal and also create areas of a more human scale at key points around the development.

### **Planning Impact**

#### External Traffic

Surveys were conducted in 1997 and in 1999 involving parking and movement to and from the site. The average Thursday generates 43,190 vehicle trips from the existing centre and an increase of 8,720 daily vehicle trips and 780-peak hour vehicle trips, during an average Thursday is expected to occur.

The distribution of traffic generated by the proposed expansion was estimated from the current traffic distribution on the shopping centre driveways and the population distribution within the trade area.

APPROACH/ DEPARTURE ROAD	PERCENTAGE DISTRIBUTION		
	Existing	Additional	Future
Marmion Ave south	23.1	28.5	24.0
Whitfords Ave south	20.5	21.6	20.7
Marmion Ave north	21.4	29.5	22.8
Dampier Ave north	12.3	7.7	11.8
Whitfords Ave west	11.5	6.1	10.6
Endeavour Rd south	9.3	6.6	8.9
Venus Way, Green Rd, Solander Rd	1.9	0.0	1.5
Total	100.0	100.0	100.0

The greatest projected increase in traffic is on Whitfords Avenue east of Dampier Avenue where there will be an approximate 51% increase from 17,720 vehicle trips per day to 26,740. The second highest increase in traffic is also on Whitfords Avenue west of Dampier Avenue where there will be an approximate 51% increase from 14,680 daily trips to 22,230 additional total trips. These forecasts were based upon the applicant's traffic study, which used Main Roads Western Australia traffic forecasts to calculate traffic growth as at 2006. Whitfords Avenue is designed and constructed to accommodate the additional traffic, which is projected.

Further to the above the applicant's traffic consultant considered traffic implications of the proposal along Banks Avenue and Dampier Avenue the subject of concerns expressed in resident submissions on the proposal.

- Traffic is reduced on Banks Avenue between Endeavour Road and Driveway F and additional traffic is projected along the balance section to Marmion Avenue.
- Traffic increases on Dampier Avenue from 10,700 vehicles per day (vpd) to 11,800vpd based on Main Roads WA natural projections as at 2006.

#### Traffic Management on Banks Avenue and Dampier Avenue

Banks Avenue is both a local Street to the residents of 22 dwellings and a shopper access into the Whitford Centre. There are currently four crossovers to Banks Avenue from the centre. Speed and volume of traffic is already a concern of Banks Avenue residents. The proposal will reduce demand for Banks Avenue access due to the siting of the alterations and the internal access arrangements. On an average Thursday traffic will decrease by almost 11% to 5,690 vpd east of Venus Way with internal modifications to internal access. Traffic on Banks Avenue west of Green Road carries around 9,900 vpd and will increase by approximately 10% to 11,030 vpd.

#### Dampier Avenue

Dampier Avenue is both a local Street to residents of 41 dwellings and a shopper access into the Centre and is a signalised intersection with Whitfords Avenue. Residents believe traffic is already a concern on Dampier Avenue in terms of volume and speed of traffic. Dampier Avenue is also categorised as a local distributor and carries around of 10,800 vpd during an average Thursday. It is anticipated that traffic volumes (by proportion) will decrease with the proposed expansion due to improvements in access from 12.3% to 11.8% of shopping centre traffic.

#### Traffic Management Conclusion

The traffic is clearly at saturation point along Banks Avenue and Dampier Avenue. No traffic management proposals are put forward in the applicant's submission to address the year 2006 increases in traffic along either Banks Avenue or Dampier Avenue. Additional measures should be introduced (by the applicant) that are designed to slow traffic such as those envisaged by the WA Planning Commission Liveable Neighbourhoods – Community Design Code 1997. This is particularly apparent with Banks Avenue.

#### Main Roads Western Australia Comments

Main Roads WA have provided some informal comments to assist Council in determining this proposal. Main Roads WA are the controlling authority for Marmion Avenue and signalised intersections (Whitfords Avenue, Banks Avenue, Dampier Avenue and Endeavour Avenue are reserved under the control of the Council).



Main Roads WA comments have been summarised accordingly:

- Marmion Avenue/Banks Avenue intersection – extend one right turn on Marmion Avenue to remove need for double right turn.
- Marmion Avenue/Whitfords Avenue Intersection – extend the single right turn lane from Marmion Avenue into Whitfords Avenue to remove the need for a double right turn.
- Whitfords Avenue/Driveway A junction – firmly opposed to the proposed signalisation of this junction due to having three sets of traffic signals over a short distance reduces the efficiency of all three intersections. There are sufficient gaps to allow traffic safe entry and exit. An alternative treatment is a dual lane roundabout.
- Whitfords Avenue/Dampier Avenue/Driveway B Intersection – change to one right turn lane plus one through lane. No road widening is required. Bus bay in Whitfords Avenue is to be doubled in size to accommodate current and future public transport requirements.
- Marmion Avenue/Driveway J Junction – no objections as a ‘left in only’ facility.

Main Roads are expected to request the applicant to:

- conduct a review of intersections based on the above comments;
- conduct road safety audits; and
- pay all costs associated with the works.

Upon acceptance of all of the above points it is anticipated Main Roads WA would agree to the project.

#### Internal Road Circulation

Driveway C will provide direct access to the new car park deck at the western end of the centre and access to the roof top parking area. Additional ramps are provided on the south west corner of the new parking deck providing circulation between all three parking levels. An east-west connection between driveway D and driveway B will be provided as part of the extended basement car park.

The internal traffic circulation within the centre is acceptable for use by motorists using the centre and allows sufficient access to car parks and driveways.

#### Public Transport

There is an accepted principal of the Metropolitan Transport Strategy 1995 to reduce dependency on private cars and increase use of public transport. The WA Planning Commission Bicycle Planning Policy Statement D.5 stated that new retail development should be safely and readily accessible by public transport, bicycles and walking. In previous surveys carried out at Whitford City in 1996 of shoppers indicated that a majority (80%) drove cars, 11% passengers, 4% bus, 4% walked and none used bicycles.

The applicant proposes to improve the bus station with a new covered access from the station to the centre entrance in preference to relocating the bus stop closer to the entrance. The pedestrian underpass improvements include a wider entrance and installation of centre security cameras on Whitfords Avenue. New taxi facilities will be provided closer to the main entrance. Public access improvements include new pedestrian/cycle paths along Whitfords Avenue, Marmion Avenue, Endeavour Road and Banks Avenue.

## Summary of Submissions

The proposal was advertised due to the scale of the proposal and its associated impacts in terms of traffic. A comprehensive advertising programme was undertaken involving:

- 132 notification letters sent to surrounding residents;
- erection of two advertising signs stating 'Proposed Alterations and additions to Whitford City Shopping Centre' positioned on Banks Avenue (opposite Venus Way) and Whitfords Avenue (opposite Dampier Avenue);
- a display of the proposal was available for public inspection at the Whitford City Shopping Centre and the Council Administration building in Joondalup;
- three advertisements were placed in the Wanneroo Times and one in the West Australian;
- special meeting convened by applicant with owners along Banks Avenue to discuss the proposal and any resident concerns.

Following the 21-day submission period ten (10) submissions were received.

Submission One – Objection: Armstrong Jones on behalf of Armstrong Jones Retail Fund and Ing Group, joint owners of Lakeside Joondalup Shopping Centre

- 1.1 The current NLA is 39,055m<sup>2</sup> and not 37,697 m<sup>2</sup>. The total NLA must not exceed 50,000 m<sup>2</sup> NLA. The current NLA of Whitford was amended by representatives of the Ministry for Planning the current NLA of Whitford from 37,697m<sup>2</sup> to 39,055m<sup>2</sup>.
- 1.2 Believe the turnover generated by the increased NLA would be significantly higher than that projected, as would the impact on competing centres such as Joondalup at 2.9%. Based on additional retail NLA of 11,904m<sup>2</sup> is \$2,957/ m<sup>2</sup>, significantly less than the existing Whitford City 1999 turnover of \$5,617/ m<sup>2</sup> – as quoted in Shopping Centre News, November 1999.
- 1.3 The current application is phrased with future expansions in mind for the centre which is concerning. This seems to disregard the planning strategies of the district and Draft Centres Strategy, which limit Whitford City to 50,000 m<sup>2</sup> NLA. For Joondalup to become the major employment centre and dominant retail focus outside of Perth CBD it is essential Whitford City be restricted to the current limit of 50,000 m<sup>2</sup>.

## Comment

- 1.1 The Town Planning Appeal Tribunal accepted an agreed figure between the applicant and the WA Planning Commission that retail NLA was at that stage 37,697m<sup>2</sup>. The appeal proceeded and was ultimately determined on this basis. There are no changes to retail floorspace circumstances.
- 1.2 The size of Whitford City is influenced by the Local and State Government Policy retail limit of 50,000m<sup>2</sup> NLA. Retail Policy has established an agreed hierarchy of centres within the North-West Urban Corridor. Comparisons in retail turnover do not alter retail criteria for centres that are clearly established in Policy to which the proposal complies. This proposal does not inhibit the opportunity for other competing centres such as Lakeside Joondalup to expand as established by Policy.

- 1.3** The centre expansion will not compromise the City's long standing position and that of the State Government that Joondalup is the City Centre within the North-west Corridor of the Perth Metropolitan region which is projected to surpass retail and employment generated by other competing centres commensurate with population growth.

**Submission Two – Objection: Resident of Banks Avenue, Hillarys**

- 2.1** Service Driveway F opposite residence on Banks Avenue has created safety problems reversing out of driveway day and night due to vehicle flows and speed. Busy shopping times difficult to even enter own driveway.
- 2.2** Request traffic management measures be introduced on Banks Avenue as previously supplied in Witness Statements on the former appeal as follows:
- *“closing one of the four crossovers;*
  - *redirect all commercial traffic access from Banks Avenue to crossovers from Endeavour Road and Whitfords Avenue;*
  - *introduce height restriction measures on all Banks Avenue crossover;*
  - *relocation and modification of the westernmost crossover on Banks Avenue to allow for full movement which in turn will:*
    - *cut out U turns on Banks Avenue*
    - *stop cars running over residential verges*
    - *result in more discharge of traffic from the crossover which will reduce the traffic volume on Banks Avenue between the main crossover to the undercover parking area and this crossover*
  - *propose to provide a cul de sac at Venus Way off Banks Avenue*
  - *other traffic issues – rat-run along Banks Avenue.”*
- 2.3** The Centre constantly has vacant leasing space and surrounding buildings and fail to understand the need for further increase in the size of the shopping centre considering the original planned centres was never envisaged as being anything more than a 'Neighbourhood Shopping Centre'.

**Comment**

- 2.1** Noted. Service vehicle access should be discouraged along Banks Avenue.
- 2.2** Noted. Additional measures should be introduced to slow traffic such as those envisaged by the WA Planning Commission Livable Neighbourhoods – Community Design Code 1997.
- 2.3** Applicant surveys reinforced the desire for an expanded and revamped centre to continue at Whitfords as a centre for a range of goods, personal and financial services and entertainment. Shopping centres operate within continuous cycles of changes. Vacant leasing space is not uncommon within centres. At any given point there could be tenant changes and temporary vacancies created.

**Submission Three – Objection: Resident of Banks Avenue, Hillarys**

- 3.1 Volume of traffic in Banks Avenue – traffic lights on Whitfords Avenue will increase use of Banks Avenue as a shortcut.
- 3.2 Turn Banks Avenue a no through Road with a barrier along half of its length or alternatively deter traffic from travelling on Banks Avenue by roundabouts, speed bumps etc.
- 3.3 Increased traffic will reduce safety levels, increase noise and pollution.
- 3.4 Will Banks Avenue be zoned as commercial as suggested by Whitfords City management?

**Comment**

- 3.1 Main Roads WA have rejected the new traffic signals on Whitfords Avenue. Traffic is reduced on Banks Avenue between Endeavour Road and Driveway F and additional traffic is projected along the balance section to Marmion Avenue.
- 3.2 It is not appropriate from a traffic management viewpoint to create Banks Avenue as a no-through road. This is an extreme option. Other measures could be adopted to manage traffic.
- 3.3 Banks Avenue is shared access between both residents and shoppers alike and cannot be separated for the moment. Traffic safety, noise and pollution will be addressed with further improvements suggested in the recommendations of this proposal. Refer to comment 2.2 above.
- 3.4 Council will consider the preparation of a Whitfords Structure Plan, which is expected to include nearby residential land. This will guide future planning decisions. Preliminary indications from the applicant suggest that Banks Avenue would be suitable for future commercial development but this has not been considered as part of the Structure Plan process since it has not commenced.

**Submission Four – No Objection (some concern): Resident of Banks Avenue, Hillarys**

- 4.1 Driveway opposite Venus Way on Banks Avenue is opposite residence and believe it should be closed and traffic diverted onto Endeavour Way. Trucks servicing Target here are noisy.
- 4.2 Object to service vehicles using Banks Avenue. Series of accidents/incidents at this entrance/exit request redirect traffic to use the entrance on Endeavour Road away from residential housing.

**Comment**

- 4.1 Service vehicle access into the Target Store is currently via Driveway E. Alterations are proposed to Driveway E to limit access to an indirect link from Banks Avenue to the basement car park only. This is to reduce traffic volumes generated at this intersection but still necessitates a service access point into the service area for the Target store.

4.2 Refer to comment 4.1 above.

**Submission Five – Objection: Resident of Clevedon Place, Kallaroo**

5.1 Ocean views will be obstructed by the development from Kallaroo.

5.2 Increased traffic will reduce safety levels, increase noise and pollution.

5.3 Construction work/traffic will be disturbing in terms of noise, dirt and general disturbance as was created by the Cinema in 1996/97.

5.4 A larger centre will mean more ‘undesirable’ people loitering, theft and vandalism beyond current levels.

5.5 The development will significantly devalue residential land and reduce quality of life.

**Comment**

5.1 Views are not a valid planning issue.

5.2 Traffic issues have been assessed in detail in the applicant’s submission to give a clear indication that a majority of traffic will use Whitfords Avenue via Marmion Avenue. With further traffic calming measures being undertaken by the applicant on Banks Avenue and Dampier Avenue resident concerns could be adequately addressed to discourage through traffic.

5.3 Approval to the proposal will be subject to the submission and implementation of a Construction Management Plan to the satisfaction of the City. This has been included in the recommended conditions to this proposal.

5.4 This is an unsubstantiated objection that has not been quantified.

5.5 Refer to comment 5.4 above.

**Submission Six – Objection: Resident of Dampier Avenue, Kallaroo**

6.1 The proposals for the centre should not use the intersection of Whitfords Avenue/Dampier Avenue as its main entrance. The traffic report does not address existing traffic and safety problems on Dampier Avenue. Traffic flows should be reduced on Dampier Avenue before considering the centre expansion proposal. The main access should be relocated to Endeavour Avenue facing commercial land.

6.2 The current traffic volumes on Dampier Avenue exceed the acceptable traffic flows. The centre expansion will substantially increase traffic well beyond acceptable levels for a residential Street. There needs to be proven traffic management measures on Dampier Avenue if the centre expands since the current islands and painted medians have not proven effective.

**Comment**

- 6.1** The proposal promotes the intersection of Whitfords Avenue and Dampier Avenue as the centre of the overall development.

It is anticipated that traffic volumes by proportion will decrease with the proposed expansion due to improvements in access from 12.3% to 11.8%. However the traffic will naturally increase by about 10% to 11,800 vehicles per day by 2006 using Main Roads WA figures. Additional measures should be introduced to slow traffic such as those envisaged by the WA Planning Commission Livable Neighbourhoods – Community Design Code 1997.

- 6.2** The traffic is already at saturation point along Dampier Avenue. The current level of traffic is higher than that expected of a local distributor but residents and shoppers compete to use Dampier Avenue.

**Submission Seven – Cromer Grove, Kallaroo**

The bulk of development (car park) would be unsightly from Kallaroo, which is elevated.

**Comment**

- 7.1** The finishes include the use of brick, limestone veneer, coloured concrete panels, painted architectural steel, glass and colourbond roofing. Approval to the proposal will require colours and materials being to the satisfaction of the City and requirements for mature landscaping to visually break up the building.

**Submission Eight – Objection Resident of Cromer Grove, Kallaroo**

Concerned about the extra noise at night while the centre is being extended. Noise from loud speaker system, extra cars, people coming and going late at night. Woolworths with loading bay is a concern with trucks.

- 8.2** Is Council going to close a nearby walkway? Is Council going to build a brick wall to ensure privacy in backyard and as a noise barrier?

- 8.3** Concerned about anti-social behaviour, which will worsen.

**Comment**

- 8.1** Noted. Refer to comment 5.3 above. The development must comply with the Environmental Protection (Noise) Regulations (1997) which prescribe noise limits. Construction work can only be carried out between 7am-7pm Monday to Saturday and not at all on Sunday or public holidays. There is no specific mention of the application of a loud speaker system, which may have been confused with another proposal.

- 8.2** This is not a relevant issue to the consideration of this proposal. Requests to close Pedestrian Accessways are considered separately on requests by residents.

- 8.3** Refer to comment 10.2 below.

**Submission Nine – Resident of Oleander Way, Kallaroo**

- 9.1** Concerned about maintaining views from property which influenced purchasing property. Do not approve to the proposed 2 storey addition and sails over the parking area.

**Comment**

- 9.1** The impact of the proposal on views is not a valid planning matter. Views are not owned and therefore not guaranteed. Refer to comment 7.1 above. ‘Sails’ are required for shade to car parking on the top deck. The height and scale of the development does not adversely impact on the amenity of the area and will be softened by building finishes and landscaping treatment.

**Late Submission – Objection: Resident of Wingala Grove, Kallaroo**

- 10.1** The extensions could affect quality of life from lot close to Dampier and only a few hundred metres from the centre. Car fumes and noise from the centre is bad. Concerned there will be a significant increase in traffic using Dampier Avenue and this will increase noise as well. Concerned cars are already speeding up and down the hill.
- 10.2** Concerned that restaurants and community centre will attract more activity during the day and increase noise, some anti-social behaviour, traffic and pedestrians and extending into the night. Already get rowdy people moving along the road.
- 10.3** Need to slow traffic and reduce noise levels on Dampier Avenue and discourage them to use it as a major access to the centre or use of walls.
- 10.4** Please don’t adopt the attitude that since we are suffering that a little more discomfort wouldn’t make any difference.

**Comment**

- 10.1** Refer to comment 6.1 above.
- 10.2** A new central village square is proposed to include retail, restaurant, café entertainment and community facilities. This is designed to allow shoppers to use the centre during the day and in the evening. The centre will attract more people to the centre during the day and evening. There is no evidence to suggest the centre will attract anti-social behaviour.
- 10.3** Noted. Refer to comment 6.1 above.
- 10.4** It was concluded that traffic impacts of the are appropriately directed onto major district distributor roads of Whitfords Avenue and Marmion Avenue which are designed and constructed for projected traffic.

## CONCLUSION

The proposed expansion of Whitford City Shopping Centre is generally of a scale that is envisaged in current policies and Draft District Planning Scheme No.2.

This proposal is clearly consistent with planning policy and statutory requirements of the 50,000m<sup>2</sup> NLA retail allocation to this Town Centre proposed in the City Draft Centres Policy and North West Corridor Structure Plan 1992 and status as a Regional Centre under the Metropolitan Centres Policy 1991. Comparisons in retail turnover do not alter retail criteria for centres that are clearly established in Policy to which the proposal complies. This proposal does not inhibit the opportunity for other competing centres to expand where established by Policy.

Traffic issues have been assessed in detail in the applicant's submission to give a clear indication that a majority of traffic will use Whitfords Avenue via Marmion Avenue. The applicant has limited traffic increases on Banks Avenue and Dampier Avenue and directed traffic onto District distributor roads of Whitfords Avenue and Marmion Avenue. With further traffic calming measures on Banks Avenue and Dampier Avenue resident concerns could be addressed to discourage through traffic.

The proposal will provide an economic boost to the local economy and substantially improve the functionality of Whitford City Shopping Centre. It will further confirm its status as a Regional Centre and role as a large shopping centre with good accessibility to its trade area. The centre expansion will not compromise the City's long standing position and that of the State Government that Joondalup is the City Centre within the North-west Corridor of the Perth Metropolitan region. Joondalup Centre is projected to surpass retail and employment generated by other competing centres commensurate with population growth.

The proposal realises the opportunity to combine community, entertainment and recreational activities within a "village centre".

This proposal provides a sound basis for future structure planning of Whitford City and surrounding environs. A structure plan will consider issues further and identify planning opportunities for the centre to integrate with nearby land uses, public transport, community facilities and public open space.

There is no objection to the proposal being approved from a planning viewpoint.

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

- 1 EXERCISE discretion pursuant to clause 9.1 (1) of the City of Joondalup Town Planning Scheme No.1 by:**
  - (a) reducing the car-parking ratio for this development from 8 bays per 100m<sup>2</sup> GLA under TPS 1 to 3000 bays for the first 50,000 m<sup>2</sup> of NLA plus 4.8 bays per 100 m<sup>2</sup> under Draft District Planning Scheme No 2;**
  - (b) further exercise discretion under clause 5.9 of the City of Joondalup Town Planning Scheme No.1 by reducing the front setback requirements from 9.0 metres to 5.0 metres for the building fronting onto Whitfords Avenue;**



- 2       **APPROVE** the development application for alterations and additions to the Whitford City Shopping Centre on Lot Pt Lot 501 (No.470) Whitfords Avenue, Hillarys as proposed by applicant NMFM Property Pty Ltd and described in plans and reports dated September 1999 subject to the following conditions:
- (a)   the total retail Net leasable area (NLA) of the centre being limited to less than 50,000 m<sup>2</sup>.
  - (b)   submission and implementation of a Construction Management Plan prior to commencement of any works and being to the satisfaction of the City. Such a plan must detail phasing in construction, construction vehicle access (not from Banks Avenue), storage areas, refuse disposal, maintenance of shopper access and parking bays, ameliorative measures to control noise and dust pollution to adjacent residents associated with earthworks and general construction;
  - (c)   traffic management measures being designed and constructed at the intersection of Driveway A junction on Whitfords Avenue between Dampier Avenue and Marmion Avenue (at the proponent's cost) to the satisfaction of the City and Main Roads Western Australia. Such measures should include the investigation of alternatives to a signalised intersection such as the provision of a dual lane roundabout or other similar methods of managing traffic flows;
  - (d)   proposed road and signal modifications at the intersection of Whitfords Avenue and along the length of Marmion Avenue being approved by Main Roads Western Australia or other such traffic management measures accepted by Main Roads WA and funded by the proponent;
  - (e)   the provision of a right turn traffic movement via a median break on Whitfords Avenue from Driveway C being deleted;
  - (f)   additional traffic management measures being developed (at the proponents cost) for Banks Avenue and Dampier Avenue in consultation with and being to the satisfaction of the City including design, construction, landscaping, funding and liaison with adjoining residents;
  - (g)   all traffic management measures being completed prior to occupation of building alterations and additions;
  - (h)   construction of a covered disabled access ramp from the Bus Stop on Whitfords Avenue to a retail entry/exit of Whitford City Shopping Centre. The existing bus stop being replaced with two bus stands capable of accommodating two buses and each providing weather protection and seating for at least ten passengers. All works being at the proponents cost;

- (i) the visual bulk of the proposed building extensions being reduced by way of materials or colour panel selection and mature landscaping when viewed from Whitfords Avenue, Endeavour Avenue and Banks Avenue to the satisfaction of the City. A detailed schedule of materials and colours is to be submitted and approved by the City;
- (j) the installation of pedestrian, cyclist and disabled access (at the proponents cost) along Whitfords Avenue, Marmion Avenue, Endeavour Road and Banks Avenue to the satisfaction of the City. Pavements being preferably 2.5 metres in width for safe and convenient access within the development and interconnecting with adjoining residential areas;
- (k) detailed plans being submitted depicting pedestrian access improvements at all entrances and exits to the centre including travelators and their relationship with taxi ranks, bus stops on Whitfords Avenue and beyond all external plazas into car parks;
- (l) pedestrian underpass beneath Whitfords Avenue being upgraded (at the proponents cost) to include appropriate, painting, lighting, signage and centre security cameras to ensure an appropriate level of surveillance of this area;
- (m) arrangements being made to ensure service vehicle access is discouraged from using Banks Avenue except from the Target Store where access is limited;
- (n) vehicular accessways shall be designed to accommodate both pedestrians and vehicles. Additional two-way east west pedestrian accessways being provided in accordance with the applicant's traffic report;
- (o) disabled parking bays and taxi stands being provided in accessible locations to main entrances and undercover travelators and being constructed and marked in accordance with specifications approved by the City;
- (p) all car park lighting must be internally directed and must not overspill into adjacent residential properties or roads;
- (q) the car park design, landscaping and lighting to be designed to improve visibility and security of shoppers during the day and night;
- (r) the parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) unless otherwise specified by this approval. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied;

- (s) retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawn details, signed by a practising Structural Engineer, must be submitted for approval;
- (t) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verge/s;
- (u) landscaping and reticulation to be upgraded and established in accordance with the approved plans prior to the development being occupied and thereafter maintained to the satisfaction of the City;
- (v) an onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (w) suitably screened bulk bin area(s) are to be provided prior to the development first being occupied in accordance with the attached specification. Provision being made for service vehicle access to all food tenancies and bin storage areas for all tenancies within the centre. Bin storage areas must be drained to connect with sewer;

#### Footnotes

- (a) Any subsequent application for expansion of the Whitford City Shopping Centre will require the prior preparation of an Agreed Structure Plan being prepared in accordance with the requirements of the City and the Western Australian Planning Commission.
- (b) The proposals associated with the notional relocation of the Council library will require further detailed investigation by Council and form no part of this application or determination.
- (c) The applicant must obtain separate approvals for proposed demolition works, building works, signage and public buildings and eating house approvals from the City.
- (d) The applicant is required comply with conditions (b), (h), (i), (k), (n), (o), (t) & (v) upon lodgement of an application for building licence.
- (e) A simple colour or name recognition system could be applied to designated parking stations within the development for the convenience of shoppers.

- 3 SUPPORT the preliminary findings of Main Roads Western Australia as listed in summary form within the above report.**
- 4 ADVISE the Western Australian Planning Commission and objectors accordingly.**

Cmr Rowell spoke to the Motion and made reference to the fact that in light of the Planning Appeal Court case in this respect, the Centre should be permitted to fulfill the 50,000 sqm net leasable area that is the maximum in the Centre Policy and was considered a right by both the Council of the day and the Court case when the previous application was adjudicated on.

Cmr Rowell advised the City had no alternative but to approve this proposal, bearing in mind that the State Planning Commission would make the final decision. Further discussions would be held with the State Planning Commission seeking to develop a more acceptable definition of 'retail floor space'. The Council intended approaching State Planning on the basis of establishing a Working Party to look at the issue of retail space.

**The Motion was Put and**

**CARRIED**

Appendix 7 refers – click here: [Attach7min0712.pdf](#)

**CJ438-12/99 SIX GROUPED DWELLING DEVELOPMENT ON LOT 736 (35) WATERSTON GARDENS, HILLARYS - [35895J]**

---

## **SUMMARY**

An application has been received to construct six grouped dwellings on Lot 736 Waterston Gardens. The development complies with the requirements of the City of Joondalup Town Planning Scheme No 1 and the Residential Planning Codes, but exceeds the City's Height and Scale of Buildings Policy 3.1.9 in a very minor manner.

The development has been submitted in various forms, with four alternate options for development being submitted. Substantial dialogue has been undertaken with the designer and the adjoining residents in an effort to bring the development into conformity with applicable development standards.

The adjoining landowners have lodged objections to the development, citing height and bulk as the main concerns. Meetings with some of the neighbours, and the designer, have lead to the proposal being refined to a point where it is considered worthy of a recommendation of support.

This report recommends that the Joint Commissioners exercise discretion in regard to the height envelope, and that the development be supported.

## BACKGROUND

Lot No	736
Street Address	35 Waterston Gardens, Hillarys
Land Owner	Karl Jason Silverlock
MRS Zoning	Urban
TPS Zoning	Residential Development, R40
Land Use	Vacant
Lot Area	1631 sq.m

### Site History

This property was created as part of the subdivision of this portion of the Hillarys area, which was approved mid 1993. The property was terraced as part of the subdivision process and has limestone retaining walls on all boundaries.

This lot has remained vacant since subdivision.

## DETAILS

### Current Proposal

A proposal has been received for the development of six grouped dwellings.

The subject lot is a battle axe lot. The lot abuts Broadbeach Park to the west, and the development is designed to provide an outlook for all dwellings over the park. The development site abuts residential development to the East, and South, and a 2 storey grouped dwelling development lies immediately to the north of the site.

The complex is intended to comprise three levels, with the lowest level providing undercroft carparking (refer to Attachment 1). All six units have an east/west orientation with the sliding doors from the family room on the lower level and bedroom 2&3 windows of each unit on the upper floor facing east and the balconies and sun decks facing west (toward the park).

To achieve this design the developer intends to cut and fill the site such that the western portion of the site is excavated to 958mm below the existing ground level, and the excavated soil is relocated to the eastern portion of the site. This raises the level of the site in along the eastern boundary by 1.300m above the existing ground level.

As a result of the site works associated with this proposal the eastern elevation of the complex 'reads' as a double storey structure, while the development appears as a three level structure along the western elevation.

### Issues

Attachment 1 indicates that the proposal exceeds the building height envelope as defined by the City's Height and Scale of Buildings Policy 3.1.9 by:

1. the roof ridges along the western elevation by 150mm. The roof ridges do not exceed the building height envelope on the eastern elevation because the building height envelope is higher at that point on the block than it is on the western elevation.

2. the side walls of the development extend into the side of the building height ‘tent’ to a minor extent. (This aspect of the proposal has not been the subject of neighbour concerns.)

Due to the undercroft garage the finished floor level of the lower residential level is approximately 1.350 m higher than the ground level would otherwise have been and this has had the effect that total structure extends beyond the Building Height envelope as shown on Attachment 1. (The plans could easily be amended to reduce overall building height by a further 150mm to bring the proposal into keeping with the height and scale policy.)

### **Height and Scale of Buildings Policy 3.1.9**

In terms of the above policy, the natural ground level required to determine the building height envelope for a terraced property such as this one is calculated as follows:

*“Natural Ground Level” shall mean:*

*land within areas having terraced retaining walls constructed as part of subdivisional works shall be deemed to have a natural ground level corresponding with the halfway height of the retaining wall at the site boundary;*

The building height envelope has been applied to this property in accordance with this calculation.

### **Advertising**

The proposal was advertised by means of letters to the adjoining property owners (Refer Attachment 2).

The proposal was not advertised to the owners of the strata units on Lot 441, because the developer had submitted written approval of the proposed development by the Strata Company for Lot 441 as part of the application.

Written objections were received from 5 of the 6 neighbours who were notified.

The objections raise the following issues:

1. The proposed development is excessive in height.
2. As a result of the number of bedroom and living room windows along the eastern elevation the development will result in significant loss of privacy for the properties to the east.
3. As the proposed development comprises 3 storeys it is out of character with the surrounding area where only single and double storey developments have been built.
4. As a result of the height of the proposed structure adjoining properties will suffer overshadowing.

Two of the neighbours met with Council Officers specifically to present an alternative. It was suggested that the proposed excavations should be more extensive, so that the finished floor level of the undercroft garage be 700mm lower than proposed by the applicant thereby reducing the overall height of the development.

## **Applicant's Comments**

The applicant has provided the following reasoning for requesting a relaxation of the building height envelope:

- 1. The property was bought two years prior to the Building Height Policy having come into effect.*
- 2. When the Building Height Policy came into effect property owners of vacant land were not notified and given a grace period within which to build outside of the requirements of the Policy.*
- 3. The development on the adjacent Lot 441 was approved to be outside of the building envelope after the policy had come into effect.*
- 4. A number of amendments to the proposal have been made to reduce the impact on surrounding neighbours.*
- 5. The retaining wall along the eastern property boundary is not aligned to the boundary, with the result that the floor level along the eastern property boundary is at the top of the retaining wall, which is 1.3m higher than the actual ground level of the property.*
- 6. The development would not be economically viable if the finished floor level of the complex would be dropped below the level that is proposed.*

## **COMMENT**

### **Issues**

While the portion of the building which exceeds the building height envelope along its northern and southern elevation seemed not to cause much concern with the surrounding residents, the following matters directly associated with the height of the proposal are considered to be of issue:

1. building bulk
2. the impact on the privacy of surrounding properties
3. the appropriateness of a development of this nature in this locality.

### **BUILDING BULK**

In an attempt to reduce the intensity of the impact on the surrounding properties, the applicant has amended the proposed roof structure by providing six hipped roofs with valley gutters between the roofs as opposed to one roof covering all 6 units.

The effect of these changes is

1. a significant decrease in the amount of built form that is outside of the building envelope, and
2. the bulk is reduced by the reduction in roof mass.

The block is a grouped dwelling site capable of accommodating 6 grouped dwellings. Any proposed development therefore is likely to have a significant building bulk. This proposal complies with the plot ratio requirements, and its roof has been modified such that it exceeds the building height envelope by a minor extent.

The setback to the properties to the east has also been increased to provide additional separation, and to reduce the extent of overlooking.

## IMPACT ON THE PRIVACY OF ADJOINING PROPERTIES

The three neighbouring properties to the south of the application site are separated from the site by a 4 metre Public Access Way. With this distance in addition to normal setback requirements and the location of the windows on the proposed development the impact on the privacy on these properties is negligible, and the proposal conforms to the requirements of the Residential Codes in this respect.

The property most affected by this development is the single storey residence to the east, on Lot 568. It is in particular Units 3 and 4 of the proposed development which have a major impact as these units face directly onto the swimming/entertainment area of this development. Unit 2 faces onto a shed, while unit 5 faces onto a shade house with its roof onto the boundary wall and a patio beyond it. Unit 6 faces onto a blank façade.

It is the combination of the large number of major openings, especially on the upper level on the eastern elevation of the proposed development and the height of these windows which is cause for concern. As a result of the undercroft garages and the associated cut and fill, these major openings are higher than they would have been had the finished floor level of the development been in line with the natural ground level of the block. As such the impact of these major openings is exaggerated.

However, it should be noted that the provision of a setback in excess of 4m for the ground floor and 7.4m for the upper level, the setback from the eastern property boundary as required under the Residential Planning Codes has been achieved.

In addition, the combination of the reduction in roof bulk (and building height), allied with the increase in setbacks improves the development substantially in regard to potential impact on neighbours.

As the natural ground of the affected neighbouring lots to the east is only 1.140m above the natural ground level of the subject site, the issue of loss of privacy would invariably arise with any other double storey development on the subject site. As this property has a density coding of R40 it is most likely that any other development would also comprise double storey structures.

## APPROPRIATENESS OF A DEVELOPMENT OF THIS NATURE IN THIS LOCALITY

Of particular relevance in this context is the fact that the proposed development is three storeys. While there are no other developments in the immediate vicinity which comprise three levels, it must be borne in mind that there is no planning legislation that restricts the number of storeys of a residential development to a specific number. Council's adopted controls over bulk emanate from the building height policy.

It is also only along its western elevation that the full height of the proposed development can be seen. This elevation faces onto a reserve that provides an 80 metres separation to the row of residential development on the opposite side of it. From the residential properties to the north, east and south of the application site, the proposed development is essentially a double storey structure.



### **Assessment and Reasons for Recommendation**

The proposal complies with all the planning requirements as set out in the Residential Planning Codes and Town Planning Scheme.

With the objections focused on the extent to which the height of the building exceeds the envelope, a reduction of height to within the building height envelope may seem the obvious solution. This could be achieved by reducing the finished floor level of the undercroft garage or amending to the proposed roof structure or a combination of both.

The recommendation deals with this aspect of the proposal as a suggested condition of approval.

The minor extent to which the proposed building exceeds the building height envelope along its northern and southern elevations is not considered to be an issue. As a result of the 4 metre pedestrian access way along the southern elevation the impact of this portion of building that exceeds the building height envelope on the adjoining neighbours is minimal. The owner of the strata units adjacent to the northern property boundary has provided a letter stating that he has no objection to the proposal protruding the building envelope.

In view of the above it is therefore recommended that discretion is exercised with regard to the Building Height Envelope and the proposal approved subject to conditions.

**MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners, in consideration of the development application for six grouped dwellings on Lot 736 (35) Waterston Gardens, Hillarys:**

- 1 EXERCISE DISCRETION under clause 5.9 of the City of Joondalup Town Planning Scheme No 1 to permit the proposed development to exceed the building height envelope to the extent shown on Attachment 1 to Report CJ438-12/99;**
- 2 APPROVE the development application subject to the following conditions:**
  - (a) the driveways to be designed in accordance with the Australian Standards for Offstreet Carparking (AS2890). Such areas are to be constructed, drained and thereafter maintained to the satisfaction of the City prior to the development first being occupied;**
  - (b) all stormwater is to be collected on site and disposed of in a manner acceptable to the City;**
  - (c) detailed landscape plans shall be lodged with the Building Licence Application for the development site to the satisfaction of the City. Landscaping and reticulation within the development site shall be established in accordance with the approved plan and thereafter maintained to the satisfaction of the City.**

- (d) the height of the development being reduced to conform with the parameters of Policy 3.1.9 Height and Scale of Buildings in a Residential area.**

Cmr Rowell spoke to the Motion and advised significant negotiations had been held with the developer with a view to the impact of this development being lessened.

**The Motion was Put and**

**CARRIED**

Appendix 8 refers – click here: [Attach8min0712.pdf](#)

Items CJ439-12/99 and CJ440-12/99 were Moved by Cmr Rowell and Seconded by Cmr Buckley.

**CJ439-12/99 APPLICATION TO CLOSE PEDESTRIAN ACCESSWAY BETWEEN FINSTOCK MEWS AND CHADLINGTON DRIVE, PADBURY - [35984J]**

---

**SUMMARY**

A written request to close the pedestrian accessway (PAW) between Finstock Mews and Chadlington Drive, Padbury was submitted to the City signed by all four adjoining landowners. The types of incidents that adjoining landowners have put forward to justify closure of this PAW are various acts of anti-social behaviour. The letter further states that burglaries, stolen vehicles and theft from vehicles are happening on a regular basis to adjoining landowners and their neighbours. They feel that the PAW contributes to these incidents as it offers a convenient escape route.

The objections to closure from local residents were mainly based on this PAW being part of a pleasant pedestrian route throughout the Hepburn Heights estate, linking the Hepburn Heights Conservation Area at the western end with the local park at the eastern end. This PAW appears to be a valued community facility associated with the passive recreation of the local residents and therefore should not be supported for closure.

**BACKGROUND**

This PAW links Finstock Mews to Chadlington Drive and varies in width from five metres at the Chadlington Drive end of the PAW, which also has a light pole, to approximately eleven metres at the Finstock Mews end. The accessway has a gradient leading down to Chadlington Drive and a recent site inspection revealed good sight lines due to its ample width. There are some trees and plants within the PAW along with some long grass and a few weeds. There was no indication of fence damage though a small amount of graffiti that had been painted over was evident on a wall. Rubbish was negligible. Please refer to Attachment 1.

## **DETAILS**

The four adjoining landowners to this pedestrian accessway have requested its closure based on several incidents of anti-social behaviour. As part of the application process, besides requesting a land purchase price from the Department of Land Administration, the City also contacts the service authorities to ascertain if there is any service plant within the PAW that requires modification and/or any conditions imposed.

With this application, AlintaGas and Telstra advised they have no objection to closure as they do not have any service plant within the PAW. The Water Corporation has a water main located within the PAW that requires to be cut, capped and the reticulation system modified. Western Power has plant that requires modification and it also requires the condition of an easement being registered over the length and width of the PAW. The four adjoining landowners involved in this application have agreed to meet all associated costs and conditions to close this accessway.

The City also contacts the Western Australian Planning Commission (WAPC) and the Department of Transport (DOT) seeking their comments on the proposal. The WAPC does not have any objection to the closure. The DOT recommendation was to maintain the accessway for pedestrians, people with disabilities and cyclists. If Council does support closure of the subject PAW, DOT recommends that the PAW is temporarily closed and protected. It opposes transferring the land to adjacent landowners.

The applicants' letter of application states that over a period of four years, the adjoining landowners to this PAW have experienced numerous anti-social activities such as graffiti to fences, theft of cars, theft from cars and damage to cars. By closing the PAW the easy access to the get-away vehicles parked in Chadlington Drive would be eliminated. The letter acknowledges that local people use the accessway for passive recreation but states that the extra 100 metres in walking distance to Finstock Mews will not significantly disrupt anyone's exercise circuit.

### **Advertising Period**

During the thirty-day advertising period the City received 16 letters of objection to the closure of this PAW. An objector who resides outside of the area shown on Attachment 2 who is a regular bicycle user, stated that this PAW forms part of the route leading from the Hepburn Heights Conservation Area to the bridge over the Mitchell Freeway. By following this route cyclists can reach the Hepburn Avenue bridge without travelling along the busy main road and without climbing or descending substantially.

The remaining 15 objections advised that the PAW is being used regularly for walking to the local park, to friends, family members and throughout the estate. Generally, the comments indicate that the objectors want this PAW to remain open, as it is the shortest and safest way to walk to the park and connects to the Hepburn Heights Conservation Area. The comment was made that the PAW forms an integral part of the pedestrian walkways in the area, the design of which encourages residents to walk within the estate thus creating a community atmosphere.

One family objecting to closure stated that anti-social behaviour is also taking place at the lower end of Finstock Mews, referring to car theft and theft from cars that has occurred. The family also states that they experience noisy pedestrians walking past their property. Further, that closing the accessway will not necessarily prevent these activities as they are common in many areas of the City of Joondalup and elsewhere.

A landowner living in close proximity to the PAW for three years states that he has never witnessed any anti-social behavior in the vicinity of the accessway and uses the PAW daily.

Three letters supporting the closure came in from the adjoining landowners, one of which had a petition attached to it with 13 signatures on it. Seven of the signatories are adjoining landowners and one of the signatories being from a household who had also submitted a letter objecting to closure.

The letters of support reiterate much of the information in the letter of application. Further advising that motor bikes ride through the PAW as well as skate boarders and cyclists travelling at high speed and there are concerns that a young cyclist or skate boarder may inadvertently speed into Chadlington Drive resulting in an accident. Complaints of the PAW being inadequately lit posing a security threat to pedestrians are also mentioned.

One of the letters states that in one year alone, eight vehicles in the street have either been broken into, vandalised or stolen. In relation to the commercial vehicles targeted, if these vehicles are not available for the residents' work, then due to a direct loss of primary income, financial hardship may occur.

## **COMMENTS**

Some sympathy must go to the adjoining landowners to this PAW who are experiencing anti-social behaviour and some of the problems encountered may be resolved by the relocation of the bollards thus discouraging excessive speeds of bicycles and skate boarders as well as preventing motor bike access.

Overall, the accessway between Chadlington Drive and Finstock Mews appears to be a well used community facility within the estate. It forms part of a pedestrian/cyclist link running from the Hepburn Heights Conservation Area's entrance on Parkhurst Rise at the eastern end of the estate, through to Fernwood Park. The wide-open design of the pedestrian accessways within this area of Padbury is an attractive feature of the estate. In the interests of the community at large, this pedestrian accessway should remain open.

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

- 1 DO NOT SUPPORT the closure of the pedestrian accessway between Chadlington Drive and Finstock Mews, Padbury;**
- 2 REINSTALL the bollards across the pedestrian accessway;**
- 3 INCREASE security patrols in the area around Chadlington Drive and Finstock Mews, Padbury.**

**The Motion was Put and**

**CARRIED**

Appendix 9 refers – click here: [Attach9min0712.pdf](#)

---

**CJ440-12/99      SUBDIVISION      REFERRALS      PROCESSED      25  
OCTOBER – 19 NOVEMBER 1999 - [05961]**

---

**SUMMARY**

Overleaf is a resumé of the Subdivision Referrals processed by the Subdivision Control Unit (SCU), from 25 October 1999 to 19 November 1999. Applications processed via the SCU were dealt with in terms of the delegation of subdivision control powers to the Chief Executive Officer (DP247-10/97 and DP10-01/98). The Chief Executive Officer subsequently delegated to the Manager, Urban Design and Policy Services, the authority to deal with these applications.

**MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners NOTE the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ440-12/99.**

**The Motion was Put and**

**CARRIED**

Appendix 10 refers – click here: [Attach10min0712.pdf](#)

<b>REPORT OF THE CHIEF EXECUTIVE OFFICER</b>
--

**ADDRESS BY CHIEF EXECUTIVE OFFICER**

I would like to take this opportunity to publicly acknowledge the role the Commissioners have played in the creation of the new City of Joondalup and to thank them for their efforts over the past two years.

It is a matter of record that the five Commissioners were appointed on 12 November 1999 in a caretaker role and to review the recommendations of the Royal Commission and the Panel of Inquiry into the former City of Wanneroo. Those recommendations have since been reviewed and answered, or acted upon accordingly.

The Commissioners have, in their two year term, retained stability of services and the confidence of the general community, as well as the Council staff.

The major task of the Commissioners was to divide the former City of Wanneroo into two new local governments. In setting out to achieve this huge task, the Commissioners commenced a process to review all documentation, including delegated authority, procedures throughout the organisation, a complete review of local laws, a complete review of the Policy Manual and the Council's Code of Conduct to name just a few.

Commissioners reviewed the district and ward boundaries and these have been changed in the period of time. Functions were looked at and this included a number of the major services being looked at by both consultants and Council staff submitting detailed reports as to how they would be best provided by either one or both Councils in the future.

The two new local governments were then looked at and adopted staff structures for both new local authorities.

Commissioners reviewed and divided the Town Planning Scheme and adopted two new strategic plans for the two new local governments.

There were improvements in the customer service area as a follow on to the work done by the previous Council whereby the ratepayers saw a marked improvement in customer service, with the opening of the 'One Stop Shop' customer service centre at the Administration building in Joondalup and also the customer service centre at the Whitford City Shopping Centre, which is now currently open both Thursday evenings and Saturday.

The new City of Joondalup was launched in July 1998 and the tasks of the division then went ahead in its real form where it was necessary for Commissioners to divide the staff and allocate those to the respective two new local governments, and where necessary, authorise recruitment of additional staff to fill the structures which had previously been agreed to.

The division of assets and liabilities – to judge the submissions which were made by both Chief Executive Officers regarding the infrastructure requirements and the service level agreements which were struck where one local authority supplied services to the other; for example the City of Wanneroo is supplying the complete waste management service to the City of Joondalup in order to preserve economies of scale.

The Commissioners' term was then extended by the Government from July 1999 until December 1999 to allow the work that had been commenced to be completed.

Apart from all of the decisions regarding the division, it is also important to recognise that the Commissioners acted on behalf of both Councils as their elected members. Commissioners advised staff and also undertook the day to day decision making process in an admirable way as far as the Council is concerned.

Certain of the previous Councillors that I have remained in contact with have commented from time to time that were they still to be in office, they were sure the majority of the decisions made may not have differed greatly with those that had been made by the Commissioners.

As I believe was quoted in the Editorial section of today's local newspaper, and in all probability accurately, the division process no doubt had some difficulty in dealing with two Chief Executive Officers who wanted everything for their respective local government and could not be satisfied at all times. All in all, it is pleasing to note that the task of the division was achieved with an efficiency that marked the Commissioners' dealings of Council business and with the maximum public involvement in the consultation process.

I believe both local governments go forward in a sound financial position and are able to look forward to a future on a sound basis. All in all, the term has achieved a great deal and we have already thanked our Commissioners last evening at a function.

I would now like to place on record, certainly on behalf of my staff and myself a great deal of gratitude for the way in which Commissioners have allowed my administration to continue and create a new City – we look forward to the challenge in the future.

Chairman of Commissioners, Cmr C Ansell expressed his appreciation at remarks made by Chief Executive Officer.

Cmr Ansell advised all Commissioners had enjoyed a good working relation with both Chief Executive Officer and staff of the City of Joondalup.

On behalf of the Joint Commissioners, Cmr Morgan congratulated Cmr Ansell on his chairmanship, not only of the Commissioners, but of both the Councils of the Cities of Joondalup and Wanneroo.

It was the belief of Commissioners that they had satisfactorily concluded the tasks that were given to them and felt this had been achieved under the leadership of Cmr Ansell and his capacity to develop a very strong team amongst his Commissioners.

Cmr Morgan stated Commissioners felt the City of Joondalup would fulfill its role as a regional centre of the northern suburbs area of Perth.

Cmr Morgan advised Commissioners wished the incoming Councillors well, as chosen Councillors in the future and believed Commissioners would remember with pleasure the time they had spent at Joondalup and Wanneroo.

Cmr Ansell thanked Cmr Morgan for his comments and advised it had been a pleasure.

## **DATE OF NEXT MEETING**

The next Ordinary Meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 21 DECEMBER 1999** to be held at the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup.

## **CLOSURE**

There being no further business, the Chairman declared the Meeting closed at 2010 hrs; the following Commissioners being present at that time:

COMMISSIONERS: ANSELL  
MORGAN  
CLARK-MURPHY  
ROWELL  
BUCKLEY