

**From:** [REDACTED]  
**To:** [Public Administration Committee](#)  
**Date:** Tuesday, 30 July 2019 7:28:20 PM

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**To: Hon. Adele Farina MLC, Chair of the Standing Committee on Public Administration.**

I wish to make a public submission to your committee specifically addressing terms (a) and (d) concerning the nature of property rights for homeowners in the City of Joondalup Housing Opportunity Areas (HOAs). These HOAs are areas of residential coding recoded by the City of Joondalup in 2016 under Amendment 73 of District Planning Scheme No. 2 (and reinforced under Local Planning Scheme No. 3).

These HOAs are not generally subject to a formal government encumbrance or resumption in the strictest legal definitions of those terms, but I respectfully ask the committee to consider this submission because a terrible injustice has occurred against ordinary homeowners in the HOAs that dramatically undermines their property right. Residents have been pursuing this issue through the channels available to us at Council, but with no meaningful result so far and no sign of one within the next one to two years at least. Rezoning of land from rural to residential or recoding from one residential density to a higher residential density has traditionally been welcomed by property owners because it is invariably a sign that demand outstrips supply. However this is not the case with a huge number of empty rentals. It appears that within the city of Joondalup the property owner has little rights whereas the developer appears to have all the rights.

Although there are rules in place that permit and control medium and high density development, they are the same rules that apply to greenfield sites. At a greenfield site, all owners are fully aware that they are purchasing into that density coding and there is the advantage of overall planning for the area. When infill is imposed over the top of a lower residential coding, there should be consideration of the impact new developments have on adjacent property owners, and especially the ability of those owners to enjoy their property in the form under which they bought it. Previously private backyards are no longer private. Unrestricted solar access becomes shadowed. Trees disappear and the environment gets hotter because of the Urban Heat Island Effect. A previously light-filled room becomes dark, and potentially less private. Traffic and noise increases, and so on. There is also a concern for the mental health of people being forced into smaller and smaller plots which can then lead to greater levels of unhappiness and depression. Not forgetting the potential increase in social problems. The very concept of a 'property ladder' implies temporary ownership, rather than a solid, life-long commitment to an investment.

I think we have reached a limit in Perth, where the need for smaller and smaller lots for higher density housing will now devalue the land.

It seems clear that the value of a homeowners property right can be damaged through recoding – far less clear is the entity responsible for the damage, a fact that creates major problems when seeking any legal remedy.

When Government seeks to acquire large areas of land for public purposes as part of a greater good, it usually does so by paying recompense to the land owners. Re-coding should be no different. Any recoding will clearly adjust land values and although that will

often ( as has been the case historically) reflect increased values, where recoding results in a loss of value, some kind of compensation should be paid to those who have the value of their property right diminished through no fault of their own.

The city of Joondalup made a huge error when implementing Housing Opportunity Areas (HOA) There was no direct notification of the City of Joondalup's intention to recode most of the HOA lots from R20 to R40. There was very little advertising at all, of a decision that affects literally billions of dollars of private equity. That is not fair, and it is not equitable. It forces people to sell up and move out immediately or risk losing increasingly large values of their assets as the character of their neighbourhood changes.

I ask you the committee to look into the issues mentioned. I look forward to hearing the results.

Many and Warm Regards

Mr and Mrs Murphy

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