

C I T Y O F W A N N E R O O

MINUTES OF SPECIAL MEETING OF ELECTORS  
HELD IN THE FUNCTION AREA, JOONDALUP ADMINISTRATION  
BUILDING, BOAS AVENUE, JOONDALUP  
ON TUESDAY, 6 JUNE 1995

ATTENDANCES

Councillors:	A V DAMMERS - Mayor, Chairman	Central Ward
	F D FREAME, Deputy Mayor from 7.37 pm	South-West Ward
	L O'GRADY	North Ward
	B A COOPER	Central Ward
	S P MAGYAR	Central Ward
	A G TAYLOR	South Ward
	G A MAJOR from 7.38 pm	South-West Ward
	G W CURTIS from 8.32 pm	South-West Ward
	M E LYNN, JP	South-West Ward

Town Clerk:	R F COFFEY
Acting Town Clerk:	R E DYMOCK
City Planner:	O G DRESCHER
City Treasurer:	J TURKINGTON
Publicity Officer:	O DAVIDSON
Committee Clerk:	J HARRISON

There were 16 Electors, 5 Non-Electors and 1 member of the Press in attendance.

The Mayor declared the meeting open at 7.31 pm.

This meeting had been called in accordance with the provisions of Section 171(4) of the Local Government Act, in response to a petition of Electors.

The purpose of the meeting is to discuss the reasons for the failure of the City of Wanneroo to implement the decision of the referendum held in 1984 to declare a free beach in the City, this being an area of beach where persons may opt to bathe without clothing.

The Mayor introduced Councillors and members of staff and invited the City Planner, to address the meeting.

Mr Drescher advised that Council's position is that until such time as the conflict between the State laws and the Council position is resolved and advice is received from public authorities as to what action they may take in enforcing their requirements, the City would not take any action in declaring a free beach.

He stated that prior to the 1984 Referendum, there was considerable debate regarding a free beach. At that time Council evaluated various options and costs of establishing a free beach in Wanneroo. He believed the preferred site may have been west of Tamala Park, because of its secluded nature. However

costs were prohibitive and concerns existed regarding the conflict in the legislation as well as the possibility of the unruly element which might attend and linger in sand dunes at a free beach.

The City Planner advised that the Referendum voted marginally in favour of a free beach, however Council resolved to take no action.

Council more recently referred the matter to the Department of Planning and Urban Development (DPUD), suggesting that as part of its coastal strategy it might look at selecting an area which could be used for a free beach and also investigate the possibility of funding such a facility.

Cr Freame entered the Room at this point, the time being 7.37 pm.

The advice received from DPUD was that it did not believe this matter was part of the brief previously set and further advised that as the City had a coastline of some 40 kilometres there ought to be some possibility of free beach being established. This information was then referred to Council which resolved to seek advice from the Attorney General on the State Laws. To date two letters have been written to the Attorney General asking if the Government would take some action regarding provision of a free beach and the State Laws, but to date no reply has been received.

Mr Drescher reiterated that until such time as Council felt satisfied that the State would not take action against a user of the beach and either modified the legislation or alternatively advised it would not take action against users, Council would make no decision.

Cr Major entered the Room at this point, the time being 7.38 pm.

The Mayor then invited members of the public to make comment and said that whilst Council would give consideration to any Motions put at this public meeting, it was not obliged to act on any such Motion.

Mr Hercules Gunter of Padbury addressed the meeting. He stated he was a campaigner for free beaches, and referred to certain Sections of the Local Government Act which made reference to the holding of Referenda and stated that, having gone to the electorate for a decision, Council ought to act upon the matter.

He referred to the two Referenda held in relation to daylight saving where the Government was bound by the decision obtained and similarly believed that Council should not ignore the wishes of the populace in this instance.

Mr Gunter made reference to the free beach at Swanbourne which has been operational for several years without prosecutions, and stated this is not a legally declared beach, merely tolerated. Similarly Warnbro free beach, approved 5 or 6 years ago, is without prosecutions.

Mr Bruce Grieve of Shenton Park, also an advocate for free beaches, believed free beaches were a valid form of recreation and that Council had no reason to go against the outcome of the Referendum. He questioned what had to be done in order to encourage Council to act and declare a free beach within Wanneroo.

Mr John Curd of Quinns Rocks asked when a response was likely to be received from the Attorney General and if direction was given, would Council then take action.

The Mayor responded that he could not give an answer at this time, however Council would make a decision when it was able to.

Mr Gunter stated that Council, in making amendments to its by-laws, would not be flouting the Police Act. The Mayor reiterated that Council must first await advice on the legality of the matter.

Mr Bob Unwin of Kelmscott drew attention to the fact that Rockingham Council made changes to its by-laws regarding free beaches and has had no problems. He referred to correspondence received in 1982 from the Deputy Premier and also from the Police relating to free beaches being at the discretion of local authorities.

The Town Clerk stated he did not believe the Act obliged local government to be bound by the results of a Referendum, and whilst Council may make changes to its by-laws, any amendment must be free from doubt from prosecution.

The Deputy Town Clerk responded to the various reference made to the Local Government Act. He advised that whilst it was unlikely that prosecutions would be made, it was not without doubt and the Government reserved the power to prosecute at will, and local government had no power to give protection for persons to do as they wished on a beach.

Mr Alan Duncan of Heathridge queried why Council was concerned if persons were prosecuted and stated that the public wanted a free beach.

The Mayor said that it was necessary for Council to obtain all the facts prior to consideration being given to the declaration of a free beach, as considerable cost would be involved, and that Council would first require to clear up the point of law.

Mr Ken Slone of Quinns Rocks believed that expenses would be no greater than to establish any other beach facility. Mr Grieve stated that free beach users would not require full facilities, and would be happy with a crushed limestone track in the initial stages. The City Planner advised that a free beach would require to be secluded from direct residential areas, and require access, ablutions, fencing, car parking etc. Costings carried out in 1984 were between \$320-360,000.

Mr John Whitty of Thornley reported that over an 18 month period 6 arrests had been made on beaches but none had been made on free beaches. Mr Grieve added that free beaches were no more a problem than "textile" beaches and that people in general felt safer on a free beach.

The Mayor felt that the time had not come to discuss the impact a free beach would have on the public; it was first necessary to resolve the issue of law.

Cr Cooper addressed the meeting. He was not aware of the reasons that a Referendum on the issue of free beaches was held, however he believed it was time for the Government to make a decision in this regard. He stated he had listened to the views of the meeting, however very few local people were present and he believed that greater support in favour of the free beach would be needed in order for Council to give the matter due consideration.

Mr David Ellis of Clifftop Rise, Edgewater stated he was against the free beach as he believed it morally wrong and felt problems would develop once the public was made aware of the existence of a free beach.

Cr Gunter requested that, whilst awaiting approval of the Attorney General, Council begin a process of investigating where a beach could be sited, and he believed the area behind Tamala Park would be the best suited.

The Mayor advised that an undertaking of this nature was not possible until advice had been received from the Attorney General, and he asked whether the meeting wished to put a Motion.

**MOVED** Mr H Gunter, **SECONDED** Mr J Curd that Council considers taking action to make preliminary plans such as can be made with minimal costs so that in the event of the Attorney General confirming previous statements of various State Government bodies, that things can move with maximum rapidity and that plans be afoot at that time.

The Mayor requested a show of hands with the following results:

<b>FOR THE MOTION:</b>	16
<b>AGAINST THE MOTION:</b>	5

The Mayor declared the Motion

**CARRIED**

There being no further business the Mayor declared the meeting closed at 8.45 pm.