

CITY OF JOONDALUP

MINUTES OF SPECIAL ELECTORS MEETING HELD WARWICK OPEN SPACE CLUB ROOMS, LLOYD DRIVE, WARWICK ON MONDAY, 14 SEPTEMBER 1998

ATTENDANCES

Commissioners

Cmr C Ansell - Chairman
Cmr R Rowell *to 2029 hrs*
Cmr W Buckley
Cmr M Clark-Murphy

Officers

Chief Executive Officer:	L O DELAHAUNTY
Director, Development Services:	O G DRESCHER
Director, Resource Management:	J TURKINGTON
Director, Community Services:	C HALL
Manager, Parks Landscaping Services:	D CLUNING
Manager, Development Management Services:	R ZAGWOCKI
Manager, Council Support Services:	M SMITH
Manager, Executive Services:	K ROBINSON
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	S BRUYN

There were 149 Electors and 1 member of the Press in attendance.

The Chairman of Commissioners declared the meeting open at 1906 hrs.

ITEMS OF BUSINESS

The purpose of the meeting is to discuss:

- 1 the proposed cancellation of a portion of Reserves 30958 and 31016, Greenwood Primary School, Greenwood (as per report CJ25-07/98);
- 2 amendment No 833 to Town Planning Scheme No 1 - proposed rezoning of Greenwood Primary School (Reserve 31790) to residential R20 and parks recreation (as per report CJ17-07/98);
- 3 the retention of an effective network of public open space within the suburb of Greenwood;

- 4 a Management Plan for reserves 30958 and 31016, Greenwood with the aim of maintaining the wooded charm of the suburb;
- 5 the benefits of retention of areas for passive recreation to service the changing demographics of the suburb and the Australian population in general;
- 6 the physical and mental health benefits of passive recreation;
- 7 the rights of property owners adjoining and close to reserves 30958 and 31016 to continue to enjoy the current amenity of the reserves;
- 8 other matters that may be raised from the floor of the meeting relating to the proposed cancellation of a portion of Reserves 30958 and 31016, Greenwood Primary School, Greenwood.

The Chairman stated that the meeting had been called in order to provide information on the proposed redevelopment of the Greenwood Primary School and to receive comments from the community on this proposal. He advised that no decision had been made to rezone the Greenwood Primary School site, cancel any reserves or approve a subdivision of land and that so far these matters have only been advertised for public comment.

The Chairman introduced his fellow Commissioners and Council officers and explained the procedure to be followed for the meeting.

The Manager, Development Management Services then gave a slide presentation, addressing items 1 and 2 on the agenda and outlining the reasons for cancellation of the reserve and providing details of the subdivision application for the land.

He advised that following advertising, approximately 1,000 submissions had been received, with the majority objecting to the proposal.

The Manager, Development Management Services stated that following the meeting, a report would be presented to the Joint Commissioners for them to consider issues relating to rezoning of the Greenwood Primary School and cancellation of the reserves.

The Manager, Parks Landscaping Services then gave a slide presentation, addressing items 3 - 5 on the agenda and outlining the process involved to assess the trees in the area, commenting that although a number of trees had been worthy of preservation, only the trees considered to be significant were marked. He advised that as the land is private property, Council could only request certain areas to be retained and commented that the plan that evolved from discussions on this matter, provided for a large area of the trees adjoining Blackall Reserve to be retained.

The Manager, Parks Landscaping Services then detailed the following objectives which had been decided on prior to submission of the proposed options:

- maximise retention of mature trees;
- maintain public open space area;
- provide irrigation to areas currently dry park;
- provide pedestrian access equal to existing, or improved;
- reduce maintenance requirement due to linear public open space;
- minimise the hazard exposure regarding security for adjoining residents and property.

In conclusion, the Manager Parks Landscaping Services advised that it was now up to the community to provide their comments on the proposed options.

Cmr Rowell then addressed items 6 and 7 on the agenda, providing his comments on these issues from his perspective as a Commissioner. He advised that when he first sighted the development plan, he did not feel that it complied with modern day town planning, as current planning is against having backyards adjoining reserves for security reasons.

Cmr Rowell also commented that the number of pathways tended to provide an “island effect” to the development and the fact that there were only two or three residences with gates leading onto the reserve tended to suggest that most people did not want direct access to the park.

Cmr Rowell advised that when the proposal from the City’s officers was received, it was considered to have many appealing aspects as it provided easier access to the reserve for the community and also a large number of trees could be retained to enable it to be developed as a better reserve for the community.

The Chairman then invited questions from the floor.

Sue Hart of Mamo Place, Greenwood:

- *Mrs Hart advised that the Stop the Swap Committee, which she represented, had drafted a number of motions to be put to the meeting. She requested to read the motions and then to allow representatives from the political parties present to make a brief statement on the matter.*

Mrs Hart advised that the Stop the Swap Committee had invited representatives of the established political parties to the meeting and suggested that each political representative provide a brief three minute statement regarding the following:

- *selling off of the school sites;*
- *the rights of residents to have a strong say on planning issues in their locality;*
- *the values of public open space.*

Mrs Hart advised that the following politicians and candidates were present:

- *Dee Margetts - Greens*
- *Ken Travers - ALP*
- *Graeme Edwards - ALP*
- *Brian Greig on behalf of Helen Hodgson - Democrats*
- *Richard Evans - Liberal Party*
- *Cheryl Edwardes - Liberal Party*
- *Ray Halligan - Liberal Party*

Mrs Hart advised that as the meeting had been called under the Local Government Act, there was a requirement of what must happen with any motions passed at the meeting and then read two excerpts from the Local Government Act:

“If at a meeting of the Council a local government makes a decision in response to a decision made at an elector’s meeting, the reasons for the decision are to be recorded in the minutes of the Council meeting.

All decisions made at an electors meeting are to be considered at the next ordinary Council meeting or, if that is not practicable then at the first ordinary Council meeting after that meeting, or at a special meeting called for that purpose, whatever happens first.”

- *Cmr Ansell requested that prior to Mrs Hart reading her motions, residents present be allowed to ask questions to enable the issues to be clarified.*

Barbara Clews of Peppermint Drive, Greenwood:

Q1 The original plan did not have an entry into Peppermint Drive and the new plan does, with no entry into Mamo Place. I strongly object to that as only approximately 5 homes in Mamo Place would have passing traffic, whereas in Peppermint Drive significantly more homes would be inconvenienced. Why was the plan changed so that all the entries and exits are at the end of Peppermint Drive and there is no entry onto Mamo Place, which has direct access to the traffic lights and the through road onto Warwick Road?

A1 Response by Cmr Rowell: The Joint Commissioners would be pleased to consider an entry into Mamo Place. It is imperative that it does have that movement through to allow people from that area to be able to have access to the park.

Response by Manager, Development Management Services: The plan submitted was proposed by the consultants. The original plan did have more access from the south than from the north. It was our concern that by maintaining access from both the north and the south, this road could conceivably be used as a short cut by owners. The City did not request that the access be changed, that is the way the application was received. The application has not been processed and it is a concept plan that is presently being dealt with.

- *Mrs Clews referred to the Greenwood West Precinct Draft Traffic Management Strategy which had been circulated to local residents advising that traffic calming devices would be installed in Blackall Drive and queried why this type of development accessed only onto Peppermint Drive.*

Response by Manager, Development Management Services: The City only received the application for the subdivision today and the proposal is based on the concept plan for the rezoning of the land.

Response by Cmr Ansell: Your comments will be noted.

Don Adamson:

Q1 When was the plan detailing public open space produced?

Q2 All the other plans showed no provision for public open space and cash-in-lieu was mentioned. According to the Local Government Act, cash-in-lieu is not acceptable in this case (Mr Adamson then read an excerpt from Section 120(c)(7) from the Local Government Act). Why do Council drawings not show a 10% public open space?

A1 & A2 Response by Director, Development Services: The City, with the approval of the Minister for Planning, can accept cash-in-lieu on any size lot it agrees to. The City has the option, with the agreement of the government, to vary that requirement. The Commissioners are not in a position at this stage to make that decision, as the subdivision application has only just been received. The Commissioners will decide whether the extra 4,000 m² is required or alternatively the cash equivalent of 4,000 m² and whether that cash should be put towards the Greenwood public open space for enhancement or expansion.

- *Mr Adamson advised that he had recently had discussions with the Ministry for Planning, who had advised they agreed with his assumption of the Act.*

Response by Cmr Ansell: Your views will be noted and will be considered when making a final determination on the matter.

Response by Cmr Buckley: If there is any question that it will not be carried out under the construct of the Act, then the Commissioners would seek advice on this matter. If there is a legal problem, the Commissioners will determine the answer before taking any action.

- *Mr Adamson queried why the Commissioners and Council were wasting time on the cash-in-lieu matter.*

A3 Response by Cmr Ansell: The Commissioners have not considered this matter as this stage has not yet been reached.

Terry Popham of 1 Scarp Close, Edgewater:

- *Mr Popham read an excerpt from the Council minutes in relation to Report CJ25 - 07/98 as he was concerned that this matter was already a fait accompli, namely:*
 - *“Reserves 30958 and 31016 are both set aside for the purpose of public recreation and are vested in the City of Wanneroo. The reserves were created as a condition of subdivision under Section 20a of the Town Planning and Development Act and as such are subject to stringent conditions concerning their use and disposal.*

***Disposal of Section 20a reserve** - Where small reserves are of no practical value and their disposal will not disadvantage the local community, the Crown will allow them to be sold at a price to be determined by the Minister for Lands. Before approval to dispose is given, Council must satisfy the Minister that the proposal has been widely publicised within the locality and is not objected to”.*

Mr Popham referred to the declaration made by the Commissioners on 1 July 1998, where they were appointed by the government and also to previous declarations made by Councillors, where they were appointed by people of the City. He commented that although the Commissioners were not appointed by the people, this did not diminish their responsibility to the local residents and the local residents did not want this swap to occur.

Response by Cmr Clark-Murphy The Commissioners have not made a decision and it is not a foregone conclusion. The public comment process is being carried out at present. We are aware of the responsibility that we have as Commissioners and are here to listen to the comments of residents.

Bob Foston of Mamo Place, Greenwood:

- *Mr Foston referred to a map he had received on moving to Greenwood 26 years ago which clearly indicated the areas of recreation completely linked to allow people access to the shopping centre without having to go on roads and expressed concern that the proposed plan limited access to people. In relation to Council's reluctance to create laneways, Mr Foston advised that his map had 13 laneways in this area, none of which Council was attempting to close.*

Beryl Williams of Greenwood:

- *Mrs Williams expressed concern that the residents were not consulted by the City that bushland surrounding the school would be destroyed for housing. She believed that Council should have purchased the area for the people of Greenwood to enjoy as she felt that areas like this were needed. Mrs Williams commented that Council should be ashamed as it would benefit in monetary terms for the proposal. She advised that the film "Fast Track" was being filmed on this site, and believed that the City and developers would be condemned by viewers of the series for wanting to destroy something that should be left alone to be enjoyed by everyone. In conclusion, Mrs Williams believed that the City was receiving rates from people to work for them, not for developers.*

Response by Cmr Ansell: The Commissioners are not working for a developer, and are trying to achieve the best possible situation for the ratepayers.

Response by Cmr Rowell: Commissioners will look at the situation. The land has been sold and a developer is going to develop it. Commissioners are endeavouring to find a way to maximise the retention of the trees, and a way that best suits the greater community in that area. We are seeking your comments to help us make a decision which is in the best interests of the community.

Steve Harber of Harber Passmore Real Estate:

- *Mr Harber referred to the issue of closure of laneways and commented that his experience through dealing with people who were attempting to sell a residence next to a laneway was that it was often difficult to find purchasers who were comfortable with living next door to areas that are well travelled by pedestrians due to vandalism and graffiti problems. He believed that a development of this kind needs to look at the whole concept for the good of all residents, not only from the viewpoint of a few individuals losing a narrow passage of land.*

Steve Magyar:

- *Mr Magyar requested that Sue Hart be allowed to read the motions she had drafted for the meeting and to proceed with the meeting as she has suggested.*

Response by Cmr Rowell: Without being discourteous to the politicians, I would rather hear the views of people who live in the area.

Graeme Edwards:

- *Mr Edwards believed that the people present wanted their arguments to be heard and submitted a motion to be considered in conjunction with the motions to be proposed by Sue Hart. The motion was:*
 - *that Council should be investigating whether or not there is government funding available to buy this site back and vest it in the community for community and recreational purposes.*

Mr Edwards advised that he had recently visited the site and believed it was a tremendous amenity which he understood people in the area did not want to lose. He referred to the recent "buy back" by the government of land in Sydney's foreshore through funding from the sale of Telstra and queried whether the Commissioners had considered investigating that or any other source of funding to purchase the site back.

Response by Cmr Ansell: Your suggestion will be noted.

Resident of Mamo Place, name not provided:

- The resident referred to the plan for the area and agreed that if there was a run through from Peppermint Drive, there would be a number of traffic problems in the area. She commented on the number of people who use the pathways and queried if access to facilities in the area would now be achieved by walking on the roads.*

Response by Cmr Rowell: The Commissioners have stated that there will be accessways. This proposal has been put to the Council by the developers and the Commissioners will take note of comments from the community.

John Poole of Greenwood:

- Mr Poole expressed concern that at present there were nature strips to walk on, whereas this plan proposed replacing them with roadways and advised that residents wanted to have their nature strips retained.*

Mr Poole believed that if the development went ahead, housing density in the area would greatly increase and the reserve amenity would be needed even more.

Sally Cook of Edgewater:

Q1 Can you explain what is meant by a significant tree? Does it have to be a certain age, size or position?

A1 Response by Manager, Parks Landscaping Services: A significant tree is an indigenous tree of natural heritage, or perhaps the last one of its type in the suburb. The qualification is placed by the Heritage Association based on age, structure, growth formation or location. Five significant trees were assessed on that site. That is not to say that there are not a number of other trees on the site that are also worthy of attention.

- Cmr Buckley queried that if the other option of retaining the reserve was reached, how many of the trees remaining in that area would be lost?*

The Manager, Parks Landscaping Services demonstrated this area on a map and advised that if 10% was taken from the school site, an 8 metre strip would be retained. If the whole site was cleared, no trees in that area would be retained.

Bob Foston of Mamo Place, Greenwood:

- *Mr Foston advised that due to another commitment he would be leaving the meeting with his wife and queried whether he could register their support of the motions to be put forward by Sue Hart.*

Cmr Ansell advised Mr Foston that their support would be noted.

- *Mr Foston referred to item 1 on the agenda and queried whether a mistake had been made as he believed that Reserve 31016 was not a reserve as part of Greenwood Primary School, but was part of a recreation reserve.*

Cmr Ansell advised that this was correct.

Bill Beck of Greenwood:

- *Mr Beck expressed concern at the assessment to determine the significant trees in the area and referred in particular to the large number of jarrah trees, which he advised were very slow growing, with some taking 300 to 400 years to grow to full height. He believed that some of these trees had grown to full height and were of benefit to the community.*

Mr Beck referred to the section of reserve behind his house which was proposed to be moved, and believed it was unfair that he was being disadvantaged to someone else's advantage.

Response by Cmr Rowell: The Commissioners are attempting to save as many trees as possible. If it is not possible to buy back the site and a development is commenced, the Commissioners will attempt to find a way of preserving as many significant trees as possible.

Sue Hart of Mamo Place, Greenwood:

Mrs Hart put the following motions to the meeting:

MOVED Sue Hart, SECONDED Don Adamson that we the electors of the City of Joondalup, being mostly residents of the suburb of Greenwood, do hereby move that the community of Greenwood expect the Joint Commissioners to:

- 1 **accept the validity of the opposition to the proposed cancellation of a portion of Reserves 30958 and 31016 adjoining the former Greenwood Primary School, as expressed in the 851 signature petition and letters of objection received by the City;**
- 2 **acknowledge the importance of the reserves as central components of an effective network of public open space within the suburb of Greenwood highly valued by the local community with high practical values and the disposal of such will disadvantage the local community;**
- 3 **acknowledge that the majority of landowners adjoining the reserves object to the cancellation of the reserves and would suffer a loss of amenity;**

- 4 not proceed with the proposed cancellation of any of the reserves for the reasons detailed in the petitions and letters of objection;
- 5 not proceed with Amendment No 833 to Town Planning Scheme No 1 - proposed rezoning of Greenwood Primary School, as detailed in Report CJ17-07/98, as the amendment depends upon the cancellation of the recreation reserves;
- 6 not accept the cash-in-lieu of public open space offer from the owner of the school site;
- 7 use the 10% public open space contribution from the school site to:
- (a) increase the width of the reserves to the maximum possible, where the reserves adjoin the rear of the lots on Pullan and Kurrajong Places; and
 - (b) increase the size of Blackall Reserve only to the extent required to allow the reserve to continue to function as an active recreation reserve;
- 8 prepare a management plan for the reserves, through a process of public consultation with the people of Greenwood, that will enhance their use as passive recreation areas and add to the wooded charm of the suburb;
- 9 investigate government funding which may be applied to “buying back” the school site and vesting the area in the City for passive recreation and community purposes.

The Motion was Put and

CARRIED

Following a request that the votes be recorded, the results were:

FOR: 122

AGAINST: 12

Cmr Rowell left the Room at this point, the time being 2029 hrs.

Representatives from political parties were then invited to give a brief statement.

Mrs Cheryl Edwardes, MLA, Member for Kingsley:

- *Mrs Edwardes believed that the number of people attending the meeting and the vote taken was evident of the concern by the community as to what was being proposed by the City of Joondalup. She commented that it was clear that the suggestion in terms of re-defining the public open space was not acceptable to the people who live around that area and so therefore there was very strong opposition to the land swap.*

Mrs Edwardes believed there was also significant concern that in terms of the public open space, that it was not one that was done by cash-in-lieu and that it was in fact a contribution to the public open space. She commented that the motion put forward was increasing the linear reserves, as well as Blackall Reserve.

Mrs Edwardes requested the Commissioners, in taking into account the concerns of the local residents, to also look at ensuring that as many of the trees as possible are able to be retained in any particular design, particularly looking at the public open space increasing some of those reserves for the Blackall Reserve.

Mr Richard Evans, MP, Member for Kingsley:

- *Mr Evans advised that he was happy to continue supporting the residents on this particular issue and felt that it was an issue that everyone at the meeting was concerned about. He advised that he believed in a participatory democracy and felt that everyone should get involved with their local community and applauded those who attended the meeting.*

Mr Ken Travers, MLC, Labor Member for North Metropolitan Region:

- *Mr Travers believed that the problems being experienced had stemmed from the selling of the school site and urged Mrs Edwardes to take back comments to the government, not only in relation to re-purchasing this site and getting some federal support, but also in not making the same mistake in other areas. He felt that wherever decisions to sell land were made, the community would be affected and that if a decision was made to sell these sites, they should be sold to someone who would use the site as it currently exists.*

Mr Travers urged the State Government to look at buying the site back and believed that the developer should be compensated in the process.

Mr Travers referred to comments the Commissioners had made in relation to the laneways and accepted that there was a problem but felt that as there was no problem at the present, laneways should not be created where houses backed on to them.

In conclusion, Mr Travers stated that although politicians were always answerable to the public, people were concerned that their wishes would not be heard as they did not have the opportunity to express their concern regarding the Commissioners via the ballot box. He believed this was a problem and hoped that elected Councillors would be returned as soon as possible.

Mr Brian Greig, on behalf of the Australian Democrats:

Mr Greig extended an apology from Helen Hodgson MLC, the member for North Metropolitan Region,, who was unable to attend the meeting.

- *Mr Greig expressed his passionate belief that bushland must be preserved as there was so little of it left and believed that every opportunity must be taken to retain what is there.*

Mr Greig referred to a number of pedestrian accessways that had been closed in the Town of Vincent while Commissioners were in charge, who believed that a juvenile crime problem in the City would be alleviated by removing areas of green and expressed concern at the juvenile crime problem being used as an excuse to close accessways.

Mr Greig strongly discouraged taking the course of cash-in-lieu, as he believed it was a good theory but felt that it often did not work in practise and a dollar and cent value could not be placed on bushland. He commented that even if money was received from the developer as they were unable to provide the public open space that was required, it was often the case that later on no land would be available for this purpose.

In conclusion, Mr Greig stated that it was obvious from the feeling of the meeting that the people of Greenwood chose to live in Greenwood for its name - it is green and it is wooded and clearly a strong desire for people to remain in Greenwood and not to move to grey cement.

Mr Ray Halligan, MLC, Member for North Metropolitan Region:

- *Mr Halligan advised that he was a believer in the greenbelt and would personally like strips of greenbelt through every suburb. He commented that whilst he was in politics he would do everything he could to try and ensure that this does happen.*

Mr Haligan advised that he had attended the meeting to listen to the views of the people as he believed that all politicians should come to meetings such as this, to listen to the voice of the people. He commented that he would be taking the message of the people back to members of his political party and stated that if he could assist in finding a balanced approach to the current situation, he would do so.

Ms Dee Margetts, Senator for Greens WA:

- *Ms Margetts expressed her concern at the response to some questions being 'we will look into it', and did not believe that she had heard anyone say that there would be a further public meeting to discuss what would come out of any suggestions that had been put forward to the Commissioners.*

Ms Margetts believed that the problems stemmed from treating education and schools as if they were just commodities to be bought and sold and requiring schools to pay for themselves. She felt that the concept that the Council, using ratepayers' money, should have to buy back something which belonged to the community in the first place and was sold without consultation to the community, was appalling. In this regard, she believed that the State Government had an obligation to listen to the comments of the people in relation to the reallocation of what was originally public land. Ms Margetts advised that the issues related to ensuring that the community does not have this facility taken away without consultation and felt that the concept itself was bizarre.

Ms Margetts referred to the proposed plan and queried the use of laneways via underpasses or tunnels as she believed this would be an expensive option and also

queried if the plan was suggesting that public open space, replaced by an underpass would help to reduce crime.

In conclusion, Ms Margetts believed that the process so far had been shoddy and commented that although it was not a Commonwealth decision at this stage, she would be happy to be kept informed, to ask questions and to pass on to the three legislative Councillors in Western Australia, any questions that need to be asked at a State level to ensure that people get what is right for them and to ensure that the process did not continue in other suburbs.

A question was then directed to Mrs C Edwardes as to whether she knew that the land was going to be sold.

Mrs C Edwardes:

- *Mrs Edwardes advised that when the consultation process was proceeding for the closure of the school, which went over a number of years, the first vote that was taken by the parents of the students was total opposition to the plan. She stated that it was eventually from the parents themselves who initiated the closure of the school.*

Mrs Edwards advised that the conditions for part of the closure of the school included that all the money recouped from the sale of the land would go back into the two schools where students from the school went, so that this money would be reinvested into the community for educational purposes.

Steve Magyar:

- *Mr Magyar advised that the meeting had been called under Section 5.33 of the Local Government Act, requiring that the Commissioners had to attend to the resolutions put forward by the people at the next ordinary meeting of Council, to be held the following week. As Mr Magyar did not believe there would be sufficient time to prepare a report before this meeting, he sought reassurance on behalf of members of Stop the Swap, that if this item was deferred, the provisions of Section 5.33 that said the reasons for any decision made regarding the resolutions passed at this meeting would be fully recorded in the Council minutes would be adhered to.*

Cmr Ansell responded that this provision would be complied with.

Arthur Taylor:

- *Mr Taylor requested that the minutes from tonight's meeting be placed on Council's home page on the Internet.*

Steve Magyar:

- *Mr Magyar advised that the agendas for meetings of the City of Joondalup and the Shire of Wanneroo could be accessed through the Internet and from the library.*

There being no further business, the Chairman declared the meeting closed at 2047 hrs.