

# CITY OF JOONDALUP

## MINUTES OF SPECIAL COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 25 JANUARY 2000

### ATTENDANCES AND APOLOGIES

#### Mayor:

J BOMBAK, JP

#### Elected Members:

Cr P KADAK	Lakeside Ward	- Absent from 1955 to 2000 hrs
Cr D S CARLOS	Marina Ward	
Cr S P MAGYAR	Marina Ward	
Cr A T NIXON	North Coastal Ward	- Absent from 1956 to 2000 hrs
Cr J F HOLLYWOOD, JP	North Coastal Ward	- to 1928 hrs
Cr A A WALKER	Pinnaroo Ward	- Absent from 2006 to 2011 hrs
Cr P ROWLANDS	Pinnaroo Ward	- from 1933 hrs
Cr T BARNETT	South Ward	
Cr A W WIGHT, JP	South Ward	- Absent from 1952 to 1954 hrs
Cr A L PATTERSON	South Coastal Ward	
Cr G KENWORTHY	South Coastal Ward	- Absent from 2155 to 2157 hrs
Cr J A HURST	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	

#### 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, Council Support Services:	M SMITH
Manager, Urban Design and Policy Services:	D BUTCHER
Manager, Marketing:	J LAWTON
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

## APOLOGIES

Leave of Absence – Cr L Ewen-Chappell

Late arrival – Cr P Rowlands

There were 30 members of the Public and 1 member of the Press in attendance.

The Mayor declared the meeting open at 1902 hrs.

## PUBLIC QUESTION TIME

(Please Note: Section 7(4)(b) of the Local Government (Administration) Regulations 1996 states that a Council at a special meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked).

### **The following questions were submitted by Mr E Pritchard of Burns Beach:**

*The following questions relate to answers provided to questions asked by Mr B Sutherland, Burns Beach at the Council meeting held on 21 December 1999 (see Appendix 1):*

*Q1 With reference to Question 3 (see Appendix 1) is it reasonable to assume that when the Joondalup City Council responds to 'The Metropolitan Regional Scheme' that its response is equal to an individual's right of response, or is it more reasonable to accept that when the Joondalup City responds it carries a great deal more weight and logically have more influence by representing the views of the community from which the Joondalup City Council draws its authority?*

*A1 One could reasonably hold that the Council represents the community view and therefore any response by the Council to a government agency such as the Western Australian Planning Commission is likely to carry considerable weight. In the final analysis, one would assume that the validity of the argument would carry most weight and be judged on its merits.*

*Q2 With reference to Question 6 (see Appendix 1) the question posed by B Sutherland is if the Joondalup City Council in one statement says "**The City of Joondalup .....will safeguard environmental quality and well being for its present and future communities. In establishing the City's strategic direction in supporting and enhancing environmental sustainability, the City will: encourage the protection and conservation of the natural environment**", how can the City of Joondalup then at a later date say "**It is not considered appropriate to comment on the structure plan for Burns Beach Western Cell at this stage**" when the structure plan itself goes to the very heart of the conservation issues that face the community locally within the City of Joondalup and to the West Australian community as a whole?*

- A2 It is certainly the intention of the Council, within its powers, to actively work towards meeting its stated environmental strategy. The adopted strategy cannot, however, take away the rights of individual landowners. In arriving at their determination the Joint Commissioners had taken all of these matters into consideration.

The statement regarding comments on the structure plan does not deny the Council the opportunity to comment on the shape, size or location of the proposed urban area at this stage. There are two stages in this process (ie the broad Metropolitan Region Scheme zoning and the detailed structure plan) and it is appropriate and desirable that the community has an opportunity to comment on both stages. At the present time the Western Australian Planning Commission is seeking comment on the broader issue of whether part or any of Lot 2 should be zoned for urban purposes, and whether the remainder should be reserved for Parks and Recreation.

Once that is determined, and if any land is zoned as urban, a structure plan would be prepared for the urban area detailing how the land would be developed. Before making any decision on the structure plan the community would again be given an opportunity to comment.

- Q3 *With reference to the answer to Question 6 (see Appendix 1), when is it appropriate for the City of Joondalup to comment given that to comment now is to comment on a 'proposed plan' and to comment later is to 'comment on the implementation of the proposal'?*

- A3 It is appropriate for the City to comment to the Western Australian Planning Commission on the proposed Metropolitan Region Scheme amendment now. The proposed Metropolitan Region Scheme amendment determines amongst other things the area of land to be set aside for urban purposes and the area of land to be reserved for Parks and Recreation. Pertaining to Lot 2, the process that the Council is currently undertaking is to determine what additional comment it may wish to make on the Western Australian Planning Commission proposed Metropolitan Region Scheme amendment.

- Q4 *With reference to the answer to Question 6, what is meant by 'the relevance of the concept'? (Is this a line borrowed from Yes Minister)?*

- A4 As detailed in Question 2 there are essentially two stages. The Metropolitan Region Scheme amendment will establish the overall parameters for any future urban cell; that is, the size, shape and location. The current amendment process could significantly change the "urban" area as proposed and therefore, the comment referring to the relevance of the concept is simply a recognition that the boundary of the urban cell (ie the concept) could change in this process.

*Q5 With reference to Question 7 (see Appendix 1), did the Joondalup City Council 'use the public submissions period to make a comment on behalf of its constituents'?*

*A5 The City of Joondalup made previous comment on the Metropolitan Region Scheme amendment where the Joint Commissioners, as the Council for the City of Joondalup made a judgement on behalf of the whole of the City.*

*Q6 With reference to Question 8, will Council request a hearing and use the opportunity to convey its position to the Commission?*

*A6 Council has requested a hearing. The hearing is scheduled for 1 February 2000.*

*This concludes questions to the answers provided to Mr B Sutherland, followed by further questions.*

*Q7 Given that Lot 2 is a sensitive and fragile bushland, will consideration be given to a plan to restrict domestic cat movement into the area by implementing public debate and possibly imposing restrictions?*

*A7 If the amendment proceeds the State Government will be the acquiring authority and will then resolve to vest the management responsibility to an appropriate agency where such issues will be considered.*

*Q8 Will Council take a pro-active position and request or make application for Lot 11536 to become public open space providing a buffer zone between Lot 2 and the community at Burns Beach?*

*A8 The future of Lot 11536 and Lot 11537 will be considered in conjunction with consideration of the detail of the structure plan for Lot 2 following determination of the Metropolitan Region Scheme amendment.*

Appendix I refers – click here: [Att1.pdf](#)

**Mr V Harman, Ocean Reef:**

*Q1 In consideration of the nature of this evening's meeting, would you consider allowing a further public question time before the closure of the meeting?*

*A1 Response by Mayor: This will be considered.*

**Mr Barry Higgins, Carabooda:**

*Q1 Is it true that the whole of the western cell of Lot 2 is currently zoned rural?*

*A1 Response by Mayor: The Director Development and Planning will cover this question during his presentation later in the meeting.*

*Q2 Earlier this afternoon two deputations were held. I understand that a further deputation request was withdrawn by the developer and a written submission was made in lieu of a verbal one. Will that document be made public?*

*A2 Response by Mayor:* The letter received will be read out during the meeting.

**Mr B Sutherland, Burns Beach:**

*Q1 Prior to the last meeting on 7 December, I submitted a question which asked “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”. The answer I was given said “Detailed briefing papers relating to all matters raised in the Clarkson-Butler MRS amendment will be prepared for all Councillors prior to the first meeting”. Consequently I wish to ask, were the new Councillors provided with Report DP67-02/98, and the minutes of the Meeting of Joint Commissioners held on 24 February 1998 relating to the action taken in that report, given that these are very important matters that relate to this issue.*

*A1 Response by Director, Development and Planning:* That report and the minutes were circulated to Elected Members yesterday.

*Q2 The Commissioners said they would provide detailed briefing papers for the first meeting of the Councillors. As part of these papers I hoped that this information would have been provided some time ago.*

*A2 Response by Director, Development and Planning:* It was circulated yesterday, and the Elected Members have also had a full briefing from the Ministry for Planning on this issue.

*Q3 Who will represent the City at the WAPC hearing next week?*

*A3 Response by Director, Development and Planning:* That would be a decision for the Council this evening.

*Response by Chief Executive Officer:* The normal situation would be that Council officers would represent Council and if there was a decision of Council for elected members to be involved, no doubt they would be given the opportunity to do so.

*Q4 In 1995, the City of Wanneroo made a submission to the EPA 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. In 1996 the City of Wanneroo commissioned a study of the conservation value of remnant vegetation in the City from Malcolm Trudgeon that contained arguments for retention of more of Lot 2 than the 235 ha that the EPA subsequently allowed. In 1998, the only reason the Commissioners did not appeal the owners being able to allowed to develop 55 ha was that they received correspondence from the EPA explaining the position was a reasonable compromise but that the remaining area of Spearwood vegetation was considered a minimum to conserve flora and fauna. Now the report for this meeting tonight recommends total support for the developers. In*

*this period when we did not have any democratic representation, who was responsible for the reversal of policy on this issue?*

- A4 *Response by Chief Executive Officer:* The Joint Commissioners considered all the factors. All of that information was forwarded to the Ministry for Planning, including the Trudgeon Report. This Council had a presentation by the Ministry for Planning recently to explain the considerations they took into account in the decisions made under the MRS. To the best of my knowledge there has not been any change in direction.
- Q5 *There seems to have been a significant change in direction if on one hand the previous Council fought the developer for Lot 2, and we are now saying the developers can do as they like. This seems to be a change of policy and the public has not been consulted in the process.*
- Q5 *Response by Chief Executive Officer:* As mentioned in the report there was a decision made by the Minister for Environment, making a determination on part of the land. The decision of the then Council was that officers continue to negotiate with the relevant agencies on the remainder of the land. I do not think there has been any change in direction as far as that is concerned.
- Q6 *If at one stage they were querying whether they should have 55 ha, to now say have 170 ha, that involves a difference. It cannot be the same position.*
- A6 *Response by Chief Executive Officer:* There has been a determination made and, as answered in the questions, there are two sides. One matter may be conserving any land, and the Council in its strategic direction has made a statement in that area. On the other hand it cannot take away the rights of the individual owner. The lot in question was excised off the plan by the State Government for consideration under Bushplan. Negotiations have taken place with the owner, without Council's knowledge. In those negotiations there has been a compromise, as explained to Council by the representative of the Ministry for Planning, and Council officers have presented a report to Council on how they see that compromise.

**Mr David Wake, Merriwa:**

- *Mr Wake commented on matters raised regarding Lot 2, and believed that regard should be given to the public interest.*

## DECLARATIONS OF FINANCIAL INTEREST

Cr Hollywood read the following statement:

*“In accordance with Section 5.65 of the Local Government Act 1999, I hereby provide you with written notice of my interest in Item JSC1-01/00 – Submission on the Metropolitan Region Scheme Clarkson-Butler Amendment No 992/33 relating to Lot 2 Marmion Avenue, Burns Beach, which is scheduled to be disclosed at the Special Meeting of Council on Tuesday 25 January 2000. The nature of the interest is that the proposed amendment to the Metropolitan Region Scheme for the subject parcel of land may affect the valuation of land that I own at 9 Third Avenue, Burns Beach.”*

Cr Hollywood advised that his property is adjacent to Lot 2, and stated that land of approximately 70 metres wide, and owned by the Department of Conservation and Land Management, separated his land from the development. Cr Hollywood then read the following letter from Mr Paul Yates, Real Estate Agent and Property Developer and Valuer, of 7 Third Avenue, Burns Beach:

*“To Whom It May Concern,*

*As a licensed real estate agent, and the neighbour of John Hollywood, the question of whether his property would increase or decrease in value should Lot 2 be developed is extremely hard to determine. It could be argued that should it be developed the anticipated prices obtained for water view blocks in the new development would increase the value of surrounding properties in the old estate. On the other hand, it could be that development could decrease the value of Mr Hollywood’s property as he would lose some water views and definitely lose the views of the access to the bush. These factors do have an effect on his property’s current value. Therefore I have to say that it is unknown what effect development would have on the value of his property.”*

Cr Hollywood believed he had an interest in common with ratepayers of the City of Joondalup and requested approval to debate and vote on the issue.

*Cr Hollywood left the Chamber at this point, the time being 1928 hrs.*

To assist elected members, the Chief Executive Officer outlined the provisions within the Local Government Act 1995 relating to the disclosure of financial interest, the levels of participation allowed within the Act, and the definition of trivial interest.

*Cr Rowlands entered the Chamber at this point, the time being 1933 hrs.*

**MOVED Cr Magyar, SECONDED Cr Walker that Cr John Hollywood’s interest be declared trivial and insignificant and in common with a significant number of ratepayers of the City of Joondalup.**

Discussion ensued.

**AMENDMENT MOVED Cr Kadak, SECONDED Cr Carlos that Cr John Hollywood be allowed to participate in discussion but not permitted to vote on the issue.**

Discussion ensued. Following clarification by the Chief Executive Officer on the categories of participation allowed within Section 5.68 of the Local Government Act 1995, Cr Kadak, with the approval of Cr Carlos, advised he wished the Amendment to be withdrawn.

**MOVED Cr Wight, SECONDED Cr Rowlands that the Amendment be withdrawn.**

**The Motion was Put and**

**CARRIED**

**The Original Motion was Put and**

**LOST**

**It was requested that the vote of all members present be recorded:**

**In favour of the Motion:** Crs Magyar, Walker and Nixon

**Against the Motion:** Mayor Bombak, Crs Kadak, Carlos, Barnett, Wight, Rowlands, Patterson, Kenworthy, Hurst and Mackintosh.

Cr Mackintosh sought clarification as to whether she could Move that Cr Hollywood be present during debate, but not participate.

*Cr Wight left the Chamber at this point, the time being 1952 hrs and returned at 1954 hrs.*

Following clarification from the Chief Executive Officer, the Mayor ruled that such a Motion would be out of order.

Director, Development and Planning gave a presentation in relation to Metropolitan Region Scheme Amendment No 992/33 – Clarkson Butler and outlined Options 1 to 4 as provided in the report.

*During the presentation, Councillors left the Chamber as follows:*

*Cr Kadak left the Chamber at 1955 hrs and returned at 2000 hrs.*

*Cr Nixon left the Chamber at 1956 hrs and returned at 2000 hrs.*

*Cr Walker left the Chamber at 2006 hrs and returned at 2011 hrs.*



## **JSC1-01/00 METROPOLITAN REGION SCHEME AMENDMENT NO.992/33 – CLARKSON-BUTLER - [41581J]**

### **WARD**

North Coastal.

### **SUMMARY**

The purpose of this report is to provide information regarding options available on the proposed Metropolitan Region Scheme (MRS) amendment on Pt lot 2 Burns Beach Road, Burns (Attachment 1). The Joint Commissioners previously made a resolution to support the proposal according to the MRS document, to rezone approximately 170ha from Rural to Urban with the 120ha balance of the lot being transferred from Rural zone to the Parks and Recreation reservation. The Council subsequently resolved (21 December 1999) to:

- “1. *Requests the Western Australian Planning Commission to extend the advertising period for the Clarkson-Butler Metropolitan Region Scheme Amendment No 992/33 until the end of February to allow the newly elected Council to make a further submission;*
2. *In the event that Council’s request is not granted, advises the Western Australian Planning Commission that it wishes to expand on the Council’s previous submission on Clarkson-Butler Metropolitan Region Scheme Amendment No 992/33, and may wish to attend a hearing and raise matters relating to Lot 2 Burns Beach.”*

Four options have been prepared to assist Council in determining its position in respect of the current amendment and to possibly expand on the previous submission on the MRS amendment.

There are many arguments for and against each of the options depending on whether the position taken is essentially from a conservation viewpoint or a development viewpoint. The amendment, as proposed, is considered to be the best outcome as it provides for conservation of some of the most significant regional environmental characteristics of the site, the creation of a viable and efficient urban cell and the creation of enough urban land to provide the landowners with sufficient incentive to cede at no cost the balance of the area to the Crown to be reserved for Parks and Recreation.

### **BACKGROUND**

Lot No	Pt Lot 2 Burns Beach Road, Burns
Land Owner	Burns Beach Property Trust
MRS Zoning existing	Rural
MRS proposed	Urban zone – 169.5ha Parks and Recreation Reservation – 120.5ha
TPS Zoning	Rural

## Previous Council Decisions

On 21 December 1994, Council considered the submission of a local Structure Plan for the proposed residential development of the western cell of Lot 2 Burns Beach Road. Council determined to await the preparation of a Consultative Environmental Review before commenting on the previous structure plan for the area.

On 20 December 1995 a report was considered with regard to the Environmental Protection Authority's invitation for submissions on the Public Environmental Review (PER) for the proposed residential development of the Western Cell of Pt Lot 2 Burns. Council resolved to provide comment to the Environmental Protection Authority on the Review and refer in its comments to the desirability of considering the inherent values of the western cell area in the context of environmental management/conservation initiatives.

On 16 September 1996, Council considered a report regarding advice from the EPA relating to the PER. The EPA advised that due to the System 6 Update/Urban Bushland Strategy and the integration of these to form one report, assessment of the PER would not proceed further until the results were released.

On 24 February 1998 Council considered the EPA's report addressing Pt Lot 2 Burns Beach which was released on January 23 1998. Bulletin No.880 of January 1998 recommended that the 55ha of 290ha site *"can be managed to meet the EPA's environmental objectives"*.

Furthermore the Minister for the Environment, in a letter dated 12 November 1998 (Attachment 2), stated:

*"The future use of Pt Lot 2 Burns Beach Road not approved for urban development under this statement can be considered through a future Metropolitan Region Scheme Amendment Process. And the environmental impacts associated with any such rezoning may be considered by the Environmental Protection Authority under Division 3 of Part IV of the Environmental Protection Act (1986)."*

Council resolved as follows:

- "1. Not proceed with the appeal in respect to the Environmental Protection Authority's Report and Recommendations in respect of Pt Lot 2 Burns Beach.*
- 2. Endorse further officer level interactions between the City and the Department of Environmental Protection to clarify the processes by which areas of regional significance are assessed and protected."*

On 27 October 1998, Council considered a report on the Minister's determination of the appeals against EPA's recommendations regarding development of Pt Lot 2, and the draft statement of conditions which limit development of the site to its southern extremity in accordance with EPA's findings.

The Minister's position also canvassed the possibility of further development within the balance of Pt Lot 2. The Minister indicated that the possibility of further development of the site would need to be progressed through a MRS Amendment.

Council endorsed the response to the Hon Minister for the Environment with regard to the determination of the appeals against the Environmental Protection Authority's recommendations relating to Pt Lot 2 Burns Beach. The response stated that in the event that a proposal for the balance of Pt Lot 2 is instigated, the City will address such proposal in the regional context prevailing at that time and based on the particulars of the proposal submitted.

Council considered a report on the subject MRS amendment at the meeting of 7 December 1999. The Joint Commissioner's resolved to support the changes recommended, with some exceptions unrelated to Lot 2. It was also 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 and the detailed planning can be assessed at a later stage.

At the Council meeting of 21 December 1999, Council considered a further report on the MRS amendment. Council resolved as follows:

- "1. Requests the Western Australian Planning Commission to extend the advertising period for the Clarkson-Butler Metropolitan Region Scheme Amendment No 992/33 until the end of February to allow the newly elected Council to make a further submission;*
- 2. In the event that Council's request is not granted, advises the Western Australian Planning Commission that it wishes to expand on the Council's previous submission on Clarkson-Butler Metropolitan Region Scheme Amendment No 992/33, and may wish to attend a hearing and raise matters relating to Lot 2 Burns Beach."*

The WAPC has advised that it is not prepared to extend the advertising period, and also that a hearing date and time for the City has been set for Tuesday 1 February 2000 at 2.20pm.

## **DETAILS**

### **Current Proposal or Issue**

The purpose of this report is to provide information regarding options available on the proposed MRS amendment on Pt lot 2 Burns Beach Road, Burns (Attachment 1).

### **Options**

There are many options or variations to the proposal, which could be considered by Council. To simplify the process four options have been prepared to assist Council in determining its position in respect of the MRS amendment.

**Option 1**      Pt lot 2 (290ha) no Urban zoned land under the MRS (Attachment 2).

*Assumption*      The land will remain in the rural zone as it is most unlikely to be included in Parks & Recreation reservation unless a mechanism is identified for the acquisition of the land.

**Option 2** Pt lot 2 reflects the recommendations made in the EPA Bulletin 880, that is, 55ha zoned Urban (Attachment 3).

*Assumption* The remainder of the land will remain in the rural zone as it is most unlikely to be included in Parks & Recreation reservation unless a mechanism is identified for the acquisition of the land.

**Option 3** Provides for 112 ha of Urban zoned land and 178 ha reserved for Parks and Recreation under the MRS (Attachment 4).

*Assumption* Mechanisms can be negotiated to achieve acquisition of remainder of the land, and that it be included in Parks & Recreation reservation.

**Option 4** Reflects the proposed MRS amendment, that being 169.5ha zoned Urban and 120.5ha ceded free of cost reserved Parks and Recreation Reservation under the MRS.

The four options are summarised below.

DETAIL	OPTION 1	OPTION 2	OPTION 3	OPTION 4
Urban	0 ha	55 ha	112 ha	169.5 ha
Parks and Recreation	0 ha	0 ha	178 ha	120. ha
Spearwood Dune System	130 ha	75 ha	41 ha	31.5 ha
Quindalup Dune System	160 ha	160 ha	137 ha	89 ha
Approximate No. of Dwellings	0	550	1120	1695
Approximate Population	0	1650	3360	5085

## COMMENT

### Issues

### Land Acquisition

The WAPC has advised that there are minimal funds available for the acquisition of land reserved for Parks and Recreation under the MRS. Therefore, an alternative such as voluntary ceding of land free of cost for Parks and Recreation purposes is preferred. Reservation without acquisition usually results in acquisition at a time and value determined by the courts.

### Land Management

Land intended for reservation requires correct management to limit degradation by controlling public access, weed infestation, and protection against erosion, which will involve fencing of the site. It is only practical to implement such measures when the land is in public ownership, regardless of the zone or reservation. Any future land management of the site is likely to fall principally on CALM, who, it is understood, have limited resources for such activities.

## **Conservation Issues**

It is acknowledged that the subject land contains significant remnant vegetation communities, priority flora, terrestrial and threatened fauna, dunes and landforms considered to be worthy of conservation. The Trudgen report recommends Pt lot 2 be protected due to a variety of complexes, active examples of coastal dune processes (blowout), the interface and linkages between Neerabup National Park and the coast. While numerous reference are made to the desirability of this link, there is no clear indication of the optimal or minimal shape or width of such a corridor. Further, the corridor is already severed by major north-south transport links. Perth's Draft Bushplan identifies land for conservation purposes and where possible at least 10% of the area of each of the original vegetation complexes of the region will be recommended for retention and protection.

Pt lot 2 is identified as subject to further investigation, the issue at hand being the development potential of the subject land versus its conservation value. The overall effectiveness of the proposed corridor should be considered in conjunction with Lot 17.

From a conservation point of view it is desirable to maintain:

- The abundance, species diversity, geographic distribution and productivity of vegetation communities;
- The abundance, species diversity, geographic distribution of terrestrial fauna;
- The integrity, function and environmental value of the dune system;
- The integrity, function and environmental value of the System 6 recommended area and the potential for a regional park to be established.
- Linkages from coastal systems to the regional park.

## **Urban Development Issues**

The North West Corridor Structure Plan estimates a potential population of 419 985 people. Considerable commitment and investment has been made with respect to the development of the north west corridor to provide the infrastructure to accommodate the current and future population of Perth, particularly the Joondalup Regional Centre and associated rail and road links.

The urban potential of the subject land has consistently been identified in various planning documents and is considered to be well located in terms of its proximity to the Joondalup Regional Centre and associated rail and road links. Should the subject land not be developed for urban land uses then this urban component would need to be accommodated elsewhere in the corridor thus impacting upon other possible conservation areas. This also adds unnecessary costs to the community in terms of increased travelling times and distances, noise pollution, congestion and utilisation of existing infrastructure, increasing total costs and use of resources for travel purposes.

Below is a summary of the advantages and disadvantages of the four options available for consideration.

**OPTION 1 (No Urban)**

<b>Advantages</b>	<b>Disadvantages</b>
290 ha bush land excluded from urban development	No public access to private land and limited access to the coast
2954 metres of interface between the Quindalup and Spearwood Dune systems excluded from urban development	Poor control of clearing and degradation of the site
160 ha of Quindalup dune system vegetation and 130 ha of the Spearwood dune system vegetation excluded from urban development	Limited connectivity with existing reserves and other regional open space to the north, west and north west
Preservation of dune formations, specifically the minor and major blow-out	A portion of the land has been identified for urban uses in various planning documents
	As it is inconsistent with landowners expectations, the issue remains unresolved.
	No management of conservation area
	Additional costs to society in terms of extra travel time, noise pollution and congestion and use of resources.
	Loss of potential catchment population to support existing infrastructure and local community facilities
	Loss of significant potential rate base

**OPTION 2**

<b>Advantages</b>	<b>Disadvantages</b>
235 ha of the bush land excluded from urban development	Loss of portion of good quality bush land
2954 metres of interface between the Quindalup and Spearwood Dune systems excluded from urban development	As it is inconsistent with landowner expectations, the issue remains unresolved.
160 ha of the Quindalup dune system vegetation and 75 ha of the Spearwood dune system vegetation excluded from urban development	No public access to private land and limited access to the coast
Preservation of dune formations, specifically the minor and major blow-out	No management of conservation area
Provision of some catchment population to support existing infrastructure and local community facilities	Poor control of clearing and degradation of the site
In accordance with previous decision by Minister for the Environment	Loss of portion of potential rate base
Provision of some rate base	Loss of potential catchment population to support existing infrastructure and local community facilities
	Limited connectivity with existing reserves and other regional open space to the north west and north east

**OPTION 3 (112 ha Urban and 178 ha Parks and Recreation)**

<b>Advantages</b>	<b>Disadvantages</b>
178 ha of the bushland reserved for Parks and Recreation.	Reduction of potential rate base
137 ha of the Quindalup dune system vegetation and 41 ha of the Spearwood dune system vegetation excluded from urban development	Loss of 112 ha of bushland
2130 metres of the interface between the Quindalup and Spearwood Dune systems excluded from urban development	Loss of potential catchment population to support existing infrastructure and local community facilities
Preservation of dune formations, specifically the minor and major blow-out	Loss of 824 metres of the interface between the Quindalup and Spearwood Dune systems
Higher level of connectivity with existing reserves and other regional open space to the north west and north east	23 ha of the Quindalup dune system vegetation and 89 ha of the Spearwood dune system vegetation excluded from urban development
The tenure of the land provides for better management	Dependent on further successful negotiations between WAPC and the land owner.
Improved beach access and control including scenic drives	
Maintains sufficient area and linkages inclusive of adjacent reserve and lot 17	

**OPTION 4 (MRS Amendment as Proposed)**

<b>Advantages</b>	<b>Disadvantages</b>
Existing agreement between the landowners and the Commission in regards to the ceding of the land	71 ha of the Quindalup dune system vegetation and 98.5 ha of the Spearwood dune system vegetation lost to urban development
Improved beach access and control including scenic drives	Loss of 169.5 ha of bushland
Provision of a higher rate base	Loss of 842 metres of the interface between the Quindalup and Spearwood Dune systems
Maintains sufficient area and linkages inclusive of adjacent reserve and lot 17	
Reservation of 120.5ha of land for Parks and Recreation	
Increased threshold population infrastructure and services	

<b>Advantages – cont'd..</b>
Provides dwellings in close proximity to facilities in the northern corridor including Joondalup City Centre and road and rail services
Retention of approximately xha of the bushland
Preservation of a 89 ha of the Quindalup dune system vegetation and 31.5 ha of the Spearwood dune system vegetation
Preservation of dune formations, specifically the major blow-out
2112 metres of the interface between the Quindalup and Spearwood Dune systems excluded from urban development
High connectivity with existing reserves and other regional open space to the north west and north east
The achievement by the landowner of sufficient economic benefit to justify the ceding of the balance of the land 120ha for conservation purposes at no cost to the community

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

The issue at hand is the development potential of the subject land versus its conservation value. The Trudgen report recommends Pt lot 2 be protected due to a variety of complexes, active examples of coastal dune processes (blowout), the interface and linkages between Neerabup National Park and the coast. Perth's Draft Bushplan identifies the site as being subject to further investigation. The WAPC has advised that there are minimal funds available for the acquisition of land. If the land is not acquired, it is unlikely to be reserved for Parks and Recreation under the Metropolitan Region Scheme, and proper management of the land is unable to be ensured.

The covenanting process, which is an agreement between the landowner and a body capable of receiving and supervising the covenant to protect the conservation values on private land, may be utilised in this case. There may be other mechanisms available, however, the acquisition process is the responsibility of the WAPC.

There are many arguments for and against each of the options depending on whether the position taken is essentially from an environmental view point or a development view point. The amendment as planned is considered to be the best practical outcome as it proposes the conservation of some of the most significant regional environmental characteristics of the site, the creation of a viable and efficient urban cell and the creation of enough urban land to provide the landowners with sufficient incentive to cede at no cost the balance of the area to the crown to be reserved for Parks and Recreation.



**OFFICER'S RECOMMENDATION** That Council advises the Western Australian Planning Commission it supports the proposed Metropolitan Region Scheme Amendment 992/33 in relation to Pt Lot 2 Burns Beach Road, Burns and of its intention to attend the hearing on 1 February 2000.

### **SUSPENSION OF STANDING ORDERS**

In order to allow free debate and for Councillors to be fully conversant with the facts of this important issue, the Mayor suggested that consideration be given to the suspension of Clause 4.2.6(1) of Standing Orders which restricts Councillors to speak only once on an item under consideration.

**MOVED Cr Magyar, SECONDED Cr Carlos that Council suspends Clause 4.2.6(1) of Standing Orders.**

**The Motion was Put and**

**CARRIED**

Discussion ensued.

As requested during Public Question Time, the Chief Executive Officer read the letter received from the Burns Beach Property Trust, received on 24 January 2000:

*"Dear Sir*

*Let me first apologise in advance for my inability to attend Tuesday's Council meeting at which I understand Parkview Gardens at Burns Beach will be discussed. Hence this letter which I am happy to have circulated to Councillors at the meeting.*

*I believe it is important Councillors have a clear idea of what is being planned at Parkview Gardens. There has been extensive and careful planning to create a village-style community that not only offers a harmonious lifestyle by the beach but also blends with the surrounding bushland. A large group of Western Australian families have been involved in the Burns Beach Property Trust since its inception in 1969. They are behind the concept and have made it clear that they are committed to, and will play an active role, in the conservation, care and management of the areas of bushland and coastline.*

*Over the past 10 years the Trust and consultants have been actively involved in numerous studies on and discussions about the land prior to reaching this point. In our plans an emphasis has been placed on conserving significant land in the area and extensive environmental studies have been conducted to ensure land is developed in harmony with the environment.*

*The Trust will donate 120 hectares to the community to develop a protected reserve worth \$40-50 million, five hectares for conservation purposes and 30 hectares for park land. This donation will also allow the State Government to create a unique conservation link between the 1,858 hectare Neerabup National Park and the coast. The foreshore reserve along Burns Beach will be expanded to more than 100 metres in width to ensure the protection of the sand dunes and to minimise wind erosion and off-road vehicle damage. This area will be developed under advice from expert consultants within the community asset with a grass picnic area, children's playground, barbecue facilities and upgraded toilet amenities. Bushland conservation reserves and parks will amount to 42% of the Parkview Gardens, preserving a natural resource one third of the size of Kings Park. Ultimately the ownership of the reserve and conservation area will be transferred to the State Government so it can form a new regional park and preserve the area for future generations. Also the great benefit*

*will be the estimated 8,000 jobs created during the construction phase, at least 280 ongoing jobs from the local shops and primary school and further jobs for local households and gardening, cleaning and plumbing industries. The Cities of Wanneroo of Joondalup are experiencing unemployment levels in excess of both the average for Perth and WA and this important boost to the local economy estimated to amount to some \$480 million should not be ignored.*

*Acceptance of this proposal will open the land for controlled public use and enjoyment. Furthermore it will allow preservation procedures to begin in the near future and stop further destruction and degradation of land by the indiscriminate use by four wheel drive vehicles. I hope this demonstrates to Council that the Property Trust has developed plans for Parkview Gardens that are environmentally responsible, community orientated and financially important for the local and wider community.*

*If any Councillors would like more information or to have the Property Trust brief them, then at their convenience it can be arranged.*

*(Signed) Ron Clarke, Chairman of the Board of Trustees.”*

**MOVED Cr Magyar, SECONDED Cr Nixon that:**

**1 Council advises the Western Australian Planning Commission that Council does not support the inclusion of Pt Lot 2 Marmion Avenue, Burns Beach in the proposed Metropolitan Region Scheme Amendment No 992/33 Clarkson-Butler for the following reasons:**

- (a) the process of determining the conservation values of Pt Lot 2 have not been finalised by the Environmental Protection Authority and the Minister for Environment had not yet determined any appeals from the Authority’s advice;**
- (b) the rezoning of the site is contrary to proper process, as the Perth Bushplan has not been finalised, compromising the possibility of including Pt Lot 2 in Bushplan;**
- (c) the inclusion of Pt Lot 2 in the Amendment may jeopardise the safe passage of the Amendment through the Legislative Council, delaying other matters;**
- (d) the rationale for this decision is contained in City of Wanneroo Report 67-02/98, which is the basis of the Council decision not to support Pt Lot 2 in the Metropolitan Region Scheme Amendment;**
- (e) the newly elected Council of the City of Joondalup requires more time to consult with its electors and seek professional advice prior to determining its final position regarding Pt Lot 2;**

**2 this motion is the basis of the Council’s submission.**

Discussion ensued.

**The Motion was Put and**

**LOST**

**MOVED Cr Wight, SECONDED Cr Rowlands that Council advises the Western Australian Planning Commission it supports the proposed Metropolitan Region Scheme Amendment 992/33 in relation to Pt Lot 2 Burns Beach Road, Burns and of its intention to attend the hearing on 1 February 2000.**

Discussion ensued.

**The Motion was Put and**

**LOST**

**It was requested that the vote of all members present be recorded:**

**In favour of the Motion: Mayor Bombak, Crs Wight, Rowlands, Patterson and Kenworthy**

**Against the Motion: Crs Nixon, Magyar, Carlos, Kadak, Walker, Barnett, Mackintosh and Hurst**

**MOVED Cr Carlos, SECONDED Cr Magyar that Council advises the Western Australian Planning Commission that it does not support the urban zoning of Lot 2 Marmion Avenue, Burns Beach in the Metropolitan Region Scheme Amendment 922/33 Clarkson-Butler and advises of its intention to attend the hearing on 1 February 2000 to convey that message.**

Discussion ensued.

*Cr Kenworthy left the Chamber at 2155 hrs and returned at 2157 hrs.*

**The Motion was Put and**

**CARRIED**

**It was requested that the vote of all members present be recorded:**

**In favour of the Motion: Crs Carlos, Magyar, Kadak, Nixon, Walker, Barnett, Hurst and Mackintosh.**

**Against the Motion: Mayor Bombak, Crs Rowlands, Patterson, Kenworthy and Wight.**

In relation to the request raised earlier in the meeting that a further public question time be held at the end of the meeting, the Mayor advised that this request would not be granted.

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 2200 hrs; the following elected members being present at that time:

J BOMBAK, JP  
P KADAK  
D S CARLOS  
S P MAGYAR  
A T NIXON  
A A WALKER  
P ROWLANDS  
T BARNETT  
A W WIGHT, JP  
A L PATTERSON  
G KENWORTHY  
J A HURST  
C MACKINTOSH