
13.1.5 PROPOSED AMENDMENT TO VARIOUS PUBLIC OPEN SPACE RESERVES (WARD – ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	34958, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider a proposed amendment to *Local Planning Scheme No. 3* to amend 31 natural areas from 'Public Open Space' reserve to 'Environmental Conservation' reserve.

EXECUTIVE SUMMARY

The City has undertaken a review of the City's natural areas to determine if further natural areas with biodiversity and conservation value should be reserved for 'Environmental Conservation' under the City's *Local Planning Scheme No. 3* (LPS3).

There are currently 28 areas reserved 'Environmental Conservation' under LPS3, equating to 82 hectares. Investigation of a further 60 natural areas, managed by the City, has identified 31 natural areas reserved as 'Public Open Space' as being appropriate to be amended to 'Environmental Conservation' reserve under LPS3. The reserves proposed would increase the amount of bushland with recognised biodiversity and conservation value by approximately 28.6 hectares.

The proposed reclassification of these areas to 'Environmental Conservation' reserve is to be progressed via an amendment to LPS3. The proposal is considered a standard amendment in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations) as the areas are currently managed as natural areas and the amendment is consistent with the objectives of the 'Environmental Conservation' reserve, has minimal impact on other land in the scheme area and does not result in any significant environmental impacts.

It is therefore recommended that Council adopts the proposed amendment to LPS3 for the purposes of public advertising.

BACKGROUND

As part of the approval of LPS3, land previously included within Schedule 5 (Places of Landscape or Conservation Value) of *District Planning Scheme No. 2* (DPS2) became reserved for 'Environmental Conservation' under LPS3.

The City has a number of natural areas with vegetation of conservation significance that are either currently not recognised by LPS3 as having biodiversity and conservation values, reserved as 'Parks and Recreation' under the *Metropolitan Region Scheme* (MRS) or designated as Bush Forever sites. A review was undertaken of the natural areas and selected sites were identified as being suitable to be reserved for 'Environmental Conservation' under LPS3.

The review used the City's *Public Open Space Framework* (POSF) which classifies the City's public open spaces to provide a logical and strategic approach on their management and provides recommendations on each classification type listed. The areas identified as part of this amendment are classified as either a 'High Priority Natural Area', 'Medium Priority Natural Area' or 'Low Priority Natural Area' are as follows:

- High Priority Natural Area - An area of high conservation significance and includes large areas of vegetation in good or very good condition.
- Medium Priority Natural Area - An area of medium conservation significance and includes large areas of vegetation in good condition, usually fragmented.
- Low Priority Natural Area – An area of low conservation significance and includes areas of vegetation in good or degraded condition, usually fragmented.

DETAILS

The City has undertaken a review of 60 natural areas, managed by the City, to determine if further natural areas should be reserved as 'Environmental Conservation' under LPS3.

The review included an assessment of local natural areas against criteria which included the following:

- Natural area classification in accordance with the City's POSF.
- Ecological values such as threatened ecological communities and ecological linkages.
- Current zoning under LPS3, the MRS and existing structure plans.
- Bush Forever areas
- Current use and activity and any future planned use.

Following an assessment using the above criteria, the areas listed below have been identified as being suitable for an amendment from 'Public Open Space' reserve to 'Environmental Conservation' reserve. Location plans and the scheme map of each area is provided within Attachment 1 to this Report.

All proposed sites to be reserved as 'Environmental Conservation' under LPS3 are Crown Land managed by the City and only bushland areas with conservation value are proposed to be reclassified rather than turfed or landscaped areas.

Public Open Space	Area (m ²) subject to amendment	POSF Classification	Ecological Value/Other
Adelaide Park, Craigie	2,272m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with Beenyup Water Treatment Plant and Craigie Bushland • Possible Banksia or Tuart Woodlands

Public Open Space	Area (m²) subject to amendment	POSF Classification	Ecological Value/Other
Bethany Park, Iluka	5,867m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with Sir James McCusker Park • Possible Banksia Woodlands
Brisbane Park, Padbury	1,527m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with Pinnaroo Valley Memorial Park. • Possible Tuart Woodlands
Callander Park, Kinross	10,469m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with Burns Beach Bushland and Neerabup National Park. • Possible Banksia woodlands.
Castlecrag Park, Kallaroo	4,500m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with coastal foreshore reserves.
Chichester Park, Woodvale	22,015m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with Craigie Bushland and Yellagonga Regional Park. • Possible Banksia or Tuart Woodlands. • Possible future drainage upgrades on site.
Conidae Park, Heathridge	5,414m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with Beenyup Water Treatment Plant and Craigie Bushland. • Possible Banksia or Tuart Woodlands.
Cranston Park, Kinross	28,004m ²	High-priority	<ul style="list-style-type: none"> • Ecological linkage with Burns Beach Bushland and Neerabup National Park. • Possible Tuart Woodlands • Previously in DPS2, omitted in error from LPS3.
Earlsferry Park, Kinross	7,654m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with Burns Beach Bushland and Neerabup National Park. • Possible Banksia Woodlands.
Finney Park, Marmion	7,089m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with coastal foreshore reserves. • Possible Banksia Woodlands.
Gunida Park, Mullaloo	2,001m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with coastal foreshore reserves
Harman Park, Sorrento	6,093m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with coastal foreshore reserves and Hepburn Heights Conservation Area.
Hawker Park, Warwick	5,954m ²	Low-priority	<ul style="list-style-type: none"> • Ecological linkage with Warwick Open Space Bushland and Carine Regional Open Space.

Public Open Space	Area (m²) subject to amendment	POSF Classification	Ecological Value/Other
Huntingdale Park, Connolly	4,333m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with Mitchell Freeway road reserve native vegetation strip. • Possible Banksia Woodlands
Kallaroo Park, Mullaloo	25,691m ²	High-priority	<ul style="list-style-type: none"> • Ecological linkage with coastal foreshore reserves and Beenyup Water Treatment Plant. • Possible Banksia Woodlands.
Kiernan Park, Kallaroo	9,499m ²	Low-priority	<ul style="list-style-type: none"> • Ecological linkage with coastal foreshore reserves
Korella Park, Mullaloo	30,327m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with coastal foreshore reserves
Kuta Park, Iluka	2,221m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with Sir James McCusker Park and coastal foreshore reserves. • Possible Banksia Woodlands.
Lacepede Park, Sorrento	1,267m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with coastal foreshore reserves.
Lady Evelyn Park, Joondalup	5,804m ²	High-priority	<ul style="list-style-type: none"> • Ecological linkage with Yellagonga Regional Park. • Possible Banksia or Tuart Woodlands.
Ledge Park, Sorrento	5,522m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with coastal foreshore reserves.
Lysander Park, Heathridge	5,501m ²	Not classified	<ul style="list-style-type: none"> • Ecological linkage with Mitchell Freeway road reserve native vegetation strip. • Possible Banksia Woodlands.
Madana Park, Craigie	15,022m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with Craigie Bushland.
Manapouri Park, Joondalup	4,010m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with Neerabup National Park and Yellagonga Regional Park. • Possible Banksia or Tuart Woodlands,
Mandalay Park, Craigie	17,254m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with Craigie Bushland. • Possible Tuart Woodlands.
Menteith Park, Kinross	5,493m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with Neerabup National Park. • Possible Tuart Woodlands.
Negresco Park, Currambine	2,867m ²	Medium-priority	<ul style="list-style-type: none"> • Ecological linkage with Mitchell Freeway road reserve native vegetation strip and Neerabup National Park.

Public Open Space	Area (m²) subject to amendment	POSF Classification	Ecological Value/Other
Riversdale Park, Currambine	5,411m ²	Low-priority	<ul style="list-style-type: none"> Ecological linkage with Mitchell Freeway road reserve native vegetation strip and Carnaby Park.
Robin Park, Sorrento	4,897m ²	Medium-priority	<ul style="list-style-type: none"> Ecological linkage with coastal foreshore reserves. Friends of Robin Park Bush Reserve operate on site.
Trigonometric Park, Duncraig	20,206m ²	High-priority	<ul style="list-style-type: none"> Ecological linkage with coastal foreshore reserves. Possible Tuart Woodlands. Northern portion reserved 'Environmental Conservation'
Warrandyte Park, Craigie	11,716m ²	Medium-priority	<ul style="list-style-type: none"> Ecological linkage with Beenyup Water Treatment Plant and Craigie Bushland. Possible Banksia or Tuart Woodlands.

Numerous sites have been identified as having possible Banksia Woodlands of the Swan Coastal Plain or Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Communities (TEC). These sites have not been formally assessed to confirm if TEC's occur on site, however indicative data from the Department of Biodiversity, Conservation and Attractions or City observations indicate that TEC's may occur on site.

Issues and options considered

The options available to Council in considering the proposed scheme amendment are to:

- proceed to advertise the amendment to the local planning scheme without modification
- proceed to advertise the amendment to the local planning scheme with modifications or
- not proceed to advertise the amendment to the local planning scheme.

Should Council adopt the proposed scheme amendment for the purpose of advertising, a further report will be presented to Council following the close of the advertising period.

Legislation / Strategic Community Plan / Policy implications

Legislation

*City of Joondalup Local Planning Scheme No. 3.
Planning and Development (Local Planning Schemes) Regulations 2015.
Planning and Development Act 2005.
Biodiversity Conservation Act 2016.
Environment Protection and Biodiversity Conservation Act 1999.
Environmental Protection Act 1986.*

10-Year Strategic Community Plan

Key theme	2. Environment.
Outcome	2-1 Managed and protected - you value and enjoy the biodiversity in local bushland, wetland and coastal areas.
Policy	Not applicable.

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015

Part 5 of the *Planning and Development Act 2005* along with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) enables a local government to prepare or amend a local planning scheme and sets out the process to be followed.

Under the LPS Regulations, scheme amendments are classified as being basic, standard, or complex amendments. In resolving to proceed with an amendment, Council needs to specify the amendment type and explain the reason for that classification. As the proposed scheme amendment is considered to be consistent with the objectives of the 'Environmental Conservation' reserve, has minimal impact on other land in the scheme area and does not result in any significant environmental impacts, it is considered a standard amendment under the LPS Regulations.

Should Council resolve to proceed with the proposed amendment for the purposes of public advertising, it is required to be referred to the Environmental Protection Authority (EPA) to decide whether a formal review is necessary. Should the EPA decide that an environmental review is not required, and notifies the City accordingly, then it will be necessary to proceed to advertise the proposed scheme amendment for 42 days.

Upon closure of the advertising period, Council is required to consider all submissions received and decide whether to support the amendment, with or without modifications, or not support the amendment. The decision is then forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant the final approval to the amendment, with or without modifications, or refuse the amendment.

Local Planning Scheme No. 3

The objectives of the 'Public Open Space' and 'Environmental Conservation' reserves in LPS3 are:

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage
Environmental Conservation	<ul style="list-style-type: none"> To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.

Risk management considerations

Should Council elect not to proceed to advertise the amendment, the areas identified within this report will remain 'Public Open Space' reserve and continue to be managed as natural areas. Whilst it is unlikely that the City would choose to develop on the areas identified, the 'Environmental Conservation' reserve affords these natural areas more protection from future development.

Financial / budget implications

The City, as the proponent, is required to cover the costs associated with the cost of publishing a notice in the local newspaper and the Government Gazette should the amendment be approved by the Minister for Planning. The cost of publishing the amendment in the local newspaper is approximately \$130 and the cost for publishing within the Government Gazette is approximately \$160.

Regional significance

The majority of the proposed sites to be reclassified as 'Environmental Conservation' under LPS3 contain possible Banksia Woodlands of the Swan Coastal Plain or Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Communities which are protected under the State *Environmental Protection Act 1986* and Federal *Environment Protection and Biodiversity Conservation Act 1999*.

Sustainability implications

The proposed reclassifying of natural areas as 'Environmental Conservation' under LPS3 would afford these sites greater protection from future development. The majority of the natural areas proposed to be reclassified contain vegetation of conservation significance which is possible Banksia Woodlands of the Swan Coastal Plain or Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Communities. The sites also form significant ecological linkages for native fauna.

No changes will be made to the on-ground management of the natural areas and there will be no impacts to the amenity and usage of these sites.

Consultation

Should Council initiate the proposed scheme amendment, advertising is required to be undertaken for 42 days. In accordance with the LPS Regulations and the City's *Planning Consultation Local Planning Policy*, it is proposed that advertising would be by way of:

- a notice published in the local newspaper
- a notice and documents placed on the City's website
- an email to the Community Engagement Network
- an email to the affected resident and ratepayer associations
- an email to local community friend's groups.

The City's *Planning Consultation Local Planning Policy* requires on-site signage where a standard amendment relates to a specific site. It is considered in this instance, signage at each site is not appropriate or necessary as the sites are currently managed as natural areas and there will be no changes made to on-ground management actions.

COMMENT

The proposed scheme amendment to reclassify 31 unprotected natural areas from 'Public Open Space' to 'Environmental Conservation' is consistent with the corresponding objectives of LPS3 and will assist in providing greater protection of the City's natural areas from development. The majority of these natural areas form significant ecological linkages and contain vegetation of conservation significance.

It is therefore recommended that Council initiates the proposed amendment to LPS3 for the purposes of public advertising.

VOTING REQUIREMENTS

Simple Majority.

Cr May left the Chamber at 9.03pm and returned at 9.06pm.

Cr Vinciullo left the Chamber at 9.09pm and returned at 9.10pm.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 20 November 2023.

The committee recommendation is the same as recommended by City officers.

COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION

(Resolution No: CJ281-12/23)

MOVED Cr Kingston, **SECONDED** Cr Chester that Council:

1 Pursuant to section 75 of the *Planning and Development Act 2005* and Regulation 35 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **ADOPT an amendment to the City of Joondalup *Local Planning Scheme No. 3* to:**

1.1 reclassify areas as depicted in Attachment 1 to this Report from 'Public Open Space' reserve to 'Environmental Conservation' reserve;

for the purpose of public advertising for a period of 42 days;

2 In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* **DETERMINES that the scheme amendment is a standard amendment as the proposal is consistent with the objectives of the 'Environmental Conservation' reserve, has minimal impact on other land in the scheme area and does not result in any significant environmental impacts.**

The Motion was Put and

CARRIED (10/1)

In favour of the Motion: Deputy Mayor Hill, Cr Chester, Cr Hamilton-Prime, Cr Jones, Cr Kingston, Cr May, Cr O'Neill, Cr Pizzey, Cr Raftis and Cr Vinciullo.

Against the Motion: Cr Hutton.

ATTACHMENTS

1. Proposed Environmental and Conservation reserves [13.1.5.1 - 27 pages]