

CITY OF JOONDALUP

MINUTES OF SPECIAL ELECTORS MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE BUILDING, BOAS AVENUE, JOONDALUP, ON MONDAY, 14 JUNE 1999.

ATTENDANCES

Commissioners

C T ANSELL
H MORGAN, AM
R M ROWELL

Chairman
Deputy Chairman

Officers

Chief Executive Officer:
Director, Planning and Development:
Manager, Urban Design Services;
Manager, Council Support Services:
Manager, Executive Services:
Publicity Officer:
Committee Clerk:

L DELAHAUNTY – from 1820 hrs
C HIGHAM
D BUTCHER
M SMITH
K ROBINSON
L BRENNAN
J AUSTIN

In Attendance

Mr Jim Penn, Director of Fisheries Research
Ms Marion Thompson, Ministry for Planning

APOLOGIES

Cmr W Buckley
Cmr M Clark-Murphy

Late Attendance: L Delahaunty, Chief Executive Officer

There were 64 Electors and 1 member of the Press in attendance.

The Chairman declared the meeting open at 1800 hrs.

ITEM OF BUSINESS

The Chairman opened the meeting and welcomed members of the public.

This meeting was called in accordance with the provisions of Section 5.28 of the Local Government Act 1995 to discuss:

- 1 the preparation of a Structure Plan and Implementation Study for Hillarys Boat Harbour and adjoining reserves as detailed in report CJ164-05/99 in the agenda for the Ordinary Meeting of the Joint Commissioners of the City of Joondalup, 11 May 1999;
- 2 the possibility of the proposed uses of the land denying the rights of the residents of Joondalup to continue to enjoy the current amenity of the existing reserves;
- 3 other matters that may be raised from the floor of the meeting relating to the preparation of a Structure Plan and Implementation Study for Hillarys Boat Harbour.

Director Planning and Development addressed the meeting and gave the following overview of how Council had arrived at the point of preparing a structure plan.

Many factors influenced the Council in arriving at this decision, the most important of which was the fact that Hillarys Boat Harbour over many years has increased in its attraction in terms of number of visitors and vehicular access and traffic to that area. In addition some months ago discussions were held with the Fisheries WA, Ministry for Planning and Ministry of Transport regarding a proposal for Fisheries WA to relocate from Watermans to the boat harbour area and to build a facility within the car park, together with some additional parking in the area north of North Shore Drive.

There have been many proposals over a number of years for various types of developments within the boat harbour area. All those development proposals are likely to put pressure on the use of that facility and the traffic it generates, and therefore likely to influence what happens around the boat harbour itself. Other factors which influenced the Council include the narrowing of the road reserve along Hepburn Avenue, and the development of the Harbour Rise area. A large population is about to build and live in the Harbour Rise area and will probably want access to the beach. As a result of that, the Ministry for Planning approached the Council with a view to preparing a Structure Plan for the future development of the boat harbour area.

The Ministry approached Council on the basis of a study which would incorporate the area which took in a small part of the southern portion of the Whitfords Nodes area, reserve land. Council considered it was sensible to incorporate the whole of the Whitfords Nodes within the Structure Plan, partly because of the likely influence that this could have on the Whitfords Nodes but also to look at the total impact on Whitfords Nodes. Council is conscious that the car park and other facilities within the Whitfords Nodes area have been causing some antisocial behaviour, and the Council hoped to examine some of those issues in looking at this whole Structure Plan

area. As a consequence the Council received a report from the Administration seeking a financial contribution towards the study which was to be carried out by the Ministry for Planning with assistance from the Council and from the Ministry for Transport. Council was influenced by the fact that the Ministry for Planning, regardless of Council's contribution, was likely to proceed with the study and it was considered better for the Council to be a participant in the study rather than a bystander, to receive a Study to comment on at a later stage, and enable its residents and ratepayers to participate in that process.

Ms Marion Thompson, Acting Manager of Urban Design Section, Ministry for Planning addressed the meeting. Ms Thompson advised that the Ministry serves the Western Australian Planning Commission (WAPC) the statutory body which makes planning decisions, and gave an explanation of the statutory basis for the way the Metropolitan Region Scheme works and why the Commission has an involvement in this.

The WAPC administers the Metropolitan Region Scheme which sets the broad regional framework for land use and reservation in the metropolitan area and reserves a number of key recreation and conservation features, such as the coast line and the Swan River for parks and recreation. Underneath the Metropolitan Region Scheme the Council has its own Town Planning Scheme, but within a Parks and Recreation reservation the WAPC is the development approval authority for all development. Hillarys Boat Harbour and the Whitfords Nodes are included in the Parks and Recreation reservation to the north.

Development applications require to be submitted to the City of Joondalup, and the City will then send its recommendation to the WAPC to make a determination. Hillarys Boat Harbour is Crown Land vested in the Department of Transport who is the managing body, and the Commission take the comments of the Department of Transport into account when determining applications.

The Commission saw a need as the development approval authority to have another look at the long term future for the boat harbour, and it was decided that a Structure Plan and Implementation Strategy was needed. A structure plan provides a framework for the coordinated provision of land use development, infrastructure and allocation of services, regional, district or local level. Initially, the Commission was only looking at Hillarys Boat Harbour, which is bounded by Northside Drive, Southside Drive, the ocean and Whitfords Avenue/West Coast Drive, and was not looking at land beyond that.

The success of Hillarys boat harbour was never anticipated; the harbour attracts over three million visitors a year and the Commission has received 59 development applications since the initial Master Plan of the 1980's. Issues such as traffic and access, parking, public transport, and public safety and security (particularly with regard to congregation of teenagers) require to be looked at. Another issue of concern to the Commission is that Hillarys was set up as a public recreation facility and the Commission wishes to ensure that those public areas are guaranteed in the long term to stay as a recreation facility and not just a commercial facility.

Whilst the original intention for the Structure Plan was for the immediate boat area, that area is now been extended as a result of the public meeting on 11 May. A study has been commissioned which will look at:

- opportunities, constraints and options for future land use and development;
- securing public access and public areas in the long term;
- revisiting the urban design issues to ensure the design is consistent and character is maintained;
- parking supply;
- ensuring the harbour maintains its use as a boating facility;
- maintaining Whitfords Nodes parks and recreation areas predominantly as low key recreation beach access and conservation areas;
- access arrangements particularly for public transport;
- land tenure leasing and marketing;
- ensuring the development is integrated with the land opposite, giving consideration to overflow parking and the possible impact of areas such as the boat launching ramps on residences;
- public safety and security;
- reflecting the liaison with stakeholders, including residents groups, action groups, major lessees and adjacent landowners.

The Commission hopes to engage consultants in late June. There is a period built into the structure planning implementation study for consultation and there will be a one month advertising period, and also a period to review the submissions by the working group. The long term intention is that the Commission, the City of Joondalup and the Department of Transport would consider adopting both the Structure Plan and the Implementation Strategy as a guide to future development.

PUBLIC QUESTION TIME/MOTIONS

The Chairman then invited questions or motions from the floor.

Mr Keith Pearce, Mullaloo:

Mr Pearce asked if the Department of Transport was the body that controls the boat harbour or was the entire Nodes under the control of the Department of Transport.

Response: The Director Planning and Development stated that the Department of Transport does control the boat harbour area. The area to the north is under the control of the City of Joondalup in terms of vesting. Although the study area extends to take in the area to the north, the study is largely about a structure plan for the boat harbour itself. The reason for including the area to the north is because in any study it is sensible to include those areas which it has some impact on.

Mr Pearce asked why, if the land is vested in the City, the City does not have its own structure plan.

Response: Cmr Ansell stated that this question has been previously answered. He stated that it was important that a decision on Hillarys is not made in isolation and impact on the Nodes.

Mr Pearce believed the two issues should be isolated, as when the two are put together there is the possibility of one impacting on the other. By keeping them as two separate units he believed the impact of the boat harbour cannot overflow.

Mr K Zakrevsky, Mullaloo:

Mr Zakrevsky disagreed with the comment made earlier that the popularity of Hillarys marina was not foreseen. Mr Zakrevsky referred to a meeting held in Marmion Hall, where a representative of the Government stated that the public was threatened that unless a decision was made immediately, there would be no marina and the funds would be taken elsewhere. He stated that, in spite of attempts to find out more of the planning, the public was told that Hillarys would be built as a boat harbour, for sailing and motorised boat recreation with chandlers facilities, and nothing was mentioned of residences at the marina, yet units are now for sale on the marina.

Mr Zakrevsky said the public is very apprehensive of what might happen at the marina, and was suspicious of what is now proposed as he believed things are being surreptitiously brought forward and not referred to the public. Mr Zakrevsky stated that he had fought that the Nodes be for nature recreation in perpetuity, and not to have "Luna Park" type developments, residential, industrial or commercial development on the land.

Mr Steve Magyar, Heathridge:

Mr Magyar advised that he had organised the petition to hold this evening's meeting. Mr Magyar referred to the report presented to the Meeting of Joint Commissioners on 11 May, which referred to four reserves and said the landowner was Crown Land – Department of Transport. He stated it appears that only one reserve is the Department of Transport and the three other reserve numbers are vested to the City of Joondalup. Mr Magyar was concerned that throughout the report, no mention was made of the history of how the Whitfords Nodes were saved over an 11 year battle, or that the Whitfords Nodes are listed in the Perth Bushplan as being regionally significant bushland to be saved as bushland.

Another concern was that if the Council and the planning processes were going to honour the reason why the Nodes came into existence in the first place, they would not be considering a structure plan for Reserve 40802 which is the largest bulk of the area, but would be looking at a foreshore management plan. A foreshore management plan has its main objective to keep the land as Parks and Recreation and to work out the balance between passive and active recreation, car parking, provision of toilet facilities, access through the sandhills to the beach and other such issues.

Mr Magyar believed that people need to be aware of what is happening, particularly those persons that put in effort to save the land in the 70's. He advised that present this evening were the two Carstairs brothers, descendants of the original owners of the land, whose grandfather wanted to have the foreshore areas saved. The battle to leave some natural vegetation and landforms on the foreshore goes back to the 1950's and 60's. Mr Magyar stated that to now see a report presented which ignores the history of the land is exceedingly suspicious and pointed out that the whole situation will be monitored. Mr Magyar believed there had not been enough discussion as to why the whole Nodes have to be looked at. He felt that if Council was looking at skimming a little bit extra off for Whitfords Avenue or the former West Coast Highway or other such reasons, that could be considered, but felt it looks like a huge land grab.

Mr Sideris, Mullaloo:

Mr Sideris referred to the meeting held on 11 May, and did not recall that both areas were to be combined as part of a proposal, and was suspicious that there seemed to be an urgency to push any proposal through before Council elections were held. Mr Sideris believed the issue should be held over until after elections are held in December, in order that Councillors could consider the matter and can respond to the community needs.

Response: Cmr Ansell advised that the next step would be one where the public can make its views known to the development of the Structure Plan. He stated that at the meeting on 11 May, Commissioners approved that the City join in with the WAPC to ensure that Council's interests were looked after as well as the interests of WAPC and the Ministry for Transport. There will be a series of public consultations, and the resulting report will be put to the public to consider, and the public can advise Council if it is not in agreement with the proposals. Cmr Ansell stated that nothing is being rushed through.

Response: Cmr Rowell stated that a Foreshore Management Plan for that area had been put forward in about 1984. He said that one of Council's major concerns was to keep that foreshore plan as being the plan for the Nodes area and felt that if Council was not part of the study it would not be in a position to support the foreshore plan and to ensure that things are not discussed without the knowledge of the community. Cmr Rowell stated that even with the foreshore plan, the impact of nearby residential development has to be considered, and to ensure the environment of the Nodes, which the original supporters of the Nodes project required from the Council, is not destroyed.

Response: Cmr Morgan advised that the report submitted on 11 May indicated Reserve Nos 27732, 39197, 40802 and 20561. Reserve 40802 is the land that is vested in the City of Joondalup, however that report only showed the landowner as Crown Land/Department of Transport, so Mr Sideris' comment was partly correct. All of the reserves were nominated but under the heading of landowner, the City of Joondalup was not named. Cmr Morgan advised that the recommendation in the report that was carried was merely that:

“the Joint Commissioners AUTHORISE the use of up to \$15,000 from account 27609 (Consultancies) to share equally the cost of consultant work on the preparation of a Structure Plan and Implementation Study for Hillarys Boat Harbour with the Western Australian Planning Commission and the Department of Transport, subject to:

- 1 the boundary of the study area being extended northwards to include the land between the ocean and Whitfords Avenue up to the entrance to the Ern Halliday Recreation Centre;*
- 2 the study paying particular regard to public safety, security, pedestrian and vehicular access and comment from the proposed public meeting.”*

Mrs Mary Mason:

Mrs Mason was concerned that the studies were being combined. She stated that the 1984 plan was put to all of the people of the area, there was extensive public consultation and that is what the public wants to preserve. Mrs Mason was opposed to consideration of extra carparking, and wanted the contours of the Nodes to be saved.

Response: Cmr Rowell pointed out that the original foreshore plan has a car park in the south eastern corner which has not been constructed. Commissioners feel it is an inappropriate spot but was approved.

Mrs M Zakrevsky:

Mrs Zakrevsky believed the problems of the Hillarys Marina’s big attractions had nothing to do with ratepayers or the Nodes. She referred to other events which attract large numbers of people, where appropriate transport systems were arranged. Mrs Zakrevsky believed that sufficient car parking could not be achievable for Hillarys and did not want parking considered within the Nodes. In relation to public safety and security problems of the marina area, Mrs Zakrevsky did not believe this was connected with the Nodes, and was a problem that appears throughout the Metropolitan area. She believed the Nodes had to stay separate to the problems of the Hillarys marina.

Mr Vic Harman:

Mr Harman queried the ownership of the reserves.

Response: The Director Planning and Development advised that all the land is owned by the Crown. All the reserves, with the exception of 39197 are vested in the City of Joondalup.

Mr Keith Pearce:

Mr Pearce queried what powers the City has over land vested in it, as he understood that land vested under the Council is controlled by Council, and Council made decisions of what happens on it.

Response: Director Planning and Development advised that the Council, under a vesting or management order, has care, control and management of the land, but for development applications the final decision is made by the Ministry for Planning.

Mr Pearce asked whether a private concern would have to submit a proposal to the development authority or to the people that the land is vested in.

Response: Director Planning and Development advised that such a proposal would have to be submitted to both parties.

Mr Pearce stated that where land is vested in the City, then surely it is for the City to determine what is in the interests of the City and the ratepayers and what should be done on that land. Mr Pearce said that if the Ministry for Planning wants to overview the process, it should do so as the secondary position, not as the primary position. He believed the Ministry is attempting to decide for the City what is going to occur on the Whitfords Nodes and asking Council to provide funds to become involved and he felt that as long as the land is vested in the City, the City should determine in consultation with the ratepayers, the appropriate use for the land, and then submit a proposal to the Department.

Response: Cmr Ansell said that in the objectives it is clear that the WAPC does not want anything to do with the Nodes. What Council is trying to do is be involved in development which it does not control and which will impact on the ratepayers.

Mr Masters:

Mr Masters believed that in the 1980's the Liberal Government was defeated partly because of the Nodes. He advised that residents had fought long and hard for the Nodes and would like to see Councillors brought back into power to consider the issue fairly.

Mr Noel Gannon, Sorrento:

Mr Gannon advised he has been involved in the fight for the Nodes 20 years ago and was astounded to see what is happening at present. He believed Hillarys boat harbour itself is an example of stealth and underhand dealing and stated that the public was told the boat harbour would act as a boat harbour not as a "Luna Park", which is what it has developed into.

With reference to Council elections which will take place on 11 December, Mr Gannon stated that normally when an election is announced, the incumbent government goes into a caretaker mode and does not make any great decisions which would affect important issues in the area. Whilst Mr Gannon believed that Commissioners had in many ways done a good job, he stated that Commissioners are not elected and are therefore not representative of the ratepayers and should not be making a decision. Mr Gannon suggested that the City of Joondalup oversees this issue but does not become involved, until such time as the public has elected representatives.

Mrs Sue Hart, Greenwood:

Mrs Hart stated that she had been involved with the Commissioners through the issue of the Greenwood Primary School development and said that they worked really hard to help the residents.

Mr K Zakrevsky:

Mr Zakrevsky tabled a letter from Mr Eric McAndrew of Mullaloo stating his opposition to proposals to develop the Nodes area.

Mr Zakrevsky referred to the difficulty the public faced to get the opportunity for input before any decision is made on planning for this area and was concerned that the views of the public would not be taken into account. He stated that the public was very concerned at the way matters are being conducted and the way the Government is acting.

Mr Tom Carstairs:

Mr Carstairs advised he was Chairman of the Whitfords Nodes Committee for 12 years. Mr Carstairs was concerned that once an agreement is entered into with various parties to look at development, control is lost. He believed it important for the Commissioners to consider what has happened in the past, and stated that the Wanneroo Council was completely behind the issue of the Nodes from the very beginning and this was one of the reasons why it was so successful. Mr Carstairs stated it was the responsibility of the Commissioners to ensure that they have total control over the planning of the Nodes and not enter into any other agreement. In relation to the relocation of CSIRO from Marmion, he believed Ocean Reef to be a suitable area as it has plenty of land with no beaches which will be affected, and is a far better site.

Mr John Curadale, Hillarys

Mr Curadale, a member of the Mullaloo Surf Club, referred to parking problems at the Mullaloo surf club, and stated that forward planning needed to be undertaken to protect the beach areas. In relation to problems with youths at Hillarys marina, he believed such problems occur in all areas and should not be attributed to the marina.

Mr Ken Travis, Member for North Metropolitan Region:

Mr Travis sought clarification on the boundaries of the various reserves, and asked why the WAPC choose that area for the study, and not just the area initially vested under the control in the Department of Transport.

Response: Ms Thompson advised that the Fisheries Department had also approached the WAPC about its development proposal. She stated that normally, development applications made to the Commission are not advertised, but determined by the Commission in Parks and Recreation reserves because that is a provision of the Metropolitan Region Scheme. The Commission included a notional boundary on the map to include the area which was understood to be part of the Fisheries proposal.

Mr Travis stated that he did take on face value the comments by the Commissioners that their concern is to stop massive development on the Whitfords Nodes, but his views differed as to how best to achieve this. He believed the issue was how best to ensure that Whitfords Nodes are maintained for passive recreation purposes. Mr Travis said he also understood the Commissioners' concerns about how to control the WAPC and the State Government and suggested this be achieved by ensuring that the study area is restricted to the area currently within the control of the Department of Transport and making it very clear that the people in the northern suburbs will not accept any extension of development into the Nodes of any shape or form.

Mr Travis stated he attended a briefing with the Fisheries Department a while ago and said that if there is some need for a land swap to better manage the southern area then that could be discussed, but should only be on that basis and not an increase in the amount of land if that maintains the integrity of the Nodes and the sand dunes.

Mrs Mary Mason:

Mrs Mason stated she had attended a meeting with the Fisheries Department and advised that the Fisheries had looked at land along the coast, but could not location to Ocean Reef because of the amount of minerals in the water, and the Fisheries needed pristine water for their research. Mrs Mason stated she supported the Fisheries, but did not understand why the area has been extended.

Mr Noel Gannon:

Mr Gannon advised he did not support the Fisheries.

Mr G Siefert:

Mr Siefert failed to see how the Fisheries could claim to have a pristine environment at Hillarys with its high level of boating activity and the pollution so caused. Mr Siefert felt that if the area in Ocean Reef is considered unsatisfactory because of the mineral levels, there should be concern about any development at the coast whatsoever.

Mr Siefert advised he moved to Perth 10 years ago because he felt it was the best place to live, with a major attraction being the wide open public spaces, but now felt there was an obsession with development. He believed the undeveloped areas provided many recreation pursuits, particularly for young people to use, and asked that no development be undertaken for the sake of profit, rather than the use of the public at large.

The Chairman then sought motions from the floor.

MOVED Mr Steve Magyar SECONDED Mr Vic Harman that we the electors of the City of Joondalup do hereby expect the Joint Commissioners to:

- 1 acknowledge that Reserve 40802 only exists because of the long public campaign, in the 1970's and 1980's, to save the area as a sample of the Quindalup Dunes land formation and vegetation;**
- 2 acknowledge the importance of the Quindalup Dune vegetation preserved at the Whitfords Nodes and their listing in the Perth Bushplan;**
- 3 not proceed with or support any development applications or rezoning proposals that compromises the nature values of Reserve 40802;**
- 4 review the Foreshore Management Plan for Reserve 40802 with the aim of maintaining the nature values of the foreshore area known as the Whitfords Nodes;**
- 5 initiate planning and management strategies that will continue to protect the natural environment of the Whitfords Nodes;**
- 6 ensure that the structure plan for Reserve 39197 be done separately to any study for Reserve 40802 and Reserve 20561.**

The Motion was Put and

CARRIED UNANIMOUSLY

The Chairman thanked the members of the public for their attendance and stated that the motions moved would be taken into consideration by the Commissioners.

There being no further business, the Chairman declared the meeting closed at 1915 hrs.