

CITY OF JOONDALUP

Notice is hereby given that a Special Meeting of **COUNCIL** will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY 25 JANUARY 2000**, commencing at **7.00 pm**.

LINDSAY DELAHAUNTY
Chief Executive Officer
21 January 2000

Joondalup
Western Australia

AGENDA

ATTENDANCES AND APOLOGIES

Apology - Cr L Ewen-Chappell

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).

DECLARATIONS OF FINANCIAL INTEREST

ITEM OF BUSINESS

**JSC1-01/00 SUBMISSION ON THE METROPOLITAN REGION SCHEME
(CLARKSON-BUTLER) AMENDMENT NO 992/33 RELATING TO
LOT 2 MARMION AVENUE, BURNS BEACH**

CLOSURE

**CITY OF JOONDALUP - REPORT FOR SPECIAL COUNCIL
MEETING 25 JANUARY 2000
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)

Advantages	Disadvantages
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

Advantages	Disadvantages
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
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Limited connectivity with existing reserves and other regional open space to the north west and north east
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OPTION 3 (112 ha Urban and 178 ha Parks and Recreation)

Advantages
178 ha of the bushland reserved for Parks and Recreation.
137 ha of the Quindalup dune system vegetation and 41 ha of the Spearwood dune system vegetation excluded from urban development
2130 metres of the interface between the Quindalup and Spearwood Dune systems excluded from urban development
Preservation of dune formations, specifically the minor and major blow-out
Higher level of connectivity with existing reserves and other regional open space to the north west and north east
The tenure of the land provides for better management
Improved beach access and control including scenic drives
Maintains sufficient area and linkages inclusive of adjacent reserve and lot 17

Disadvantages
Reduction of potential rate base
Loss of 112 ha of bushland
Loss of potential catchment population to support existing infrastructure and local community facilities
Loss of 824 metres of the interface between the Quindalup and Spearwood Dune systems
23 ha of the Quindalup dune system vegetation and 89 ha of the Spearwood dune system vegetation excluded from urban development
Dependent on further successful negotiations between WAPC and the land owner.

OPTION 4 (MRS Amendment as Proposed)

Advantages	Disadvantages
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	
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.

RECOMMENDATION

That Council advise 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.

DARRYL BUTCHER
Manager Urban Design & Policy Services

CLAYTON HIGHAM
Director Planning & Development

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FOR ATTACHMENTS TO THIS REPORT CLICK HERE: [Attach1ag25012000.pdf](#)
[Attach2ag25012000.pdf](#) [Attach3ag25012000.pdf](#) [Attach4ag25012000.pdf](#) [Attach5ag25012000.pdf](#)