

# CITY OF JOONDALUP

## MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD IN CONFERENCE ROOM 2, CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON WEDNESDAY 26 JULY 2006

### ATTENDANCE AND APOLOGIES

#### Committee Members:

CR S MAGYAR	Presiding Person	
CR J PARK		
CR S HART		<i>from 1815 hrs to 1852 hrs</i>
MRS M ZAKREVSKY	Community Representative	
MRS C WOOD	Community Representative	
MS P ROBERTSON	Community Representative	
DR M APHORPE	Community Representative	
MR R HENDERSON	Community Representative	

#### Officers:

A/Director Planning and Community Development:	C TERELINCK to 1928 hrs
Manager Infrastructure Management Services:	M RALPH
Conservation Coordinator:	K ARMSTRONG
Administration Officer:	S WEST

#### Guests:

MS A STUBBER  
MR J CHESTER  
MRS W HERBERT

### DECLARATION OF OPENING

The Presiding Person declared the meeting open at 1740 hrs.

### APOLOGIES/LEAVE OF ABSENCE

Director Planning and Community Development: C HIGHAM  
CR M JOHNS

## **CONFIRMATION OF MINUTES**

### MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD 28 JUNE 2006

**MOVED P Robertson SECONDED M Apthorpe that the Minutes of the meeting of the Conservation Advisory committee held on 28 JUNE 2006 is CONFIRMED as a true and correct record.**

**The Motion was Put and**

**CARRIED (7/0)**

**In favour of the Motion:** Cr Magyar, Cr Park, Mrs M Zakrevsky, Mrs C Wood, Ms P Robertson, Dr M Apthorpe, and Mr R Henderson.

## **ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Ms Alice Stubber was nominated for membership of the Conservation Advisory Committee. The Presiding Person offered Ms Stubber the opportunity to discuss her environmental background.

Cr Hart entered Room 1815 hrs

**MOVED M Zakrevsky, SECONDED R Henderson that the Committee RECOMMENDS to Council that Ms Alison Stubber become a Conservation Advisory Committee member.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (8/0)**

**In favour of the Motion:** Cr Magyar, Cr Park, Cr Hart, Mrs M Zakrevsky, Mrs C Wood, Ms P Robertson, Dr M Apthorpe and Mr R Henderson.

## **DECLARATIONS OF INTERESTS**

Nil.

## **IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS**

Nil.

## **PETITIONS AND DEPUTATIONS**

Nil.

## **ITEMS OF BUSINESS**

Item 1 Part one - Draft Guideline for the Determination of Wetland Buffer Requirements.

Part two - Western Australian Local Government Association Review of Current Public Open Space policy and Practice

Item 2 Off- Road Vehicles-Craigie open Space

**ITEM 1                    PART ONE****CJ084 - 06/06        DRAFT GUIDELINE FOR THE DETERMINATION OF  
WETLAND BUFFER REQUIREMENTS – [08570]****WARD:** All**RESPONSIBLE** Mr Clayton Higham  
**DIRECTOR:** Planning and Community Development

---

**CJ060530\_BRF.DOC:ITEM 6****PURPOSE**

The purpose of this report is for Council to respond to the Western Australian Planning Commission (WAPC) on the draft Guideline for the Determination of Wetland Buffer Requirements.

**EXECUTIVE SUMMARY**

A Draft Guideline for the Determination of Wetland Buffer Requirements (the Guideline) has been developed by the WAPC. The Guideline seeks to assist landowners, developers, planners, architects and designers to identify an appropriate buffer between wetlands and land uses in or in the vicinity of a wetland in order to enhance or maintain the significant attributes and values of the wetland.

The Guideline recognises that the planning process incorporates consideration of a number of factors, including environmental factors, in decision-making and is therefore based on sustainability principles. It is intended to be used where a future use or development is likely to conflict with the established wetland management objective and may relate to urban, intensive rural, commercial, industrial and some public purpose uses. An extract of the Guideline is provided in Attachment 1.

Lake Joondalup and Lake Goollelal are significant wetlands located within the Yellagonga Regional Park. The City receives development applications on land adjoining or in the vicinity of these lakes. Such proposals would be assessed using the Guideline.

Consultation on the Guideline commenced in February 2006 for a period of six (6) weeks, with close of submissions being 14 April 2006. As no Council meeting was held in May 2006 to receive a report on this matter and the closing date for submissions has now past, an interim response was forwarded to the WAPC during the consultation period. (see Attachment 2).

This report serves to inform Council of the Guideline and the City's submission, and to allow an opportunity for additional comments to be forwarded to the WAPC.

It is recommended that Council notes and endorses the attached submission to WAPC with a request for an extension of time to provide a comment, and the opportunity for representation on the working party dealing with the finalisation of the Guideline. In addition, it is recommended that the submission be referred to the next available meetings of the North Zone of WALGA, the Conservation Advisory Committee and the Sustainability Advisory Committee.

## BACKGROUND

The City has a role in assessing the suitability of urban development in terms of impacts on the wetlands with regard to the land use, building setbacks, stormwater runoff, landscaping and maintenance of the health of the wetland. Land adjoining or in the vicinity of wetlands can also be affected by acid sulphate soils which are naturally occurring sulphides which can oxidise to sulphuric acid when disturbed and exposed to air. The Guideline does not, however, single out this issue.

There are two significant wetlands located within the City of Joondalup, being Lake Joondalup and Lake Goollelal, located within the Yellagonga Regional Park. Should the Guideline be adopted by the WAPC, development applications received by the City on land adjoining or in the vicinity of these lakes would be assessed using the Guideline.

## DETAILS

A draft Guideline has been developed by the WAPC. The Guideline seeks to assist to identify an appropriate buffer between wetlands and land uses in or in the vicinity of a wetland in order to enhance or maintain the significant attributes and values of the wetland. The intention is that the Guideline be used where a future use or development is likely to conflict with the established wetland management objective and may relate to urban, intensive rural, commercial, industrial and some public purpose uses.

Given the size of the Guideline (72 pages), an extract of the Guideline is provided in Attachment 1. A full copy has been provided in the Councillors' reading room.

The Guideline is set out in seven (7) stages, as follows, and is depicted in Figure 2 of Attachment 1:

- |        |  |
|--------|--|
| Step 1 | Acknowledge existence of a wetland – this step includes definitions of wetlands  |
| Step 2 | Identify wetland attributes, wetland management category and establish management objectives – This includes categorisation into three (3) management categories: <ul style="list-style-type: none"><li>• C category (conservation) – high conservation value (natural or human use)</li><li>• R category (resource enhancement) – moderate attributes</li><li>• M category (multiple use) - score poorly</li></ul> Aboriginal heritage/ethnographic value and social significance are considered in the categorisation of wetlands. |
| Step 3 | Define wetland function area – this includes a table of attributes   |
| Step 4 | Identify threatening processes – including altered water regimes, habitat changes, inappropriate recreational use and diminished water quality, and environmental risks of various land uses.  |
| Step 5 | Identify role of separation – including the use of vegetation and other physical barriers  |
| Step 6 | Establish separation requirement – in accordance with C, R and M management categories   |

- Step 7            Apply separation requirement to proposal and assess its ability to achieve management objective – including establishing an alternative separation requirement

Extensive explanations regarding each step are provided in application notes covering the individual stages of the process to assist the user to complete each step. A series of tables is provided to supplement the particular application notes and therefore set out the headings appropriate to that step. For example, for Step 4, aspects of altered water regimes, habitat changes, inappropriate recreational use and diminished water quality are tabulated against the land use to provide a summary of key threatening processes.

The Guideline does not explain how, for instance, groundwater pollution is to be assessed or ground water level changes are to be measured. Its purpose is to recognise the range of factors that influence the health and viability of wetlands and for these to form the basis of the Guideline as a checklist in terms of proposed development in or adjoining wetlands.

Guideline application examples, a list of resource documents and a glossary are included as appendices. An extract of the Guideline is provided as Attachment 1.

#### **Issues and options considered:**

Council, in considering the Guidelines, may choose either of the following options:

- Note the Guideline.
- Note the City's submission and provide further comments to the WAPC.
- Note the City's submission and provide alternative comments to the WAPC.

#### **Link to Strategic Plan:**

The City's submission on the Guideline is supported by the following objective and strategy of the City's Strategic Plan 2003-2008:

Objective 2.1            To plan and manage our natural resources to ensure environmental sustainability.

Strategy 2.1.1            Maintain and protect natural assets to retain biodiversity.

#### **Legislation – Statutory Provisions:**

There are no statutory provisions associated with the Guideline. However, if adopted, it would assist as an assessment tool in the decision-making process.

#### **Risk Management considerations:**

There are no identified risks associated with the Guidelines and making a submission.

#### **Financial/Budget Implications:**

There may be budgetary implications associated with the Guideline if the task of assessing the adequacy of wetland buffers falls on the City.

#### **Policy Implications:**

There are no known conflicts with current Council policies.

**Regional Significance:**

The Guideline has regional significance due to the location of established wetlands across the metropolitan area and, as in the City's case, crossing local government boundaries.

**Sustainability Implications:**

The Guideline has environmental sustainability implications and possible economic and cultural sustainability implications in terms of the extent and form of buffers required.

**Consultation:**

The WAPC as author of the document has sought public comment for a period of 6 weeks, prior to finalising the Guideline. The Guideline is available on its website, at [www.wapc.wa.gov.au](http://www.wapc.wa.gov.au). Any public comments would be directed to the WAPC for its consideration.

**COMMENT**

Due to the closing date of submissions and there being no Council meeting in May 2006, an interim response has been forwarded to the WAPC and is attached (see Attachment 2). The WAPC has advised that a working party is to be set up at the end of May 2006 to consider submissions with discussions on the matter likely to continue in June 2006. Therefore, the ability exists for the WAPC to incorporate any further comments from Council.

As outlined in the City's submission, it is unclear who would be required to undertake an assessment of a wetland buffer. Concern is raised that this task will fall on local governments which may not have sufficient resources. Should this be the case, this would place additional resource burdens on local governments, particularly given that the potential length of the assessment process. It is considered that Steps 1 & 2, relating to acknowledgement of the wetland and identification of its attributes, management objective and management category, should be undertaken by officers of the Department of Environment or the Environmental Protection Authority.

It is considered that the Guideline is highly explanatory to the extent that it is a large document that may dissuade users from properly utilising the information provided. In addition, there are considerable cross-references to supporting texts and documents that may not be readily available to the user. It is suggested that these cross references be reviewed and removed where not required.

Concerns are also raised regarding the accessibility and availability of information from West Australian Land Information System (WALIS) of the Department of Land Information that would need to be accessed during the assessment process, including access to the management objectives. Suggestions regarding the provision of supporting information on the website were also noted.

The City is currently liaising with neighbouring local governments (Wanneroo and Stirling) that were also involved in the June 2005 workshop. Should any additional considerations arise from that discussion, further information can be provided to Council. It is suggested that the City's submission and any further submission from Council also be directed to the next available meeting of the North Zone of WALGA for consideration.

**ATTACHMENTS**

Attachment 1 Extract of Guideline for the Determination of Wetland Buffer Requirements  
Attachment 2 Officer submission on Guideline

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Magyar, SECONDED Cr McLean that Council:**

- 1 NOTES the submission to the Western Australian Planning Commission (WAPC) on the Guideline for the Determination of Wetland Buffer Requirements, as shown in Attachment 2 to Report CJ084-06/06;**
- 2 ENDORSES the submission to the extent that it supports the establishment of a process for determining wetland buffers;**
- 3 ADVISES the WAPC that it has serious concerns in relation to the practicality of the guidelines, the potential for challenges to the buffers determined, and about specialised resourcing implications to undertake assessments using the guidelines;**
- 4 REQUESTS an opportunity for representation on the working party to be established by the WAPC to assess the submissions;**
- 5 REQUESTS that WAPC undertakes broad community consultation on the revised guidelines before them;**
- 6 REFERS the Council's comments and the Submission referred to in Point 1 to the next available meetings of the North Zone of the WA Local Government Association, the Conservation Advisory Committee and the Sustainability Advisory Committee.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

A/Director Planning and Community Development introduced the report. Members of the Conservation Advisory Committee stated that the report did not appear to clarify a number of issues, one being who is responsible for looking after wetland buffer areas once the boundaries have been determined, and whose responsibility it is to uphold and maintain the buffer boundaries the City's or the developers.

Members felt the report did not state the appropriate distance the wetland buffers should be from the water body. They

A number of concerns were raised regarding the soil in these wetland areas such as what if acid sulphate soil is found when the land is being developed. Cr Hart requested a copy of the guidelines be made available regarding what to do if contaminated soil is located whilst land is being developed.

**MOVED S Magyar, SECONDED P Robertson that the Conservation Advisory Committee advise Council that council should request that the issues regarding the cost and the running of the assessment process and the provisions of running infrastructure should be addressed through relevant state planning polices and the**

**guidelines should be crossed referenced to the Waters and Rivers Commission statement dated 6 June 2001.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (8/0)**

**In favour of the Motion:** Cr Magyar, Cr Park, Cr Hart, Mrs M Zakrevsky, Mrs C Wood, Ms P Robertson, Dr M Apthorpe, and Mr R Henderson.

Cr S Hart left the Room at 6.52pm

## **ITEM 1                    PART TWO**

### **CJ083 - 06/06        WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION REVIEW OF CURRENT PUBLIC OPEN SPACE POLICY AND PRACTICE – [03011]**

**WARD:** All

**RESPONSIBLE** Mr Clayton Higham

**DIRECTOR:** Planning and Community Development

CJ060530\_BRF.DOC:ITEM 5

#### **PURPOSE**

*The purpose of this report is for Council to consider a response to the Western Australian Local Government Association (WALGA) Public Open Space Review of Current Policy and Practice.*

#### **EXECUTIVE SUMMARY**

In June 2005, WALGA conducted a workshop with twenty six (26) metropolitan and rural local governments, State agencies and other interest groups to review and address concerns raised in regard to Public Open Space (POS). The City of Joondalup participated in this workshop.

To date, major concerns have been as follows:

- the allocation of appropriate regional POS areas by the State government;
- the suitability of different types of POS areas in terms of the local communities;
- the costs to local governments of maintaining POS areas; and
- the absence of adequate statutory requirements for the provision of POS.

As a result of the workshop, WALGA is preparing a report with recommendations to the Western Australian Planning Commission (WAPC) and is inviting comments from local governments to feed into that process. Due to the closing date for submissions, a response comprising comments from the City has been forwarded to WALGA (see Attachment 2). A final report will be prepared by WALGA to its State Executive meeting on 8 June. This report will form the basis for future meetings with appropriate State Government agencies to lobby for improvements to POS policy and practice. This report serves to inform Council of the Review and the City's submission, and to allow an opportunity for additional comments to be forwarded to WALGA.

It is recommended that Council notes and endorses the attached submission to WALGA.

## BACKGROUND

<b>Suburb/Location:</b>	All
<b>Applicant:</b>	Not Applicable
<b>Owner:</b>	Not Applicable
<b>Zoning:</b>	<b>DPS:</b> Parks and Recreation
	<b>MRS:</b> Parks and Recreation
<b>Site Area:</b>	2640.94 hectares
<b>Structure Plan:</b>	Not Applicable

The City currently manages and maintains 440.4 hectares of reticulated parks in 190 areas and 130.54 hectares of 'dry' parks in 133 locations. In addition, the City manages and maintains 183.1 hectares of bushland in 19 areas and 239 hectares of coastal foreshore. In total, an area of 2640.94 hectares of open space is managed and maintained by the City. The parks have either been created as Crown land as part of the subdivision process as public open space (POS) and are ceded free of cost to the City for its care and management, or are set aside under the Metropolitan Region Scheme (MRS).

The Planning and Development Act 2005 (P&D Act, formerly the Town Planning and Development Act 1928) does not itself require the provision of POS with the subdivision of land. Rather, the Planning & Development Act 2005 enables the imposition of conditions of subdivision approval that are guided by the WAPC's Policy DC 2.3 Public Open Space in Residential Areas. The standard requirement through the subdivision process for more than three (3) lots is 10% of the sub-divisible area. Cash-in-lieu of POS can be accepted in some circumstances for a shortfall in POS.

In addition, the WAPC's Liveable Neighbourhoods (LN) document provides detailed guidance for the provision and design of POS areas at the structure plan and subdivision stages. However, LN is not a statutory document and, therefore, a developer is not obligated to adhere to the principles of sustainability that form the basis of the document. The LN has, however, recently been reviewed by the WAPC and draft Liveable Neighbourhoods 3 (LN3) was compiled to expand on several details within LN. The major change to LN3, however, is that it is intended to be adopted as a development control policy to facilitate the development of sustainable communities through structure plan and subdivision stages.

### WALGA Processes

Due to concerns raised by local governments regarding POS, WALGA conducted a workshop with twenty six (26) metropolitan and rural local governments, State agencies and other interest groups in June 2005. The purpose of the workshop was to review current policy and practice in relation to POS with the aim of addressing concerns raised. The City of Joondalup participated in this workshop.

The City is concerned about a number of issues in relation to POS areas. These are:

- appropriate regional allocation of POS for recreational, environmental and drainage purposes;
- the suitability of different types of POS areas in meeting the needs of the local communities;
- the on-going management and costs associated with maintaining POS and recreational facilities (particularly areas such as foreshores and bush land); and the absence of adequate statutory requirements for the provision of POS.

The outcome of the WALGA workshop was that WALGA would prepare a report with recommendations to the WAPC on POS policy and practice. This report has now been completed and forwarded to local governments for comment (see Attachment 1). WALGA will prepare a final report to its State Executive meeting on 8 June which would form the basis for future meetings with appropriate State Government agencies to lobby for improvements to POS policy and practice.

Consultation on the WALGA report commenced in March for a period of 6 weeks. As no Council meeting was held in May to receive a report on this matter and the closing date for submissions has passed, an interim response has been forwarded at this time (see Attachment 2).

## DETAILS

The WALGA report (see Attachment 1) sets out concerns expressed by local governments regarding the adequacy of current policy and practice in relation to POS in the following areas (summary italicised):

- *Identifying the needs of the community for a range of recreational facilities both structured and unstructured;*
- *Balancing the allocation of public open space for different uses and purposes to adequately provide for the range of community needs;*
- *Providing appropriate public open space and recreational facilities at district and regional level as well as local and neighbourhood facilities; and*
- *Funding for the development and on-going management of recreational facilities and environmental resource areas.*

The following issues were identified as a result of the workshop and subsequent follow-up with participants:

- Needs Assessment – including consideration of demographics and consultation
- Open Space Allocation – including the bases for allocation, classification and funding
- Open Spaces Development, Use and Management – including funding for development and maintenance and co-location/sharing arrangements
- Organisational Arrangements – including those responsible for development and management or involved in co-location/sharing arrangements.

These issues are expanded upon in the WALGA report (Attachment 1).

The WALGA review also considers the adequacy of the provisions of LN3 in terms of assessing the various types of POS provision and design issues. Approaches to POS allocation and funding in other States of Australia are also reviewed.

The findings of the WALGA report lead to the conclusion that there are some significant shortcomings relating to current policy and practice in relation to (points outlined in report italicised below):

- *determination of community and environmental needs;*
- *allocation of land for recreational and environmental purposes;*
- *provision of community facilities;*
- *development and on-going management of POS and recreational facilities; and*
- *planning policy and guidelines.*

A number of recommendations are proposed on the basis of the WALGA findings. These recommendations primarily address the following needs:

- a more comprehensive framework for the planning of POS;
- enhanced inter-agency involvement;
- community needs assessment in planning of POS areas;
- review of funding and management arrangements; and
- greater consideration of co-location opportunities when planning school sites.

In addition, the recommendations support new cash-in-lieu of POS arrangements under the Planning and Development Act and the expedient adoption of LN3 as an operational policy.

#### **Issues and options considered:**

Council, in considering the WALGA report, may choose either of the following options:

- Note and endorse the City's submission.
- Note and endorse the City's submission and provide further comments to the WALGA.
- Note the City's submission and provide alternative comments to the WALGA.

#### **Link to Strategic Plan:**

The City's submission on the WALGA review is supported by the following objectives and strategies of the City's Strategic Plan 2003-2008:

Objective 1.3	To continue to provide services that meet changing demographic needs of a diverse and growing community.
Strategy 1.3.1	Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.
Objective 3.1	To develop and maintain assets and built environment.
Strategy 3.1.1	Plan the timely design, development, upgrade and maintenance of infrastructure.
Strategy 3.3.3	Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors.

#### **Legislation – Statutory Provisions:**

There are no statutory provisions associated with the WALGA report and making a submission.

#### **Risk Management considerations:**

There are no risks associated with Council's consideration of the WALGA report and making a submission.

**Financial/Budget Implications:**

There are no budgetary implications associated with the WALGA report and making a submission, however it is in the best interests of the City to do so as there may be changes arising from the submission in favour of the City in terms of the allocation and management/maintenance of POS areas.

**Policy Implications:**

There are no policy implications associated with the WALGA report and making a submission.

**Regional Significance:**

The outcome of WALGA's collation of submissions from local governments may have regional significance in terms of the allocation of regional POS under the MRS, which could be favourable for the City.

**Sustainability Implications:**

The review and recommendations seek to achieve more sustainable POS areas in social/cultural, economic and environmental terms. Should the recommendations be adopted by the WAPC, POS areas would be better planned in terms of regional and local locations, better designed and managed in a more equitable manner with respect to the responsibilities of local and State government agencies.

**Consultation:**

At this time, WALGA has confined its consultation to local governments via an invitation to submit comments on the POS report.

**COMMENT**

As no Council meeting was held in May to receive a report on this matter and the closing date for submissions has passed, an interim response has been forwarded at this time.

The WALGA report generally represents the City's position on the issues surrounding POS, as reflected in the submission forwarded to WALGA.

The City is supportive of adopting LN3 as a statutory document for the purposes of sustainable POS provision and design, enhanced co-location/sharing arrangements with schools and across local government boundaries, comprehensive community and environmental needs assessments, and a review of POS allocation and funding arrangements. These issues are noted in the City's submission that has been forwarded to WALGA.

The WALGA review is, however, silent on public participation in assessing the community needs for appropriate planning of POS areas. The City's submission also notes concern that, under the P&D Act, two (2) lots subdivisions are precluded from the imposition of cash-in-lieu payment to the local government for any shortfall in POS provisions, an inequitable situation that favours small-scale subdivisions.

At a local level, it is considered that the issue of the distribution and allocation of POS in the City of Joondalup can be further investigated in the future review of the District Planning Scheme No 2.

The City is currently liaising with neighbouring local governments (Wanneroo and Stirling) who were also involved in the June 2005 workshop on this POS review. Should any additional considerations arise from that discussion, further information can be provided to Council. It is suggested that the City's submission and any further submission from Council also be directed to the next available meeting of the North Zone of WALGA for consideration. It is also suggested that any revised report on this issue be advertised by WALGA for public comment.

## **ATTACHMENTS**

Attachment 1           WALGA Public Open Space Review  
Attachment 2           City submission to WALGA Public Open Space review

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1       NOTES and ENDORSES the submission to the Western Australian Local Government Association on Public Open Space – Review of Current Policy and Practice, as per Attachment 2 to Report CJ083-06/06;
- 2       REFERS the submission in Point 1 to the next available meeting of the North Zone of the Western Australian Local Government Association;
- 3       REQUESTS the Western Australian Local Government Association to make the revised Public Open Space – Review of Current Policy and Practice document available for public comment.

**MOVED Cr John, SECONDED Cr Magyar that Council:**

- 1       **NOTES and ENDORSES the submission to the Western Australian Local Government Association on Public Open Space – Review of Current Policy and Practice, as per Attachment 2 to Report CJ083-06/06 as its interim position;**
- 2       **ADVISES that the matter of public open space is of such a high priority and significant impact for our residential community that more thorough research and analysis of the long-term implication of public open space on community life should be undertaken. Further, the lack of community involvement in the determination of the interim position of the Public Open Space Review to date needs to be addressed;**
- 3       **ACKNOWLEDGES that the issue of public open space will be a major focus for the community of the City in the review of District Planning Scheme No 2 in terms of:**
  - (i) **community value and expectations;**
  - (ii) **environmental impacts of development and bush land preservation;**
- 4       **REFERS the report and interim submission to the Conservation Advisory Committee and Sustainability Advisory Committee for further consideration having regard to the issues raised in Points (2) and (3) above;**
- 5       **REFERS the interim submission and issues raised to the next available meeting of the North Zone of the Western Australian Local Government Association;**

- 6 REQUESTS the Western Australian Local Government Association to make the revised Public Open Space – Review of Current Policy and Practice document available for public comment.**

Discussion ensued.

**AMENDMENT MOVED Cr Park, SECONDED Cr Corr that the words “and ENDORSES” be deleted from Point 1 of the Motion.**

Discussion ensued.

Cr Park, with the approval of the meeting advised he wished the Amendment to be  
**WITHDRAWN**

**AMENDMENT MOVED Cr Park, SECONDED Cr Corr that a Point 7 be added to the Motion as follows:**

- “7 TAKES issue with the cash-in-lieu of payments for public open space for small subdivisions.”**

Discussion ensued.

**The Amendment was Put and**

**CARRIED (10/3)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Hart, Hollywood, Jacob, McLean and Park

**Against the Amendment:** Crs Fishwick, John and Magyar

**The Original Motion as amended, being:**

**That Council:**

- 1 NOTES and ENDORSES the submission to the Western Australian Local Government Association on Public Open Space – Review of Current Policy and Practice, as per Attachment 2 to Report CJ083-06/06 as its interim position;**
- 2 ADVISES the Western Australian Local Government Association that the matter of public open space is of such a high priority and significant impact for our residential community that more thorough research and analysis of the longterm implication of public open space on community life should be undertaken. Further, the lack of community involvement in the determination of the interim position of the Poublic Open Space Review to date needs to be addressed;**
- 3 ACKNOWLEDGES that the issue of public open space will be a major focus for the community of the City in the review of District Planning Scheme No 2 in terms of:**
  - (i) community value and expectations;**
  - (ii) environmental impacts of development and bush land preservation;**
- 4 REFERS the report and interim submission to the Conservation Advisory Committee and Sustainability Advisory Committee for further consideration having regard to the issues raised in Points (2) and (3) above;**

- 5      **REFERS the interim submission and issues raised to the next available meeting of the North Zone of the Western Australian Local Government Association;**
- 6      **REQUESTS the Western Australian Local Government Association to make the revised Public Open Space – Review of Current Policy and Practice document available for public comment;**
- 7      **TAKES issue with the cash-in-lieu of payments for public open space for small subdivisions.**

Cr Fishwick referred to Point 2 of the Motion and suggested the addition of the words “*the Western Australian Local Government Association*” be inserted after the word “ADVISES”.

With the approval of the Mover and Seconder of the original motion, Point 2 of the original motion was amended as indicated above.

**was Put and CARRIED**

**(13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf300506.pdf](#)*

Item number 4 was referred to the Conservation Advisory Committee for information and comment.

4.      **REFERS the report and interim submission to the Conservation Advisory Committee and Sustainability Advisory Committee for further consideration having regard to the issues raised in Points (2) and (3) above;**

**Discussion ensued:**

A/Director Planning and Community Development talked to items 2 and 3 of the original motion. Part 4 as above request further consideration and comment from the members of the CAC. The A/Director Planning and Community Development informed the committee that the City of Joondalup has commenced on an audit of all Public Open Space (POS) within the City of Joondalup. The audit will reflect what percentage of land is POS in comparison to residential land. The A/Director Planning and Community Development confirmed that POS is owned by the state and vested to the City of Joondalup.

Mayor Troy Pickard entered room at 7pm.

The Presiding Person welcomes the Mayor to the Conservation Advisory Committee meeting.

The Conservation Advisory Committee referred to page 24 of the WALGA report where it states that the Education Department should work more with the authorities regarding POS.

## Part One

**MOVED P Robertson, SECONDED C Wood that the Conservation Advisory Committee advise Council that Council should request that it should make a further submission on the issues of bio-diversity which should be addressed including green corridors between bush land reserves.**

## Part Two

**MOVED P Robertson, SECONDED C Wood that the Conservation Advisory Committee advise Council that the cost of management and infrastructure regarding regional opens spaces should be examined further.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (7/0)**

**In favour of the Motion:** Cr Magyar, Cr Park, Mrs M Zakrevsky, Mrs C Wood, Ms P Robertson, Dr M Apthorpe, and Mr R Henderson.

A/Director Planning and Community Development left the Room at 1928 hrs.

MEETING DATE: **18 July 2006**

## **ITEM 2 OFF-ROAD VEHICLES-CRAIGIE OPEN SPACE**

**WARD:** All

**RESPONSIBLE** David Djulbic  
**DIRECTOR:** Infrastructure Services

---

### **PURPOSE**

To advise Council in relation to Local Laws, Regulations and enforcement programs pertaining to off-road vehicle control within the Craigie Open Space and bushland reserves vested under the care and control of the City.

### **EXECUTIVE SUMMARY**

The City has both Local and Statutory Laws that can be enforced for the control and management of off-road vehicles on its reserves.

Section 50 of the City's Parking Local Law (1998) states that:

A person, shall not without consent:

- (a) drive or ride or bring any vehicle onto any reserve or permit any person to drive or ride or bring any vehicle onto a reserve except on or over such parts of the reserve as are set aside as roads or driveways or vehicle parking areas;
- (b) park or stop any vehicle on a reserve except in an area set aside for that purpose.

The modified penalty for this offence is \$60.00

In addition to the above Local Law, Regulation 6(1) of the Control of Vehicles (Off-Road Areas) Act and Regulations (1978) prohibits the riding of unregistered trail bikes and off-road vehicles in non-permitted areas within the City. Reserves directly managed by the City are classed as non-permitted areas for the purpose of this Act.

*It is recommended that Council, through its Ranger Services, continue to monitor vehicular activity within the Craigie Open Space, as part of its enforcement program.*

## **BACKGROUND**

The City's Ranger Services is responsible for the control of vehicles on reserves and public places within the City of Joondalup.

The Craigie Open Space is a unique bushland reserve that has native flora and fauna present. The City has constructed pathways and other facilities at this location for the enjoyment of the local community.

The area has been fenced to prevent vehicle access. Since the fencing has been erected there has been a significant reduction on off-road vehicle activity within this reserve.

There have been occasions where light motorbikes have been lifted over the fence to gain access to the bushland, also damage has been done to pedestrian gates to allow egress of motorbikes, these type of incidences are rare occurrence within Craigie Bushland.

Since January 2003, the City's Rangers have received only a total of 6 referrals in relation to vehicles on the Craigie Open Space.

## **DETAILS**

### **Issues and options considered:**

In relation to trail bikes, the major issue is the problem of successfully apprehending offenders. This is due to the ability of these vehicles to quickly enter pedestrian pathways, thick bushland and other areas where ranger patrol vehicles are unable to access. Many of the motorbikes that enter bushland illegally do not have number plates or other means of identification, this makes it very difficult to accurately identify and apprehend the perpetrators

Off-Road vehicle patrols undertaken by the Ranger Services Unit requires significant resources and appropriate equipment to control any unauthorized access.

The City's Ranger Services will continue to monitor off-road vehicle activity within the Craigie Open Space, as part of its enforcement program for off-road vehicles.

### **Link to Strategic Plan:**

Strategy 2.1.1- Maintain and protect natural assets to retain biodiversity

### **Legislation – Statutory Provisions:**

Parking Local Law (1998)

Control of Vehicles (Off-Road Areas) Act & Regulations (1978)

### **Risk Management considerations:**

Not applicable.

### **Financial/Budget Implications:**

Not applicable.

**Policy implications:**

Not applicable.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

Not applicable.

**Consultation:**

Nil

**COMMENT**

Nil

**ATTACHMENTS**

Nil

**VOTING REQUIREMENTS**

Simple majority.

**OFFICER'S RECOMMENDATION:** THAT COUNCIL, THROUGH ITS RANGER SERVICES, CONTINUE TO MONITOR VEHICULAR ACTIVITY WITHIN THE CRAIGIE OPEN SPACE, AS PART OF ITS ENFORCEMENT PROGRAM.

The Conservation Coordinator introduced the report; he stated that the report covers state law, local law and regulations. The Conservation Coordinator informed members of the CAC that it is not always straight forward to catch those take their vehicles into the City's bushland reserves, because in most cases particularly in the case of motor bikes many of the offenders rode unregistered motorbikes with no license plates.

It is normal procedure for the City's Rangers to log the registration number and follow up with a registration check, which would result in the owner of the vehicle receiving an infringement. It is not the City's practice to give chase to these vehicles due to the probability of an accident and injury to the parties involved.

The infringement penalty of \$60.00 was discussed, members of the CAC thought the penalty was insignificant and suggested a review of the penalty. C Wood requested extra signage to be placed on the gates of Craigie reserve informing vehicle owners that vehicles are prohibited from the reserve and offenders will receive a penalty of \$60.00. The Manager of Infrastructure Services agreed to meet Mrs Wood at the reserve and discuss the type of signage required.

**MOVED Mrs C Wood, SECONDED Cr J Park that the Conservation Advisory Committee REQUESTS Council to:**

- 1 request Ranger Services to fully utilize their powers under the Off Road Vehicle Act;**
- 2 investigate an integrated partnered approach between the Police Services and the Ranger Services Department;**
- 3 review the City's local law penalty for off road vehicles;**
- 4 create awareness campaign regarding the unauthorised use of vehicles in council reserves;**
- 5 refer the issue to WALGA for a coordinated state wide approach.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (7/0)**

**In favour of the Motion:** Cr Magyar, Cr Park, Mrs M Zakrevsky, Mrs C Wood, Ms P Robertson, Dr M Apthorpe, and Mr R Henderson.

## **REPORTS FOR FUTURE CONSIDERATION**

- Pest Weed Species Within the City of Joondalup
- The Impact of Reticulation on Bushland in the City of Joondalup
- Status and priority Central Park within the CBD of Joondalup
- The Presiding Person requested that the list of native plants that the City has approved for use on verges be tabled at the August 2006 CAC Meeting.

## **DATE OF NEXT MEETING**

The next meeting of the Conservation Advisory Committee (CAC) will be held in Conference Room 2, Joondalup Civic Centre, Boas Avenue, Joondalup on Wednesday 30 August 2006 at 6.00pm

## **CLOSURE**

There being no further business, the Deputy Presiding Person declared the Meeting closed at 2020 hrs