

CITY OF JOONDALUP ANIMALS AMENDMENT LOCAL LAW 2016 — DISALLOWANCE

Motion

Pursuant to standing order 67(3), the following motion by Hon Martin Pritchard was moved pro forma on 22 August —

That the City of Joondalup Animals Amendment Local Law 2016 published in the *Government Gazette* on 10 January 2017 and tabled in the Legislative Council on 17 May 2017 under the Local Government Act 1995, be and is hereby disallowed.

HON MARTIN PRITCHARD (North Metropolitan) [2.57 pm]: I intend to be quite brief. I have had a number of discussions around the chamber, and my understanding is that there is quite a deal of support for this motion. As a brief history, the intent of this local law is to prohibit horses from access to a portion of a dog beach just north of Hillarys Boat Harbour. Horses have had the opportunity to exercise on a portion of that dog beach for many years, and the introduction of this law now prohibits that. Before I start, I will say that the City of Joondalup has gone through all the correct procedures to introduce this local law, but I think it is incumbent upon this chamber to make sure not just that all the boxes are ticked, but that the law is in the best interests of our constituents and Western Australia as a whole.

A couple of months ago I tabled two petitions containing some 6 500 signatures of people living in the northern suburbs who were opposed to the introduction of this local law and would like to see horses continue to have access to the beach. In tabling those petitions, I became quite interested and did some investigation on my own to determine the merits of this local law. It was quite clear to me that horse ownership in the northern suburbs is quite widespread. Horse owners live across both the City of Joondalup and the City of Wanneroo. Most of the horses are agisted in the City of Wanneroo. Keeping in mind that this facility has been available to people in the northern suburbs for many years, it is incumbent upon us to make sure that the facility is not removed without some sort of alternative. The use of the horse part of the dog beach spans a number of different uses.

Obviously, the racing industry uses the beach to exercise animals and rehabilitate horses. People also go there for leisure and other activities. However, the one that caught my heart the most was the number of disabled people experiencing horseriding in the safest possible way. That obviously tugged at my heartstrings. The horse area of the dog beach takes up 600 metres of a much wider area for the exercise of dogs. My investigation into the interaction of the users was quite positive. Obviously, there are occasional incidents but nothing major. That is probably because, as I said, the horses access only part of the beach. Anybody who has a dog that cannot cohabit with horses would use the other part of the beach. The horses also access the beach at certain times, I think between 6 o'clock and 8 o'clock in the morning. Obviously there are alternatives for the dog owners if there is some conflict, but my investigation found very few conflicts.

I have spoken to a number of people about this. I also had a meeting with the City of Joondalup, which was kind enough to provide me with information that it had gathered in putting this local law together. In that information was a survey that was quite telling. The survey was open to all constituents in the City of Joondalup and it basically said that about 65 per cent agreed or strongly agreed that horses should have access to the beach. About 20 per cent disagreed or strongly disagreed that they should have access. One of the real problems is that that beach has been available for many years and there are not really any alternatives. One alternative is to travel south, past Fremantle. That involves driving through congested traffic, which can cause stress for the people taking the horses there and the horses themselves. The other alternative is to travel north into the Shire of Gingin, which I believe has a couple of horse beaches. They do not have the same facilities, but the main problem is that a person has to travel some 80 to 100 kilometres north to access those two beaches, so they are not really alternatives. There has been a lot of discussion between the City of Joondalup and the City of Wanneroo to put forward an alternative. Obviously that has not borne any fruit. I do not want to make any judgements on how those discussions went, but this chamber needs to turn its mind to the fact that if this alternative beach is taken away, there is no alternative, and that is not what this chamber should accept.

As I said, there is broad support in the chamber for this disallowance motion, so I will not labour the point. I want members to turn their mind to three points when considering this disallowance motion. It is not a burden on the City of Joondalup at the moment, and, indeed, the City of Wanneroo to provide this facility. The City of Joondalup is a wealthy council and this is not, as I said, something that can be seen as a burden on it, and also, in my view there are no viable alternatives. This chamber has a broader responsibility to our constituents in the north as well as to all Western Australians. Some of us are charged with looking after our patch in the northern suburbs and I hope that we will gain support from elsewhere for this disallowance motion.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [3.04 pm]: I will start by thanking Hon Martin Pritchard for moving this disallowance motion. It really is one of those vexed issues. There is not

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necessarily a right or a wrong in this instance, but I think the he made the right call; that is, to move this disallowance motion for the reasons that he articulated. Can I say at the outset, as I should in these instances, that I have a conflict of interest with this issue; that is, when I was a little tacker I had a horse! It is a bit of a conflict of interest. I have to say, though, back in those days I was not privileged enough to take my horse to the beach. The best I could have done was to go around the slime dumps or past the Twin City drive-in and then out past the RSL golf club and up to Wireless Hill and back; or on a Sunday I might have gone to Seven Mile Hill, but that was about it. Having said that, I am conscious of the fact that the role of the beach, not just for domestic horses but also for gallopers, is vital. Having access to the beach is very important to those in the horse industry. At the same time, having a horse-free zone for those with dogs is equally significant to those people. That is why this is a vexed issue. The City of Joondalup has done the right thing. It did what it thought was right. I have great respect for its former mayor, Troy Pickard. I have had a long relationship with the City of Joondalup and also with the City of Wanneroo. Tracey Roberts and her team are doing a good job at Wanneroo. I understand in this instance that never the twain shall meet. As the honourable member said, about 500 or 600 metres of beach is being used just north of Hillarys marina, and it has been an ongoing issue. To suggest that there is overwhelming support one way or another depends on who a person speaks with. To reinforce that, I will draw from an article in the *Joondalup Times* on 20 December 2016. It states —

THE Hillarys horse beach will close.

City of Joondalup councillors voted at last Tuesday's meeting to amend the City's animal local law, which was the final decision in the six-year process to permanently close the 160m beach on Whitfords Avenue to horses.

I think members might find that it went beyond that, but that is all right. It continues —

In 2010, the council resolved to phase the closure of the horse beach over four years, after which the horse float carpark would be reconfigured to allow for more car bays for dog beach users.

After public consultation in June, the council was scheduled to consider amending the local law in September but it was deferred because not all councillors were present for the vote.

Last week, Cr Christine Hamilton-Prime said it was important for the council to be consistent with its decisions. "I believe, as I did six years ago, this is the appropriate course," she said.

"For the status quo to remain would be bad governance on a decision that was reached many years ago.

"Being so flippant on a serious issue such as this is bad governance.

"I strongly believe this will force the City of Wanneroo's hand in addressing this issue.

"This council ought to not be persuaded by the inactions or unwillingness of another local authority to pander to the wishes of a group that we, in reality, have very little to do with.

"Ultimately, the City does not accept that equestrian activity belongs as a legitimate use of land within our local government boundary."

Fellow South-West ward councillor Mike Norman disagreed, saying revoking the council's decision was "not poor governance".

"We have revoked other decisions in the past when new information has come to light," he said.

"When we decided to close the horse beach in 2010 ... the council assumed that our City could persuade the City of Wanneroo to open a horse beach instead.

"Six years later they have not opened a horse beach and my informal discussions ... have given me no confidence that one will be opened any time soon."

He said with 98 per cent of public submissions opposing the closure, as well as a 2727-signature petition, the council was not listening to the community.

"I have not come across any resident who wants the horse beach closed," he said.

"I have been down to the horse beach on a number of occasions and seen both dogs and horses on the horse beach and also parking bays available in the carpark, so I have come to the conclusion that kicking the horses off the beach will make very little difference to the dog congestion problem anyway."

The amendment to the animal local law was passed 7-6.

If members ever want an indication of the fact that it is a vexed issue, that vote of 7-6 in the City of Joondalup confirms it. At the moment, Guilderton, Lancelin and south of Fremantle are other options for horse beaches. They

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are a long way away. This is the right action and we are just asking the City of Joondalup to go back and have a look at the matter. Although it has taken years, we have a new administration in the City of Joondalup and, as I said, that is not in any shape or form passing reflection on the previous mayor.

As I said, I have great respect for the former mayor, Troy Pickard, but, equally, I have great respect for the new mayor, Albert Jacob. I am sure that Mayor Albert Jacob and Mayor Tracey Roberts and their fellow councillors will go back and once again listen to the community and try to find a resolution that is perhaps more accommodating to both parties. From that perspective, as I said, I am not taking sides in this, but I am saying that that is the right course of action. I am not necessarily taking a clearly defined view on whether this is right or wrong. If it comes back and the council brings in new regulations in two or three years or six or 12 months—whatever it might be—we will consider it on its merits. At this stage, I think this is the right course of action and that is why the Liberal Party supports the disallowance motion.

HON ALISON XAMON (North Metropolitan) [3.11 pm]: I rise as the Greens member for North Metropolitan Region to indicate that I also support this disallowance motion. The Hillarys horse beach has been established for more than 40 years. When it was established, it was recognised as the best spot for a horse beach in the northern suburbs. That is when the City of Wanneroo also contained the area that is now the City of Joondalup. The nearest existing horse beaches are at Kwinana, which is over 60 kilometres away, and Guilderton in the Shire of Gingin, which is 80 kilometres away. As has been suggested to me in correspondence from the City of Joondalup, an alternative horse beach is in Lancelin, which is 110 kilometres from Hillarys. I have the letter. I am aware that a number of people who utilise this horse beach live around Bullsbrook and that sort of area where there is quite a large number of horses. This is by far the most accessible and convenient horse beach for them to access.

It is important for horses to access horse beaches because they can swim and use the salt water. There are a lot of therapeutic reasons that horses need to access the beaches, but it can also be a very enjoyable experience for horse owners in the same way that those of us who have doggos—the best dog in the world is my dog—enjoy taking them down to the beach. It is important to recognise that beaches are ideally there to cater for a wide variety of pet owners. I think that the community has been quite clear in its desire to retain this horse beach. I note that the petition to the City of Joondalup that was submitted on 16 August last year had 1 167 signatures. In response to the advertisement that was placed on 23 August 2016, 311 submissions to keep the horse beach were made to the City of Joondalup as opposed to six submissions supporting the closure of the horse beach. That demonstrates that there is a concerted community concern about the closure of the horse beach. Even the original petition to the City of Joondalup, which requested the extension of the dog beach, made no reference to removing the horse beach. Those people who were pushing for that did not necessarily want to see a closure of the horse beach.

The north-west region of Perth covers both the City of Joondalup and the City of Wanneroo and it has experienced major expansion over the past 30 years, with the City of Wanneroo now being one of the fastest growing local government areas in the country. The Australian Bureau of Statistics figures show that over half a million people lived in the north-west region of Perth in 2016 and that over the 10 years from 2006, the population has doubled. That is a lot of extra people accessing the same number of beaches, including the same number of dog and horse beaches. A coastal management plan to make the best use of those beaches with the increasing number of people is absolutely necessary. However, I argue that the outcome that led to the closure of the horse beach could not necessarily have been foreseen in the advice and the consultation that went into the development of the plan.

The recommendations from the 2007 briefing to the council were to extend the dog beach south and to reduce the horse hours on the beach. The suggestion was that the horses would be off the beach by 9.00 am and that the City of Joondalup would negotiate with the City of Wanneroo about opening a new horse beach further north. The City of Joondalup identified potential beaches at Yanchep, which is 30 kilometres north of Hillarys, or Two Rocks, which is 40 kilometres north. But even the additional option of opening more dog beaches and reducing the pressure that way did not make it into the briefing recommendations or the resulting coastal plan.

In 2002, the City of Wanneroo completed its “Coastal Management Plan: Part 1”, which found that the city’s beaches were largely unsuitable for a horse beach due to the rocky nature of the intertidal zone. In April 2014, the City of Wanneroo engaged consultants to assess the suitability of establishing a horse beach, a tidal pool and an artificial surf reef along the city’s coastline as part of the “Coastal Management Plan: Part 2”. Preparation of the “Coastal Management Plan: Part 2” is now on hold, as the city is working to meet the requirements of the “State Planning Policy No. 2.6: State Coastal Planning Policy”.

The City of Wanneroo may or may not want to establish a horse beach in the future, but it has to be acknowledged that it is starting with a coastline that offers very few, if any, suitable sites. Not just any beach can become a horse beach. Again, the best spot the city had to offer for a horse beach was, until very recently, a horse beach. Instead, the City of Joondalup acknowledged at its meeting on 17 May last year that the City of Wanneroo was not in a position to replace the horse beach, but it voted to close it anyway. I believe that that was against the wishes of the community—despite the close vote, which was just alluded to in this chamber—and against commonsense.

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If another site for a horse beach can be found, that would be great. That would be fantastic. It would perhaps be even more useful to find more sites for dog beaches. The City of Joondalup, as we know, is already woefully short on dog beach space in comparison with other local government areas. Prior to its expansion north, the city had only 650 metres of dog beaches and that is for an estimated 25 000 dogs in the City of Joondalup alone. I do not think it is fair or reasonable for the City of Joondalup to close a facility and expect another council—in this case the City of Wanneroo—to pick up the slack, especially after its own feasibility studies acknowledge that the City of Wanneroo would find it difficult to establish a horse beach and it would be unlikely to be progressed.

The main issue identified in the City of Joondalup minutes was around parking for the dog beach. The minutes did not indicate that there were necessarily problems with horses using the beach or conflict between users, although I acknowledge that that has happened in the past on occasion. However, that was not part of the city's deliberations. Removing horses entirely from the beach has not resolved the parking or congestion issues for dog owners, because they had access to both parking and the horse part of the beach prior to the horses being banned. The decision is not going to solve the identified problem and I maintain my belief that this decision has been made contrary to the vast majority of the community's wishes. We want to be able to support people who enjoy going to the beach with their dogs and horses. Basically, the City of Joondalup will need to do a bit more work on this. Preferably, it will need to do some genuine consultation with the City of Wanneroo and not simply assume that the City of Wanneroo will step in and pick up the slack. As such, hopefully, a suitable way forward will be found to meet everyone's needs. I hope that the new council will rise to that challenge. Until such time, I support the motion and note that the City of Joondalup Animals Amendment Local Law 2016 should be disallowed.

HON RICK MAZZA (Agricultural) [3.20 pm]: I rise to indicate that the crossbench will support Hon Martin Pritchard's motion to disallow the City of Joondalup Animals Amendment Local Law 2016. Councils and government departments always seem to have a propensity to want to close down areas because perhaps it is easier at times to enforce or it may be less of a hassle. However, the bottom line is Western Australians do have a right to recreate in their own backyard, whether that be at horse beaches or on four-wheel drive tracks. It is very important that things are not closed down. Obviously, the petition that has been put forward and the surveys done by the councils have had a fair bit of support.

The times that horses are allowed on the beach seem to be quite restrictive anyway. According to the note I have, they are allowed on the beach between 6.00 am and 8.00 am. It is not as though it is an all-day activity. Given that the closest horse beach is an hour away, people who live in the area nearby would have a large cost imposed on them if they had to travel that far to exercise their horses and undertake those activities. The crossbench will support the disallowance motion. I think it is the right thing to do and it makes good sense.

HON COLIN TINCKNELL (South West) [3.21 pm]: I will be brief. Members have already said most things that need to be said on this disallowance motion and I commend Hon Martin Pritchard for it. When I look at the available beaches for dogs throughout the metropolitan area, I note that there are 15 at adjoining shires. When I look at the distances that would have to be travelled by horse owners—40 to 50 kilometres to North Coogee in the south and the other beaches mentioned by members, as far as Lancelin in the north—I can see that it would not be practical to close down the access of horses to that beach. Horse owners are just as important as dog owners. I visit a beach with my dog and over the years have never seen any problems with dogs mixing with horses. I support the motion.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [3.23 pm]: I will be brief and indicate that the government supports this disallowance motion. Although the City of Joondalup Animals Amendment Local Law 2016 was made validly, further consultation is needed with the local community. Obviously, people are concerned about it, so the government supports Hon Martin Pritchard's disallowance motion.

HON MARTIN ALDRIDGE (Agricultural) [3.23 pm]: I rise on behalf of the National Party to indicate its support for the disallowance motion. We are in raging agreement in this house today, so let us hope it continues for the rest of the parliamentary sitting.

Several members interjected.

Hon MARTIN ALDRIDGE: As long as you agree with us, of course!

I want to make some brief remarks on the motion. This is a difficult issue because to some extent it goes to the power of local governments to be able to lawfully make local laws with respect to their jurisdictions. The report of the Joint Standing Committee on Delegated Legislation found that the process of enacting the local law was not flawed, but that there are times when consideration of a disallowance is justified, particularly when there are very mixed views on an issue. I think Hon Peter Collier mentioned the closeness of the vote at the council meeting, and the very long history on the issue going back decades that has been articulated by previous speakers. In fact, some of the information I received from the two councils most affected by this matter—the Cities of Joondalup and Wanneroo—goes back to a time when those two local governments were one, prior to their demerger.

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This matter raises a number of issues. When it came to a head, I think late last year, if I am not mistaken, I heard an ABC *Drive* interview with Mayor Troy Pickard. It was clear from that interview that there had been a number of conversations over many years that had tried to resolve the issue, but that the City of Joondalup had reached a point at which it was no longer its desire—certainly from the information I received that it was no longer the desire of the constituents—to keep that beach open as a horse beach. Obviously, there were other considerations. In that interview, the mayor said that the City of Wanneroo has much greater length of coastline than the City of Joondalup so there were more options available to it. Of course, the Shire of Gingin, further north, has more coastline again. It has been interesting listening to some of the debate. Guilderton was put forward as an alternative. I am not sure whether members have been to Guilderton recently, but it is difficult enough getting there in a car on a good day, let alone a getting some sort of beach access with a horse float, moving around with tourist traffic and pedestrian traffic and the like, and not to mention the infrastructure challenge that it would pose on other councils. However, I also acknowledge that the City of Joondalup faces some of those challenges, as a local government that currently has this facility, which, I think it has been argued on several occasions this afternoon, largely services people who come from outside the ratepayer or constituent base of the City of Joondalup. There are plenty of other examples of that. If members spoke to the Town of Cottesloe or the City of Perth, or even some south west councils, about the impact of non-residents or non-ratepayers, or even non-constituents, on the services they provide, they would probably hear similar stories. They may not necessarily be about horse beaches, but they would be similar stories nonetheless. This is an issue that stretches beyond one local government boundary.

Some good points were made about the recent local government elections and that some of the changes may see a resolution of the impasse on this issue. That may mean the continuation of horse recreation at this beach or perhaps another beach based on some more collaborative arrangement across the coastal councils in the northern suburbs.

Having said that, I do not think there is anything more to say on the matter; there has been considerable debate already. We support the disallowance.

HON MARTIN PRITCHARD (North Metropolitan) [3.27 pm] — in reply: I thank everybody for their contributions and their expressions of support for the disallowance of the City of Joondalup Animals Amendment Local Law 2016.

Question put and passed.