

CITY OF JOONDALUP

Notice is hereby given that a **SPECIAL MEETING OF JOINT COMMISSIONERS** will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY 20 APRIL 1999** commencing at **1.00 pm**.

LINDSAY DELAHAUNTY
Chief Executive Officer
16 April 1999

Joondalup
Western Australia

AGENDA

ATTENDANCES AND APOLOGIES

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

ITEMS OF BUSINESS

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|-------------------|---|----------|
| JSC2-04/99 | TRANSFER OF LAND/AMENDMENT TO VESTING OF
RESERVES DETERMINATION PURSUANT TO CLAUSE 8
OF THE JOONDALUP AND WANNEROO ORDER 1998
- [23475] | 2 |
| JSC3-04/99 | RECEIPT OF NOTICE FROM THE SHIRE –
INTENTION TO PERFORM EXECUTIVE FUNCTIONS
PURSUANT TO CLAUSE 10 (1) OF THE
JOONDALUP AND WANNEROO ORDER 1998 [00139] | 4 |

CLOSURE

JSC2-04/99 TRANSFER OF LAND/AMENDMENT TO VESTING OF RESERVES DETERMINATION PURSUANT TO CLAUSE 8 OF THE JOONDALUP AND WANNEROO ORDER 1998 - [23475]

SUMMARY

The former City of Wanneroo was abolished on 1 July 1998, and in its place two new local governments were established - namely, the City of Joondalup and the Shire of Wanneroo. The property, rights and liabilities of the former City were transferred to (or vested in) the City of Joondalup pending a determination by the Commissioners pursuant to clause 8 of the Joondalup and Wanneroo Order 1998.

The assets of the former City of Wanneroo have been identified and appropriate transfers in ownership are being recommended to the Commissioners over the next few months. This report deals with three vested reserves upon which the Wanneroo Civic Centre is located and two adjacent freehold properties commonly referred to as Charles Searson Park and Bert Togno Park. These five parcels of land are associated with the Wanneroo Townsite Project and are the subject of land exchange negotiations necessary to achieve the planning objectives for the Town Centre.

To facilitate the land exchange arrangements contemplated by the Business Plan in respect of the Wanneroo Town Centre Redevelopment Project, it is recommended that the aforementioned freehold land be transferred to the Shire of Wanneroo and the vesting of the relevant reserves be amended to vest in the Shire of Wanneroo.

BACKGROUND

The division of the former City of Wanneroo resulted in all the property, rights and liabilities of the former City becoming vested in the City of Joondalup pending a determination by the Commissioners. Clause 8 of the Joondalup and Wanneroo Order 1998, provides that the Commissioners are to determine any adjustment or transfer that is to be made between the City of Joondalup and the Shire of Wanneroo of property, rights and liabilities of the former City of Wanneroo. In making that determination, the Commissioners are to have regard to the interests of the City of Joondalup and the Shire of Wanneroo.

DETAIL

The Shire of Wanneroo is able to acquire property, enter into contracts and do all other things necessary to proceed with the redevelopment of the Wanneroo Town Centre except that the land parcels identified for exchange are vested in the City of Joondalup until the commissioners make a determination pursuant to clause 8 of the Joondalup Wanneroo Order 1998.

In order to achieve the planning objectives for the Wanneroo Town Centre, land exchanges are being negotiated with the owners of the Wanneroo Shopping Centre. All land holdings of the former City of Wanneroo are currently vested in the City of Joondalup, pending a determination by the Commissioners pursuant to clause 8 of the Joondalup and Wanneroo Order 1998. Arrangements will be simplified by: -

- transferring the following freehold land to the Shire of Wanneroo,
 - Charles Searson Park (Lot 502 Dia. D77481 - C/T Vol 1938 Fol 097), and
 - Bert Togno Park (Lot Pt 60 Swan 1796 Dia. 44249 – C/T Vol 1938 Fol 098)
- seeking to amend the vesting of the following reserves to the Shire of Wanneroo,
 - Reserve 36653,
 - Reserve 28025, and
 - Reserve 28489.

The principles to be used in the adjustment and transfer of assets have yet to be finalised. However, the Commissioners have agreed that determinations in respect of ‘community based’ properties will be on the basis of geographic location. All of the properties being dealt with in this report are ‘community based’ and located within the district of Wanneroo. It is therefore recommended that these properties be dealt with in isolation.

The transfers of land and amendments to the vesting of reserves will require formal advice to DOLA of the Commissioner’s determination.

RECOMMENDATION

THAT in accordance with the provisions of clause 8 of the Joondalup and Wanneroo Order 1998, the Joint Commissioners:

- 1 transfer to the Shire of Wanneroo, the freehold land holdings commonly referred to as Charles Searson Park (Certificate of Title Volume 1938, Folio 097) and Bert Togno Park (Certificate of Title Volume 1938, Folio 098);**
- 2 amend the vesting of reserves 36653, 28025 and 28489 to the Shire of Wanneroo.**

Ceo:j990303

**JSC3-04/99 RECEIPT OF NOTICE FROM THE SHIRE - INTENTION
TO PERFORM EXECUTIVE FUNCTIONS PURSUANT TO
CLAUSE 10 (1) OF THE JOONDALUP AND WANNEROO
ORDER 1998 [00139]**

SUMMARY

Clause 10 (1) of the Joondalup and Wanneroo Order 1998 states –

“Until 30 June 1999, the executive functions of the Shire of Wanneroo are to be performed by the City of Joondalup unless the Shire of Wanneroo, by written notice to the City, directs otherwise.”

The Shire of Wanneroo has recently made a number of appointments to various positions at Director and Manager level. Some of the newly appointed Directors and Managers have already commenced with the Shire and further appointments and commencements will occur throughout the period leading to 30 June 1999.

The newly appointed Director of Development Services has recently joined the CEO of the Shire on the Wanneroo Town Centre Committee. The Shire now considers it appropriate that responsibility for the general management of the Wanneroo Town Centre Redevelopment Project (incorporating the construction of civic and administration facilities) should transfer to the Shire of Wanneroo.

BACKGROUND

The Joondalup and Wanneroo Order 1998 abolished the former City of Wanneroo and created the new local governments of the City of Joondalup and the Shire of Wanneroo with effect from 1 July 1998. It also made consequential directions to give effect to the Order.

Clause 10 (1) of the Joondalup and Wanneroo Order 1998 states –

“Until 30 June 1999, the executive functions of the Shire of Wanneroo are to be performed by the City of Joondalup unless the Shire of Wanneroo, by written notice to the City, directs otherwise.”

The Shire of Wanneroo has recently made a number of appointments to various positions at Director and Manager level. Some of the newly appointed Directors and Managers have already commenced with the Shire and further appointments and commencements will occur throughout the period up to 30 June 1999.

Many of the newly appointed senior employees of the Shire will be involved in the process of establishing structures, procedures and infrastructure to enable the Shire to commence operations in its own right, on and from 1 July 1999. The newly appointed Director of Development Services, has recently joined the CEO of the Shire, on the Wanneroo Town Centre Committee. As a result, it is now considered appropriate that responsibility for the general management of the Wanneroo Town Centre Redevelopment Project (incorporating the construction of civic and administration facilities) should transfer to the Shire of Wanneroo.

It is anticipated that the Shire of Wanneroo will resolve, at its meeting on 20 April 1999, to give notice to the City of its intention to assume responsibility for the Wanneroo Town Centre Redevelopment Project. This notification is expected to include a request that the City will continue, until 30 June 1999, to provide the Shire reasonable access to, and use of the services of the City's staff and other resources necessary for it to meet its obligations in relation to the project.

DETAILS

Whilst it is important and appropriate that co-ordination and management responsibilities for the Wanneroo Town Centre Redevelopment Project are transferred to the Shire of Wanneroo, it is acknowledged that the resources within each of the business units involved in the Project, belong to the City of Joondalup. The 1998/99 Budgets of the City of Joondalup and the Shire of Wanneroo establish the basis upon which the costs of providing services are to be shared. The Shire is not seeking any adjustment in that respect, as it requires reasonable access to, and use of those resources until 30 June 1999. Arrangements for post 30 June 1999 will be on the basis of a service agreement or contract.

To expedite these arrangements, it is recommended that the Joint Commissioners of the City of Joondalup resolve to commit to providing the Shire reasonable access to, and use of the services of the City's staff and other resources necessary for it to meet its obligations in relation to the project should such notification be received.

RECOMMENDATION

THAT:

- 1 if a request is received from the Shire of Wanneroo, the City will continue until 30 June 1999, to provide the Shire with reasonable access to, and use of, the services of the City's staff and its other resources, in connection with the Shire's responsibilities relating to the coordination and management of the Wanneroo Town Centre Redevelopment Project.**
- 2. any questions relating to the provision of the services by the Chief Executive Officer of either the Shire or the City shall be referred to the Joint Commissioners for determination.**

