

**DOCUMENTS EXECUTED BY AFFIXING THE COMMON SEAL
FOR THE PERIOD 19 NOVEMBER 2013 TO 7 JANUARY 2014**

SECTION 70A NOTIFICATION:

Document:	Section 70A Notification.
Parties:	City of Joondalup and Tapp Properties Pty Ltd.
Description:	To restrict that each aged or dependent persons dwelling is occupied by at least one person who is aged over 55 years, or is the surviving spouse of such a person at Lot 766 (167) Dampier Avenue, Kallaroo.
Date:	19 November 2013.
Signed/Sealed:	Signed and Sealed.
Legislation:	<i>District Planning Scheme No. 2.</i>
Strategic Community Plan:	Quality Urban Environment.
Key Theme:	Quality built outcomes.
Policy:	Not applicable.
Risk Management Considerations:	The purpose of the Section 70A is to alert future landowners of the restrictions that apply to the dwellings. This reduces the risk that purchasers of the property will not be informed of the applicable restrictions.
Financial/Budget Implications:	The applicant paid fees of \$3,200 (six new aged and dependent persons' dwellings) excluding GST to cover all costs associated with the application.
Regional Significance:	Not applicable.
Sustainability Implications:	Not applicable.
Consultation:	The proposal was advertised to nearby properties for comment during the assessment process.

Document:	Section 70A Notification.
Parties:	City of Joondalup and Lynn Malley and John Malley.
Description:	To restrict the occupation of the studio to be used as part of the main dwelling only – Lot 19 (479) Lakeside Drive, Joondalup.
Date:	19 December 2013.
Signed/Sealed:	Signed and Sealed.
Legislation:	<i>District Planning Scheme No. 2.</i>
Strategic Community Plan:	Quality Urban Environment.
Key Theme:	Quality built outcomes.
Policy:	Not applicable.
Risk Management Considerations:	The purpose of the Section 70A is to alert future landowners of the restrictions that apply to the dwellings. This reduces the risk that purchasers of the property will not be informed of the applicable restrictions.
Financial/Budget Implications:	The applicant paid fees of \$224 (studio addition) excluding GST to cover all costs associated with the application.
Regional Significance:	Not applicable.
Sustainability Implications:	Not applicable.
Consultation:	Not applicable.

WITHDRAWAL OF CAVEAT:

Document:	Withdrawal of Caveat.
Parties:	City of Joondalup and Warwick Cinema Syndicate Pty Ltd.
Description:	To enable temporary withdrawal of the City's caveat to allow for the registration of a lease extension. The City's caveat relates to car parking and will be replaced following finalisation of the registration of a lease extension – Lot 22 (639) Beach Road, Warwick.
Date:	19 November 2013.
Signed/Sealed:	Signed and Sealed.
Legislation:	<i>District Planning Scheme No. 2.</i>
Strategic Community Plan:	Quality Urban Environment.
Key Theme:	Quality built outcomes.
Policy:	Not applicable.
Risk Management Considerations:	The purpose of the caveat is to ensure reciprocal access and parking is maintained over the sites. This will reduce the risk that future purchasers of the property will not be informed of the access and parking requirements.
Financial/Budget Implications:	Not applicable as the replacement of the caveat is at the cost of the applicant.
Regional Significance:	Not applicable.
Sustainability Implications:	Not applicable.
Consultation:	Not applicable.

Document:	Withdrawal of Caveat.
Parties:	City of Joondalup.
Description:	Temporary withdrawal of Caveat on land at Lot 671 (178) Camberwarra Drive, Craigie to enable the mortgage to be registered on the Certificate of Title. The Caveat relates to restrictive covenant in the contract of sale restricting the land use to aged persons' dwellings.
Date:	3 January 2014.
Signed/Sealed:	Signed and Sealed.
Legislation:	The City sold the site subject to Sections 3.58 and 3.59 of the <i>Local Government Act 1995</i> that deals with disposal of local government land.
Strategic Community Plan:	Financial Sustainability.
Key Theme:	Financial diversity.
Policy:	City Policy – Sustainability.
Risk Management Considerations:	The City sold this land and has restricted the use to aged persons' dwellings (over 55s) by a restrictive covenant with an absolute caveat.
Financial/Budget Implications:	The land sold for \$825,000 (excluding GST) less real estate commission and other sundry disposal costs. The balance was deposited in the Joondalup Performing Arts and Cultural Facility Reserve Fund.
Regional Significance:	Not applicable.
Sustainability Implications:	The disposal of City freehold land that has been set aside for community use should not be disposed of without there being a nominated purpose.
Consultation:	A Business Plan was advertised for six weeks with regard to the proposed sale of this land.

Document:	Withdrawal of Caveat.
Parties:	City of Joondalup.
Description:	Temporary withdrawal of Caveat on land at Lot 766 (167) Dampier Avenue, Kallaroo to enable the mortgage to be registered on the Certificate of Title. The Caveat relates to restrictive covenant in the contract of sale restricting the land use to aged persons' dwellings.
Date:	3 January 2014.
Signed/Sealed:	Signed and Sealed.
Legislation:	The City sold the site subject to Sections 3.58 and 3.59 of the <i>Local Government Act 1995</i> that deals with disposal of local government land.
Strategic Community Plan:	Financial Sustainability.
Key Theme:	Financial diversity.
Policy:	City Policy – Sustainability.
Risk Management Considerations:	The City sold this land and has restricted the use to aged persons' dwellings (over 55s) by a restrictive covenant with an absolute caveat.
Financial/Budget Implications:	The land sold for \$1,055,000 (excluding GST) less real estate commission and other sundry disposal costs. The balance was deposited in the Joondalup Performing Arts and Cultural Facility Reserve Fund.
Regional Significance:	Not applicable.
Sustainability Implications:	The disposal of City freehold land that has been set aside for community use should not be disposed of without there being a nominated purpose.
Consultation:	A Business Plan was advertised for six weeks with regard to the proposed sale of this land.

LEASE AGREEMENT:

Document:	Lease Agreement.
Parties:	City of Joondalup, Sorrento Tennis Club (Inc) and Minister for Lands.
Description:	To enter into a lease agreement between the City of Joondalup and the Sorrento Tennis Club (Inc), Lot 15074 (46) Warwick Road, Duncraig. Commencing 1 October 2013 with the Sorrento Tennis Club (Inc) for a period of 10 years, with two options to extend for a further five year period.
Date:	3 December 2013.
Signed/Sealed:	Signed and Sealed.
Legislation:	Section 3.58 and 3.59 of the <i>Local Government Act 1995</i> together with the <i>Local Government (Functions and General) Regulations 1996</i> determine how a local government may dispose of property.
Strategic Community Plan:	Community Wellbeing.
Key Theme:	Quality facilities.
Policy:	City Policy – Asset Management.
Risk Management Considerations:	Not applicable.
Financial/Budget Implications:	In line with the Property Management Framework (PMF) tenure guidelines, annual rental has been set at 0.1% of the capital replacement value of the building. Based on this guideline the Sorrento Tennis Club (Inc) will provide \$2,273 (excluding GST) in the first year. The Club will pay all utility costs in line with the principles of the PMF.
Regional Significance:	Not applicable.
Sustainability Implications:	The PMF aims to support the equitable access, and the efficient and effective management of City owned and managed properties. It also recognises the value and community benefit of activities organised and provided for by community groups. In addition, the PMF aims to protect and enhance the City's assets for the benefit of the community and for future generations.
Consultation:	City officers provided the Club with a draft lease. A meeting was organised with the Club to address issues and all items discussed were clarified. The Club agreed to the final version of the lease presented for Council to endorse.

Document:	Lease Agreement.
Parties:	City of Joondalup, Sorrento Bowling Club (Inc) and Minister for Lands.
Description:	To enter into a lease agreement between the City of Joondalup and the Sorrento Bowling Club (Inc), Lot 15074 (46) Warwick Road, Duncraig. Commencing 1 January 2014 with the Sorrento Bowling Club (Inc) for a period of 10 years, with two options to extend for a further five year period.
Date:	19 December 2013.
Signed/Sealed:	Signed and Sealed.
Legislation:	Section 3.58 and 3.59 of the <i>Local Government Act 1995</i> together with the <i>Local Government (Functions and General) Regulations 1996</i> determine how a local government may dispose of property.
Strategic Community Plan:	Community Wellbeing.
Key Theme:	Quality facilities.
Policy:	City Policy – Asset Management.
Risk Management Considerations:	Not applicable.
Financial/Budget Implications:	In line with the Property Management Framework (PMF) tenure guidelines, annual rental has been set at 0.1% of the capital replacement value of the building. Based on this guideline the Sorrento Bowling Club (Inc) will provide \$2,581 (excl GST) in the first year. The Club will pay all utility costs in line with the principles of the PMF.
Regional Significance:	Not applicable.
Sustainability Implications:	The PMF aims to support the equitable access, and the efficient and effective management of City owned and managed properties. It also recognises the value and community benefit of activities organised and provided for by community groups. In addition, the PMF aims to protect and enhance the City's assets for the benefit of the community and for future generations.
Consultation:	City officers provided the Club with a draft lease. A meeting was organised with the Club to address issues and all items discussed were clarified. The Club agreed to the final version of the lease presented for Council to endorse.

LICENCE AGREEMENT:

Document:	Licence Agreement.
Parties:	City of Joondalup and the Roman Catholic Archbishop of Perth.
Description:	The Minister for Lands requested an amendment to clause 18 for the Ministry to approve any variation to the licence. This document replaces the agreement signed and sealed on 2 July 2013 for shared use of Santiago Park, 37 Santiago Parkway, Ocean Reef for St Simon Peter Catholic Primary School.
Date:	10 December 2013.
Signed/Sealed:	Signed and Sealed.
Legislation:	Not applicable.
Strategic Community Plan:	Community Wellbeing.
Key Theme:	Quality facilities.
Policy:	Not applicable.
Risk Management Considerations:	Not applicable.
Financial/Budget Implications:	The agreement outlines that the City will charge the Roman Catholic Archbishop of Perth each July 12.5% of the previous year's actual maintenance costs for the portion of land managed by the City. The other school using the same park (Beaumaris Primary School) will also be charged each July 12.5% of the previous year's actual maintenance costs for the portion of land managed by the City.
Regional Significance:	Not applicable.
Sustainability Implications:	Not applicable.
Consultation:	Extensive consultation with the Roman Catholic Archbishop of Perth over the past four years.

Document:	Licence Agreement.
Parties:	City of Joondalup and the Roman Catholic Archbishop of Perth.
Description:	The Minister for Lands requested an amendment to clause 18 for the Ministry to approve any variation to the licence. This document replaces the agreement signed and sealed on 2 July 2013 for shared use of Parkside Park, 11 Parkside Ramble, Woodvale for St Luke's Catholic School.
Date:	10 December 2013.
Signed/Sealed:	Signed and Sealed.
Legislation:	Not applicable.
Strategic Community Plan:	Community Wellbeing.
Key Theme:	Quality facilities.
Policy:	Not applicable.
Risk Management Considerations:	Not applicable.
Financial/Budget Implications:	The agreement outlines that the City will charge the Roman Catholic Archbishop of Perth each July 25% of the previous year's actual maintenance costs for the portion of land managed by the City.
Regional Significance:	Not applicable.
Sustainability Implications:	Not applicable.
Consultation:	Extensive consultation with the Roman Catholic Archbishop of Perth over the past four years.

Document:	Licence Agreement.
Parties:	City of Joondalup and the Department of Education.
Description:	Five year Licence Agreement between the City of Joondalup and the Department of Education for the shared use of Santiago Park, 37 Santiago Parkway, Ocean Reef for Beaumaris Primary School.
Date:	10 December 2013.
Signed/Sealed:	Signed and Sealed.
Legislation:	Not applicable.
Strategic Community Plan:	Community Wellbeing.
Key Theme:	Quality facilities.
Policy:	Not applicable.
Risk Management Considerations:	Not applicable.
Financial/Budget Implications:	The agreement outlines that the City will charge the Department of Education each July 25% of the previous year's actual maintenance costs for the portion of land managed by the City. The other school using the same park (St Simon Peter Catholic Primary School) will also be charged each July 12.5% of the previous year's actual maintenance costs for the portion of land managed by the City.
Regional Significance:	Not applicable.
Sustainability Implications:	Not applicable.
Consultation:	Extensive consultation with the Department of Education over the past four years.

CONTRACT OF SALE:

Document:	Contract of Sale.
Parties:	City of Joondalup and Grand Lodge of WA Freemasons Homes for the Aged.
Description:	To affect the sale of approximately 4042m ² of Lot 549 (11) Moolanda Boulevard, Kingsley which is to be amalgamated into MASONIC Care WA adjacent Lot 501 (47) Renegade Way, Kingsley.
Date:	10 December 2013.
Signed/Sealed:	Signed and Sealed.
Legislation:	Not applicable.
Strategic Community Plan:	Community Wellbeing.
Key Theme:	Quality facilities.
Policy:	City Policy – Asset Management. City Policy – Sustainability.
Risk Management Considerations:	<p>Compliance with the requirements of the relevant sections of the <i>Local Government Act 1995</i> and associated regulations is necessary which are designed to ensure openness and accountability in the disposal process.</p> <p>The disposal of this land is conditional upon various legal and planning matters being resolved to both parties satisfaction.</p>
Financial/Budget Implications:	The land is to be sold for \$1,050,000 (plus GST) with the proceeds being deposited into the Joondalup Performing Arts and Cultural Facility Reserve Fund. The purchase price met the market valuation of \$950,000 with an additional \$100,000 being included towards the required car park reconfiguration works. A deposit of \$52,500 is to be received by the City within the next three weeks.
Regional Significance:	Not applicable.
Sustainability Implications:	The disposal of City freehold land that has been acquired for community use should not be undertaken without there being a nominated purpose.
Consultation:	Amendment No. 71 to rezone the subject area has been publicly advertised for a 42 day period which closed on 13 November 2013.

AMENDMENT:

Document:	Amendment to District Planning Scheme No. 2.
Parties:	City of Joondalup and the WA Planning Commission.
Description:	Scheme Amendment No. 72 proposes to include a portion of Lot 929 (1244) Marmion Avenue, Currambine in Schedule 2 – Section 1 – Additional Uses (Vehicle Repairs “D”). Amend the Scheme Map to depict “Additional use: 1-24” over portion of Lot 929 (1244) Marmion Avenue, Currambine. (Reference CJ203-11/13).
Date:	3 January 2014.
Signed/Sealed:	Signing Only.
Legislation:	Part 5 of the <i>Planning and Development Act 2005</i> along with <i>Town Planning Regulations 1967</i> enables local governments to amend a <i>Local Planning Scheme</i> and sets out the process to be follows.
Strategic Community Plan: Key Theme:	Economic Prosperity, Vibrancy and Growth.
Policy:	Not applicable.
Risk Management Considerations:	Not applicable.
Financial/Budget Implications:	The applicant has paid fees of \$5,447 (excluding GST) for the processing of the scheme amendment.
Regional Significance:	Not applicable.
Sustainability Implications:	Not applicable.
Consultation:	Public advertising of the scheme amendment is to be undertaken for a period of 42 days as follows: <ul style="list-style-type: none"> • Letters to adjoining land owners as indicated in Attachment 4. • A notice placed in the Joondalup Community newspaper and <i>The West Australian</i> newspaper. • A sign on the subject site. • A notice on the City's website.

Document:	Amendment to <i>District Planning Scheme No. 2</i> .
Parties:	City of Joondalup and the WA Planning Commission.
Description:	Scheme Amendment No. 70 to <i>District Planning Scheme No. 2</i> to include the land use 'Ancillary Dwelling'.
Date:	7 January 2014.
Signed/Sealed:	Signed and Sealed.
Legislation:	Part 5 of the <i>Planning and Development Act 2005</i> along with <i>Town Planning Regulations 1967</i> enables local governments to amend a <i>Local Planning Scheme</i> and sets out the process to be followed.
Strategic Community Plan:	Quality Urban Environment.
Key Theme:	Quality built outcomes.
Policy:	Not applicable.
Risk Management Considerations:	<p>The proposed amendment will result in existing approved ancillary accommodation becoming non-confirming uses, as the land use will no longer be listed in DPS2. This does not mean that land owners will have to discontinue the use, as they will have non-confirming use rights under DPS2.</p> <p>If the proposed scheme amendment is not progressed, applications for an 'Ancillary Dwelling' will become an 'unlisted use' under DPS2, and will be determined on a case by case basis. This will increase the time required to process and determine these applications and create a risk of inconsistent decisions and uncertainty for land owners.</p> <p>The existing use class in DPS2 'Ancillary Accommodation' is now not defined in the R-Codes, despite it still being a permissible use in DPS2. If the proposed scheme amendment is not progressed, the now redundant use 'Ancillary Accommodation' will remain as a permissible use in DPS2, without any guidance on the definition of that land use.</p>
Financial/Budget Implications:	The City, as the applicant, will be required to cover the costs associated with the scheme amendment process. The cost incurred for the advertising of the amendment which consists of placing a notice in the relevant newspapers, is estimated to be approximately \$1,425.
Regional Significance:	The changes to the R-Codes in relation to occupancy of an ancillary dwelling and the size of such accommodation will provide for greater housing diversity throughout the state, including throughout the City of Joondalup.

Sustainability Implications:	Although the new 'ancillary Dwelling' land use cannot be separately sold, or subdivided from the main house, the dwellings will be capable of being rented out to persons other than those related to the occupants of the main dwelling. In removing the requirement for ancillary dwellings to be occupied only by persons related to the occupier(s) of the main dwelling, greater opportunities will exist to provide affordable housing within the established residential areas.
Consultation:	<p>The proposed scheme amendment was advertised for public comment for a period of 21 days closing on 10 October 2013. Consultation included:</p> <ul style="list-style-type: none">• A notice placed in the Joondalup Weekender and <i>The West Australian</i> newspaper.• A notice placed on the notice board at the City's Administration building.• A notice on the City's website. <p>No submissions were received.</p>

DEED:

Document:	Deed
Parties:	City of Joondalup, Tapp Properties Pty Ltd and Westpac Banking Corporation
Description:	Mortgagee's Deed of Covenant for Lot 766 (167) Dampier Avenue, Kallaroo to ensure the restrictive covenant in the contract of sale, which is restricting the land use to aged persons' dwellings, is registered on the mortgage.
Date:	3 January 2014.
Signed/Sealed:	Signed and Sealed.
Legislation:	The City sold the site subject to Sections 3.58 and 3.59 of the <i>Local Government Act 1995</i> that deals with disposal of local government land.
Strategic Community Plan:	Financial Sustainability.
Key Theme:	Financial diversity.
Policy:	City Policy – Sustainability.
Risk Management Considerations:	The City sold this land and has restricted the use to aged persons' dwellings (over 55s) by a restrictive covenant with an absolute caveat.
Financial/Budget Implications:	The land sold for \$1,055,000 (excluding GST) less real estate commission and other sundry disposal costs. The balance was deposited in the Joondalup Performing Arts and Cultural Facility Reserve Fund.
Regional Significance:	Not applicable.
Sustainability Implications:	The disposal of City freehold land that has been set aside for community use should not be disposed of without there being a nominated purpose.
Consultation:	A Business Plan was advertised for six weeks with regard to the proposed sale of this land.