

DOCUMENTS EXECUTED BY AFFIXING THE COMMON SEAL
FOR THE PERIOD 6 DECEMBER 2016 TO 25 JANUARY 2017

SECTION 70A NOTIFICATION

Document:	Section 70A Notification.
Parties:	City of Joondalup and Craig Douglas Doel and Cristy Jane Doel.
Description:	Notification under Section 70A for Lot 87 (23) Merrifield Place, Mullaloo advising current and future owners that the site is located in a vulnerable coastal area that is likely to be subject to coastal erosion and / or inundation over the next 100 years.
Date:	6 December 2016.
Signed/Sealed:	Signed and Sealed.
Legislation:	<i>Transfer of Land Act 1893.</i>
Strategic Community Plan: Key Theme: Objective:	Quality Urban Environment.
Policy:	<i>State Planning Policy 2.6 – State Coastal Planning Policy.</i>
Risk Management Considerations:	The purpose of the Section 70A is to alert future landowners that the site may be subject to coastal erosion and / or inundation in the future.
Financial/Budget Implications:	The applicant paid fees of \$2,149.75 (development application fee) to cover all costs associated with the application.
Regional Significance:	Not applicable.
Sustainability Implications:	Not applicable.
Consultation:	Not applicable.

SECTION 70A NOTIFICATION

Document:	Section 70A Notification.
Parties:	City of Joondalup and Elizabeth Anne Drouet and Andrew Drouet.
Description:	Notification under Section 70A for Lot 49 (8) Mangowine Close, Heathridge advising current and future owners that the site is situated in the vicinity of a transport corridor and is currently, or may in the future be affected by transport noise.
Date:	6 December 2016.
Signed/Sealed:	Signed and Sealed.
Legislation:	<i>Transfer of Land Act 1893.</i>
Strategic Community Plan: Key Theme: Objective:	Quality Urban Environment.
Policy:	<i>State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning.</i>
Risk Management Considerations:	The purpose of the Section 70A is to alert future landowners that the site is located within the vicinity of a transport corridor.
Financial/Budget Implications:	The applicant has paid subdivision clearance application fees to cover all costs associated with the application.
Regional Significance:	Not applicable.
Sustainability Implications:	Not applicable.
Consultation:	Not applicable.

EMPLOYMENT CONTRACT

Document:	Employment Contract.
Parties:	City of Joondalup and Garry Hunt.
Description:	New employment contract for the Chief Executive Officer.
Date:	14 December 2016.
Signed/Sealed:	Signed and Sealed.
Legislation:	<i>Local Government Act 1995.</i>
Strategic Community Plan:	Governance and Leadership.
Key Theme:	Corporate capacity.
Objective:	
Policy:	Not applicable.
Risk Management Considerations:	The <i>Local Government Act 1995</i> requires that the employment of a Chief Executive Officer is to be governed by a written contract. As this proposal is to enter into a new contract before the expiry of the existing contract the risk of non-compliance is negligible.
Financial/Budget Implications:	The costs of developing a new contract for the Chief Executive Officer have largely comprised legal expenses. Using the existing contract as a base for a new one, however, means these have been minimal and have been covered by the general legal operational budget.
Regional Significance:	Not applicable.
Sustainability Implications:	Not applicable.
Consultation:	A copy of the revised new employment contract of the Chief Executive Officer for the City of Joondalup has been provided to the Chief Executive Officer. The Chief Executive Officer has responded in writing that he agrees to the changes.

TRANSFER OF LAND

Document:	Transfer of Land.
Parties:	City of Joondalup and Regents Care Pty Ltd.
Description:	Transfer of Land between City of Joondalup and Regents Care Pty Ltd to effect the sale of Lot 23 (77) Gibson Avenue, Padbury.
Date:	16 December 2016.
Signed/Sealed:	Signed and Sealed.
Legislation:	Sections 3.58 and 3.59 of the <i>Local Government Act 1995</i> deal with disposal of local government land, in addition to the <i>Local Government (Functions and General) Regulations 1996</i> (Regulations).
Strategic Community Plan:	Community Wellbeing.
Key Theme:	Quality facilities – to provide facilities of the highest quality which reflect the needs of the community now and into the future.
Objective:	
Policy:	<i>City Policy – Asset Management.</i> <i>City Policy – Sustainability.</i>
Risk Management Considerations:	Strict 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.
Financial/Budget Implications:	An amount of \$1,800,000 excluding GST has been agreed to via the public tender process.
Regional Significance:	Not applicable.
Sustainability Implications:	Council considered that due to the ageing demographics of the community, facilitating the development of units for people over age 55 by disposing of land for this use provides an opportunity for residents to “age in place.”
Consultation:	The City has sought advice from a licensed valuer and reports that included information on public advertising are detailed below: <ul style="list-style-type: none"> • Amendment process – 42 day advertising period (CJ124-07/12 refers). • First public tender disposal process – 21 day advertising period (CJ223-11/14 refers) – offers declined. • Private treaty disposal process to The Stephens Group – 14 day (CJ122-07/15 refers). • Second public tender process – 21 day advertising period (CJ130-08/16 refers).

RESTRICTIVE COVENANT

Document:	Restrictive Covenant.
Parties:	City of Joondalup and Regents Care Pty Ltd.
Description:	Restrictive Covenant between City of Joondalup and Regents Care Pty Ltd relating to Lot 23 (77) Gibson Avenue, Padbury being used only for aged persons' dwellings.
Date:	16 December 2016.
Signed/Sealed:	Signed and Sealed.
Legislation:	Sections 3.58 and 3.59 of the <i>Local Government Act 1995</i> deal with disposal of local government land, in addition to the <i>Local Government (Functions and General) Regulations 1996</i> (Regulations).
Strategic Community Plan:	Community Wellbeing.
Key Theme:	Quality facilities – to provide facilities of the highest quality which reflect the needs of the community now and into the future.
Objective:	
Policy:	<i>City Policy – Asset Management.</i> <i>City Policy – Sustainability.</i>
Risk Management Considerations:	Strict 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.
Financial/Budget Implications:	An amount of \$1,800,000 excluding GST has been agreed to via the public tender process.
Regional Significance:	Not applicable.
Sustainability Implications:	Council considered that due to the ageing demographics of the community, facilitating the development of units for people over age 55 by disposing of land for this use provides an opportunity for residents to “age in place.”
Consultation:	<p>The City has sought advice from a licensed valuer and reports that included information on public advertising are detailed below:</p> <ul style="list-style-type: none"> • Amendment process – 42 day advertising period (CJ124-07/12 refers). • First public tender disposal process – 21 day advertising period (CJ223-11/14 refers) – offers declined. • Private treaty disposal process to The Stephens Group – 14 day (CJ122-07/15 refers). • Second public tender process – 21 day advertising period (CJ130-08/16 refers).

LICENCE AGREEMENT

Document:	Licence Agreement.
Parties:	City of Joondalup and Kingsley Tennis Club (Inc).
Description:	Licence Agreement between City of Joondalup and Kingsley Tennis Club (Inc) for property Lot 10996 (2/17) Althaea Way, Woodvale for three years, commencing 1 September 2016.
Date:	16 December 2016.
Signed/Sealed:	Signed and Sealed.
Legislation:	Sections 3.58 and 3.59 of the <i>Local Government Act 1995</i> deal with disposal of local government land, in addition to the <i>Local Government (Functions and General) Regulations 1996</i> (Regulations).
Strategic Community Plan:	Community Wellbeing.
Key Theme:	Quality facilities.
Objective:	
Policy:	<i>City Policy – Asset Management.</i>
Risk Management Considerations:	Not applicable.
Financial/Budget Implications:	Not applicable.
Regional Significance:	Not applicable.
Sustainability Implications:	The <i>Property Management Framework</i> 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.
Consultation:	The Kingsley Tennis Club previously held a licence with the City which terminated on 30 June 2015 as vacant possession of the facility was required to allow the City of Joondalup to carry out refurbishment of the premises. A new licence has been drafted by Asset Management in consultation with Leisure and Cultural Services. The draft licence agreement was presented to the club and was subsequently approved by the club's committee on 7 November 2016. Consent to the licence agreement has been requested from the Minister of Lands.

LICENCE AGREEMENT

Document:	Licence Agreement.
Parties:	City of Joondalup and Department of Transport.
Description:	To enter into a Licence Agreement – Shark Barrier Connection Points, southern groyne, Hillarys Boat Harbour.
Date:	25 January 2017.
Signed/Sealed:	Signed and Sealed.
Legislation:	<i>Transfer of Land Act 1893.</i> <i>Local Government Act 1995.</i>
Strategic Community Plan:	Quality Urban Environment.
Key Theme:	Quality open spaces.
Objective:	
Policy:	Not applicable.
Risk Management Considerations:	Not applicable.
Financial/Budget Implications:	\$30,000 per year maintenance. \$820,000 capital cost.
Regional Significance:	Safer swimming area – northern metropolitan region.
Sustainability Implications:	This regional facility will require on-going maintenance inspections and periodical maintenance. Maintenance inspections and maintenance is contracted to Eco Shark Barriers for a period of three years. Warranty four years. Continuous inspections and maintenance required for the functional life of the enclosure. License reflects probable life expectancy of 10 plus five years, with formal review of the enclosure structure at 10 years and option to extend for a further five years. Testing of materials designed to assess the degradation of materials over time and better predict overall lifespan.
Consultation:	Department of Transport. Local Government Insurance Services.

LOCAL LAW AMENDMENT

Document:	Local Law Amendment.
Parties:	City of Joondalup.
Description:	<i>Animals Amendment Local Law 2016</i> to remove the setting aside of the horse exercise area at Hillarys Beach and remove the ability under the <i>Animals Local Law 1999</i> to establish dog exercise areas and dog prohibited areas in the district.
Date:	21 December 2016.
Signed/Sealed:	Signed and Sealed.
Legislation:	<i>Local Government Act 1995.</i> <i>Dog Act 1976.</i> <i>City of Joondalup Animals Local Law 1999.</i> <i>City of Joondalup Local Government and Public Property Local Law 2014.</i>
Strategic Community Plan:	Governance and Leadership.
Key Theme:	Corporate capacity.
Objective:	
Policy:	Not applicable.
Risk Management Considerations:	Should the City not progress the creation of the local law in a timely manner, the local law may be recommended for disallowance by the Joint Standing Committee on Delegated Legislation.
Financial/Budget Implications:	The cost associated with the making of this local law is approximately \$1,500, being public advertising costs to publish the local law in the <i>Government Gazette</i> and newspapers.
Regional Significance:	Not applicable.
Sustainability Implications:	Not applicable.
Consultation:	<p>The development of local laws requires statutory advertising of the proposal and consultation with the public throughout the local law-making process. This was undertaken and included:</p> <ul style="list-style-type: none"> • Giving statewide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including: <ul style="list-style-type: none"> • Advertising in <i>The West Australian</i> newspaper • Advertising in the <i>Joondalup Weekender</i> newspaper • Advertising in the <i>Joondalup Times</i> newspaper • Displaying public notices at the City of Joondalup Administration Centre, Public Libraries and Customer Services Centres • Advertising on the City's website. <p>Providing a copy of the notice and a copy of the proposed local law to the Minister for Local Government.</p>

WITHDRAWAL OF CAVEAT

Document:	Withdrawal of Caveat.
Parties:	City of Joondalup and Carlingford Pty Ltd.
Description:	To enable the transfer of land Lot 101 (77) Marina Boulevard, Ocean Reef. The City's caveat is supported by the terms of a Deed applied as a condition of development approval granted in 1988. Relates to reciprocal parking and access arrangement. The caveat will be replaced following the registration of the mortgage.
Date:	25 January 2017.
Signed/Sealed:	Signed and Sealed.
Legislation:	<i>District Planning Scheme No. 2.</i>
Strategic Community Plan:	Quality Urban Environment.
Key Theme:	Quality built outcomes.
Objective:	
Policy:	Not applicable.
Risk Management Considerations:	The purpose of the Deed is to ensure reciprocal access and parking is maintained between 81 and 77 Marina Boulevard, Ocean Reef. 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.
Regional Significance:	Not applicable.
Sustainability Implications:	Not applicable.
Consultation:	Not applicable.

SUB LEASE AGREEMENT

Document:	Sub Lease Agreement.
Parties:	City of Joondalup and Joondalup Community Arts Association Inc.
Description:	To enter into a sub-lease agreement between the City of Joondalup and Joondalup Community Arts Association Inc to occupy the premises at 48 Central Walk, Joondalup – (CJ190-10/14 refers).
Date:	25 January 2017.
Signed/Sealed:	Signed and Sealed.
Legislation:	Sections 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.
Objective:	
Policy:	<i>City Policy – Asset Management.</i>
Risk Management Considerations:	Not applicable.
Financial/Budget Implications:	Not applicable.
Regional Significance:	Not applicable.
Sustainability Implications:	The <i>Property Management Framework (PMF)</i> 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:	The City of Joondalup finalised a further lease term over the premises at 48 Central Walk after it was agreed by Council that the City of Joondalup would continue to support the Joondalup Community Arts Association Inc (JCAA) and that the association would remain in the premises (CJ190-10/14 refers). Discussions between Asset Management and Cultural Services agreed to the special conditions as outlined in the sub-lease in regards to maintenance and repairs at the premises, security, the use of the premises by the City of Joondalup for exhibitions and workshops and the cleaning of the premises. The JCAA shall be bound by the obligations of the head lease.