



North Shore Country Club and Residents Association

PO Box 145. Hillary's WA 6025
19 Henderson Drive, Kallaroo WA 6025
ABN No. 20 353 736 273

Special General Meeting Monday 16th April 2018

Meeting Convened: 19:30hrs NSCCRA Club House

Committee Members in Attendance:

Nick Cater President
Steve Kerr Treasurer
Mike Bennett
Tom Mason

Dean Howlett
Ivor Ferguson
Sarah Atkinson

Apologies:

John Ingrams Secretary
Larry Hirsch

Ross Sawatzky
Brian Campbell

In Attendance:

Jeff Danylyk
Richard Bradshaw
Tina Hollis

Maria Bennett
Janine Cater
Tim McKenzie

Proxies Received

Greg Frederick
John Ingrams
Steve Shears

John Nesor
Ross Sawatzky
Craig Ross

Welcome:

Dean Howlett as Membership Secretary confirmed that the quorum requirements of eligible voting members for the meeting had been met.

Nick Cater as President welcomed everyone to the meeting outlining the history that brought NSCCRA to this stage following on from work of NSCCRA committee especially that undertaken by Ross Sawatzky in building a viable relationship with the City of Joondalup [CoJ] regarding the maintenance of the lower lake and surrounding grounds.

The lower lake is a water catchment for the surrounding areas of the local estate and has an easement on it to be maintained as such dating back to the original development of the club premises and grounds when it was built. As such the club is and has always been fully responsible for the ongoing maintenance of its grounds and retaining walls and all vegetation with all the resulting asso-



ciated liabilities linked to accessibility and it being a lake. The responsibility of the lower lake is unclear due to its role as water catchment.

NSCCRA have been in positive discussions with the City of Joondalup over many months exploring finance and support of the significant maintenance issues requiring remediation and action. These discussions developed a schedule of works to repair the retaining walls, improve the water catchment, and remove overgrown vegetation and trees improving its appearance and that of the surrounding grounds and very importantly ensuring adequate public safety from the very nature of the lake.

The CoJ noting obligations for the lake have identified suitable funds to do the work, increasing them from those originally committed by the former Mayor Troy Pickard which is substantive, due to NSCCRA proactive actions on the area and ambitions for the club and local community.

However, we have been recently advised by CoJ that although they have identified the funds to undertake the full works explicit financial rules on use of local authority funds prohibits the use of any finance on any planned maintenance works on land or structures that are not owned by that local authority.

The proposal by CoJ to enable the full works to progress would be to transfer ownership of the identified surrounding land and lake itself to them.

The outcome is that NSCCRA either considers transfer of ownership of the lake and surround area of grounds to enable the works to progress with agreed provisional legal caveats and conditions to maintain the area as it is for use and appearance as a local amenity, or NSCCRA retains ownership and liability for the area and identifies the finances to fund the works and also ongoing maintenance.

The committee acknowledges it does not have sufficient revenue to fund the required works, is conscious of the serious consequences of not undertaking them, and is concerned at our liability for safety to members especially children and those from the local community who walk or play around the amenity.

It also recognises that with the easements that are currently in place the club cannot develop the land in question so the committee are of the unanimous view that it is in the interests of the club to divest itself of the land and its associated liability risks and initial and ongoing costs.

The main points for consideration are:

- a. The Liabilities of NSCCRA
- b. Initial and ongoing costs of maintenance of surrounding area of the lake and especially the retaining walls and their condition which reviewed by CoJ as being sound
- c. Landscaping and the lawns, irrigation and plants
- d. Fencing of the lake



- e. Committee recommendations to align with the transfer would be to negotiate the following:
- Reverse easement to ensure no future development of the areas in question that would be transferred
 - NSCCRA signage
 - Use and access to the designated areas to be transferred by club members or local community

The meeting was opened for discussion by the membership as summarised below:

- The proposals for fencing around the lake, as to type and restriction to lake access would be managed and decided by CoJ linked to risk
- Comparison to other water catchment areas within local area such as Black-boy Park although owned and managed by CoJ
- Completion of the proposed works and potential from rehabilitation should minimise future levels of water that may be retained by the lake following any rain as to hopefully water levels not rising as high as recently experienced.
- All agreements as negotiated to be formally and legally prepared signed by all parties on easements or restrictions
- To ensure sufficient land is retained in NSCCRA ownership surrounding the Tennis Courts and Club House

The proposal put to the membership following from the discussion and comments as agreed taking all contributions was:

The transfer of the identified lands and lower lake to the City of Joondalup with the following being negotiated and managed by the Committee on:

- **Reverse easement to ensure no future development of the area as transferred**
- **NSCCRA Signage to be retained**
- **Access and usage of the grass areas surrounding the Tennis Courts**

This was put to the Membership and the vote was carried unanimously

Nick thanked everyone for their involvement and the meeting closed at 20.20hrs

Nick Cater
President
NSCCRA



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