

45 Admiralty Cres.  
Halls Head, WA 6210  
Tel. 9535 5158 or 041318 5544  
Email [kevbrab@westnet.com.au](mailto:kevbrab@westnet.com.au)

City of Joondalup DOCUMENT REGISTRATION	
Reference #	: 06094
Letter #	: 504196
Action Officer	: PL01
Date Received	: 08/02/2005
Action Required	: ACTION

Feb. 6<sup>th</sup> 2005.

Mr. Garry Hunt  
CEO City of Joondalup  
Joondalup WA 6027

Re: Merrifield Pl. Mullaloo

Dear Mr Hunt,

I was pleased to read of your appointment as CEO of the City of Joondalup. This will bring stability to the City and put an end to the uncertainties of this last 3 or 4 years.

On October 22<sup>nd</sup> 2001, we wrote to Mr Higham in his capacity as Manager, Planning and Development, but received no acknowledgement as to the receipt of the letter and/ or any decision or discussion on the matter we raised.

The background to the matter is as follows:

- In 1972 my wife and I purchased a residential lot in Merrifield Pl. Mullaloo. It was one of at least eight lots located on the western (ocean) side of the street and therefore a rarity in the metropolitan area as it had no roadway between it and the ocean. Ours was the most southern of the lots, possible lot 35 or lot 7 as shown on recent City of Joondalup maps which are attached. Please note that our original records of Shire of Wanneroo rates and land tax refer to our block as
- 'lot 6' Merrifield Place, but that number does not exist in your maps.
- We applied for a building permit, with the submission of professionally prepared architectural plans and all the other necessary details. After many months of delay and discussion with the Shire of Wanneroo there was arranged a combined meeting of the Shire management and all the individual owners of the residential blocks on the ocean side of Merrifield Place.
- The final decision was that the eight (?) lots on the western side of Merrifield Pl. were unsuitable for residential development. Firstly because they denied public access to the adjacent beach and therefore should be rezoned as public space. Secondly the view was expressed that the lots could prove to be unstable for housing, with the possibility of sand-dune erosion and the encroachment of the sea. We were all advised that building applications would be refused and that the Shire would be arranging for all the western lots to be purchased back by a Government Agency and that the eight lots in question would be rezoned for use as Public open space. Note that at that time, the western boundaries of the blocks were in fact the high water level mark, (the sand dunes formed part of the blocks). The strip of Public parks zoning now appearing at the western boundary is apparently a recent planning variation. We will address this aspect later in this letter.

Our concern since that time is that the nominated eight blocks have remained zoned as residential. In 1972 we were refused the opportunity to build on what was then a proper residential lot, yet no action has since been taken to remove this zoning. We reluctantly agreed to the decision at the time, but over the years have noted the inactivity in the process of the removal of the 'residential zoning'. What causes suspicion is that at the time of the splitting up of the former City of Wanneroo, I believe that in the financial adjustments and reconciliations between the two new entities, the eight blocks still held by the City of Wanneroo *as residential* were valued at 'millions of dollars', which meant the new City of Wanneroo were compensated to this extent and the City of Joondalup then owned *residential lots to this value*. It would prove costly to the City of Joondalup for these lots not to be utilized for housing and I suspect that the provision of the narrow strip at the western boundaries of the lots could be a manoeuvre to justify the retention of the residential lots. I firmly believe that the City of Joondalup have intentions for the development of this parcel of 'residential land'.

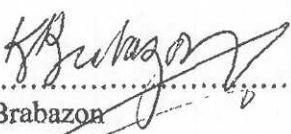
If the provision of the narrow public open space buffer on the western boundary is now considered sufficient to proceed with residential development, then this opportunity should have been provided to us (and the other seven landholders). We feel strongly that the residential zoning should be removed and the original intention for it to be public open space should be adhered to.

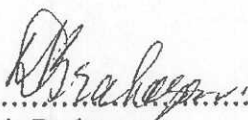
We seek an acknowledgement from the City of Joondalup, that no development is planned to take place in the future, except perhaps the provision of a grassed picnic area. This would agree with the original concept of public access. We would be most disturbed if entrepreneurs (or the City of Joondalup) were to contemplate any development of the area by the erection of housing, a restaurant, kiosk, or even surf club amenities, simply because the zoning remains 'residential'. The grounds for refusal to build in 1972 would, or should, be even more strenuously enforced in today's more enlightened times.

The formal rezoning of these lots away from their existing status of 'residential' would bring finality to the 30 years of complacent inaction, mainly on the part of the former Shire of Wanneroo. On acquiring the land from the reluctant owners, they should have immediately resolved the matter with the rezoning amendment.

We would appreciate an early response.

Yours truly,

  
.....  
Kevin Brabazon

  
.....  
Doris Brabazon

