

CITY OF JOONDALUP

MINUTES OF ANNUAL GENERAL MEETING OF ELECTORS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY, 22 NOVEMBER 2004

OPEN AND WELCOME

The Chairman declared the meeting open at 1900 hrs.

ATTENDANCES

CMR J PATERSON – Chairman

CMR P CLOUGH – Deputy Chairman

CMR M ANDERSON

CMR S SMITH

Absent from 2142 hrs to 2145 hrs

Officers:

Acting Chief Executive Officer:	C HIGHAM
Director, Corporate Services and Resource Management:	P SCHNEIDER
Director, Infrastructure & Operations:	D DJULBIC
Acting Director, Planning and Community Development:	G HALL
Manager Audit and Executive Services:	K ROBINSON
Manager, Marketing Communications & Council Support:	M SMITH
Manager, Approvals Planning and Environmental Services:	C TERELINCK
Manager, Financial Services:	A SCOTT
Statutory Accountant:	J ROBERTS
Media Advisor:	L BRENNAN
Committee Clerk:	J HARRISON
Minute Clerk:	L TAYLOR

In attendance

Ms Leanne Karamfiles of Deloitte Touche Tohmatsu – Auditor

Mr Nick Forbes of Deloitte Touche Tohmatsu - Auditor

APOLOGY

Cmr Fox

There were 35 members of the Public in attendance who signed the register to record their attendance.

Appendix 1 - Attendance Register, click here: [attendance agm 221104.pdf](#)

There was 1 member of the Press in attendance.

THE 2003/2004 ANNUAL REPORT, INCLUDING THE FINANCIAL STATEMENTS

Cmr Paterson outlined the procedure for this evening's meeting and advised that this meeting is held in accordance with the Local Government Act 1995.

ADDRESS BY CHAIRMAN

Cmr Paterson advised that all electors of the City were invited to participate in the discussions. A person who is not an elector of the City must seek the approval of the meeting to participate in discussions, however must not vote on any motion. Every elector is entitled to one vote, decisions are to be made by simple majority vote, and no vote is to be secret. Decisions carried this evening are not binding on the Council. The Local Government Act 1995 requires the Council to give consideration to the decisions carried at the Electors' meeting.

Video Presentation

At this point a video presentation was given outlining the growth of the City of Joondalup and the various activities undertaken within the City.

GENERAL BUSINESS

The following question was submitted by Mr Tony O'Gorman MLA, Joondalup:

Q1 While I have been door knocking in my electorate, many residents have complained to me about the unkempt state of some gardens and vacant blocks. These complaints are not only about the unattractive look but also the potential fire hazard that threatens their homes. Overhanging tree branches are also cause for concern particularly when they fall and damage neighbour's property.

Residents have expressed their concern also about the lack of maintenance of Council verges throughout the local community.

I would be pleased if Council would give some attention to ensuring that owners of such properties are notified of the need to tidy their gardens and clear vacant land, particularly before the summer heat arrives. Could Council verges also be considered with respect to regular maintenance? Can you please advise me what measures Council is able to take to address these issues?

A1 As part of its annual fire hazard reduction program, the City inspects all vacant land beginning in November each year to ensure that these properties are fire safe.

Rangers also investigate on complaint any residential properties that are alleged to be a fire risk.

The City's Ranger Services can be contacted on 9400-4960 should your constituents have any specific properties they believe are of concern. These properties will then be inspected as requested.

Verges are strips of land within a road reserve that have been required to be set aside for essential services such as power, gas, telephone, etc. Verges are vested with the City of Joondalup, but owned by the Crown. The upkeep of residential verges is the responsibility of the resident, which is common across all municipalities. This also includes the side verge of corner properties.

Mr R de Gruchy, 57 Ashmore Way, Sorrento:

Q1 Does the City still intend to borrow \$3,000,000 this current financial year?

A1 Yes.

Q2 Re: Proposed Works Depot – Submissions for the Works Depot were extended to 12 October 2004. To date, I have not seen any summary of what those submissions involved, but I understand a couple of those submissions were strongly against the creation of a Works Depot. I see in both the video and the Annual Report that the Works Depot is to go ahead. I was present in this building some time ago when I was told there was a strong chance it would not go ahead because the City of Wanneroo was prepared to allow the City of Joondalup to remain at the Ashby works site. Could you please explain what is happening?

A2 A report is to be presented to the Commissioners covering a range of issues, such as the prospect of remaining at the City of Wanneroo, building a new depot or what other opportunities there might be.

Q3 I imagine there is no decision on the Works Depot as such at this point in time?

A3 That is correct.

Mr D Davies, 5 Lytham Mews, Connolly – President of the City of Joondalup Associations Forum Incorporated:

I would like to give notice of a petition that to date contains 80-signatures calling for a special electors meeting. It reads:

“To the Chairman of Commissioners at the City of Joondalup

1 Under section 5.28 of the Local Government Act 1995, the electors of the City of Joondalup whose names, addresses and signatures are set out in the attached list, and who comprise at least 100 electors, request that a special meeting of the electors of the district be held.

2 The details of the matter to be discussed at the special meeting are:

- Network City – community planning strategy for Perth and Peel. What it means to every suburb in the City of Joondalup;
- Liveable Neighbourhoods – what it means to every suburb in the City of Joondalup;
- Community workshops funded by the State Government, when will these happen?
- The City of Joondalup’s response and submission to the Statement Government on behalf of ratepayers, regarding Network City and Liveable Neighbourhood;

3 Any other matter raised from the floor.”

It is anticipated that the petition will be presented to the ordinary Meeting of Joint Commissioners to be held on 14 December 2004.

MOVED Mr David Davies, 5 Lytham Mews, Connolly, SECONDED Mrs Allison Walker, 27 Sweeney Way, Padbury that We the ratepayers of the City of Joondalup REQUEST the Commissioners to defer Item CJ276-11/04 – Responses to Governance Review until after the McIntyre Panel Inquiry is completed and until such time as the report is made public.

Mr Davies spoke to the Motion and requested that should this motion be carried, that the Item be removed from the agenda for the Meeting of Joint Commissioners to be held on 23 November 2004.

Cmr Paterson advised that any motions raised this evening would be presented to the Meeting of Joint Commissioners to be held on 14 December 2004. No motions passed at this evening’s meeting would be considered at the Council meeting to be held on 23 November 2004.

The Motion was Put and

CARRIED

Ms Sue Hart, 32 Pullan Place, Greenwood:

Q1 Why was the report in relation to Network City withdrawn from the agenda for the Briefing Session held on 16 November 2004?

A1 It was considered that the report was not ready for presentation to Commissioners, and as it had been ascertained that the public submission period had been extended by the Department of Planning and Infrastructure until the end of January 2005, it was considered appropriate to withdraw the report.

Q2 When is the City going to consult with ratepayers, as Council is in recess for the month of January 2005?

A2 *Response by Cmr Paterson:* My understanding is that I will be served with a petition to call a Special Meeting of Electors. If this is received tomorrow evening, I will make certain the meeting is held prior to the Council recess.

- *Ms Hart stated she had previously requested a copy of crime statistics that was carried out in the City of Joondalup.*

MOVED Ms Sue Hart, 32 Pullan Place, Greenwood, SECONDED Ms Lyn Chilby, 4 Erica Court, Greenwood that the City of Joondalup investigate the crime statistics now that the City has security patrols and compare them against the previous report.

The Motion was Put and

CARRIED UNANIMOUSLY

MOVED Ms Sue Hart, 32 Pullan Place, Greenwood, SECONDED Mr Allyn Bryant, 6B Stocker Court, Craigie that We the ratepayers of the City of Joondalup request that Commissioners abide fully with Policy 3.1.9 – Height and Scale of Buildings within a Residential Area and give full consideration to the application by Meath Care for Hocking Road, Kingsley.

The Motion was Put and

CARRIED

Q3 Re: Amalgamation of the Reserve at Sorrento – When submissions were called for the Sorrento Beach Redevelopment, expressions of interest were given to the possibility of opening a restaurant either on top of, near, in or by the surf club. Has there been any expressions of interest shown for a restaurant at Sorrento Beach?

A3 The City has not received an application or any direct interest for a restaurant but over recent years a number of phone calls have been received from persons showing interest in the establishment of a restaurant along the ocean frontage. It is understood that the matter being advertised was to try to adjust reserve boundaries in relation to some of the works being undertaken there and also to regularise a situation where the surf club has in fact had power to lease for the many years that it has been operating the kiosk. It is about regularising some of those issues.

MOVED Ms Sue Hart, 32 Pullan Place, Greenwood, SECONDED Mrs Marie Macdonald, 5 Mair Place, Mullaloo that extensive community consultation must be undertaken for any commercial application received in relation to Sorrento Beach, with all facts being presented to the community.

The Motion was Put and

CARRIED

Mr M Sideris, 12 Page Drive, Mullaloo:

Q1 Is the auditor present this evening?

A1 Yes.

Q2 I refer to the Annual Report and the letter from the auditors contained within the report. I refer to the second paragraph which reads “these procedures have been undertaken to form an opinion where in all material respects the financial report is prepared firstly in accordance with the requirements of the Local Government Act 1995, accounting standards etc”. I understand the auditors then go on to make a statement that they have found no financial impropriety with the City’s finances. Can the auditor please explain what is meant by that statement?

A2 Response by City’s Auditor: During the course of our audit procedures we perform on a test basis, and select various transactions to make sure that those transactions and the accounting policies that support the transactions are in accordance with generally accepted accounting standards and the Local Government Act 1995.

Q3 At the Briefing Session I asked whether the auditor was given a copy of the Compliance Audit report. I was told that the auditor is given access to all reports, document etc. Are you aware of that Compliance audit?

A3 Response by City’s Auditor: Yes, we are.

Q4 In the extract that I have given you, you will find that there has been two breaches of the Local Government Act 1995, one dealing with exceedance of a \$50,000 rule; one dealing with avoidance. The sum total of those two breaches amounts to approximately \$3,600,000. Can you explain to me how you can make a statement to the effect that there is in your opinion no impropriety in the financial dealings of this City and yet you are aware of that Compliance report and you must be aware that there have been two breaches of the Act which come to the sum total of \$3,600,000.

A4 Response by City’s Auditors: Our report is required to include any matters that indicate non-compliance with Part 6 of the Act. Part 6 of the Act deals with matters that are related to the financial report that is prepared by the City of Joondalup. Based on the selections that we looked at, and based on the matters that came before us, there was no non-compliance of matters pertaining to the financial statements and on that basis, there were no matters that were included in our audit opinion.

Q5 There are something like 10-12 breaches of the Local Government Act in relation to Section 10 which is the \$50,000 rule. The second part deals with some 9-12 breaches yet you cannot find anything wrong with that? I certainly find some difficulty in accepting your answer.

At the Briefing Session where I raised this issue, I did advise the officers concerned that you were on notice that I would raise those issues and specifically raise them about the Compliance Audit Report. In particular, those two sections of the Act not having been complied with.

Section 10 of the Local Government Act 1995 deals with financial functions – the City must go to tender for goods or services in excess of \$50,000.

Section 12 is avoidance. Avoidance to the best of my recollection deals with the fact that if you break up a continuing contract for goods or services to get it below the \$50,000 rule you are in breach.

A5 *Response by City's Auditor:* Our audit deals with presentation of the financial statements. Our purpose is to make sure and test on a material basis that the financial statements are not misstated.

I take on board your comments and I would like to have another look at the wording of this report as I can see, going forward, it would assist to have certain clarification on what the scope of the audit is.

Q6 *If you find that the Compliance Audit is factual, and it must be because it has been presented to the Department of Local Government, are you prepared to amend your report to reflect those requirements?*

A6 *Response by City's Auditor:* Our audit focuses on the presentation of the financial statements.

Q7 *I will ask the Auditors again if they are prepared to take the Annual Report away and prepared an amended Report to this City or I will seek direction from the ratepayers here. I will certainly move acceptance of the Annual Report subject to you as the auditor amending or withdrawing your report. I am quite prepared to move a motion that Deloitte Touche Tohmatsu no longer be the auditors for the City of Joondalup.*

A7 *Response by Cmr Paterson:* I would draw your attention to the fact the Annual Report has been received by Commissioners.

Response by City's Auditor: The audit pertains to the financial status and the preparation of the financial status, it does not relate to the processes within the City of Joondalup. The issue that you are raising does not fall within the scope of the standard statutory audit in accordance with the Local Government Act.

Q8 *Who is Mr P Messer, I presume he was the auditor last year?*

A8 *Response by City's Auditor:* Mr Messer is now a retired partner of the firm.

- *Mr Sideris read an extract of correspondence from Mr P Messer.*

The Acting Chief Executive Officer advised that the letter on Page 34 of the Annual Report had been replaced with a revised loose-leaf page.

MOVED Mr Mitch Sideris, 12 Page Drive, Mullaloo SECONDER Ms Mnique Moon, 6 Carew Place, Greenwood that the ratepayers of the City of Joondalup have no confidence in Deloitte Touché Tohmatsu in their financial auditing process and ask that the Commissioners at the review for appointing auditors resolve that this company be struck off the list.

Ms Sue Hart, Greenwood, spoke to the Motion.

The Motion was Put and

CARRIED

Ms M Macdonald, 5 Mair Place, Mullaloo

Q1 I refer to Page 31 on the financial statements and in particular to the Performing Arts Centre. The note under the closing balance states expenditure from this reserve is required only when the project is undertaken. In answer to a question from Council, I was told that \$2,400,000 had been taken from this Reserve to use for the Craigie Leisure Centre upgrade. Does the auditor believe that a ratepayer might believe that monies removed from this account have been used on the Arts Centre. Has there been adequate disclosure for someone reading the accounts? I believe that where reserves are used, and in particular used for some other purpose than that for which they were intended, a simple disclosure statement would make the accounts more readable and provide better information for the ratepayer.

A1 Response by City's Auditor: The disclosure presented in the Financial Accounts meets the minimum requirement for disclosure.

Q2 In your opinion, do you believe this is adequate disclosure? That the \$2.4 million coming from this account and being used for a purpose other than the Performing Arts Centre is adequate disclosure?

A2 Response by City's Auditor: In my opinion, this would be adequate disclosure, combined with budget papers that are provided to ratepayers. If you feel that there is additional disclosure required, that is something you could discuss with the City's financial reporting staff.

In 2002 the Mullaloo Tavern was approved, with two anomalies. One anomaly was the use of residential building for short stay apartments. Short stay apartments have no definition within the Scheme Text or within the R Codes. Residential Building does have a definition and the temporary aspect of the residential building was said to be the equivalent of short stay apartments. Another anomaly used was that multiple dwellings are not contemplated in the R Codes as density is less than R20. Because there is an anomaly within the R Codes and the Scheme Text does not address the issue we have multiple dwellings that can occur in R20 coded areas. Subsequently to an 18(2) investigation, the Minister handed down her decision and stated that she considered that the City had done nothing wrong but she realised there were flaws in the system and she asked the City to urgently correct them.

MOVED Mrs Marie Macdonald, 5 Mair Place, Mullaloo SECONDED Mr Michael Caiacob, 7 Rowan Place, Mullaloo that the City approves a moratorium on developments that include a residential building or multiple dwelling in a R20 coded area until such time as the City has standards in place to control this development.

The Motion was Put and

CARRIED

Mr Steve Magyar, 31 Drummer Way, Heathridge:

- Q1 I refer to the Financial Reports and notes forming part thereof, Page 31. This refers to various Reserve Accounts, such as Ocean Reef Boat Harbour, Performing Arts Centre, and refers to transfer from accumulated surplus and transfer to surplus. What is the accumulated surplus? Is this the consolidated Municipal Fund?*
- A1 That refers to the operating budgets of the City. Page 5 of the Annual Report, Financials shows the changes in nett assets from operations, which is where the money is transferred to and from.
- Q2 I believe there are provisions in the Local Government Act regarding transferring money in and out of Reserve Accounts outside the annual budget process. Is there any way of ensuring that when financial reports are prepared that it is outlined whether this was done through the budget process or outside of the budget process?*
- A2 All of the Reserve movements are made through the budget process. Anything done outside of that will be advertised in accordance with the Act. A notation could be placed in the documentation where transfers occur outside of the budget process and this will be considered further.

Mr Don Carlos, 45 Swanson Way, Ocean Reef:

- Q1 Re: Transfer of Reserve funds: I believe a plan should be in place to repay funds which are transferred from a Reserve. When will the ratepayers see the plan and when do we expect it to be published?*
- A1 The plan is part of the Principal Activities Plan. When Council adopts its Principal Activities Plan, which covers a five year period, it takes into consideration the requirements for Reserves.
- Q2 Has the transfers been published?*
- A2 The disclosures are in the budget document and in the Principal Activities Plan and they have been published.
- Q3 Is it the intention of the Commissioners to repay the money transferred from the Performing Arts Centre, and when do they intend to repay it? I cannot see there is a plan to repay the money transferred from Reserve.*
- A3 *Response by Cmr Paterson:* The big demands on the Reserves were for Craigie Leisure Centre and the purchase of the land for a depot. This was outlined in the Principal Activities Plan and the budget. When Reserves are used for a specific area, I am not sure that there should be a policy to immediately replace that money. I believe that money would have been put aside for that purpose and that it is being used for that purpose. I believe another purpose is needed before the money is replaced.
- Q4 Ratepayers believe there was money in Reserves for a specific purpose and a plan should be in place to repay the money, plus interest, into the Reserve Accounts.*

A4 The \$3 million was in the budget to be borrowed over 10 years with repayment of principal and interest.

Q5 *I have been concerned that at least one, and sometime up to four, members of the City's staff are attending the Inquiry, including the Acting CEO. May I suggest that the transcript is available on the following day and is there any need for highly paid staff to attend the Inquiry in order to report back?*

A5 *Response by Cmr Paterson:* Commissioners decided that legal representation would not be provided for the City, and felt it was prudent to have at least one member of staff at the Inquiry at all times to enable the Commissioners to be briefed and fully informed.

Response by Acting CEO: Whilst the transcript is available, it does not provide the same level of information as does being in attendance. In addition, the staff that have been attending the Inquiry are working 60-70 hours per week undertaking their normal duties at the City.

Q6 *Prior to the suspension of Council, I raised the issue of the use of credit cards by the previous CEO. I have concerns that ratepayers have also asked questions about the use of the credit card from 2001 until the CEO's departure. Will ratepayers be given this information or should we raise this matter with the Inquiry?*

A6 Mr Smith's credit card was the subject of a forensic audit undertaken by Deloitte's, and a copy of that report has been provided to the Inquiry and is understood will be reviewed by the Inquiry. There have also been a number of Freedom of Information applications and these are going through the normal process.

Q7 *Why do ratepayers have to wait over 12 months for a copy of the report? Surely we should be able to get information, that is part of disclosure to the ratepayers? Under the terms of his contract, Mr Smith should have shown me the details of his credit card, and these accounts were paid without reference to the Mayor. In my view the City is in breach of the contract with the CEO.*

A7 A decision was made not to release the forensic audit, but to refer it to the Inquiry, and not to pre-empt any findings the Inquiry may make in relation to the forensic audit report.

Response by Cmr Anderson: We were not given legal opinion that we were not to release it. It was considered that it would be informative for the Inquiry to have that information. Subject to the Inquiry's comment, I do not see any reason why it could not be disclosed. It does not contain anything which has any ramifications for the City, however recognising the depth the Inquiry is going to, it may be that they do see something. It is my view the information should be available as soon as the Inquiry gives its approval.

Q8 *I was advised that Mr Smith spent \$200 on Country Road products for an employee and there were other items put on his credit card. I require to see all his credit card purchases from the commencement of his employment until his departure. I am advised you have given the information to the Inquiry, why can't I have this information? I am prepared to advise the ratepayers there is nothing wrong with the credit card purchases and also prepared to apologise for raising the issue, but as the*

Mayor I should have been shown these documents. Commissioners are now also denying me access.

A8 *Response by Cmr Paterson:* Commissioners will consider this issue.

Q9 *Re: Ocean Reef Marina: There appears to be no action being taken on the Ocean Reef Marina and I would appreciate information on what is happening on this major project.*

A9 A recent announcement was made by the State Government offering up to \$700,000 to assist in the redevelopment of the Marina project. The City is currently in discussions with the Ministry for Planning regarding this offer of assistance, and what conditions may be attached. Various tender documentation has gone out to consultants. Community liaison consultants have been involved and work has been undertaken by Clifton Coney to project scope the various studies that are required. There was \$100,000 in the currently year's budget, \$300,000 next year, and \$400,000 the year after. With the assistance by the State Government, the City has the opportunity to progress the project, develop a structure plan and ascertain what is feasible in terms of a marina at that site.

Q10 *Re: the former CEO: In 2002 the previous Mayor and the two Councillors involved in the CEO's performance review, gave the former CEO a generous pay rise, and upgraded his car to \$10,000 more than he was entitled to under his contract. I moved a motion on this matter and this motion was still outstanding at the time of my suspension from Council. Can I be advised why the former CEO was given an upgrade to his car and why was it outside the salary review that occurred?*

A10 These questions were addressed as part of the forensic audit undertaken by Deloitte's. This has been referred to the Inquiry. The audit looked at Mr Smith's contractual obligations and adherence to the contract. At this stage the forensic audit has not been released outside of the Inquiry process however it will be ascertained whether the document can now be made public.

The question in relation to the upgrade to Mr Smith's car will be taken on notice.

Q11 *Re: Salary increases given to senior staff and managers after the arrival of the former CEO in 2001 until October 2003. Whilst in the position of Mayor, I was advised of exorbitant pay rises made to senior staff and I moved a confidential motion asking for this information. I have not received a reply on this matter and would appreciate receiving the information before I am called back onto the witness stand at the Inquiry.*

A11 At the time of the suspension of the elected Council, there were 23 notices of motions before the Council and the matter of salary increases was one of those motions. The Commissioners dealt with each of the motions. In terms of salary increases for senior officers, it is believed there have previously been reports prepared and submitted to the Council, however this question will be taken on notice.

Q12 *Re: Ocean Reef Road extension. There appears to be no progress on this. I understand consultation has occurred with ratepayers. When will the final decision be taken and when will the project go ahead or will it be scrapped?*

A12 A report will be submitted to the December 2004 Council meeting. Costings are being prepared for the final design.

Response by Cmr Paterson: The Commissioners have approved the construction of the road. Public consultation has been undertaken on the design of the road.

Q13 *Have the Commissioners allocated funds for the current Inquiry? If yes, how much and why has it been necessary to allocate funds?*

A13 \$500,000 has been allocated for the Inquiry. There has been a range of costs. Suspended and former elected members, and former and current staff members have been given approval up to a collective figure of approximately \$62,500 to meet legal costs in appearing before the Inquiry.

Q14 *How much has been given to Mr Denis Smith?*

A14 The decision of the Joint Commissioners on the application for funding of legal representation from Mr Smith was to approve \$5,000, subject to Mr Smith settling all outstanding accounts owed to the City. At this stage the City has not remitted any of the \$5,000 to Mr Smith.

Response by Cmr Paterson: There is a discrepancy on what Mr Smith owes the City and the \$5,000 will not be paid until Mr Smith has paid the City what is owed.

- *Mr Carlos stated he would like the administration to provide answers to his questions prior to his being called back onto the witness stand at the Inquiry. Mr Carlos also requested to meet with the Chairman or the Acting CEO within the near future to resolve his concerns.*

Mrs M Macdonald, 5 Mair Place, Mullaloo:

Q1 *Re: Credit Card information: I have been told that the Acting CEO has a letter from the Inquiry stating that the Inquiry has no interests in the documents held by the City of Joondalup and as such there is nothing barring the City from allowing ratepayers to see the credit card information.*

A1 Advice has been received from the Inquiry and the contents of the advice can be raised with Mrs Macdonald.

Q2 *I have in the past asked for and received details of credit cards. I now ask for such detail to be provided to me for Mr Smith's credit cards.*

A2 Information has been provided to the Inquiry. The City has taken advice and been in contact with the Freedom of Information Commissioner's office and also requested a meeting with the FOI Commissioner to resolve the matter. At this time the City is waiting for an appointment to be scheduled.

Q3 *On what basis are documents being denied? Surely this is not on the basis that this information is not available to ratepayers, as I have received information regarding similar requests in the past.*

A3 The matters are before the Inquiry.

Ms M Moon, 5 Carew Place, Greenwood:

Re: Network City: To plan for the future population and growth of Perth is commendable and to protect the environment and encourage public transport use and to deliver more jobs locally and provide affordable housing is a good way to go for future planning; but I have a problem that 1100 participants from a population catchment of 1.4 million were involved in dialogue with the City and this is where we get Network City from – a plan which by policies and strategies will be created and will change statutory controls or bring new ones. Compared to 1100 from a catchment of 1.4 million, over 4,000 people from five suburbs, approximately of 30,000 catchment area, have already informed the City of Joondalup and the Planning Minister that in our suburbs we do have a sense of place, community and value the liveability, open space and quiet streets.

Precinct planning was stopped in the suburbs of Warwick, Greenwood, Kingsley and Woodvale. A Motion was put by the then Councillor Baker, and this motion was passed and still stands. This was worded that there be no change to the status quo unless a clear and demonstrative community support is obtained. Network City is over-riding this and denying us this. The other four districts in the City of Joondalup were not proceeded with at the same time and have not had the same opportunity to be heard for or against, yet precinct planning, which is the implementation of Network City, is being put forward as the way forward. It is introducing activity centres which is subject to increased density, into our suburbs primarily where existing shops of all sizes are now located, train stations and other public transport in existing areas. These will also include the high density nodes and activities will range from – and it states in Network City – for example, employment, retail, living, entertainment, higher education, specialised medical services, a variety of land uses, so it is not entirely stated what we can expect.

Other areas which will be subject to increased densities are residential areas around our parks, open spaces and places with high amenity such as views. These activity centres and nodes are then depicted on a map without any indication of what can occur at the six different types of activity centres or what size these centres will be. Twenty-four hour hubs of activity day and night. It does not state what area around these centres will need to be changed from residential to other land uses, or the R coding changes necessary to allow the high densities. What appears to be the third most intensive activity node is placed on the coast at Hillarys Boat Harbour and if you look into the Network City it states that the diversification of land use into the surrounding area with the priority being to integrate them into the broader patterns of the activity centre. This also concerns me with Sorrento where they are fixing anomaly but leaving the lease on the land, including the groins, every grain of sand and the protected dunes, instead of just bringing the leased area over the surf club.

What other of these activity centres are special activity nodes? We cannot tell by looking at the map if we live anywhere near a special activity node, which would lead the diversification of land use that would be integrated into our areas, changing the land use into the activity centre's land use. Where is the protection of the environment and open space for all here or the consultation dialogue with the existing residents? It is not clearly stated what strategies and policies or changes will need to be made to implement this new social structure on us. How will it change our suburb and lifestyles as we know them? For this plan to be implemented it is clear that high density, at and around centres, stations, public transport stops, parks and other open space will be introduced. Reconfiguration of our road networks will occur, opening cul-de-sacs and quiet streets, going back to connector roads. It also states development of unused government land or vacant government land.

I have just been corresponding with a planning officer of the City regarding Sorrento and she advised that part of the beach is vacant land. This is very concerning to me. Are our beaches and our parks in question here? Acquisition of homes: Government land or vacant land in our suburb only means reserves. We also have the transport policy which is gleaned over and if you have a close look it is talking about paid parking at activity centres, local shops and attractors such as the beach. It also looks at road pricing. These are big things that we should know more about. Most people do not have the time or want to look at these things as they are difficult. We also have Liveable Neighbourhoods which we only have until 31 December to comment on. Management plans that can overrule the R Codes and increase density where you live while changing it to the net area which in some cases can bring what we now have 12.5 and R20 up to R60 which is ridiculous considering we now need to go through an amendment of DPS2 and it needs to be consulted on. It is concerning.

MOVED Ms Munique Moon, 6 Carew Place, Greenwood, SECONDED Mr Michael Caiacob, 7 Rowan Place, Mullaloo that the City advises the WA Planning Commission that it opposes the adoption of Network City Community Planning Strategy for Perth and Peel in its current format as:

- 1 it does not clearly state what the impact of the implementation of the strategy has on existing community and how it will affect the current liveability, sense of place and community, and no consultation has taken place with the land owners that will be affected;**
- 2 the Network City Plan map does not clearly indicate what land uses are proposed for each of the six activity centres and the activity corridor, or the proposed size of each of these activity centres and corridors;**
- 3 this plan does not weave the citizens deeply into the decision making and is not being open and sharing its information.**

Ms Moon spoke in support of the motion.

The Motion was Put and

CARRIED

Mr M Caiacob, 7 Rowan Place, Mullaloo:

The Network City strategy proposes a system of local action plans for Councils to meet urban consolidation targets. These strategies would inevitably require the redevelopment of surplus government lands, including school sites, parks and community bushland. Under these circumstances it is apparent that any significant move to increase development in established residential areas will result in a community backlash. The experience of the City of Joondalup in the context of its precinct planning project comes to mind. It is unacceptable for the State Government to seek a whole of government approach to the implementation of the strategy where it is not asking individual Councils to endorse the strategy in the first place. It is simply not appropriate for the West Australian Planning Commission to review submissions when they have already endorsed the plan. There must be a transparent process to ensure the views of the community are heard and considered. As a resident of Mullaloo I forward to each Commissioner a copy of this plan that was put through Mullaloo as part of

the precinct planning process. No-one is aware of this. We have houses blacked out and blocks of land blacked out. We have the tavern in the middle as the centre.

I forward this to Commissioners and we look to the Commissioners for guidance so that the community can be fully informed. Without our community consultation policy that we worked so hard to get in place prior to the suspension of the Council, we have no chance against the State Planning Commission nor their strategies. I forward this to the Commissioners for their reference. I also take particular dislike to certain strategies within the Network City Strategy such as the strategy that calls for champions. These champions are to be put in place to suppress people or their comments when they object so vehemently to their land, parklands, schools, and foreshores being used for development. It will also suppress people who will not receive the 10% benefit from the State Government if they do not concede their land to developers or Council when development is required in that area. Instead they will be penalised. I cannot view this as anything else but basically dictatorship and I cannot stand for myself nor my family nor the people I represent to be treated in such a way and I request that the Commissioners here act forcefully for the residents and until there is full and complete community consultation that we have to object to this until everybody is fully aware, including the staff at the City of Joondalup, of what the implications of this strategy are. Accordingly I have spoken for the motion and fully support the motion by Ms Moon.

Appendix 2 - Precinct Planning, Mullaloo, click here: [Attach2agm221104.pdf](#)

Mrs Allison Walker, 27 Sweeney Way, Padbury:

Q1 A motion was put to Council over 12 months ago regarding the seniors discount that was to be implemented into the leisure centres. One part of the motion was that there would be an immediate 10% discount in the seniors' fees, and another part of the motion was that Council would review the entire costs for seniors at leisure centres with a view to reducing fees by 40%, to bring it in line with leisure centres in other local government areas. This reduction of 10% has not occurred. How long does it take for action to be taken?

A1 The resolution of the City was implemented immediately to reduce fees by 10% for seniors. The remainder of the discount scenario for seniors was linked to the Leisure Plan. The City has only just received the resource to implement the Leisure Plan and the process is now underway. It is anticipated that before the end of this financial year the Council will have the opportunity to consider the plan and its recommendations and this will cover pricing for all facilities and services and will give strong consideration to seniors and juniors. It is anticipated the process will take approximately six months; it will be an extensive planning process but it does need to consider a range of issues regarding services, facilities and where those services will be taken into the community over the next ten years.

Q2 Are you prepared to recommend a discount?

A2 The City provides a large number of services to both juniors and seniors at the present time. It provides a range of facilities at no cost, and all services will be considered, but whether a discount will apply or how that discount might be packaged, that cannot be foreshadowed prior to the findings of the study.

MOVED Mrs Allison Walker, 27 Sweeney Way, Padbury SECONDED Mr Allyn Bryant, 6B Stocker Court, Craigie that the City implements a 40% discount to seniors to use the facilities of the leisure centres.

The Motion was Put and

CARRIED

Q3 Regarding the insurance policy to assist Councillors and staff that have alleged problems with the Inquiry. Under whose authority did the administration seek Mr Neil Douglas to negotiate this policy with the insurance agency?

A3 In terms of the policy itself, which is the officers' and Councillors' insurance policy, this was adopted by the Council in two successive financial years and the insurance policy is through Ace Insurance. In terms of resolving the issues with that particular policy, it was the administration that instructed Mr Douglas to pursue Ace as to the requirements to substantiate a claim. It is a policy of insurance that has not previously been used in terms of representation before an Inquiry and the City of Joondalup is probably the first to take that to the insurer. It has been difficult to get to this point, which is to establish that procedure where individuals called before the Inquiry can make a claim. All parties, former and suspended elected members, have been advised of what is required to now substantiate a claim. Some correspondence was sent last week detailing a protocol and the City is in the process of finalising other correspondence dealing with the first \$5,000, which is deductible, and it will be the responsibility of the individual lodging the claim.

Q4 Would Mr Douglas have a conflict of interest in this as he will be a witness? Is he classified as an employee of the City?

A4 Response by Cmr Paterson: Mr Douglas assisted Commissioners in reclaiming a substantial insurance claim. Because he understood the insurance claims and had been successful we stayed with that.

Q5 Did this come before the Commissioners for ratification of his proposed actions or was it done administratively?

A5 It was not a decision of the Joint Commissioners, however the Joint Commissioners have been informed of matters pertaining to the Inquiry and particularly in relation to the insurance issue. There was a notification that Mr Douglas had been given instructions to pursue that matter to obtain a speedy resolution to the issue. One difficulty that the City has had is that it had been dealing with its brokers since approximately April 2004 but has been unable to resolve the issue. With Mr Douglas' assistance, the matter was able to be progressed quicker than previously experienced.

Q6 It would have been nice to have it in place before the Inquiry started as some have been able to take advantage of it, and others have not.

A6 One of the difficulties the City has had is that there needs to be two issues resolved – there needs to be an allegation and there needs to be a wrongful act. To establish that has been quite difficult and there has been some evidence from the Inquiry, and certainly Mr Birmingham has been making representation before the Inquiry itself, to assist individuals in their claim for insurance. The City has taken all possible action in terms of the insurance policy and trying to resolve the issue in a speedy manner.

Q7 *Regarding the allegations and the wrongful act, is that something that has to be made by Mr McIntyre, or if I made an allegation against Mr Carlos, would that be classified as an allegation so that Mr Carlos could seek support from the insurance company?*

A7 No response can be given to this question without research being undertaken. A copy of the policy can be made available.

Mr Noel Gannon, 79 Clontarf Street, Sorrento:

- *Mr Gannon thanked the Chairman for the invitation for the forthcoming JP's function.*

Q1 *Can you point out to the ratepayers of the City of Joondalup that section of the WA Local Government Act that suggests it is the duty of local Councils to rectify mistakes made by developers when they purchase land? For instance, a developer knowingly purchases land which is zoned contrary to their intended use of the land, however they have a misguided expectation that the zoning will be changed to suit their convenience and their bank balance. Should the Council, for valid reasons, decide not to rezone the land, where in the Act does the onus fall on the Council to reimburse the developer's bank balance?*

A1 This question will be taken on notice.

Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef:

Q1 *I come before the Commissioners again on the subject of the lack of public toilets at the Iluka foreshore park. A year ago I raised this issue with Council. It is a public health disgrace that people are forced to send their children into the dunes to relieve themselves and seniors are very tired of being unable to stay at the beach at Beaumaris for more than an hour or two. The use of the dunes as a toilet area is very destructive to the environment of the dunes and I remind you that the City of Joondalup has just won an award for environmental protection of its coastal strip and I wonder whether the judges were aware that you are forcing people to use the dunes as a public toilet by default, because although Iluka and the northern end of Ocean Reef have been built suburbs for some years you have not seen fit to provide a public toilet for 3 ½ kilometres of coastal reserve. Last year the City of Joondalup promised a toilet before this current summer. I have a letter to that effect. In May I was told that the planning of the toilet was well under way and that architects or planners had been engaged to design a small public toilet block and an amount of \$33,000 is allocated in the budget to Stage 1 of the toilet block. I have a letter stating that construction will be undertaken before the end of this year. We are rapidly approaching the end of the year and to my knowledge no public consultation has commenced and there is no construction on the ground nor is there any notification that construction will occur.*

A1 The construction of toilets is in the approval stage with the WA Planning Commission. There are funds in the budget to construct toilets and it is hoped that tenders will be called early 2005 for the purpose of constructing a toilet at that location, with anticipated completion by mid 2005.

MOVED Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef SECONDED Ms Sue Hart, 32 Pullan Place, Greenwood that the City of Joondalup construct a public toilet on the foreshore at Iluka park this summer.

The Motion was Put and

CARRIED

MOVED Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef SECONDED Ms Mnique Moon, 6 Carew Place, Greenwood that as this summer is already upon us, and as the Iluka foreshore and beach are already heavily used, the City immediately installs temporary toilets in the park at Iluka until the construction of permanent toilets.

The Motion was Put and

CARRIED

MOVED Mrs Marilyn Zakrevsky, 49 Korella Street, Mullaloo SECONDED Mr Michael Caiacob, 7 Rowan Place, Mullaloo that a statement time be introduced next year by the Commissioners at Briefing Sessions and Council meetings to enable ratepayers the opportunity to voice a concern without the need to put it into question form, or arrange for a deputation, or raise a petition or communicate with the media. This motion endorses the officer's comment for recommendation 1(b) in the Governance Review and not the Governance Review Panel's Recommendation which is too restrictive.

Mrs Zakrevsky spoke in support of the motion.

The Motion was Put and

CARRIED

MOVED Mrs Marilyn Zakrevsky, 49 Korella Street, Mullaloo SECONDED Ms Mnique Moon, 6 Carew Place, Greenwood that the words "and ratepayers" be added to Recommendation 25 in the Governance Review (refer Item CJ276-11/04 for Council meeting of 23 November 2004, Appendix 2, Page 32) so that this recommendation will read "All elected members must adhere to the Code of Conduct and refrain from vilifying fellow elected members, staff *and ratepayers*".

Mrs Zakrevsky spoke in support of the motion.

The Motion was Put and

CARRIED

MOVED Mrs Marilyn Zakrevsky, 49 Korella Street, Mullaloo SECONDED Mr Ken Zakrevsky, 49 Korella Street, Mullaloo that question time be treated with respect by all concerned, namely the questioner, the recipient and the respondent, and that the Local Government Act 1995 fifteen minutes minimum time should not be the maximum and

should not depend on the resolution of elected representatives or Commissioners to enable an extension beyond the fifteen minutes.

Mrs Zakrevsky spoke in support of the motion.

The Motion was Put and

CARRIED

Ms Christine Ghersinich, 17 Leach Street, Marmion:

Q1 I also have great concerns about Network City and the term 'unused land' especially in relation to Lot 61 Leach Street, Marmion. Submissions relating to the proposed zoning from Parks and Recreation to Urban close on 15 December, nevertheless the current owners, Marmion Estate Pty Ltd, the principals being Tony Arias, Nigel Satterley, Gary Brown-Naves and Dale Alcock have run a half page advertisement in the Joondalup Times and have letter dropped the area showing the proposal and I am insulted to think that my submission does not matter. Have the Commissioners been told that if they do not approve the zoning of Lot 61 Leach Street, Marmion as the developers want you to, that there is going to be compensation paid? I was talking to Cmr Fox and that was the impression she gave me and I would like to know what Commissioners are being told about this?

A1 Commissioners Smith, Anderson and Clough have not been told this nor gained that impression.

Q2 In the information provided, Marmion apparently does not come under the 10% public open space. Is this correct?

A2 This question will be taken on notice.

MOVED Mr Ken Zakrevsky, 49 Korella Street, Mullaloo SECONDED Mr Allyn Bryant, 6B Stocker Court, Craigie that a vote of thanks be given to Janet Harrison and Lesley Taylor for their efforts in undertaking their duties as minute takers.

The Motion was Put and

CARRIED

Mr K Zakrevsky, 49 Korella Street, Mullaloo:

I request that the Governance Review matter, that is on the agenda for Council meeting on 23 November 2004, is set aside until the Inquiry is finished. There are some issues that cannot or should not be discussed. I do appreciate the contribution from the Commissioners in providing good governance but I think it is too early to look at a final decision on the matter.

In relation to the question of forensic report, and solicitors reports and expert opinion. We know that solicitors will disagree with each other. When we ask for solicitors' reports, what is presented as advice is either insufficient or very selective. I have been to all but one day of the Inquiry hearings and I have found that there is no reference to the law of contracts. We were trying to establish whether there was a contract with the former CEO and we still do not have this answered. Questions were not permitted to be asked regarding the former CEO as it was said to be confidential, but it was vital that at least the Councillors should have known. I hope that the Inquiry will bring this out. In relation to the forensic audit, they were asked to audit a particular matter but how thorough was the brief as to what to look into? There should be some guidance, there should be a brief and whether this comes from Councillors or Commissioners, I recommend that should be taken on board and put to the appointed auditors.

MOVED Mr Ken Zakrevsky, 49 Korella Street, Mullaloo SECONDED Ms Sue Hart, 32 Pullan Place, Greenwood that delegated authority must be curtailed to adhere and comply with the established by-laws, regulations, Australian Standards and relevant Acts such as Health Act, Liquor Act, Environment Act, Traffic Act and contracts. Any variances and changes that may be requested or desired must be brought before Council with full details and be cross-referenced to the relevant, already mentioned adherences.

Mr Zakrevsky spoke in support of the motion.

The Motion was Put and

CARRIED

Ms Michele Jones, 36 West Coast Drive, Marmion:

Q1 Regarding the rezoning of Lot 61 Leach Street, Marmion from Parks and Recreation land to Urban Development. Is it standard practice for the Joondalup planning department to bias a rezoning advertising period by including preliminary structure plans on the back of Council's correspondence with the ratepayers regarding a rezoning application and if so, why? I believe that the subdivision plan is a part of the structure plan process which follows the un-reserving and coding process. Doesn't the Council consider that somewhat subjective in giving the community the opinion that these are the plans already proposed and have been given the approval of the Council? There is a big difference between advertising period preliminary plans and those that can go to the structure process.

A1 This was additional information which has been available through this process and was made available in order to provide as much information to the community as possible.

Response by Cmr Paterson: My understanding was that there were members of the community who are not opposed who wanted to know what the result would be if it was rezoned. I know some people are very much opposed to the rezoning but others want to know what will happen if it is rezoned.

Q2 Isn't that the second stage of process when we get to the structure plans? There is two separate processes – one is a rezoning issue and the other is the structure plan issue. So why are we putting the cart before the horse and in doing so, is this standard practice?

A2 *Response by Cmr Paterson:* We have not had the recommendation put before the Commissioners yet, but at least the people who want to know have some idea of the alternative.

Response by Cmr Smith: My recollection is that the Council decision was that the advertising should say that if the amendment were to proceed, then development would be in line with the R20 code. I have not however seen what was advertised.

Mr M Caiacob, 7 Rowan Place, Mullaloo:

I take on board the comment of Cmr Smith and I agree that in the resolution of Council, it is to accord to R20 standard. However in presenting deputations on behalf of the concerned people of Marmion, we went to great lengths to point out to the Commissioners and the City that Planning Bulletin 19, passed down by the Ombudsman to the Minister of Planning and then issued to all municipalities to state that it needs to be stated very clearly for reasons of false advertising that if a structure plan or a subdivisional plan is attached to a rezoning application, as has been done, it needs to be explicitly clear and notated accordingly, that this is only for reference. That has not been the case from the documentation that I have seen.

Mr P Caiacob, 11 Hawkins Avenue, Sorrento:

Q1 I refer to St Hillier Drive, Sorrento. Approximately two weeks ago a 1.5 metre strip of bitumen was removed from the centre of this road which is approximately 1.5 kilometres long. This 1.5 metre strip was then replaced with new bitumen. I understand the new bitumen is supposed to be red which is the reason for stripping out the existing bitumen. The cost of this I believe was \$80,000. The strip that has been put back is black. This week City workers are digging out holes in the new bitumen to plant trees. Surely had the bitumen contractor been informed he could have left spaces for the trees. As I see it, \$80,000 has so far been wasted, that is without the cost of cutting the holes for the trees. Whilst I am sure the finished job will be admirable it would appear there has been a huge waste of money.

A1 The traffic management treatment is a standard treatment used throughout the City and the industry. The asphalt that has been placed is red asphalt but the red does not come out for approximately 12 months as it oxidises. It is more cost effective for the contractor to lay the asphalt and then remove the tree wells.

Ms S Hart, 32 Pullan Place, Greenwood:

Q1 In relation to the answer provided by the Acting CEO on the submission on Network City not being up to standard. Could you tell me, as you are a member of the Board of Network City, nothing that has been put forward tonight would be new to you?

A1 *Response by Acting CEO:* That is not correct.

A2 *Are you on the Planning Advisory Board for Network City?*

A2 *Response by Acting CEO:* I was on one of the many committees involved and on one of the local government committees but only dealing with a part of the process.

I would like it noted what the South Ward and Woodvale were told that precinct planning was just an idea, but one of the staff at the Inquiry has said that revitalisation of the suburbs was a corporate project. I would like that documented because we in the South Ward and Woodvale were told that the whole concept was just an idea.

The day that submissions closed regarding Meath Care another ratepayer and I met with the staff member from planning. I left a set of questions with him and I have not had a reply. Could these be followed up?

Q3 Has the property in Poimena Mews, Kingsley been sold yet?

A3 This is going to auction but has not been sold as yet.

Q4 There are penalties for structures that do not have approval. When was the last time retrospective planning penalties were imposed instead of retrospective approval?

A4 This question will be taken on notice. One of the reasons the City is receiving a number of applications for retrospective approvals is that over the last 12 to 24 months there have been changes in the process for sale of properties and as part of that process the agent is required to obtain information that all structures are approved by the Council.

Q5 Who gives the retrospective approval?

A5 The Council.

Q6 Does the vendor seek retrospective approval or the purchaser?

A6 The vendor.

Q7 Would it be thought that the vendor undertook the improvements?

A7 That is not always the case. There may have been several sales of the property, and it is only in recent times that the processes have changed and affected the current owners.

Q8 Is it correct that consultants have been visiting community centres making recommendations for improvements and extensions?

A8 The City has requested consultants to look at four buildings as members of the community had stated these buildings did not presently meet their needs. The consultants' report has been received that makes recommendations and is to be presented to the Executive Management Team.

Q9 Will the consultants consult with the community?

A9 They have met with the various committees or representatives of the groups to ascertain the usage, how users envisage the growth and what the use might be in the future.

- Q10 There are suggestions made for the Warwick Seniors Centre that seniors do not want to occur. Why do we need consultants to do this?*
- A10 The people engaged are architects, who have a better idea of people-flows and how buildings should be constructed and the City does not presently have that resource on staff. The ideas are preliminary. If the City were to proceed with development, there would be more detailed consultation with all user groups.
- Q11 The extra clause that was written into the insurance policy for Ace says that this insurance policy only covers elected members, former elected members, staff and former staff if there is adverse allegation made against them. Is this correct?*
- A11 That is essentially correct. The City has written to each individual coming before the Inquiry setting out what the requirements are. The issues resolve around allegation and wrongful act, which are defined in the policy. Any more detailed information needs to be discussed directly with Ms Hart.
- Q12 Is it common practice for insurance companies to add clauses mid-way through the term of an insurance policy?*
- A12 There is some confusion in terms of adding clauses throughout the policy. Extension Clause 3(b) was within the original policy of insurance. Nothing has been added mid-way through the policy, it has always been within the policy.
- Q13 In the first copy of the insurance policy provided to me, this clause was in there?*
- A13 It is believed that this is correct, however this can be verified.

Mr D Davies, 5 Lytham Mews, Connolly:

In relation to my earlier motion regarding CJ276-011/04, it has been brought to my attention that the Local Government Act states that any motion put must be dealt with as near as practicable at the next full Council meeting, so I would expect that the deferment would be discussed at the Council meeting on 23 November 2004 and I hope that a Commissioner will put that motion forward.

Mr M Sideris, 12 Page Drive, Mullaloo:

- Q1 Re: Fringe Benefit Tax: Has FBT been paid or is it being paid on the legal fees that are currently being supplied to Councillors and staff?*
- A1 Councillors are not employees for FBT purposes.
- Q2 Can you give me a detailed explanation as to why?*
- A2 This question will be taken on notice.
- Q3 Re: the employment of Mr Neil Douglas. Under what section of the Act was he employed, or is that considered to be day to day operation?*

A3 Section 5.41 of the Local Government Act 1995 – Functions of the CEO, day to day operations.

Cmr Smith left the Chamber at 2142 hrs.

Q4 *I wish to take this opportunity to bring before the Commissioners a number of matters that have come before this Council over the past two to three years. A Special Electors meeting held in Mullaloo March 2002, where in excess of 500 members of the public attended. Some of the resolutions include:*

- *That the grassed area currently in the unused road reserve be incorporated into Tom Simpson Park;*
- *That Lot 1 Oceanside Promenade, which is the southern part of what is now known as Mullaloo Beach Park, be included into Tom Simpson Park proper. This would bring this into a Parks and Reserve Category;*
- *Other motions dealing with upgrading of the facilities for toilets, parks, installation of better lighting and barbeques in the area;*
- *That the ten lots at Merrifield Place be incorporated into the beach reserve proper, so that what you would have is a Tom Simpson Park which was all embracing of Lot 1 and would flow around and embrace the ten lots and put them into Parks and Reserve.*

Can you advise me where we are with those motions?

A4 All but two of the motions were dealt with at the subsequent Council meeting. The motion relating to the ten lots at Merrifield Place is an outstanding item. The motion relating to Lot 1 is a matter which will be considered when resources are available, however it is not a high priority as it is believed that at the present time Lot 1 is adequately protected in its current form.

Cmr Smith entered the Chamber at 2145 hrs.

MOVED Mr Mitch Sideris, 12 Page Drive, Mullaloo SECONDED Mr Michael Caiacob, 7 Rowan Place, Mullaloo that ratepayers here tonight re-endorse and reaffirm the motions relating to Tom Simpson Park moved at the Special Meeting of Electors held in March 2002 and ask that they be resubmitted to Council for consideration.

The Motion was Put and

CARRIED

MOVED Mr Mitch Sideris, 12 Page Drive, Mullaloo SECONDED Mr Michael Caiacob, 7 Rowan Place, Mullaloo that the following motion as moved by Mr Graeme Hunt at the AGM of Electors on 17 November 2003 be resubmitted to Council for consideration:

1 City officers responsible for security instruct our patrol services to conduct a more serious pattern of patrols along the beach front, particularly in regard to Tom Simpson Park and other areas;

- 2 lighting in Tom Simpson Park and park area, Lot 1 Oceanside Promenade, Mullaloo be improved.**

The Motion was Put and

CARRIED

Mr Sideris stated this was the first AGM of Electors where ratepayers have found it acceptable to accept the annual report. Mr Sideris commended the Commissioners and staff.

Mr M Caiacob, 7 Rowan Place, Mullaloo:

Serious alcohol problems are currently being experienced in Tom Simpson Park. I am aware that City Watch does not have the ability to issue fines or enforce the law but I believe that Ranger Services have this ability. I would ask that Rangers attend on busy weekends to specifically look at the alcohol problems.

I am aware that there are planning control mechanisms coming onto the agenda shortly. I present copies for the Commissioners in relation to Policy 3.1.9 – Height and Scale of Buildings within a Residential Area, in order to protect residential areas. There are some small changes made to the existing policy and these are forwarded for the Commissioners' information and determination.

Appendix 3 - Changes to Policy 3.1.9 suggested by Mr M Caiacob, click here: [Attach3agm221104.pdf](#)

MOVED Mr Michael Caiacob, 7 Rowan Place, Mullaloo SECONDED Mr Allyn Bryant, 6B Stocker Court, Craigie that part of the funds made available for the planning of the proposed Ocean Reef Marina Development to be provided and directed to:

- 1 comprehensive community consultation in order that the Council may adequately represent the interests of the electors, ratepayers and residents of this district as required by Clause 2.10 of the Local Government Act 1995;**
- 2 engage professional and completely comprehensive oceanographic studies of any proposal to ensure that Mullaloo Beach or any other beach or cove north or south of the development is not adversely affected or affected in any way by any proposed seawall or seabed alterations or caused from the development of this project.**

Mr Caiacob spoke in support of the motion.

The Motion was Put and

CARRIED

Ms M Moon, 6 Carew Place, Greenwood:

On the issue of the anomaly of Sorrento, since 1978 we have had the beach that could be leased and we have had the surf club that could not be leased. Now we are facing in 2004 that we want to change this but I do believe that we should be changing the lease off the beach at the same time. To have every grain of sand in the groyne being leased is terrible and if you are going to fix it you should fix the whole mistake, not just part of the mistake.

Regarding the comments made earlier by Ms M Jones in relation to Marmion and the structure plan; with Meath Care at Kingsley we did not have a structure plan but a map was put out showing one storey development and suggested two storeys for the hostel which everyone agreed to with the rezoning. What occurred is that it changed. It says it can change but people don't expect it to change to four storeys, two storeys, underground parking, kitchens, laundries, with ancillary out to the community. This is not correct. Meath now says we did not have objections at zoning. No, they didn't have objections at zoning because the map that came out showed an R20 development. What we have now can fit into an R60 area and requires underground parking next to a national park. This has really got to be fixed.

Mr Mike Norman, 8 Stockdale Avenue, Sorrento:

Q1 Adopted Budget 2004 and Actual 2004. The adopted budget was \$75 million, the actual was \$72 million. What is the reason for this difference?

A1 It was clarified that the question also related to the variance in governance costs between the current year budget and actual figures.

In relation to the governance aspect of the question explanations regarding the differences are shown at Note 25 to the Financial Statements. The unfavourable variance in Governance expenses is due to a revision in the methodology relating to the allocation of corporate overhead charges.

The City manages its business through various business units. The Total Operating Expenses – Actual 2004 were \$67.7m and the Adopted Budget was \$68.6m.

When looking at activity based costing, some costs are allocated from internal support business units such as Finance or Human Resources to other business units to reflect the cost of Council's activities. This process is called allocating overheads.

During the course of last year, the method of allocating overheads was reviewed to better reflect the costs of the activities undertaken across all business units. As a consequence of that process it was recognised that much of the costs could be more appropriately allocated to reflect the costs of undertaking the various activities of the organisation.

In relation to the variance between the \$72.7m actual and \$75.8m budget in total revenues, Note 25 to the Financial Statements also applies.

The main variance was in the transport programme and was as a result of a delay in finalising settlement of the Normalisation Agreement with Landcorp and a reduction in the anticipated value of contributions from developers, ie donated assets.

Expression of Thanks

Comr Paterson expressed his thanks to fellow Commissioners, former Commissioner Mr Allan Drake-Brockman who was Deputy Chairman until mid-June, members of staff and in particular members of the community.

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 2200 hrs; the following Commissioners being present at that time:

CMR J PATERSON
CMR P CLOUGH
CMR M ANDERSON
CMR S SMITH