

# CITY OF JOONDALUP

## MINUTES OF ANNUAL GENERAL MEETING OF ELECTORS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY, 18 DECEMBER 2000

### ATTENDANCES

#### Mayor:

J BOMBAK, JP

#### Elected Members:

CR P KADAK	Lakeside Ward	<i>Absent from 1943 hrs to 1950 hrs; and from 2029 hrs to 2040 hrs</i>
Cr L A EWEN-CHAPPELL	Lakeside Ward	
Cr D S CARLOS	Marina Ward	
Cr S P MAGYAR	Marina Ward	
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A A WALKER	Pinnaroo Ward	
Cr P ROWLANDS	Pinnaroo Ward	
Cr T BARNETT	South Ward	
Cr A W WIGHT, JP	South Ward	
Cr A L PATTERSON	South Coastal Ward	<i>Absent from 1937 hrs to 1940 hrs; and from 2038 hrs to 2040 hrs</i>
Cr G KENWORTHY	South Coastal Ward	
Cr J A HURST	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	<i>Absent from 1937 hrs to 1940 hrs; and from 2035 hrs to 2037 hrs</i>

#### Officers:

Chief Executive Officer:	L O DELAHAUNTY
Director, Resource Management:	J B TURKINGTON
Director, Planning & Development:	C HIGHAM
Director, Infrastructure Management:	D DJULBIC
Director, Community Development:	C HALL
Executive Manager, Strategic Planning:	R FISCHER
Manager, Executive Services:	K ROBINSON
Manager, Council Support Services:	M SMITH
Publicity Officer:	L BRENNAN
Acting Committee Clerk:	L TAYLOR

#### In attendance

Mr Peter Messer of Deloitte Touche Tohmatsu - Auditor

## **APOLOGY FOR ABSENCE**

Cr Nixon

There were 43 members of the Public in attendance (42 of whom signed the register to record their attendance). *For Attachment, click here:*

**The Chairman declared the meeting open at 1900 hrs.**

A video presentation was given, showing highlights of the 1999/2000 year.

## **ADDRESS BY MAYOR JOHN BOMBAK**

Welcome to the first Annual General Meeting for the elected Council of the City of Joondalup. It is a City that we are striving to place at the cutting edge of local government and our Annual Report video has brilliantly captured some of the best moments of our first year as an elected Council. It is using tools and staff skills like these that has made us the top award winning Council in the State and is transforming us into a more modern, more efficient, more professional and much more customer-focused organisation which delivers value for the ratepayer's dollar.

My report, and the report of the Chief Executive Officer, is printed in full in the Annual Report you have been presented. Again, as in past years, it has been largely produced inhouse using the specialist skills of our staff. In it, Director of Resource Management, John Turkington, reports that the City's finances are in good shape. Mr Turkington and his team are to be congratulated for their efforts, as are all the staff who have again performed well above expectation. I must mention too, the Commissioners who came before us. As the Chief Executive Officer says in his printed message, their steady hand has given us a good platform from which to go on and achieve many things. It is not going too far to say we have the prospect of becoming a model local government for Australia.

I shall not repeat the many achievements which have been adequately shown on the video, but I must mention that a total of 14 Western Australian Municipal Association Awards were won in the 1999/2000 year. Already the new team of Councillors is coming to grips and dealing with the challenges we face in the maturation of the City of Joondalup stretching from Burns in the North to Warwick in the South. I must acknowledge the role of Joondalup Stakeholders in assisting the City to realise its vision as we strive to make Joondalup the second major CBD of the Perth Metropolitan area. In planning for that future, we have produced a Five Year Strategic Plan with a fully funded capital works programme achieving the major works identified. Already we have begun to produce a fine track record as a leading local government in this State and indeed in Australia, as a modern City with very high quality facilities and services offering a unique lifestyle to our residents.

As a new Council we aim to be at the cutting edge of local government to serve our 160,000 residents and our vast, rapidly growing City, with dedication, creativity, openness and accountability. We have achieved much and working together we can achieve much more. Thank you to you all.

## **THE RECEIVING OF THE 1999/2000 ANNUAL REPORT AND FINANCIAL STATEMENTS**

**MOVED Mr Noel Gannon, SECONDED Mrs Cherie Wood** that the 1999/2000 Annual Report and Financial Statements not be received and be referred to the State Attorney General and the State Auditor General to verify the legality of the Commissioners' decision JSC30-08/99 to impose a security levy on each piece of rateable and non-rateable land. The Minister for Local Government has stated on public record that Councils do not have the power to raise a levy.

**The Motion was Put and**

**CARRIED**

Discussion ensued as to the motion submitted by Mr Gannon. Following a query from Mayor Bombak as to whether the 1999/2000 Annual Report should now be received, the Chief Executive Officer stated that Mr Gannon's intentions were clear and recommended that the meeting be proceeded with.

**MOVED Mr Alan Hillier, SECONDED Cr Hollywood** that the 1999/2000 Annual Report and Financial Statements be received.

Discussion ensued. Following clarification of Section 5.27(2) of the Local Government Act 1995, the Chief Executive Officer advised that this motion was in direct negative of the motion Moved by Mr Gannon and Seconded by Mrs Wood; this motion was therefore not pursued.

## **GENERAL BUSINESS**

### **Mr M Sideris, 12 Page Drive, Mullaloo:**

*Q1 In your opening statements Mr Mayor, that the Report in full is being presented to the Ratepayers, I draw your attention to the abridged Financial Statement signed by Deloitte Touche Tohmatsu. Just to clarify it, the Report is not submitted in full, there is an abridged Financial Statement by the Auditors.*

*A1 It has always been customary practice not only in this Local Government but others to have in the Annual Report an abridged Financial Statements. The Full Financial Statements are in a separate booklet, which is available at the front counter of the Administration Centre for those persons who would desire more details associated with the Financial Statements.*

*Crs Mackintosh and Patterson left the Chamber, the time being 1937 hrs.*

### **Mr Alan Bryant, 6B Stocker Court, Craigie:**

*Q1 Congratulations on an excellent Annual Report with special congratulations to Director Resource Management, John Turkington, who has over a period of some years been able to present an excellent result with the Financial Statements, showing an increase in equity of some \$10 million for the year to 30 June 2000. Conversely current assets have declined some \$23 million. Is this the outcome or influence of transfers to the City of Wanneroo? It is worthy to mention that the bank overdraft has*

*been reduced by some \$16 million - certainly a good result. In Financial statements to the 30 November 2000, Government grants seem to be lagging some \$4.5 million against budget. Are they clamping down on this Council?*

A1 In regard to the current assets (on page 46 of the Annual Report) the situation last year at 30 June, you might recall, was that the split was not finalised at this point in time. There were investments of \$49 million with a bank overdraft close on \$19 million. During the year 1999/2000, the amounts were paid to the City of Wanneroo as required by the Commissioners' determinations and consequently this year (actual 2000), you see that the Bank Overdraft is reduced to just over \$2 million.

In relation to Government Grants, I will need to take that question on notice.

**Mr Tony O'Gorman, 3 Pedder Place Joondalup:**

Q1 *I am confused as I have just heard a motion being put up saying we do not receive this Report and now we are actually going through different parts and debating it. If it is not received how can we have questions on it?*

A1 The area of the Agenda which we are covering is General Business and that allows for anyone to raise any matters pertaining to the Financial Year under the review.

**Mrs Cherie Wood, 7 Eleanor Court, Craigie:**

- *Mrs Wood stated she wished to move that the motion CJ337-11/00 Operational Management Lease, City of Joondalup Leisure Centres be rescinded. Mrs Woods then advised she would withdraw the motion at this stage.*

*Crs Mackintosh and Patterson entered the Chamber, the time being 1940 hrs.*

**Mr Ron de Gruchy, Sorrento:**

Q1 *Why was the Marmion, Sorrento, Duncraig Ratepayers Association not consulted in relation to nominating a Representative for the Sorrento Foreshore Concept Plan?*

A1 The formation of the Focus Groups was based on finding a small group of people who had general knowledge of the area. It was not designed to include specific interest groups.

*Cr Kadak left the Chamber, the time being 1943 hrs.*

**Mrs Cherie Wood, 7 Eleanor Court, Craigie:**

Q1 *When will the full plans and costings of the alterations to the Hillarys Marina be publicised?*

A1 This information can be made available.

Q2 *When will they be available at the Whitford Shopping Centre for us to look at?*

A2 We are able to provide a pictorial plan to give an overall view of what we are doing. For practical reasons there are a number of plans, possibly in the vicinity of 50, and I am not sure that all those plans are exactly the detail the public requires. We will provide plans that gave an overall impression as to what we are doing and schematics.

Q3 *I would like to know how much money is being spent on the Roadworks, how much is being spent on the frills.*

A3 There are over 50 plans available which can be made available for viewing.

**Mr Alan True, 119 High Street, Sorrento:**

Q1 *When are the people who made submissions going to be told was is happening? My wife and I went to the City Council offices at Whitfords, viewed certain plans which were there because there was an article in the newspaper saying that submissions were going to be received. Both the City Council and Main Roads were involved in some way; nobody could give any answers and I think that we need to know. It should be publicised in such a way that we don't have to go scrambling and searching for information.*

A1 The City is seeking submissions and sent out notices to the public as to what was being intended to be built and advising the public; I have not received any comments from this particular gentleman in relation to this project.

**Mr M Sideris, Mullaloo Ratepayers and Progress Association:**

Q1 *In relation to the question asked by Mr de Gruchy on the Sorrento Precinct Forum Group, I wish to follow up on the answer given by Mr Higham and I draw your attention to a question that I raised on 28 March 2000 "as a result of last night's Coastcare Forum meeting, and the proposed precinct planning focus group, can you advise what format Council used to seek involvement and nomination from community interest groups". The response given in part was "it is the intention that the focus group be a small group of between 8 – 10 members including Ward members with representatives from local interest groups, local businesses and resident groups". Quite clearly the answer given is in conflict with the answer given on 28 March 2000*

*Why have persons who represent local interest groups, local business and resident groups not been invited on to both the Sorrento and Mullaloo Precinct Focus Groups?*

A1 The group members were chosen in consultation with the Ward members, on the basis of finding a number of people who had different interests and had an understanding of that local area and local community. There were in fact people from business interests in the area, surf clubs and people who had an interest in various areas within the community, but there probably were not people who directly represented the rate resident group.

*Cr Kadak entered the Chamber, the time being 1950 hrs.*

**Mr Ron de Gruchy, Sorrento:**

**MOVED Mr de Gruchy, SECONDED Mr Gannon that taking into account the \$12,000,000 plus surplus due at the end of the 2000/2001 financial year, the City of Joondalup aims for a decrease in the amount of Council rates levied upon ratepayers for the 2001/2002 year, referring to the rate levied by Council on the gross rental value as determined by the Valuer General's department.**

Discussion ensued. Following clarification from Mr de Gruchy as to the figure of \$12 million referred to in the Motion, Director Resource Management stated that \$12,254,170 is the amount that the City would have in the Statement of Reserves at 30 June 2001. He advised that Council has some 15 to 20 Reserve Accounts which are set aside for specific purposes, and said that if Council wishes to use those funds to cushion rates, then it would certainly be required to expose that to the ratepayers. Some Reserves Accounts are tied reserves for specific purposes, e.g. cash-in-lieu of parking, cash-in-lieu of public open space etc, and the Council cannot change the purpose of those Reserves.

**The Motion was Put and**

**CARRIED**

**Mrs Cherie Wood, Craigie:**

**MOVED Mrs Wood, SECONDED Mr de Gruchy that the Motion CJ337-11/00 – Operational Management and Lease, City of Joondalup Leisure Centres be RESCINDED and that the matter be referred to:**

- 1 the Minister for Local Government for a ruling;**
- 2 the Minister for the Environment for a ruling;**
- 3 the Minister for Lands for a ruling;**
- 4 the Minister for Planning for a ruling;**
- 5 the Australian Securities and Investments Commission regarding RANS' eligibility in Western Australia.**

**The Motion was Put and**

**CARRIED**

**Mr D Davies, Connolly:**

**MOVED Mr Davies, SECONDED Mrs Zakrevsky that the combined residents group has monthly meetings commencing in February 2001 with the Mayor, the Chief Executive Officer and any interested Councillors at a date and time to be discussed.**

Mr Davies advised that the resident groups representing each area have formed a City of Joondalup Combined Residents Group. This group will hold monthly meetings and requests a the attendance of the Mayor and interested Councillors.

**The Motion was Put and**

**CARRIED**

**Mrs M Zakrevsky, Mullaloo:**

**MOVED Mrs Zakrevsky, SECONDED Mrs J Axford that Council changes the Annual General Meeting date to a more appropriate date if this is possible.**

The Chief Executive Officer outlined the time constraints involved in the holding of the Annual General Meeting of Electors.

**The Motion was Put and**

**CARRIED**

**MOVED Mrs Zakrevsky, SECONDED Mr Zakrevsky that Council improves the spread and the clarity of communication with the community in their notification of:**

- 1 special meetings;**
- 2 matters of general and special interest;**
- 3 “calls for submissions” when planning for amenities, both new and upgrading. Large, clearly worded billboard type advertising signs erected for a minimum period of 42 days on all sites where changes are contemplated or proposed or under review, eg changes in use or size or management and every home and business within a kilometre of the site receive an individual notice of the above, inviting comments.**

**The Motion was Put and**

**CARRIED**

**Mr K Zakrevsky, Mullaloo:**

**MOVED Mr Zakrevsky, SECONDED Mr de Gruchy that Council takes note and acts on motions and studied recommendations from committees, ratepayers associations and individual ratepayers on the following points:**

- 1 promotion of local industry;**
- 2 allocation of personnel numbers referring to:
  - (a) Ranger and Security Services;**
  - (b) Leisure Centres;**
  - (c) Bush and dune regeneration and dry parks maintenance;**
  - (d) volunteer groups****

**The Motion was Put and**

**CARRIED**

**Mr V Cusack, 2 Renegade Way, Kingsley:**

**MOVED Mr Cusack, SECONDED Mr Sideris that the electors of the City of Joondalup hereby require that:**

**1 Council applies the service charge Section 54 (d) “property surveillance and security” of the Local Government (Financial Management) Regulations 1996 in accordance with the strict guidelines and criteria contained in Section 6.38 of the Local Government Act 1995, the specific criteria established by the Department of Local Government for the inclusion of Section 54 (d) was and is as follows:**

- (a) the proposed service is to be provided to, or onto land;**
- (b) the proposed service is to be same for each property. To determine this, the nature of the service needs to be clearly defined. The description of the nature of the service to be provided should also establish that there is a clear relationship between:
  - (i) the work to be done and the charge to be levied; and**
  - (ii) the benefit to be derived by the land owner in relation to the work done and the charge levied;****

**2 the cost of providing the proposed service will be the same, or approximately the same, for each property or, if not the same, is capable of being calculated on a fair and equitable basis and will relate to the charge to be levied;**

**3 if the same service is one for which funding options are available under other legislation then, as a general rule, those options should be used by the local government (or amended under that legislation to suit the needs of the proposal);**

**Section 6.38 (4) states that “a local government may only use the money raised from a service charge:**

- (a) to meet the cost of providing the specific service for which the service charge was imposed;**

**We the electors of the City of Joondalup hereby expect Council to fund all the important initiatives such as graffiti control, neighbourhood watch, constable care, mural arts and urban design from general rates.**

**The Motion was Put and**

**CARRIED**

**Mr V Harman, Ocean Reef:**

*Q1 Why was notice of the Annual General Meeting not included in the delivery of Council News?*



A1 There was concern that the Council News may in some cases have been delivered after this meeting had been held; therefore as normal the Annual General Meeting was advertised in various newspapers, which meet the requirement of the Act. I believe there was mention of the Electors meeting in the Council News.

*Cr Kadak left the Chamber, the time being 2029 hrs.*

Q2 *May I suggest that the City attempts to get a copy of the 7.30 Report shown on the ABC on Friday 15 December 2000 in relation to mobile towers and studies this. Council at present has a moratorium on this issue. Firstly the program indicated that the mobile phone attachment that Councillors may have in their vehicles are not as safe as if they were actually holding their mobile phone. Secondly, it stated the further you are away from the tower, the stronger you need to have the signal which can also affect the amount of radiation you receive. Although Council is attempting to reduce the number of mobile phone towers, it may be worthwhile assessing increasing the number to give a lower radiation effect.*

A1 Attempts will be made to access a copy of this program to make available to all Councillors.

**Mr K Zakrevsky, 49 Korella Street, Mullaloo:**

Q1 *Would you agree that, in view of the amount of income it obtains from the City of Joondalup by way of advertising, the local newspaper should have a reporter present tonight and not to rely on Council staff to provide the details of the meeting? Who will report this meeting and will they have access to the tapes of the proceedings?*

A1 I cannot comment as to why a reporter is not present. Our media liaison officer will probably liaise with the press tomorrow morning to provide access to details of the meeting.

Q2 *Was the press given an invitation to attend, apart from the official notice of the meeting which appeared in the newspaper?*

A2 A representative of the newspaper was invited to attend. Our media officer has indicated that he is in regular contact with the press. Any information available is also made available to the press, in most cases in advance.

*Cr Mackintosh left the Chamber, the time being 2035 hrs.*

**Mr M Sideris, Mullaloo:**

**MOVED Mr Sideris, SECONDED Mr Cusack that this Annual General Meeting of Electors of the City of Joondalup directs the Council to:**

**1 return to all ratepayers within 30 days the security levy monies appropriated without law in 1999/2000;**

**2 return to all ratepayers within 30 days the security charge monies appropriated without due and proper process in the 2000/2001 Budget;**

- 3 provide an apology within 30 days by way of personal letter to all ratepayers who have not paid either the levy or service charge or who have had their short paid rate payment manipulated to be in default of the Local Government Act.

**The Motion was Put and**

**CARRIED**

*Cr Mackintosh entered the Chamber, the time being 2037 hrs.*

*Cr Patterson left the Chamber, the time being 2038 hrs.*

**MOVED Mr Sideris, SECONDED Mr O'Brien that this Annual General Meeting of Electors of the City of Joondalup directs the Council to advise the Department of Local Government, Western Australian Municipal Association (WAMA) and the Minister for Local Government that the electors of the City of Joondalup do not support;**

- 1 the broadening of the power of expenditure associated with monies appropriated by service charges;
- 2 the broadening of the prescribed services allowable under Section 6.38 and Regulation 54 to include street-scaping and the like;
- 3 reject the principle of imposing additional taxes including flat taxes.

**The Motion was Put and**

**CARRIED**

*Crs Kadak and Patterson entered the Chamber, the time being 2040 hrs.*

**MOVED Mr Sideris, SECONDED Mr Zakrevsky that this Annual General Meeting of Electors of the City of Joondalup directs the Council:**

- 1 during public question time to read submitted questions in full;
- 2 to include a second public question time at the conclusion of the meeting.

**The Motion was Put and**

**CARRIED**

**MOVED Mr O'Brien, SECONDED Mr Sideris that this Annual Meeting of Electors of the City of Joondalup assembled on this Monday 18 December 2000, affirms that it has lost confidence in the Office of the Chief Executive of this municipality and calls upon the Minister for Local Government to immediately intervene and inquire into the City of Joondalup's current administrative performance, with particular emphasis on the loss of morale among the employees of our City.**

Mr O'Brien spoke in support of the motion and raised concern at the lack of response to his letters to Council, dated 28 September 2000 and 15 October 2000. Discussion ensued.

**The Motion was Put and**

**CARRIED**

The Chief Executive Officer outlined the legality of the service charge and legal advice received. Discussion ensued with electors raising comments on the issue.

## **CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 2123 hrs; the following elected members being present at that time:

J BOMBAK, JP  
P KADAK  
L A EWEN-CHAPPELL  
S P MAGYAR  
D CARLOS  
J F HOLLYWOOD, JP  
A WALKER  
P ROWLANDS  
T BARNETT  
A W WIGHT, JP  
A PATTERSON  
G KENWORTHY  
J HURST  
C MACKINTOSH