

# CITY OF JOONDALUP

## MINUTES OF ANNUAL GENERAL MEETING OF ELECTORS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY, 28 NOVEMBER 2005

### OPEN AND WELCOME

The Chairman declared the meeting open at 1900 hrs.

### ATTENDANCES

CMR J PATERSON – Chairman  
CMR P CLOUGH – Deputy Chairman *Absent from 2010 hrs to 2012 hrs*  
CMR M ANDERSON  
CMR S SMITH *to 2110 hrs*  
CMR A FOX *to 2120 hrs*

### Officers:

Chief Executive Officer:	G HUNT	
Director, Corporate Services:	P SCHNEIDER	
Director, Infrastructure Services:	D DJULBIC	
Director, Planning and Community Development:	C HIGHAM	
Manager, Marketing Communications & Council Support:	M SMITH	
Manager, Approvals Planning and Environmental Services:	C TERELINCK	
Manager, Financial Services:	S HAFEZ	
Manager Infrastructure Management & Ranger Services	P PIKOR	<i>Absent from 2123 hrs to 2129 hrs</i>
Statutory Accountant:	J ROBERTS	<i>to 2014 hrs</i>
Media Advisor:	L BRENNAN	
Committee Clerk:	J HARRISON	
Minute Clerk:	L TAYLOR	

### In attendance

Ms Leanne Karamfiles	Deloitte Touche Tohmatsu	<i>to 2014 hrs</i>
Ms Anna Neuling	Deloitte Touche Tohmatsu	<i>to 2014 hrs</i>

### APOLOGIES

Nil.

There were 24 members of the Public who signed the register to record their attendance.

*Appendix 1 - Attendance Register, click here: [attendance agm 281105.pdf](#)*

There was 1 member of the Press in attendance.

### **CONTENTS OF THE 2004/2005 ANNUAL REPORT**

The Chairman 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**

The Chairman welcomed electors of the City of Joondalup and advised this evening's meeting has been convened in accordance with Section 5.27 of the Local Government Act 1995. The meeting was advertised in The West Australian newspaper on 12 November 2005 and in the Joondalup Times newspaper on 3, 17 and 24 November 2005. The notice of the meeting was also placed on the City's website on 7 November 2005.

The purpose of this evening's meeting is not to adopt the Annual Report, but to discuss its contents and raise any general business that electors may have. The Local Government Act 1995 requires that the Council is to adopt the Annual Report, which was done at the meeting of Council held on 1 November 2005.

The Chairman gave an explanation of the procedures that would govern this evening's meeting.

### **Video Presentation**

At this point a video presentation was given outlining the events, activities and achievements of the City of Joondalup for the 2004/05 financial year.

### **CONTENTS OF THE 2004/05 ANNUAL REPORT**

#### **Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef:**

*Re: Financial Statements for the year ended 30 June 2005*

*Q1 On page 16 it states the City received a grant from Conservation and Land Management (CALM) of \$35,000, which amount is unspent at the date of this report. What was the grant for? What will it be spent on and when will it be spent?*

*A1 It is believed the amount of \$35,000 was for the Yellagonga Regional Park area. The funds were made available by CALM subject to both the Cities of Joondalup and Wanneroo also contributing amounts of \$15,000. It is understood the first meeting of the Environmental group is this week, involving representation from CALM, political groups, friends' groups and the two Cities.*

*Q2 What will the money be spent on, are there conditions?*

- A2 Yes there are conditions. It is in relation to the creation of an environmental centre, not necessarily a building, but a centre for Yellagonga. The funds are required to be acquitted by May 2006.

**Mr M Caiacob, 7 Rowan Place, Mullaloo:**

- Q1 *On page 29 of the Annual Report – Economic Research Projects, it states that an economic profile has been published and is available for the community. Where is that available from please?*
- A1 It is available from the City and is a publication that was circulated in the last two months. A copy will be mailed to Mr Caiacob.
- Q2 *Tourism Development Strategy – Is it known at this stage what the next step is for the City in relation to the Tourism Development Plan?*
- A2 The next step is the engagement of a Business Development Officer/Tourism. The position description has been reviewed over the last few days and it is expected the position will be advertised within the next month.

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

- Q1 *Why was the Annual Report and Financial Statements not on the website as an attachment, even though it was indicated this should have been the case. When attempting to download the documents, there was nothing to download.*
- A1 This will be investigated.
- Q2 *Page 40 – Payment to Employees – breakdown of salaries and the number of employees. Within the table shown under the salary bracket of \$190,000 - \$199,999 there is one employee reflected. Is that the person's substantive salary or was that person acting in a higher capacity?*
- A2 The approach that has been taken in relation to the information reflected on page 40 is that although the regulations only require the salary component to be reflected, the total employment package has been shown so that a more comprehensive explanation is provided. In relation to the amount particularly identified, that person was acting as CEO for approximately seven months in the year under review. The figures in each case are the amount paid or the amount that would be paid to that person in the full year.
- Q3 *Page 39 – Record Keeping. With reference to the third dotpoint – Upgrade of Record Management System Web Interface components, what were the interface components?*
- A3 The upgrade that is currently being investigated is in the longer term. The computerised records system that is currently in place at the City is getting close to, if not already achieved, its expiry date. At present, work is being undertaken on the development of specifications for a new records system. An upgrade has recently been undertaken in the last two weeks, but it is not believed that was in relation to the web interface.
- Q4 *Under the heading Record Keeping, the second sentence refers to upgrades during 2004/05.*

- A4 In terms of the upgrades during 2004/05, there has been some improvement, but in terms of what might be referred to as “state of the art”, the City has some distance to go.
- Q5 *Page 38 – Competitive Neutrality. Could I have an explanation of the public benefit test?*
- A5 The competitive neutrality test is one where the City with some of its more commercial services, in this particular instance the leisure centres, undertakes a test against the private sector taking into account some of the costs that the City either incurs or does not incur because it is a public organisation. Those costs are factored into the total cost of running those centres to see whether there is still a benefit in providing those services to the public.
- Q6 *Are the three leisure centres the only areas where the City undertook the public benefit test?*
- A6 Yes, that is correct.
- Q7 *Are there no other areas where the City could review its competitive neutrality except for those three specific areas?*
- A7 Those three areas are the ones that have been assessed by the City as being applicable for a competitive neutrality test. This is similar to other local authorities.
- Q8 *How many other areas are applicable for a review under competitive neutrality and when will these be reviewed to determine the public benefit test?*
- A8 The City has identified those three areas as being subject to requiring a competitive neutrality test and they are the only three that have been identified.
- Q9 *If the City undertakes a review looking at competitive neutrality and if the City can only identify the provision of services for three leisure centres, then obviously the City is not reviewing its entire operations to see if there is competitive neutrality for other services provided. What about provision of goods and services?*
- A9 *Response by Cmr Paterson:* If you believe there are other areas, please bring them forward and then the City can look at it.

**Mr J McNamara, 39 Seacrest Drive, Sorrento:**

- *I believe there is one disturbing statement made in the Chairman’s message within the Annual Report. That is, “the City of Joondalup has a bright future as a regional capital, but it is clear to the Commissioners that for some years, the City has been living beyond its means.” This has been spoken of publicly in the past and comments have been made. It may be an opportunity this evening at such a meeting, which will perhaps be one of the last that the Commissioners will be undertaking, to give the ratepayers that are here some feeling for what the future holds.*

Q1 *What guidelines and procedures will be provided to the in-coming Council so that there is not a continuation or a repetition of the trend that has been with this City for some years?*

A1 *Response by Cmr Paterson:* The City not only has a five year strategic plan in place, but also a 20 year strategic plan. When the in-coming Council sees the benefits of a 20-year plan, it will be seen where things are travelling. Commissioners make no apologies for the rate increases that have been made in the last two years because there is a great need to maintain the old assets. In our 20-year plan you will see a replacement of assets, which will give a lot of comfort to an in-coming Council.

*Response by Chief Executive Officer:* One of the issues that has been touched on by the Chairman is the encouragement from the Commissioners, acting as the Council, to develop a 20 year strategic financial plan in order to map out the City's income stream based on rates, CPI increases to rates going forward, and identifying any future income streams. Looking at the built infrastructure being roads, drainage, footpaths and the normal services that are provided by local government. Looking at the building facilities that currently exist and reviewing those in terms of life cycle that you would normally expect for such facilities and the upgrading and maintenance that you would normally expect. The City is also looking at some of the community facilities that have been identified in the past as items that are desired by the community, and has also looked at the valuation of the existing building stock to ensure that the figures used had a base. That information has all been compiled into a 20-year strategic financial plan. Incoming Councils will be able to make decisions on what they want to do based on data that goes forward a long way rather than just a one year budget or a two year life cycle.

Q2 *Can I say as a ratepayer that after this question I can feel more confident that the types of budgets that the City will be presenting to future Councils will be taking into account the historical plus the future demands, but with prudent and sensible budgeting and following basic rules, the ratepayers can feel confident that the City will not go outside its limits and perhaps there will be some encouragement that where specific items do come up and strategic planning is an on-going process, of course, where you can slot in things in and out, but provided you reallocate rather than adding on you can stay within budgetary limits and control the finances of the municipality.*

A2 That is the genuine attempt, and also for the Council to see that if they defer a particular project, particularly if it is an upgrade or existing facility, what the potential longer-term impact is on delaying that project.

*Response by Cmr Paterson:* I think when the public get to see the 20-year plan, they will have a lot of confidence too. The current assets have their age limits and their values and you will be able to see what it is required to replace them and in which year.

**Mr R de Gruchy, 57 Ashmore Way, Sorrento:**

Q1 *I refer to page 44 of the Annual Report – Total Operating Revenues  
The adopted budget for 2005 was \$77,307,146 and the actual budget was \$72,100,612. That is a drop of \$5,000,000 from what was anticipated. What is the reason for this?*

- A1 There are a number of reasons for this. One of the larger reasons is in relation to transport. There was a shortfall in contributions from developers in relation to roads and footpaths, being a shortfall in terms of the budget as the City did not receive those items that were budgeted for. On the other side of the ledger there was no expenditure in relation to that. Also the contribution of approximately \$1,000,000 from the Beaumaris Land Sales towards the Ocean Reef road extension was deferred to 2005/06. This amounts to nearly \$3,000,000. Also the contribution from LandCorp under the Normalisation Agreement of \$2,800,000 has been deferred to 2005/06. These amounts would account for the main variances.
- Q2 *At the bottom of page 44 – changes in net assets from operations \$2,753,065. Is that a surplus?*
- A2 Yes.
- Q3 *When you say the City of Joondalup has been living beyond its means, there is a \$2.7 million surplus when there was a \$4.7 million budgeted for. I believe you borrowed \$3 million over a 10-year period. The repayments on that would be quite substantial I imagine, but you still end with a \$2.7 million surplus.*
- A3 *Response by Cmr Paterson:* From Commissioners' point of view it is sensible budgeting. The City borrowed \$3 million the previous year and there is money to put back in reserves. The only way you can put money back in reserves, is by having a surplus and that issue was raised last year.
- Q4 *Page 38 – dotpoint 6 - \$3.25 million has been allocated to completed Stage 1 of the redevelopment of the Craigie Leisure Centre. What is Stage 2, is it a 50-metre pool?*
- A4 On page 24 – Redevelopment of the Craigie Leisure Centre, it states building works commenced in October 2004 and have progressed in accordance with the agreed program and is on budget – Stage 1 of the construction work being the reception, administration and crèche areas which were handed over to the City on 15 June 2005. This does not talk about the pool area.
- Q5 *Page 38 – dotpoint 8 - \$6.54 million has been allocated for the Joondalup Works Depot. How much was allocated for the Works Depot last year?*
- A5 This question will be taken on notice and information provided to Mr de Gruchy.
- Q6 *I believe the last costing of the Joondalup Works Depot was in the vicinity of \$14 million. A sum of money was set aside last year for 2004/05. Obviously that money has not been spent. I guess it is sitting in a reserve account somewhere, is that correct? I have Council documents that show there was a cost of \$14.4 million for a Works Depot. That was the projected cost.*
- A6 *Response by Cmr Paterson:* There is money in the reserve account, but \$14 million is not the figure that has been mentioned. When the report is presented to the Council meeting to be held on 13 December 2005, the figure will not be anywhere near that. There will be another proposal being presented.
- Q7 *Has a site for a Works Depot been settled yet?*
- A7 No.

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

- I refer to page 38 – dotpoint 8 - \$6.54 million allocated for Joondalup Works Depot. I attended two meetings specifically debating the break up of the City of Wanneroo as it was into the current two Cities. At the completion of that break up the City of Wanneroo received I understand \$24 million out of the funds. We were told that initially until settlement the Works Depot would be shared with the City of Wanneroo, but that LandCorp would be providing us with a specific site, free of charge to the City of Joondalup. Suddenly we find that there is a cost. Then I attended a Briefing Session where LandCorp was in attendance. At that meeting we were told that the Council would have to pay if we give up that site near Hodges Drive that we would have to pay for a bridge over the railway. Then when we have been looking at other sites we hear from LandCorp, if we choose land that LandCorp is involved in, that the price is going to be more. Sorry Mr Chairman, the price is not going to be up, that is coming for free as far as the ratepayers are concerned. That was advised prior to the break up that those would be the conditions. City of Wanneroo has got its new civic centre, we haven't got a depot site and I expect LandCorp to provide it free of charge. I make that statement concerning the budget.

The other issue that was brought up earlier on by Mr Ron de Gruchy regarding the \$5 million difference. At least \$1 million plus could have reduced that \$5 million if the Council had insisted that the Mullaloo Tavern developers had paid for the shortage of parking space.

*Response by Cmr Paterson:* I hope staff can investigate the history of that meeting and identify whether or not that was what LandCorp stated.

**Mr D Carlos, 45 Swanson Way, Ocean Reef:**

Q1 *Page 36 – Principal Activities Plan 2004-2005 – Reference to Ocean Reef Marina Redevelopment.*

(a) *\$700,000 is listed in the table under progress during 2004/2005 with the comment “works completed within scheduled timeframes and within overall budget.” How much of the \$700,000 was spent and what was achieved?*

(b) *Page 38 – dotpoint 9 lists \$950,000 in 2005/06 as being allocated for the Ocean Reef development. How much of this is State Government money and how much is ratepayers money and what has been spent?*

A1 In relation to the first item, the project works for phase 1 of the development was a risk assessment for the project in association with the other major stakeholders, being the State Government via the Department of Planning and Infrastructure and the Water Corporation. The Government has allocated \$700,000 to the project. The primary achievement was in terms of the risk assessment of the project. In terms of how much was spent, this information cannot be provided at this point.

In relation to Page 38, \$950,000 was allocated was for the design of the structure plan, that is currently out to advertisement for consultants, with main activity on the development of the structure plan and the participation process commencing in early 2006. The project manager, Clifton Coney Group, has been appointed.

Q2 *I refer to meetings and seminars that were held during the previous Council with ratepayers, meetings with the Department of Infrastructure, Fisheries Department and Water Authority, and survey of ratepayers conducted by a consultant. Are we reinventing the wheel by the work that is to be carried out?*

A2 It is acknowledged that work was undertaken previously. The officer currently overseeing the project has been involved throughout and it is not believed that work is being duplicated.

**Mrs M Macdonald, 5 Mair Place, Mullaloo:**

Q1 *If \$700,000 was allocated for risk assessment on the Ocean Reef Marina Development, has that risk assessment been completed and has the community had the opportunity of looking at that risk assessment?*

A1 The risk assessment was from the point of view of decision lines, time lines etc. The ratepayers have not yet had the opportunity to view the risk assessment report. The extensive public participation phase starts in early 2006.

**Mrs S Hart, 32 Pullan Place, Greenwood:**

Q1 *Does the City have any information if the ocean infrastructure will support the Ocean Reef Harbour Development?*

A1 This question would need to be taken on notice, however it would be expected that is a matter that would be part of the project going forward between Department of Planning and Infrastructure and the City.

Q2 *Would you not think that should have been assessed first?*

A2 It would be hoped that when the project commenced those assessments would have been made.

Q3 *Can I have a copy of that report?*

A3 If such a report exists, a copy can be made available.

Q4 *Who is dealing with the Ocean Reef Boat Harbour?*

A4 The consultants, Clifton Coney Group and the Manager Audit and Executive Services, Mr Kevin Robinson.

Q5 *On page 38, dot point 5, there is \$1.8 million allocated for the maintenance and upgrading of community facilities. Is this part of the Asset Management Plan?*

A5 This is maintenance and upgrading of community facilities and identifies:

- toilet facility at Joondalup CBD, a contract that has been called and let;
- upgrades to the Duncraig, Whitford, Woodvale and Joondalup Libraries.

Q6 *Did the toilet in the Joondalup CBD cost nearly \$1 million?*

A6 No, approximately \$100,000.

Q7 *Where is the Asset Management Plan to restore existing facilities covered?*



- A7 This will be shown in the financial statements as an asset, as a reserve fund.
- Q8 *Have Calectasia Hall in Greenwood and the Warwick Senior Citizens, which need major upgrades, been catered for?*
- A8 The whole of the building infrastructure has been identified and valued approximately 12 months ago; the age of the buildings and the details of current facility status have been identified and will be part of the Strategic Financial Plan which Council will consider in February 2006. These two buildings will be listed, as will their original construction date and the date of the last major upgrades, and an assessment of the timeline before the next major upgrade will be scheduled to occur, and this will be a decision of Council as to what action to take on those projects.
- Q9 *On Page 44, under Expenses, Governance is shown. Can I have a breakdown of the figure of \$6,988,364?*
- A9 This question will be taken on notice.
- Q10 *Is the payout for Mr Denis Smith listed? Did we get the money that he owed us?*
- A10 The payout to Mr Smith was in April 2004 and is not in this current financial year. Mr Smith repaid the money before his account was settled.
- Mrs Hart requested a copy of the previous Annual Report that shows this payment.
- Q11 *On Page 24, redevelopment of Craigie Leisure Centre. Does this report include the funds set aside for a geothermal bore? I recall that the geothermal bore went over budget?*
- A11 The Council, after 1 July 2005, increased the amount for the geothermal bore in the vicinity of \$330,000. The figures being referred to will appear in the Annual Report for 2006.

**Mrs K Woodmass, 25 Calbourne Way, Kingsley:**

- Q1 *There are a number of tables on pages 19, 23 and 31 indicating performance either on a satisfaction level or for general performance. On a number of these the percentages are either static or have gone down. What is the total continuous improvement plan?*
- A1 In responding, the CEO referred to the tables as follows:
- The item on Conservation and Environmental Management has dropped; the most significant drop has been in relation to recycling. The Council currently has a Waste Management Strategy out for comment. Joondalup is one of the few Councils that is still carrying out verge collection by bags and the sudden and significant drop is indicative of the community loss of patience with the system.
  - In relation to bulk rubbish, it is considered on occasions that the rubbish is not collected soon enough from the streets.
  - Planning and Building approvals have dropped over the last three years and is fairly indicative across the industry sector. High-level buildings and scarcity of staff are major issues for the industry and there is currently a review underway of the planning and approval processes in an attempt to speed the process. One matter identified is that a large number of plans are being lodged without appropriate documentation and information.
  - Graffiti control has dropped significantly and the City is seeing the backlash of other sectors that do not take as much action as the City does.

- Q2 *Is there a charge for the bin recycling system, as this may be the reason why people are not keen to recycle?*
- A2 In the current program people voluntarily use the bin system and are charged. The matter of the Waste Management Strategy will come before Council in the next month.
- Q3 *I have had a swimming pool for several years and have not had a pool inspection yet I pay for this on my rates. Can you explain why?*
- A3 All swimming pools inspections are carried out on a four-yearly cycle. This matter will be investigated.

**Mr M Caiacob, 7 Rowan Place, Mullaloo:**

- Q1 *The CEO mentioned earlier that the City is grappling with problems with not receiving all information regarding development applications. As all these services should be paid for, can you advise what the City does with an application that is non-compliant in its documentation? Is it immediately sent back or do officers chase up the information?*
- A1 The process in the past has been initially attempting to chase the information. The problems are currently being addressed and new strategies are proposed to improve the way development applications are received.

**Mr S Kobelke, 1 Hawkins Avenue, Sorrento:**

- Q1 *One of the most exciting pieces of news is on page 35, where it states the City is continuing to strive towards an Employer of Choice status and that the Employer of Choice project is a new project to people-management of the City of Joondalup. This is great news as the future of Joondalup's success relies on its employees. There is a lot of water gone under the bridge at the Commission and I am sure many on this side have had a difficult time for nearly 2 ½ years and I suspect on your side some of your people have gone through difficult times. May I suggest that Mr Delahaunty's option of a complete change to the Council, while it has some merit, may not happen. What is the CEO doing to prepare staff for the fact that a number of people may be back on the Council and how you are preparing your people for that occasion in order that they may get through that in a positive way?*

*Cmr Clough left the Chamber, the time being 2010 hrs.*

- A1 It is quite a challenge. The video highlighted some comments that the CEO made on the day of his appointment that it will be important for future Councils and the staff of the City to go forward and not reflect back. From an organisational point of view, a number of procedures and processes have been put in place and training, and relationship building will occur. What is expected of the staff is a professional, ethical approach and adherence to the governance protocols. In the first three weeks of being appointed, the new Council is not expected to make major, monumental decisions and will be given a chance to understand its role and as a group to develop as a team. Councils at the end of the day are elected to make decisions and have to learn their role and have to learn to get on with other people. The focus will be on relationships between the elected body and relationships between the appointed staff in that elected body because jointly and collectively they have to serve the community.

*Cmr Clough entered the Chamber, the time being 2012 hrs.*

- I congratulate Cmr Paterson and fellow Commissioners on securing the services of Mr Hunt, one of the most outstanding practitioners of local government in Australia and I have no doubt the moves he is making towards developing leadership programs and other programs to develop our staff who will be the key of the success of this City are to be congratulated. I do congratulate the Commissioners on a wonderful acquisition.

*Response by Cmr Paterson:* Thank you for those comments. Commissioners are also very pleased with the way the staff is still winning awards. The staff have really moved ahead over the last 12 months and winning these prestigious awards is a very good thing.

## **GENERAL BUSINESS**

### **Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef:**

Q1 *I refer to the previous item in relation to staff winning awards, a most apt comment in view of my comments that follow.*

*I refer to the large amount of bush regeneration work in natural areas carried out by volunteer Friends groups and by schools, whose hard work the City of Joondalup has encouraged, and for which volunteer work the City of Joondalup has won a number of environmental awards. When applying for one environmental award this year, the City of Joondalup stated that it is restoring 400 hectares of bush back into pristine condition.*

*At present, the City of Joondalup has a budget of only \$315,000 to cover 100 natural areas of reserve which equates to \$787 per hectare, as against the Ecoscape Report to the City of Joondalup of 2002 that priced the cost of coastal bush regeneration at between \$19,000 and \$90,000 per hectare over different areas within the City of Joondalup.*

*In respect of the present inadequate budget, the reality is that the only contract bush regenerator being used by the City of Joondalup does not have sufficient time available to meet the needs for the extra labour in all our bush reserves. Friends groups have been told that they can have no more assistance with weeding this year, despite the desperate need for it due to the good rains this winter. The City of Joondalup refuses to use more than one bush regeneration company, despite the obvious need to do so. Furthermore, despite the alleged importance of the natural areas to the amenity and prestige of the City of Joondalup, the Operations Department has this year slashed the natural areas budget by \$50,000. This is incompatible with the statement made by the City of Joondalup when applying for one environmental award this year, that the City is restoring 400 hectares of bush back into pristine condition. The budget proves that this cannot be so. Either the City is winning awards based on totally false premises, or else the City cynically expects volunteers such as myself to do most of the manual on-ground work that it claims it is doing, while it chases the kudos. The need for significant on-ground effort by the City of Joondalup is extremely urgent.*

*Ms Leanne Karamfiles and Ms Anna Neuling of Deloitte Touche Tohmatsu left the Chamber, the time being 2014 hrs.*

**MOVED** Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef **SECONDED** Mr S Magyar, 31 Drummer Way, Heathridge that the proposed two-man bushcare team for on-ground work in natural areas be set up immediately with a realistic budget, as a matter of urgency, and that it not be postponed until well into 2006, pending the purchase of a vehicle.

The Motion was Put and

**CARRIED**

**MOVED** Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef **SECONDED** Mr S Magyar, 31 Drummer Way, Heathridge that the City of Joondalup employ other bush contractors at peak weeding season, in addition to Bennet Brook, when that company cannot supply all the time and services that are needed.

The Motion was Put and

**CARRIED**

- *I refer to the proposed routeing of the coastal dual-use path at Burns Beach which is currently to be taken across newly planted areas of rehabilitated dune with hundreds of plants put in by the City of Joondalup this winter, which areas will be destroyed by the construction of the path.*

**MOVED** Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef **SECONDED** Ms S Hart, 32 Pullan Place, Greenwood that the proposed route of the coastal dual-use path be referred to the Conservation Advisory Committee and the Joondalup Community Coastcare Forum for recommendations before the route is finalised.

The Motion was Put and

**CARRIED**

*Q2 I refer to the recent declaration of the Fire and Emergency Services Authority that they will not fight fires in natural bush areas where treated pine fences and their posts are involved in the fire due to the toxic fumes given off and the danger to their fire-fighters from those fumes. When will the City of Joondalup begin replacing this flammable and toxic type of fence post with a non-flammable fence post in those high conservation bushland areas that we claim we have, so that the Fire and Emergency Services people will actually fight fires when they break out. When will the City begin a fence post replacement program?*

A2 At this point in time, the City does not have a fence/post replacement program.

*Q3 Is a fence post replacement program going to be put in place?*

A3 Based on the information you have given this evening, this issue will be followed up.

### **Mr Noel Gannon, 79 Clontarf Street, Sorrento**

**MOVED** Mr Noal Gannon, 79 Clontarf Street, Sorrento **SECONDED** Ms S Hart, 32 Pullan Place, Greenwood that at the first ordinary meeting of Council in February 2006, a report be presented which includes the following information on what has become known as the 'Denis Smith affair':

- 1 copies of all information given to all applicants, including Smith, when they expressed interest in the position of CEO, City of Joondalup;

- 2 copies of Smith's application for employment together with the Curriculum Vitae (CV) submitted. Personal information such as address, age and personal relationships are not relevant;
- 3 copy of Smith's Contract of Employment;
- 4 copies of all correspondence between the City and their legal advisors pertaining to Smith and actions taken by Councillors during his term of employment;
- 5 copies of all motions presented to Council during Smith's tenure which referred directly to him or actions taken by Councillors in respect of Smith, include the result of the votes;
- 6 a table showing the list of legal expenses incurred by the City over this affair broken up into the following categories:
  - (a) amounts claimed and paid to legal advisors;
  - (b) amounts claimed and paid to ex CEO, Smith;
  - (c) amounts claimed and paid to Councillors;
  - (d) amounts claimed and paid to staff;
  - (e) amounts claimed but payment refused (give details);
  - (f) any amounts expected to be claimed but not yet received or in dispute;
  - (g) any other amounts relative to this affair;
- 7 copy of the Termination Agreement between the City of Joondalup and Denis Smith;
- 8 the decisions reached by the Minister for Local Government resulting from the report of the McIntyre Inquiry. Should that not be available, it can be added to the report at a later date as soon as it is available.

Mr Gannon spoke to the Motion.

**The Motion was Put and**

**CARRIED**

**Ms S Hart, 32 Pullan Place, Greenwood:**

- *For the draft agenda for the Briefing Session held on 15 November 2005 – Business Outstanding from previous meetings for December 2005 which starts on page 111. Is it normal to have this many outstanding items. At the Council meeting to be held in December 2005, there is 26 items listed. I find this extraordinary and once again we find that the community will be consulted over the Christmas/holiday period.*

**MOVED Ms S Hart, 32 Pullan Place, Greenwood SECONDED Mr S Magyar, 31 Drummer Way, Heathridge that the City of Joondalup stop this load-up in the December meeting of each year and stop overloading the community and start to be a little bit fair.**

Ms Hart spoke to the Motion.

**The Motion was Put and**

**CARRIED**

**Mrs M Macdonald, 5 Mair Place, Mullaloo:**

- Q1 *Why were the figures, which made the Mullaloo Tavern site a Village Centre in the Local Area Strategy falsified?*
- Q2 *How could planners tell Councillors that there would be no adverse effects to the locality of Mullaloo by a development that took the patronage from an actual 175 to a possible 1000?*
- Q3 *How could approval be given for a building to be constructed at Mullaloo that did not meet the requirements of its building approval?*
- Q4 *Why did the current CEO commission a report on complaints from ratepayers on this same development, encourage ratepayers to take part and then not give the ratepayers a copy of that report or even an explanation of his actions?*
- Q5 *Why did Structure Plan No 1 for Joondalup City Centre approved to replace the Joondalup City Development Plan and Manual disappear? Why were the residential densities within that missing plan never used?*
- Q6 *Why did the Administration of the City tell the Minister of Planning and Infrastructure in 2000 that it had a height policy for all areas when this policy only covered residential areas in zones where residential use was allowed? Why was this existing policy changed so that it covered only a residential zone? Why has it taken six years to consider a height policy given the Minister's request in 2000? Given the current Minister's restated request in 2004, when will we get a height policy and will that policy use as precedents the height of buildings approved in the interim?*
- Q7 *Why don't we have development standards and controls for residential buildings, and short-stay accommodation when the City has been aware of the absence of these controls for many years?*
- Q8 *Why are the people of Joondalup still waiting to have Lot 1 Tom Simpson Park and the 10 lots in Merrifield Place rezoned as parkland and bushland?*
- Q9 *Why are we still waiting for the Local Area Strategy, the Centres Strategy, to be amended three years after Council passed a motion to amend it? Why isn't this current policy used?*
- Q10 *Why are we told that there are budgetary constraints preventing necessary amendments to the Town Planning Scheme and Planning Policies being implemented, when we employ qualified planners who should be able to frame amendments to make the appropriate changes to the DPS 2?*

Q11 *Why are credit card payments hidden by showing them on the Warrant of Payments as payments to the bank, when we know that the bank has only acted as an agent and paid monies on the City's behalf to other suppliers? How does this entry meet the requirements of the Local Government Act 1995?*

Q12 *When the Administration has commissioned reports are these reports not attached to the agendas so that Councillors, Commissioners and ratepayers are fully informed, instead of only receiving the Administration's interpretation of those reports?*

A1-12 These questions will be taken on notice.

**Mrs M Macdonald, 5 Mair Place, Mullaloo:**

**MOVED Mrs M Macdonald, 5 Mair Place, Mullaloo SECONDED Mr K Zakrevsky, 49 Korella Street, Mullaloo that in accordance with the McIntyre Inquiry the City sets up a committee which meets monthly to look at the way in which ratepayers' questions have been answered or ignored so that this Administration is made open and accountable for its actions.**

**The Motion was Put and**

**CARRIED**

**Mrs M Zakrevsky, 49 Korella Street, Mullaloo:**

- Mrs Zakrevsky tabled a 63-signature petition from electors and ratepayers of the City of Joondalup requesting that the Council of the City of Joondalup:

- 1 remove the she-oak trees adjacent to the children's sand/play grounds in Korella Park and in Gunida Park, Mullaloo because their fruit cones are extremely painful to walk on barefoot, now posing a health safety hazard for the barefoot children;
- 2 replace with local species shady trees (eucalypts) positioned to provide shade in summer for these play areas.

Q1 *The free mulch offer advertised in Council News Spring 2005 (back page) was valid until 26 September 2005. It came as a tear off slip with the four Green Waste Tip passes that came with the Annual Council Rates Payment Notice. I request that Council consider the following two proposals:*

- (a) *The free period is extended so that ratepayers have more time to avail themselves of this free beneficial environmental offer to reduce water usage. Home gardeners mulch in late October and November following weed removal. I noticed this offer after 26 September, so I missed out unfortunately. I wonder how many others did not spot this "freebie"?*
- (b) *The mulch voucher tear-off slip be changed to the top of the Green Waste Entry Vouchers Tip Pass from its position at the bottom so that it can be torn off independently of the green waste tip tear-off vouchers*

Q2 *Would Council consider providing orange 'dog poo' bags for Charonia Reserve in Mullaloo?*

A1&2 In relation to the extension of time for mulch, this will be extended for as long as there is mulch available. In relation to the relocation of the tear-off slip, this will be investigated.

With reference to the provision of 'dog poo' bags in Charonia Reserve, this will be implemented.

- Q3 *In last week's edition of the Joondalup Community Times, 24 November 2005 under the Chairman's Notice, page 13 under the City's advertisement Joondalup Voice from Chairman, John Paterson reads in part "the City picked up the award in the category of Outstanding Planning Coastal Projects. The winning entry was titled 'Coastal Foreshore Management – A New Approach'. The Joondalup Coastal Care Forum submission by members Marie Macdonald and myself for protection and revegetation of the Mullaloo dunes for 300 metres north of the Mullaloo Surf Club to the value of \$8,600 was announced recently at the Coastal Planning Conference in Busselton. There appears to be no funding provision for fencing in the City of Joondalup's 2005/06 year's budget papers adopted at the Special meeting on Thursday 28 July 2005 except for the Item BCW1041 Location C101 for \$12,000 from the Municipal Fund for the rear of the Connolly Community Centre. Is there a budget for fencing with respect to our project for protection and revegetation of the Mullaloo dunes and the Ocean Reef road extension? If there is no budget for fencing, how can this project that has received wide coverage in the media and by the City of Joondalup go ahead? It is dependant on the voluntary work by the community, funding for plant revegetation by Coast Care and fencing by the City of Joondalup. Fencing is the City's contribution in this tripartite contractual coastal rehabilitation project. The JCCF must ensure all parties meet the requirements as detailed.*

**MOVED Mrs M Zakrevsky, 49 Korella Street, MULLALOO SECONDED Mr M Sideris, 12 Page Drive, Mullaloo that the Joondalup Coast Care Forum's Mullaloo dunes protection and revegetation project be supported by the City of Joondalup with funding for fencing as detailed in the submission to meet the contractual requirements for this project.**

**The Motion was Put and**

**CARRIED**

- Q4 *Is there funding in this year's budget for fencing on the west side of the new Ocean Reef road extension that is from Hodges Drive to Shenton Avenue to protect the coastal vegetation from access by people and vehicles?*

A3&4 As far as the landscaping component and fencing, that is currently going through another process which will be considered as part of the 2006/07 budget deliberations.

- Q5 *In previous years the City of Joondalup has organised a social function to officially recognise the work done by volunteers in its natural areas. Our sister City, Wanneroo has received considerable publicity about its environmental award system and its winners. I am aware of thank you functions for volunteers in other areas supporting the City of Joondalup's work. If it is too late to organise any social get together in 2005, would the City consider Christmas in July 2006 for some of its environmental volunteers?*

A5 The City is endeavouring to arrange for functions that recognise a wider number of volunteers. It is programmed, and hopefully will occur prior to July 2006.



- Q6 *In relation to chemical weed control, has the City of Joondalup contracted Turf Master Environmental to undertake chemical weed control along the 16kms of coastal dual use path? The dual use path is through the high conservation area of Bush Forever site 325, a distance of approximately 13kms. Is there stipulation in this contract which I believe Turf Masters now have for this path for its operators to be ABR (Australian Association of Bush Regenerators) accredited so that local plant species are not confused with weeds and sprayed inadvertently.*
- A6 Council has made a decision that there will be no weed spraying in natural areas unless it is undertaken by a bush regeneration contractor. As it relates to within the path reserve, this question will be taken on notice as to exactly which contractor is undertaking that work.

**MOVED Mrs M Zakrevsky, 49 Korella Street, Mullaloo SECONDED Mr M Caiacob, 7 Rowan Place, Mullaloo that the:**

- 1 chemical weed control in Bush Forever sites, including the Bush Forever site 325 that extends from Hillarys Marina north to Burns Beach be referred to the Conservation Advisory Committee;**
- 2 terms of the contract with Turf Masters be referred to the next meeting of the Conservation Advisory Committee to clarify the account source and cost.**

**The Motion was Put and**

**CARRIED**

**Ms K Woodmass, 25 Calbourne Way, Kingsley:**

*Re: Meath Care*

- Q1 *What is the height of the water table 15 metres from the wetlands?*
- A1 This question will be taken on notice.
- Q2 *What is the height of the water table 30 metres from the wetlands, which is where most of the development/excavation will occur?*
- A2 This question will be taken on notice
- Q3 *When was the most recent water table height test done by consultants? What was the water level at that time? Will this test be undertaken again given that we have had the largest rainfall for a number of years?*
- A3 Staff are available to discuss details of the application whenever it is convenient for Ms Woodmass. Those details can be readily found.
- Q4 *A statement was made at a meeting that anything outside of an aged care facility would not have been approved. I would suggest that in exercising discretion due to height and scale and also the proximity of the wetlands a rush decision was made based on emotion rather than logic. Is there any possibility that the decision of Council made prior to last Christmas can be rescinded?*
- A4 It is not believed so, and the decision has been conveyed to the applicant.

Q5 *Why is the City reviewing ward boundaries given that Commissioners are only caretakers of the City? Why is this not being left to an elected Council as this Review does not have to be completed until 2007?*

A5 The decision on ward boundaries has not been made. This is being presented to Council as an assessment was undertaken of the ward boundaries and the ward boundaries are significantly outside the parameters of the Local Government Advisory Board. Based on advice from the Local Government Advisory Board, the CEO has prepared a paper for consideration by Council. The public comment closes on 2 December 2005, and once the comments are received, a report will go to Council for determination on whether or not to pursue the matter.

**Mr A Bryant, 6B Stocker Court, Craigie:**

Q1 *Regarding illegally parked vehicles in the turning circle of Stocker Court on Saturdays, Sundays and public holidays. I raised this question on 19 July, 9 August and 30 August 2005 and I again raise the same complaint notwithstanding the Commissioners agreed that they would “take my complaint on board.” Illegally parked cars continue to appear in Stocker Court on Saturdays and Sundays. May I suggest that the only two Rangers for the whole of the City of Joondalup have not the capacity to police the whole area properly at weekends and perhaps at any other time.*

A1 The Rangers have patrolled Stocker Court and further patrols will be arranged.

Q2 *On 19 July and 9 August 2005 I asked questions as to when the proposed community centre for Craigie is expected to be built on Council owned land situated at the corner of Perilya Road and Camberwarra Road, Craigie as Department of Community Development has allocated \$898,000 towards the project. Could you now advise me of the progress therewith to date and when will the project be completed or better still when will it start?*

A2 This is a project of the Department of Community Development. The City's involvement in the process is in the negotiation with the Department on the piece of land that it would like to acquire from the City. In that regard a report is scheduled to be presented to the Council meeting to be held on 13 December 2005.

**Mr M Caiacob, 7 Rowan Place, Mullaloo:**

**MOVED Mr M Caiacob, 7 Rowan Place, Mullaloo SECONDED Mr K Zakrevsky, 49 Korella Street, Mullaloo that:**

**1 the Council ADVISES the Minister and the Local Government Advisory Board that the electors of the district have instructed the Council of the City of Joondalup:**

- (a) NOT to proceed with or progress any current ward boundary review;**
- (b) NOT to proceed with or progress any ward boundary review until a maximum legislative time frame of the formal review is due to expire in 2007;**
- (c) that the Council retain the existing ward boundary structure and Councillor elector representation until the next review due in 2007;**

- 2 in the event that the Minister and the Local Government Advisory Board refuses to accept Council's resolution that Council adopt the attached secondary proposal for four (4) wards and eleven (11) Councillors and one (1) popularly elected Mayor as the Council's preferred option.

*During discussion, the following persons spoke to the Motion:*

*Mr M Caiacob, Mullaloo  
Mr M Sideris, Mullaloo  
Ms M Moon, Greenwood*

**AMENDMENT MOVED Mr S Kobelke, 1 Hawkins Avenue, Sorrento SECONDED Mr D Carlos, 45 Swanson Way, Ocean Reef that Point 2 of the Motion be DELETED.**

Mr Kobelke spoke to the Amendment.

**The Amendment was Put and**

**CARRIED**

**The Original Motion as amended, being:**

**That the Council ADVISES the Minister and the Local Government Advisory Board that the electors of the district have instructed the Council of the City of Joondalup:**

- 1 NOT to proceed with or progress any current ward boundary review;
- 2 NOT to proceed with or progress any ward boundary review until a maximum legislative time frame of the formal review is due to expire in 2007;
- 3 that the Council retain the existing ward boundary structure and Councillor elector representation until the next review due in 2007.

**was Put and**

**CARRIED**

*Appendix 2 refers*

*To access this attachment on electronic document, click here:*

[submission - m caiacob 281105.pdf](#)

**Ms S Hart, 32 Pullan Place, Greenwood:**

Q1 *When these ward boundaries were set, did the Commissioners of the time follow the officer's recommendation?*

A1 This question will be taken on notice.

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

Q1 *In the 2005/06 Budget an amount of \$20,000 is listed for a noise level meter. Has this item been purchased? How many times has it been used, by whom is it going to be used, who monitors the noise levels and how many staff are trained in the use of this meter within the Environmental Health area. Does the City have a Noise Policy and when was this promulgated?*

- A1 The Environmental Health Officers generally have a background in noise issues, but certain officers are specialists as a result of their on-going professional development in noise and acoustic issues. The proposal to purchase a new meter is as a result of the old meter becoming superceded. The meter requires calibration as part of the need for the necessary quality assurance issues. There are several Environmental Health Officers on staff who are qualified to use the meters to assist in quantifying the extent or the existence of complaints regarding noise in and around the City. Where the officers are involved in this work, it is typically carried out during business hours. The City does not have a Noise Policy. The requirements for the measurement of noise and the definition of a nuisance come from the Environmental Protection Act and the Noise Abatement Regulations that are attached to that Act.

**MOVED Mr K Zakrevsky, 49 Korella Street, Mullaloo SECONDED Mr M Sideris, 12 Page Drive, Mullaloo that a Noise Policy is long overdue and should be implemented as quickly as possible.**

Mr Zakrevsky spoke to the Motion.  
Mr Sideris spoke in support of the Motion.

**The Motion was Put and**

**CARRIED**

**Mr M Sideris, Mullaloo:**

Q1 *What type of noise level meter is being purchased?*

A1 This question will be taken on notice.

*Cmr Smith left the Chamber, the time being 2110 hrs.*

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

*Re: Environmental Centre*

Q1 *In 1983 when LandCorp was situated in the CBD, I believe it was a Mr Morgan stated to me personally that within two years there would be an environmental centre that would accommodate the WA Naturalist Club, which is flora and fauna interests, the Wildflower Society and the Ornithological Society specifically. In the building would be provisions for a laboratory, at least three committee rooms, storage for records and hall that could accommodate approximately 100 people. These were the requirements prior to 1983 that were muted and eventually there was to be serious discussion. We are now in 2005 and considerable time has elapsed. We are talking about an environmental centre that is an educational centre and it should be area placed whereby it is accessible to students, TAFE and high schools and also the general community members after hours, who are on committees and do voluntary work in this field. I would ask that this matter be taken on board and hastened up, encouraging LandCorp to commit to this.*

A2 That was not a matter that was listed in the Normalisation Agreement. Research will be undertaken.

Re: *The McIntyre Report – Governance*

- *The McIntyre Report answered the question concerning staff and in the main the vast majority of the staff carried out their responsibilities and their duties. I do question certain others who could have taken a stronger position purely on the strength of their position could have been able to speak up and report issues which would not have created the situation that ended up. One issue is only really and truly addressed by the McIntyre Inquiry and that was the CEO and how the Councillors addressed the issue. The other issue that should have been addressed via a brief given to the Inquirer was the question of governance in full, firstly the Councillors and secondly the administration. The issue of the Councillors has been addressed. With regard to the administration I have taken into account the CEO, Mr Hunt's recommendations on what he is attempting to do, but I still think that the warning signs must be stated and that is that we have seen that whether you are Commissioners or Councillors, the reports have not been fully presented. There has been a lot of information that was lacking. We found that reports came from consultants and in many cases they really were putting what I call a "theoretical" position forward as distinct from knowledge of the actual situation. When you consider that we have got qualified staff, I find it strange to have to go out to consultants for nearly, every single thing, which brought up huge consultation fees to this Council. Councillors' decisions are affected by what is presented to them. They cannot research each and every single issue themselves, so are reliant on the information that is provided. I put that forward constructively because in the main as I have said in the past 95% of the staff of over 500 in the City of Joondalup have done an incredibly good job under very trying conditions on many occasions. I salute those people for their dedication and I am sorry to see so many staff that have left who were very capable and extremely hard to replace.*

*Cmr Fox left the Chamber, the time being 2120 hrs.*

**Mr S Magyar, 31 Drummer Way, Heathridge:**

**MOVED Mr S Magyar, 31 Drummer Way, Heathridge SECONDED Mr A Bryant, 6B Stocker Court, Craigie that we the electors of the City of Joondalup:**

- 1 BELIEVE the governance framework for the City of Joondalup is lacking in effective mechanisms to ensure that the Council sets policy and that the Council acts as a watchdog against unresponsiveness, incompetence and corruption;**
- 2 REQUEST the Commissioners to change the City's processes and procedures to ensure that the Council can act as watch-dog against possible unresponsiveness, incompetence and corruption by:**
  - (a) including in the Order of Business at all Council meetings and Briefing Sessions questions with and without notice from elected members;**
  - (b) including in the Order of Business at all Council meetings and Briefing Sessions a second public question time and statement time;**
  - (c) establishing the reporting framework within the Standing Orders for petitions received by the Council.**

Mr Magyar spoke in support of the Motion.

**The Motion was Put and**

**CARRIED**

**Ms M Moon, 6 Carew Place, Greenwood:**

- *The DPS 2 states under 4.2.3 that the residential purposes dealt with by the codes will conform to the codes. But in this City, but not in other Councils, they don't deal with density for residential buildings that are not dealt with by the codes. Other Councils do deal with this. They have residential building with building designs, what code applies, all those sorts of things. This is leaving the City open to problems involving developers, people and communities such as Sorrento having to defend themselves. The City has no definition of residential short-stay, medium-stay or any density and development controls for all residential development. Height and bulk for the coastal strip needs to be implemented into the DPS 2 and an exclusion from Council discretion added to 4.1.*

Q1 *A local planning policy is not part of the scheme and does not bind Council, but must be given due regard. When we have a development like Meath Care, where the developer or the proponent actually asks for R20, asks for residential, then the R20 does not apply, the residential does not apply and the height policy did not apply because it wasn't normal residential. We have an area of land that had absolutely no development control. What is really concerning is that this was on wetlands which now apparently we are calling 'swamps.' Now we had no policy within this framework that supported the natural built or social environment. It didn't fit in with the wetlands. It didn't fit in with the built residential area or R20 and it certainly didn't fit in with the people of that area. I find it astonishing that the planning framework didn't exist in this instance and this is what we are facing. We continually hear we don't have a Noise Policy. We also need to be careful that we are not just looking at policy, but implementing these things into the scheme without discretion. In Scarborough, the Planning Minister, Alannah McTiernan said "If they had had the height put into the scheme, not just the policy at the first sign of trouble with the first big development at Scarborough, they would not be facing the problems they are now." Why aren't we listening to what she has to say and getting this height into the scheme.*

A2 *Response by Cmr Paterson:* I note these criticisms, but I think Joondalup is a beautifully planned City.

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

**MOVED Mr M Sideris, 12 Page Drive, Mullaloo SECONDED Mr S Magyar, 31 Drummer Way, Heathridge that this Council immediately initiate action to recover the \$500,000 paid out to Denis Smith.**

Mr Sideris spoke to the Motion.

**The Motion was Put and**

**CARRIED**

**MOVED Mr M Sideris, 12 Page Drive, Mullaloo SECONDED Ms S Hart, 32 Pullan Place, Greenwood that this Council forwards all advice, all information pertaining to Mr Denis Smith's tax liabilities, be they Fringe Benefits Tax (FBT) or Goods and Services Tax (GST) to the Commissioner for Taxation for a ruling and that this ruling be published by the City of Joondalup.**

Mr Sideris spoke to the Motion.

**The Motion was Put and**

**CARRIED**

**MOVED Mr M Sideris, 12 Page Drive, Mullaloo SECONDED Mrs M Macdonald, 5 Mair Place, Mullaloo that this Council calls the State Records Board to conduct a full audit of all the records contained within the City of Joondalup and looks at the McIntyre Inquiry to look at the lack of document control within this City.**

Mr Sideris spoke to the Motion.

**The Motion was Put and**

**CARRIED**

**Ms S Hart, 32 Pullan Place, Greenwood:**

Q1 *Was Cmr Drake-Brockman a lawyer?*

A1 *Response by Cmr Paterson:* Yes, he is an Industrial lawyer.

Q2 *When suspended Mayor Carlos gave you (Cmr Paterson) a file shortly after Commissioners were appointed and asked you to pass that file on to the other four Commissioners, I believe your response was “that you passed it on to the lawyers.”*

A2 *Response by Cmr Anderson:* Commissioners did not receive a copy each, but were briefed on the file by Mr Fiocco.

*Response by Cmr Paterson:* Cmr Drake-Brockman also read the entire file.

Q3 *As Chairman, what authority did you have to go straight to the lawyers with the file?*

A3 *Response by Cmr Paterson:* Commissioners appointed a lawyer to represent them. All Commissioners’ trust was in Mr John Fiocco, lawyer.

Q4 *You (Cmr Paterson) made that decision yourself, it was not a decision of Commissioners?*

A4 *Response by Cmr Paterson:* The Commissioners made that decision.

Q5 *What that a formal decision?*

A5 There was no formal meetings because Commissioners did not work with administration on this issue.

Q6 *Why when it was requested of you (Cmr Paterson) to pass the file on to all Commissioners that all Commissioners did not get to see the file?*

A6 Commissioners had the opportunity to view the file. Meetings were not held in these offices. For Commissioners’ own reasons, meetings were held in the offices of Mr John Fiocco.

Q7 *Were there minutes taken of those meetings?*

A7 *Response by Cmr Paterson:* No, there was no administration present and minutes were not taken.

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

- Q1 *The public waits a year to be able to bring forward issues that are definitely relevant. We may be just a few people here out of the whole electorate, but if the issues are not addressed, what happened in 2003 would reoccur in this Chamber. People don't come and ask questions to be rude to staff or to Commissioners. I commend the majority of the Commissioners that have tried to look at the huge agendas, and get themselves on to a steep learning curve, however the impatience of the Chairman is not tolerated. The Chairman is not willing to listen and is governed only by the clock.*
- A1 *Response by Cmr Paterson: I disagree that I was abusive. If the meeting wishes to carry on longer then they can.*

**CLOSURE**

There being no further business, the Chairman declared the Meeting closed at 2150 hrs; the following Commissioners being present at that time:

CMR J PATERSON  
CMR P CLOUGH  
CMR M ANDERSON