

TOWN OF BASSENDEAN

MINUTES

GENERAL MEETING OF ELECTORS

HELD IN THE BASSENDEAN COMMUNITY HALL,
48 OLD PERTH ROAD, BASSENDEAN

ON WEDNESDAY 23 NOVEMBER 2016 AT 7.00PM

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Deputy Mayor, Cr Lewis, declared the meeting open, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

2.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Present

Councillors

Cr Mike Lewis, Deputy Mayor
Cr Gerry Pule
Cr Paul Bridges
Cr Bob Brown
Cr Renee McLennan

Apologies

Cr John Gangell, Mayor

Officers

Mr Bob Jarvis, Chief Executive Officer
Mr Mike Costarella, Director Corporate Services
Mr Simon Stewert-Dawkins, Director Operational Services
Mr Graeme Haggart, Director Community Development
Mr Anthony Dowling, Director Strategic Planning
Mr Brian Reed, Manager Development Services
Mrs Amy Holmes, Minute Secretary

Public

Approximately 28 members of the public were in attendance.

Press

One member of the press was in attendance.

3.0 PRESENTATION OF THE TOWN'S NEW WEBSITE

The Deputy Mayor presented the Town's new website.

4.0 RECEIVING OF THE 2015/16 ANNUAL REPORT, INCLUDING THE AUDITED ANNUAL FINANCIAL STATEMENTS AND AUDITOR'S REPORT

Mr Don Yates, 10 Thompson Road, Bassendean

Mr Yates queried the difference in land values from \$26million to \$21.8million.

The Director Corporate Services explained that \$26million is the 2014 revaluation figure and the actual value of the land assets is now \$21.8million.

Mr Yates asked, of the \$21.8million how much of that will diminish when the land that's set aside as Bindaring Park is given back to the state government.

The Director Corporate Services advised that he was unable to answer that question as he does not know the individual land values at this meeting.

The CEO commented that the public was very keen not to see the Anstey Road land developed.

Mr Yates referred to Note 20 of the Financial Statements - Trust Fund and stated that the Town does have control over how the \$847,000 is spent and can direct the Minister on how to spend those funds.

The Director Corporate Services advised that Trust money cannot be spent without the Minister's approval.

Mr Yates queried Page 86 - Municipal Buildings and Town Planning Reserve and wanted clarified if \$300,000 had been transferred to that account and asked what the current balance is.

The Director Corporate Services responded that the balance, as at 30 June 2016 is \$1.8million.

Mr Yates referred to the independent auditor's report and requested that it should not be accepted until a number of financial risk matters have been clarified.

The Director Corporate Services advised that the auditor's report has been accepted by Council.

Ms Katrina Mykytiuk, 31 Kenny Street, Bassendean

Ms Mykytiuk asked what the \$800,000 increase for employee costs relates to.

The Director Corporate Services explained that there has been an increase in staff in senior and disability services and child care that are fully externally funded. The increase also relates to accruals in long service and annual leave.

MOTION 1

MOVED Mrs Anne Brinkworth, Seconded Mr Ian Veale, that the 2015/16 Annual Report including the Audited Annual Financial Statements and Auditor's Report, be received.

LOST 8/9

8 electors voted in favour of the motion.

9 electors voted against the motion.

Mr Tony Wood

Mr Wood asked if the Auditor is a family acquaintance of Mr Mike Costarella, Director Corporate Services.

The Deputy Mayor responded that he would not accept derogatory questions.

Mr Don Yates, 10 Thompson Road, Bassendean

Mr Yates asked why the Auditors have not included details of financial risk to the community. There are a number of matters missing from this report, such as the wall at 1 Anzac Terrace that is a risk to the community.

The CEO advised that the wall is on private property. It has been inspected and the residents and an engineer are satisfied that the wall is safe.

The Director Corporate Services responded that Macri Partners work by a set of ethics and principles. They are engaged by the Town to audit the financial transactions of the Town. They have found no impropriety and are satisfied with this Town's financial transactions. Risk assessment of public facilities is not part of this financial audit.

The CEO commented that there is a statutory requirement for the Town's risk management of activities be reviewed every two years and this will be presented to the Audit and Risk Management Committee in December.

MOTION 2

MOVED Mr Don Yates, Seconded Mr Tony Wood, that receipt of the 2015/16 Annual Report including the Audited Financial Statements and Auditor's Report be deferred until the Town's independent auditors have addressed the Town's financial risk exposure.

LOST 2/23

2 electors voted in favour of the motion.

23 electors voted against the motion.

The Deputy Mayor suggested that the First motion may need to be rescinded by the electors in order that the meeting could proceed.

Mr Bruce Keay, 11 Earlsferry Court, Bassendean

Mr Keay expressed concern at the financial risk to ratepayers from the over-expenditure at 1 Surrey Street and Town Planning Scheme 4A and asked why they are not identified in this document.

The Director Corporate Services clarified that the Surrey Street project was budgeted in the 2016/2017 financial year so would not be shown in the 2015/2016 Annual Report. Of the \$980,000, \$285,000 is from Lotteries, \$315,000 is from rates and the balance is from the Municipal and Reserve Funds. The Town Planning Scheme 4A is currently in deficit of \$240,000, however, the final figure will not be known until the works are completed.

Ms Kathryn Hamilton, 53 Broadway Street, Bassendean

Ms Hamilton asked why the electors have to vote to receive the Annual Report and Audited Financial Statements.

The CEO advised that it is a requirement under the Local Government Act that the Annual Report and Audited Financial Statements be accepted by the electors.

MOTION 3

MOVED Mr Michael Grogan, Seconded Mr Ian Veale, that the motion to not receive the 2015/16 Annual Report including the Audited Annual Financial Statements and Auditor's Report, be rescinded.

CARRIED 14/2

14 electors voted in favour of the motion.

2 electors voted against the motion.

MOTION 4

MOVED Mr Moss Johnson, Seconded Mr Michael Grogan, that the 2015/16 Annual Report including the Audited Annual Financial Statements and Auditor's Report, be received.

CARRIED 14/2

14 electors voted in favour of the motion.

2 electors voted against the motion.

5.0 GENERAL BUSINESS

Ms Nonie Jekabson, 6 Barton Parade, Bassendean

Ms Jekabson spoke on the Surrey Street project and asked that the following be placed on record:

"I feel the Town of Bassendean ratepayers are going to be ripped off if the project proceeds as per this design and that we would do well to go back to the drawing board to produce a far more sensible, functional and cost effective plan. Any expense in variations to the design, consultation, architect's fees etc, would be more than compensated for by a reduction in the overall cost of the construction and of long term maintenance of the building and surrounds."

Ms Jekabson asked the following questions:

- Who will staff it.
- Will there be an entry fee and how many visitors per week are anticipated.
- Does Council propose to employ a curator/facility coordinator and if so for how many days a week.
- Why is there no provision for education programmes for school children in the proposed plan.

The Director Community Development provided the following response:

- Staffing has not yet been determined.

- It is envisaged that the centre will be open at least five days a week and will also be used by the Historical Society, Art Council.
- An entry fee has not yet been considered.
- There will need to be some overseeing of this facility but this has yet to be determined.
- A school education programme would be a major consideration.

Mr Peter Markham, 110 West Road, Bassendean

Mr Markham referred to the LandCorp Business Plan 2014 which suggests Bassendean ratepayers were considered a “highly likely risk”. Mr Markham commented that this document was only released after a number of Freedom of Information requests.

The Deputy Mayor responded that he does not think that the community is high risk.

The CEO responded that it was a very high level document produced by LandCorp and we were not permitted to release it. The Information Commissioner stated that once the document had served its purpose there was no reason why LandCorp should not release it. The Town agreed that the document should be released.

Mr Warren Wright, Margaret Street, Bassendean

Mr Wright sought clarification on the circumstances surrounding the release of the LandCorp document as it is his belief that after the Commissioner gave some advice to LandCorp, it was released.

The CEO responded that the document was handed over on advice from the Commissioner.

Ms Carol Seidel, 55 Broadway Street, Bassendean

Ms Seidel commented on a number of items from the LandCorp Business Plan and suggested that development on Bassendean Oval will adversely affect real estate prices and will be to the detriment of the Town. All Councillors and ratepayers should be encouraged to thoroughly read this document.

The Deputy Mayor commented that the Town is taking no financial risk for this development as the land will be developed by LandCorp and developers.

Mr Moss Johnson, 6 Barton Parade, Bassendean

Mr Johnson asked if the Council accepts that the Mayor denies the existence of a high level business plan when he was asked at an Ordinary Council Meeting last November.

The Deputy Mayor stated that he cannot answer on behalf of the Mayor.

Mr Johnson asked what techniques or actions are suggested in the high level business plan to mitigate the high level risk to the community.

The CEO commented that LandCorp had opposition to projects in other communities which they were required to manage as part of the project. The CEO further advised the Mayor stated that he wanted the consultation process to be open and transparent.

Mr Johnson asked when town planning is going to recognise that you ask the community first rather than going ahead with something.

The CEO stated that Council has recognised that there is considerable community opposition to this project and this was reflected in Council's resolution in September 2016.

Ms Kathryn Hamilton, 53 Broadway Street, Bassendean

Ms Hamilton sought clarification on whether the CEO and Mayor refused to enter into lease discussions with Montessori School and the Bowling Club, due to LandCorp plans to develop land, and suggested that this was in breach of good faith provisions of the Tenancy Act.

The CEO responded that the Montessori School had advised the Town that they could not expand their business on the current site and had looked at alternative sites. Their lease has since been extended and they are considering purchasing the land adjacent to the current site.

Ms Hamilton referred to the Heads of Agreement document and asked for an explanation of the community benefit that would be gained by offering Christie Park, the Council Chambers and Civic Centre to LandCorp for \$1.00.

The CEO responded that it was not legal for a local government to sell freehold land without going through a disposition process and the Heads of Agreement document was amended accordingly.

Ms Hamilton referred to the release of the FOI documents by the Information Commissioner and asked if Council now considers their negotiations failed the public interest test.

The CEO stated that deliberative documents are exempt from FOI until a point arrives where it's in the public interest for them to be released, because they are no longer required. Council was asked in June if they were happy for the documents to be released and it was agreed.

Ms Hamilton stated that over 40 meetings were held with LandCorp and Swan Districts Football Club all of which were ruled as confidential and asked how this conforms with the transparency requirements of the Local Government Act and the transparency consultation guidelines set out by WALGA.

The CEO responded that the meetings were determined confidential by LandCorp as other state departments were involved and that Council had to abide by that confidentiality. The dates of the meetings and a description of the topics discussed were released in a quarterly report to Council. The CEO added that he had provided a response to Mr King which outlined all of the times the Councillors were invited and took part in discussions with LandCorp.

Ms Hamilton referred to the Ordinary Council Meeting of 15 December 2015 and suggested that the Mayor misrepresented himself in his statement *"it is a blank canvas and no concept designs have been drawn"*, as FOI documents clearly demonstrate that LandCorp presented its business case to the Mayor in January 2014, which included the sell of Christie Park, the Council Chambers and Civic Centre to LandCorp for \$1.00.

Ms Hamilton stated that the map in the Development Agreement of June 2015 shows only half the area for development, the map of November 2015 has doubled the area.

The CEO responded that one map was a general indicative area of the reserves and one was a more detailed map. The area was amended as it encroached on the tennis courts and onto the greenspace.

The Deputy Mayor clarified that development will not be happening on the BIC reserve, only at the Wilson Street carpark and the Bassendean Oval.

Ms Kim Petrig, Ashfield

Ms Petrig addressed Council regarding her opposition to the proposed Soccer West Stadium being built across the road from her house at Ashfield Reserve and asked when the Ashfield community were consulted on this.

The Director Community Development advised that the Department for Sport and Recreation approached the Town to list Ashfield Reserve as a preferred site. 500 random households in the Town were surveyed on the proposal. Ashfield has been included as a possible site, along with three other sites which have now been presented to the state government for consideration. If the Ashfield site is deemed as the preferred site, further community consultation will be undertaken.

Mr Harald Watzek, 22 Cumberland Way, Bassendean

Mr Watzek commented on the proposed development at 27 Cumberland Way and expressed concern about the lack of parking and space for rubbish bins.

The Manager Development Services advised that the application has not yet been determined and that Council is wishing to restrict this kind of development.

MOTION 5

MOVED Ms Megan Longwill, Seconded Mr Warren Wright, that a vote of no confidence be shown for Mr Bob Jarvis, CEO and Cr John Gangell, Mayor.

CARRIED 15/2

15 electors voted in favour of the motion.

2 electors voted against the motion.

Mr Ian Veale, 33 Bassendean Parade, Bassendean

Mr Veale referred to the Annual Report and the requirement for Council to undertake a four year internal review and asked whether Council has a document which sets out principles of its corporate governance and schedules that set out what the Councillors have to do.

The Director Corporate Services advised that the four year review is an internal audit. An internal auditor is appointed to look at a portion of the activities of the Town over that four year period. There is a requirement under the Local Government Act to provide an internal audit report to the public and Council.

Mr Bruce Keay, 11 Earlsferry Court, Bassendean

Mr Keay requested an update on the closure of the Town Planning Scheme No. 4A.

The Manager Development Services advised that there are some minor works to be completed and some land transactions to be finalised. Council have adopted a plan which aims to meet all scheme commitments in the next three years.

Mr Warren Wright

Mr Wright asked when did the Town first receive a concept plan from Soccer West and why was the plan not included with the survey.

The Director Community Development responded that a plan was first received around April/May this year when a report was presented to Council. The survey that went out was simplified upon request from the Department of Sport and Recreation.

Mr Tony Wood

Mr Wood stated that on 15 December 2015, Cr Bob Brown seconded a motion to renew the contract of the CEO for two years, this renewal being 13 months early, and asked why had he seconded the motion and what was the CEO required to do to justify this renewal.

The Deputy Mayor stated that the question was out of order.

Mr Wood asked if Cr McLennan had sort clarification on the family association of Mr Mike Costarella with the auditors, at a previous Council meeting.

The Deputy Mayor deemed the question out of order.

Ms Nonie Jekabson, 6 Barton Parade, Bassendean

Ms Jekabson asked why the survey, in relation to the Ashfield soccer facility, was limited to 500 residents.

The Director Community Development responded that the aim was to survey a random selection of residents across the Town. It was Council's preference for the survey to go out to all residents however this was not supported by the Department of Sport and Recreation.

Mr Don Yates, 10 Thompson Road, Bassendean

Will the Town's complaints register be available on the Town's website.

The Director Corporate Services responded that the complaints register is recorded in the Annual Report.

Mr Ian Veale, 33 Bassendean Parade, Bassendean

Mr Veale asked what a structure plan is.

The Director Strategic Planning advised that a structure plan is a more detailed closer view of street networks, lot sizes, uses, etc.

Mr Veale asked whether Council is required to provide a structure plan, as is expected by ratepayers.

The Manager Development Services responded that under the existing Local Town Planning Scheme, Council could down code an area without a structure plan.

Ms Kathryn Hamilton, 53 Broadway Street, Bassendean

Ms Hamilton asked whether the Ashfield soccer survey was sent out via email or post.

The Director Community Development advised that the survey was delivered by post, but will follow up if any were received by email and provide a response to Kathryn Hamilton and Warren Wright.

6.0 CLOSURE

There being no further business, the Deputy Mayor declared the meeting closed, the time being 9.50pm.