

# minutes

## Annual General Meeting of Electors

MEETING HELD ON

**TUESDAY, 4 DECEMBER 2012**

## CITY OF JOONDALUP

### MINUTES OF ANNUAL GENERAL MEETING OF ELECTORS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 4 DECEMBER 2012.

#### OPEN AND WELCOME

The Mayor declared the meeting open at 5.36pm and introduced the Councillors and the City's Auditor, Ms Michelle Spain of Grant Thornton Australia.

#### ATTENDANCES

##### Mayor:

TROY PICKARD

##### Councillors:

Cr TOM McLEAN, JP	North Ward
Cr KERRY HOLLYWOOD	North Ward
Cr SAM THOMAS	North-Central Ward
Cr PHILIPPA TAYLOR	North-Central Ward
Cr GEOFF AMPHLETT, JP	Central Ward
Cr LIAM GOBBERT	Central Ward
Cr MIKE NORMAN	South-West Ward – <i>Deputy Mayor</i>
Cr CHRISTINE HAMILTON-PRIME	South-West Ward
Cr BRIAN CORR	South-East Ward
Cr JOHN CHESTER	South-East Ward
Cr TERESA RITCHIE	South Ward
Cr RUSS FISHWICK, JP	South Ward

##### Officers:

MR GARRY HUNT	Chief Executive Officer
MS DALE PAGE	Director Planning and Community Development
MR JAMIE PARRY	Director Governance and Strategy
MR MIKE TIDY	Director Corporate Services
MR NICO CLAASSEN	Director Infrastructure Services
MR BRAD SILLENCE	Manager Governance
MR MARK McCRORY	Acting Manager Marketing and Communications
MR JOHN BYRNE	Governance Coordinator
MRS LESLEY TAYLOR	Governance Officer
MRS DEBORAH GOUGES	Governance Officer

##### In Attendance:

MS MICHELLE SPAIN Grant Thornton Australia.

There were 19 members of the public in attendance, 15 of whom signed the attendance register. There was one member of the press in attendance.

Appendix 1 - Attendance Register, click here: [aqmattendance041212.pdf](#)

## **APOLOGIES**

Nil.

## **ADDRESS BY THE MAYOR**

The Mayor welcomed members of the public gallery to the Annual General Meeting (AGM) of Electors.

The Mayor advised that this meeting is held in accordance with Section 5.27 of the *Local Government Act 1995*.

The meeting was advertised in the Joondalup Weekender Community Newspaper on 15 November 2012. A public notice of the meeting was also placed on the City's website and notice boards.

### **Procedures at Electors' meetings:**

The Mayor outlined the requirements for voting and speaking at an Electors' Meeting and the definition of an Elector.

The Mayor advised that the purpose of AGM was not to adopt the Annual Report but to discuss its contents and raise any general business that Electors may have. In accordance with the *Local Government Act 1995* Council adopted the Annual Report at its meeting held on 24 October 2012 (CJ208-10/12 refers).

The Mayor commented that any questions of a general nature raised at the AGM would be responded to and questions requiring a more detailed response would be taken on notice.

### **Video Presentation**

A video presentation was given outlining the events, activities and achievements of the City of Joondalup for the 2011/12 financial year.

## **CONTENTS OF THE 2011/12 ANNUAL REPORT**

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

*Re: Annual Financial Report*

Q1 *I note in Item CJ216-10/12 it states in the opening paragraphs that the full Auditor's Report had not been received by the Council, and that it would be presented to the Audit Committee prior to it being adopted. All that would be available would be an abridged or a summary version. When will a full version of the Auditor's Report be submitted to the Audit Committee?*

A1 Mayor Pickard stated the Item in question where Council adopted the Annual Report on 23 October 2012 was CJ208-10/12, not CJ216-10/12 as referred to. There is a difference between the Annual Report and the Financial Report.

The Director Corporate Services advised that a full Audit Report has been presented to both the Audit Committee and Council. In the Annual Report attached to the agenda, the Auditor's Report is on pages 62 – 63 of that report. That is the report of the Auditor, Grant Thornton Australia.

Q2 *Why did the Annual Report get adopted and yet the financial report and Auditor's report was not adopted?*

A2 Mayor Pickard advised that both the Annual Report and Auditor's Report were presented to Council and adopted at the same meeting on 23 October 2012.

Q3 *Can the Auditor explain the process that was used when they did their audit of the City's financial records?*

Q4 *Did the Auditor check the credit card transactions and verify that those accounts have been properly substantiated by appropriate dockets and invoices and fully documented what those goods and services were?*

A3-4 Mayor Pickard advised these questions will be taken on notice.

## **GENERAL BUSINESS**

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

**MOVED Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef, SECONDED Ms S Boylan, 52 Key West Drive, Mullaloo that the City of Joondalup change from herbicide spraying to hydrothermal weed control on all public paths and verges, beach access ways, playgrounds, parks, car parks and median strips.**

**The Motion was Put and**

**CARRIED**

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

**MOVED Mrs M Macdonald, 5 Mair Place, Mullaloo, SECONDED Mrs R Fleming, 3 Etchell Court, Ocean Reef that the City urgently consults with residents adversely affected by the noise and antisocial behaviour at Mirror Park skate facility and formalise its Management Plan so that all residents can be assured that Council will afford them quiet enjoyment of their properties.**

**The Motion was Put and**

**CARRIED**

**MOVED Mrs M Macdonald, 5 Mair Place, Mullaloo, SECONDED Mrs S Boylan, 52 Key West Drive, Mullaloo that Council urgently contracts a consultant to prepare a report on the affects of the proposed Ocean Reef Marina on Mullaloo beach, including the affects of climate change and resulting sea level rises.**

**The Motion was Put and**

**CARRIED**

**MOVED Mrs M Macdonald, 5 Mair Place, Mullaloo, SECONDED Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef that Council and staff are made fully aware of the separation of powers between staff and Elected Members as laid out in the *Local Government Act 1995*.**

**AMENDMENT MOVED Mr M Sideris, 12 Page Drive, Mullaloo, SECONDED Mrs M Macdonald, 5 Mair Place, Mullaloo that the following addition be added to the Motion as follows:**

***“The Act specifically specifies that employees are accountable to the Chief Executive Officer and that the CEO is accountable to the Council. Consequently it is inappropriate for Elected Members to direct employees or for employees to take direction from Elected Members.”***

**The Amendment was Put and**

**CARRIED WITH DISSENT**

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

**That Council and staff are made fully aware of the separation of power between staff and Elected Members as laid out in the Act. The Act specifically specifies that employees are accountable to the Chief Executive Officer and that the Chief Executive Officer is accountable to the Council. Consequently it is inappropriate for Elected Members to direct employees or for employees to take direction from Elected Members.**

**was Put and**

**CARRIED WITH DISSENT**

**MOVED Mrs R Fleming, 3 Etchell Court, Ocean Reef, SECONDED Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef that signs with “No Parking” to include a financial penalty for not complying with the sign be erected on the perimeters of Mirror Park skate park including, but not restricted to, Ocean Reef Road, Venturi Road and Mirror Place.**

**The Motion was Put and**

**CARRIED**

**MOVED Mrs M Zakrevsky, 49 Korella Street, Mullaloo, SECONDED Mr K Zakrevsky, 49 Korella Street, Mullaloo that the Council Rangers who have the power to issue infringement notices patrol the coastal reserve from Marmion to Burns Beach on the Sundays in the month that the abalone fishermen are removing abalone.**

**The Motion was Put and**

**CARRIED WITH DISSENT**

**MOVED Mrs M Zakrevsky, 49 Korella Street, Mullaloo, SECONDED Mrs S Boylan, 52 Key West Drive, Mullaloo that the problems with the small stage in Rob Baddock Hall, Kallaroo from a safety aspect be rectified.**

**The Motion was Put and**

**CARRIED**

**Mrs S Boylan, 52 Key West Drive, Mullaloo:**

- Q1 *What does it mean when a motion is carried with dissent?*
- A2 Mayor Pickard explained that dissent means that someone has voted against the motion, as opposed to unanimous which means everyone voted in favour.

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

- Q1 *Has the Council resolved the request for remembering the late Councillor Norma Rundle, who took a prominent role in saving Hepburn Heights bushland?*
- A1 Mayor Pickard advised that he had spoken publicly in this regard during “Announcements by the Presiding Person without discussion” section of the Council agenda, recognising the contribution that the late Councillor Rundle made to the City of Joondalup and spoke at length about her specific contribution and involvement in the saving of the bushland at Hepburn Heights. It has been placed on the public record, but to date no report has been presented to Council, so no formal position has been taken.
- Q2 *Those persons who knew the late Councillor Norma Rundle were hoping that a permanent fixture such as a park bench with a plaque recognising her contribution would be provided at a suitable location.*
- A2 Mayor Pickard stated that there is a Council policy that recognises significant people in the City which is available on the City’s website. Any member of the community could complete the form and submit it to the City, which would then be assessed in accordance with the required criteria.

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

- Q1 *What is the status of the Mirror Park skate park? Is it currently open or not?*
- A1 Mayor Pickard advised that the City is still in the process of completing the project and that the formal launch of Mirror Park skate park is on Friday, 14 December 2012.
- Q2 *What are the liability issues for the City with children using this park prior to it being opened?*
- A2 Mayor Pickard stated that the City has public liability insurance which covers all of the City’s facilities, including skate parks.
- Q3 *Does the insurance cover a situation where the park is still under construction and children are being allowed to use it?*
- A3 Mayor Pickard commented that the actual skate park facility has been constructed, and the company that built the park is no longer on site. The City has yet to complete execution of the project and this will be done on Friday, 14 December 2012.
- Q4 *Why is the fence still around the facility?*
- A4 Mayor Pickard advised he was not aware, but believed it was to try and protect the turf that has been laid on the banks of the skate park facility to give the turf the opportunity to ‘bed in’ prior to the facility being fully open to the public.

Q5 *It would appear that the fence is a waste of money as children are running over the bank.*

A5 Mayor Pickard believed the cost of hiring the fence was negligible compared to the amount of money the City has invested in the construction of the skate park.

**Mrs R Fleming, 3 Etchell Court, Ocean Reef:**

Q1 *Would the City explain or provide guidance as to how this skate park facility is going to be policed at 3.00am, 4.00am and 5.00am in the morning. Does the City have a Management Plan in place in relation to this facility?*

A1 Mayor Pickard stated that the City is preparing a Management Plan which would be made available to the local residents once this has been completed.

Q2 *Will the local residents who have been affected by the skate park be invited to the official opening?*

A2 Mayor Pickard advised that this had been discussed with the Chief Executive Officer. One resident has asked if they could attend the launch. It has been decided that a separate event for the residents and the users of the facility will be held in an attempt to create an environment where the local residents feel more at ease and comfortable with the users of the skate facility. There will be a separate event held at Mirror Park skate park as a celebration for the community.

Q3 *Would it not be more appropriate to have the one event in order to give residents an opportunity to get to know the skaters and users of the facility?*

A3 Mayor Pickard advised that the City had chosen not to do so.

Q4 *What is the City's reason for having two separate events?*

A4 Mayor Pickard commented that the event to be held on Friday, 14 December 2012 is for those people who were directly involved in the project, particularly the youth who were involved in the design of the facility.

The City will be holding a separate event at some time in the future that the broader community will be able to attend.

Q5 *When will the Management Plan be made available to the public?*

A5 Mayor Pickard advised this question would be taken on notice.

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

Re: CJ216-10/12 – 2011/12 Annual Financial Report

Q1 The report indicates that there was a budget operating surplus of \$1.2 million. Can I have an explanation for this?

A1 Mayor Pickard advised this question may need to be taken on notice, however he would ask the Director Corporate Services to respond. The Director Corporate Services advised Report CJ216-10/12 provides an explanation of how the surplus was arrived at and there were a number of variations in both revenues and expenses and he would be more than happy to document that in a written response.

Q2 On page 97 of the report it states that the Auditor identified some minor inaccuracies. What were these?

A2 Mayor Pickard clarified that the report states there are “no issues of significance.” Mayor Pickard requested the Director Corporate Services to comment, who advised that the report states “the audit has been completed, with no issues of significance raised and the Audit Report is unqualified.”

**MOVED Mr M Sideris, 12 Page Drive, Mullaloo, SECONDED Mrs M Macdonald, 5 Mair Place, Mullaloo that a report be presented to the Audit Committee of the City of Joondalup to review the costs associated with the Elected Members Strategic Workshop held at Abbey Beach Resort, Busselton and that a report be prepared for Council.**

**The Motion was Put and**

**CARRIED**

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

Mr Sideris commented on Councillors’ responsibilities under the Code of Conduct to interact with members of the community in the foyer at the conclusion of this meeting, something that was not done at the 2011 Annual General Meeting of Electors.

There being no further business, Mayor Pickard declared the AGM closed at 6.39pm.

The following Elected Members were present at that time:

MAYOR TROY PICKARD  
Cr TOM McLEAN, JP  
Cr KERRY HOLLYWOOD  
Cr PHILIPPA TAYLOR  
Cr SAM THOMAS  
Cr GEOFF AMPHLETT, JP  
Cr CHRISTINE HAMILTON-PRIME  
Cr MIKE NORMAN  
Cr BRIAN CORR  
Cr JOHN CHESTER  
Cr RUSS FISHWICK, JP  
Cr TERESA RITCHIE