

minutes

Annual General Meeting of Electors

MEETING HELD ON

MONDAY, 29 NOVEMBER 2010

CITY OF JOONDALUP

MINUTES OF ANNUAL GENERAL MEETING OF ELECTORS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY, 29 NOVEMBER 2010

OPEN AND WELCOME

The Mayor declared the meeting open at 7.00pm and introduced the Councillors and the City's Auditor, Mr Michael Hillgrove of Grant Thornton Australia.

ATTENDANCES

Mayor:

TROY PICKARD

Councillors

Cr TOM McLEAN	North Ward
Cr PHILIPPA TAYLOR	North-Central Ward
Cr LIAM GOBBERT	Central Ward
Cr GEOFF AMPHLETT	Central Ward – <i>Deputy Mayor</i>
Cr CHRISTINE HAMILTON-PRIME	South-West Ward
Cr MIKE NORMAN	South-West Ward
Cr BRIAN CORR	South-East Ward
Cr JOHN CHESTER	South-East Ward
Cr RUSS FISHWICK	South Ward
Cr FIONA DIAZ	South Ward

Officers:

MR GARRY HUNT	Chief Executive Officer
MS DALE PAGE	Director, Planning and Development
MR JAMIE PARRY	Director, Governance and Strategy
MR MARTYN GLOVER	Director, Infrastructure Services
MR SAID HAFEZ	Acting Director, Corporate Services
MR MARK McCRORY	Acting Manager, Governance and Marketing
MR TIM HEGNEY	Governance Coordinator
MRS LESLEY TAYLOR	Governance Officer
MRS BRENDA LOCHEAD	Governance Officer

In attendance

The City's Auditor, Mr Michael Hillgrove of Grant Thornton Australia.

There were 11 members of the Public in attendance, who signed the attendance register. There was one member of the Press in attendance.

Appendix 1 - Attendance Register, click here: [agmattendance291110.pdf](#)

APOLOGIES/LEAVE OF ABSENCE**Apologies:**

Cr Kerry Hollywood

Leave of Absence previously approved:

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 11 and 18 November 2010. A public notice of the meeting was also placed on the City's website, and notice board.

Video Presentation

A video presentation outlined and highlighted the events, activities and achievements of the City of Joondalup for the 2009/10 financial year.

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 19 October 2010.

The Mayor commented that in the past, matters raised at AGMs have been somewhat pointed and 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. The Mayor stated that no discussion would be entered into on any matters raised.

Written questions were received from Mr M Sideris of Mullaloo and Mayor Pickard read these out at the meeting:

Mr M Sideris, Mullaloo

Re: Turfmaster Pty Ltd

These questions are specifically directed to the external City Auditors in attendance.

Q1 During the audit of the City of Joondalup financial accounts process did the Auditors conduct a forensic audit or a detailed examination of any account transaction arising from the actions of Turfmaster Pty Ltd and or Minter Ellison legal costs associated with the Turfmaster Sumps issue?

A1 The audit was conducted in accordance with Australian Auditing Standards. The scope of which is set out in our audit report. The account transactions as mentioned did not form part of those transactions selected for audit testing. We were not specifically requested to undertake any work or report on these matters.

Q2 Did the Auditors concur (in writing) with the City administration that these costs were correctly cost code allocated as being "Employee Costs" and "Materials and Contracts"?

A2 Refer to the answer above.

Q3 Did the Auditors concur (in writing) with the City administration that all City incurred costs associated with the internal (in house) management of the Turfmaster spraying of sumps dispute were not of a special cost account nature and allowed to be absorbed into general unspecified administrative costs?

A3 Refer to the answer above.

CONTENTS OF THE 2009/10 ANNUAL REPORT

Ms Marie MacDonald, 5 Mair Place, Mullaloo

Q1 The Annual Report states that "the Ocean Reef Marina Concept Plan encapsulates high levels of environmental sustainability and community amenity and will deliver economic growth and social benefit". Can the City state whether any Cost Benefit Analysis was done that allows the City to make this statement with respect to economic growth and social benefit and if one exists can it be made available to rate payers and also can it state what environmental reports received indicate high levels of environmental sustainability?

A1 The Chief Executive Officer responded that on the basis on which those statements were made includes preliminary estimates completed for Concept 5, which were made available to the Elected Members during the development of the concepts for the Ocean Reef Marina Development. Based on Concept 7, a Business Plan will be developed with detailed costs estimates. These costs are currently being compiled and a report will be submitted to the Council in the near future. Based on similar developments such as marinas and foreshore developments, the statements made in the Annual Report have sound foundation.

- Q2 *Given that much of the Annual Report indicates that the City is committed to environmental issues can the City state whether it has any program planned to improve the drainage into the dunes at Mullaloo to stop pollutants affecting plant growth in the dunes and pollutants reaching the ocean?*
- A2 The Director Infrastructure Services advised that the Capital Works Program for gross pollutant traps is programmed to be completed in two years, subject to budgetary support. The draft 2011/12 budget includes the Mullaloo gross pollutant traps.
- Q3 *The Annual Report states that the City completed several traffic management projects which included the installation of median treatments, seagull islands and intersection islands at a number of locations, including Dampier Avenue, Kallaroo. Can the City state why it was necessary to spend money on this type of traffic management at this intersection?*
- A3 The Mayor advised that the City responds to the concerns of residents about the movement of vehicles on a road network and conducts appropriate traffic audits to determine if cars exceed the legal speed limit beyond the 85th percentile. As a result of an audit, Council determines if there is any inappropriate vehicular movement, either ingress or egress, to a particular road. The local community is then consulted with regarding any proposed traffic management works. Based on the support of the local residents for the proposal, Council then considers any appropriate traffic management works as part of its Five Year Capital Works Program.

Additional information will be provided specific to Dampier Avenue.

Mr Mitch Sideris, 12 Page Drive, Mullaloo

- Q1 *The Auditor referred to the audit being conducted 'in accordance with Australian Auditing Standards' can this point be clarified?*
- A1 The Auditor advised that there is a selection of 80 to 90 auditing standards which detail how an audit should be conducted. There are also legislative requirements governing Corporations that are audited. The Australian Auditing Standards details how an audit will be conducted, for example, the standard sets out the way an audit is planned, the level of testing completed to undertake an audit and other procedures in terms of verification. The auditing standards are set by the Institute of Chartered Accountant and provide the tools, framework and methodology in which an audit is undertaken.
- Q2 *Of the 80 odd standards and the various frameworks identified within those specific standards, which auditing standards were used specifically and which auditing frameworks were used specifically, so I can better understand the auditing process used in this particular case. I note in the answer that was provided tonight, that it says it would be in the Audit Report, however, the Audit Report fails to answer that specific detail.*
- A2 The Mayor advised that this question will be taken on Notice.

Dr Majorie Apthorpe, 69 Baccante Circle, Ocean Reef

Re: Key Focus Area 2 – The Natural Environment, page 18 of the Annual Report 2009/10 – ‘Community Funding Program – Environmental Development’

Q1 The Annual Report states the City’s Community Funding Program assists community based organisations to coordinate projects that assist in developing and enhancing the Joondalup community and also this funding is to carry out projects that will benefit the local environment. Why was the removal of weeds from natural bushland by community groups considered a project type that was excluded from funding under the community grants and that staff made it very clear that weeding would not be funded under any circumstances? I would like to know why.

A1 The Mayor advised that this question will be taken on Notice.

GENERAL BUSINESS

MOVED Ms Marie Macdonald, 5 Mair Place, Mullaloo, SECONDED Dr Marjorie Apthorpe, 69 Bacchante Circle, Ocean Reef that Council makes a statement to ratepayers detailing all costs incurred and any income received from 2006 to 2010 as a result of the spraying of hexazinone in drainage sumps in the City of Joondalup and give the reason why thousands of trees and shrubs died and who was responsible.

The Motion was Put and

CARRIED (6/0)

MOVED Dr Marjorie Apthorpe, 69 Bacchante Circle, Ocean Reef SECONDED Ms Marie MacDonald, Mair Place, Mullaloo that the City of Joondalup reduces its herbicide use and the herbicide use by its contractors in public areas, including parks, school ovals, road verges and public footpaths in the interests of public health and safety.

The Motion was Put and

CARRIED (9/0)

Mr Mitch Sideris, 12 Page Drive, Mullaloo

Q1 There were a number of confidential reports regarding Turfmaster Pty Ltd, which were presented to Council, one in December 2008 and subsequent reports which were submitted in 2010. I do not think there were any in 2009, is that correct?

A1 The Mayor advised that this question will be taken on Notice.

MOVED Mr Mitch Sideris, Page Drive, Mullaloo, SECONDED Ms Marie MacDonald, Mair Place, Mullaloo that the confidential report submitted to Council at its meeting held on 23 December 2008 and subsequent reports presented to Council in 2010, be made available to the public now that the matter has been finalised and there has been a mediated confidential agreement between the parties.

The Motion was Put and

CARRIED (4/0)

Mr Mitch Sideris, 12 Page Drive, Mullaloo

Q1 I have looked at the records of this Council for the last financial year and I have looked at cash in lieu. Cash in lieu is for car parking for development proposals that have been put to this Council. In each instance I find it extremely difficult to understand why the discretion is always exercised to ensure the shortfall of parking bays is not provided by the developer. What is the car parking shortfall for those developments in the last 12 months and what is the cash value for that shortfall? I note that on only one occasion before Council (and I think it was last month) there were 12 bays. This is not last financial year, but it is the first case I have seen where 12 bays were identified as being free to the value of some \$377,000. I would like Council to provide the number and the cash value that was not put into the reports.

A1 The Mayor advised that this question will be taken on Notice.

Q2 Why isn't the cash value for which discretion is being exercised placed into the recommendation for the Elected Members to consider?

The Mayor advised that it is contained within the report and all the information contained within the report is for the Elected Members to make a determination. If you are aware of a report that does not contain a cash value, then the City would welcome you providing this information to them.

There being no further business, the Mayor declared the AGM closed at 7.50pm and advised that a report will be presented to a future Council meeting responding to the recommendations that were passed at the AGM. The following Elected Members were present at that time:

MAYOR TROY PICKARD
Cr TOM McLEAN
Cr PHILIPPA TAYLOR
Cr LIAM GOBBERT
Cr GEOFF AMPHLETT
Cr CHRISTINE HAMILTON-PRIME
Cr MIKE NORMAN
Cr BRIAN CORR
Cr JOHN CHESTER
Cr RUSS FISHWICK
Cr FIONA DIAZ