

minutes

Annual General Meeting of Electors

MEETING HELD ON **TUESDAY 2 DECEMBER 2014**

CITY OF JOONDALUP

MINUTES OF ANNUAL GENERAL MEETING OF ELECTORS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 2 DECEMBER 2014.

OPEN AND WELCOME

The Mayor declared the meeting open at 5.35pm and introduced the Councillors and the upcoming arrival of the City's Auditor, Mr Michael Hillgrove, Partner Audit and Assurance Grant Thornton (WA) Partnership.

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 – <i>Deputy Mayor</i>
CR GEOFF AMPHLETT, JP	Central Ward
CR LIAM GOBBERT	Central Ward
CR MIKE NORMAN	South-West Ward
CR JOHN CHESTER	South-East Ward
CR TERESA RITCHIE, JP	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 SAID HAFEZ	Manager Financial Services	<i>from 5.36pm</i>
MR JOHN BYRNE	Governance Coordinator	
MRS LESLEY TAYLOR	Governance Officer	
MRS DAWN ANDERSON	Governance Officer	<i>to 6.28pm</i>

In Attendance:

MR CHARLIE REYNOLDS	Manager Asset Management
MR BLIGNAULT OLIVIER	Manager City Projects
MS DEBBIE TERELINCK	Manager Community Development and Library Services
MR VIC ETHERINGTON	Manager Compliance and Regulatory Services
MS CHRISTINE ROBINSON	Manager Executive and Risk Services
MR GLENN HEAPERMAN	Manager Human Resources
MR ANDREW MURPHY	Manager Infrastructure Management
MR MIKE SMITH	Manager Leisure and Cultural Services
MR MARK MCCRORY	Manager Marketing and Communications
MR DAVID MURNAIN	Manager Information Technology
MR JOHN CORBELLINI	Manager Planning Services
MR MALCOLM JENKINSON	Manager Rangers, Parking and Community Safety
MS GLENDA BLAKE	Manager Strategic and Organisational Development
MR DANIEL DAVINI	Media Advisor
MR ROHAN KLEMM	Recreation Services Coordinator
MRS GENEVIEVE HUNTER	Senior Project Officer
MRS HAZEL YARRANTON	Executive Assistant to Mayor
MR MICHAEL HILLGROVE	Partner, Audit and Assurance, Grant Thornton Australia

from 5.36pm

There were 12 members of the public in attendance, four of whom signed the attendance register. There was one member of the press in attendance.

ADDRESS BY THE MAYOR

The Mayor welcomed members of the public to the Annual General Meeting of Electors.

The Mayor advised that the 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 Thursday 13, 20 and 27 November 2014. 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.

APOLOGIES

Cr Christine Hamilton-Prime.

Leave of Absence previously approved

Cr Brian Corr	2 December 2014 to 7 December 2014 inclusive;
Cr Sam Thomas	3 December 2014 to 5 December 2014 inclusive;
Cr Christine Hamilton-Prime	6 December 2014 to 5 January 2015 inclusive.

VIDEO PRESENTATION

A video presentation was given outlining the events, activities and achievements of the City of Joondalup for the 2013-14 financial year.

CONTENTS OF THE 2013-14 ANNUAL REPORT

The Mayor advised that the purpose of the Annual General Meeting of Electors was to discuss the contents of the Annual Report 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 21 October 2014 (CJ183-10/14 refers).

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

The following written questions were submitted prior to the Annual General Meeting held on 2 December 2014:

Mrs M Macdonald, Mullaloo:

Re: Information included in official minutes of Council.

What form does the official minutes of meeting of Council take? That is:

Q1 Are they the minutes that appear on the website?

A1 The minutes of committee and Council meetings that appear on the website are the same as in the official minute book, minus confidential items. Confidential items cannot be viewed by members of the public.

Q2 Do they include the audio from the meeting?

A2 No. However, a full audio recording of all Council meetings is made available on the City's website.

Q3 Are they the minutes that appear in the minute book?

A3 Please refer to A1.

Q4 Is a transcript made of all discussion at a Council meeting?

A4 No.

Q5 How does a ratepayer get access to the official minutes?

A5 The minute books are available for inspection at the City's Administration Centre. Alternatively, they can be viewed on the City's website.

Mr M Sideris, Mullaloo:

Re: Information re Reports to Council.

Q1 Reminding the City that I have formally advised that I have a visual impairment and given that previous responses failed to provide the information as requested, I resubmit the following:

For the period 1 July 2013 to 30 June 2014, provide a listing complete with the Report [CJ] reference number and the monetary value (\$ amount) of cash-in-lieu, where Council used its discretionary powers not to impose cash-in-lieu for the identified car parking shortfall.

A1 As previously advised, the information is detailed in Council meeting minutes available on the City's website. An invitation will be extended to you to meet with the City's Access and Inclusion Officer on how this information can be viewed in a way that will best suit your needs.

Q2 There are a significant number of Reports provided by the CEO that have been identified as Confidential, please advise the total number of 'Confidential' Reports for the past twelve month period.

A2 14 Reports out of 223 Reports were confidential to date in 2014.

GENERAL BUSINESS**Mr K Pearce, Joondalup:**

Re: Holding of 2015 Annual General Meeting of Electors.

Q1 Would Council consider holding the 2015 Annual General Meeting of Electors at a more appropriate time other than 5.30pm. The time of 5.30pm is not an appropriate time and does not give all electors who may work outside the area of Joondalup the opportunity to attend.

A1 Mayor Pickard commented that previously the Annual General Meeting of Electors (AGM) was held at 7.00pm on a week night, but attendance was low. The commencement time of 5.30pm was initiated a number of years ago and attendance figures improved.

MOVED Mr K Pearce, SECONDED Mrs M Macdonald that the 2014 Annual Electors Meeting of the City of Joondalup calls on the City Council to give the residents of Joondalup a clear and unequivocal undertaking that there will be no attempt to rezone the "Bushland Forever" site in Ocean Reef until the City has released full and comprehensive costings of the proposed marina, valuations for the land proposed to be sold to fund the marina, a comprehensive explanation of how any shortfall will be funded and an estimate of on-going maintenance costs and how it is proposed to fund such costs.

The Motion was Put and

CARRIED (7/0)

Dr M Apthorpe, Ocean Reef:

Re: *Ocean Reef Marina.*

- Q1 *Can the City indicate where it will find an additional 19.7 hectares of bushland in good condition as an off-set for the clearing of 'Bush Forever 325' at the Ocean Reef marina site?*
- Q2 *Can the City guarantee ratepayers that they will not have to pay the on-going bill of millions of dollars for the dredging of the new harbour given that the residents of Port Geographe and surrounding areas have ended up with a massive on-going bill when the developer walked away from that marina development?*
- Q3 *Can the City guarantee residents of the new development that the harbour design with its single entrance will not fill up with rotting weed as the present harbour with a single entrance constantly does?*
- Q4 *Can the City guarantee that neither Mullaloo Beach or Beaumaris Beach will suffer sand erosion as a result of the projecting marina walls altering the sand supplied to both those beaches?*
- Q5 *Does the City consider that it should have tolerated the building of a BMX track 750 metres in area right in the middle of the conservation zone bushland at Ocean Reef marina which it claims to be protecting for the benefit of the future environment?*
- Q6 *Does the City consider that it is environmental best practice to remove the only known population of the Ocean Reef Grevillea to make way for a grass park and a car park within the bushland zone at the Ocean Reef marina?*
- Q7 *When will the City release its detailed environmental studies on the Ocean Reef marina site to the public?*

A1-7 Mayor Pickard advised these questions would be taken on notice.

Mrs M Macdonald, Mullaloo:

- Q1 *Can the City confirm that the official minutes in the minute book include confidential reports?*
- A1 Mayor Pickard advised this was not the case. The Chief Executive Officer advised that confidential matters were contained in a separate minute book.
- Q2 *Are the minutes of Council kept as two separate minute books, not one document?*
- A2 Mayor Pickard advised that when Council considers a confidential item the report is not in the public domain unless Council resolves as such, however, the resolution passed by Council in considering the confidential item appears in the minutes of the public record. Should the report remain confidential, it is not contained within the minutes of the public record by virtue of the fact that it is still a confidential matter.
- Q3 *If there was a public inquiry in relation to the Council it is likely to be necessary for the minutes to be viewed. Is it fair to assume that an additional minute book would be located that included confidential items that would then be amalgamated with the minutes of a particular meeting?*

- A3 Mayor Pickard stated the Chief Executive Officer had already provided an explanation to the effect that the minute book which is available to the public contains all items presented to Council, including the resolution of confidential matters. The reports on confidential matters are not contained within the public minute book. They are contained within a separate book by virtue of the fact that they are confidential unless Council formally resolves to make those documents public.
- Q4 *From the explanation given, is it to be assumed that confidential items never become part of the minutes, unless under the proviso previously outlined?*
- A4 The Chief Executive Officer stated it was difficult to provide a generic response in relation to confidential items. If a confidential matter is referred to Council and Council chooses to make the item public, it then becomes available in the public domain. The determination as to whether an item appears in the public record or not would depend upon the legal circumstances under discussion. The general approach of Council has been that unless it is a matter of law or a specific contract in relation to an action, the matters are in the public realm.
- Q5 *If I asked to view the minute book there is no way that I am going to see anything that is confidential unless the Councillors at the time agreed that these confidential items should be part of the minute book?*
- A5 The Chief Executive Officer stated that was not correct. It would depend upon what the particular issue was. There are some issues that are not able to be in the public realm by law and depends upon the individual circumstances. The Chief Executive Officer advised if the question was less generic and more specific a response would be provided.
- Q6 *At the last meeting of Council (18 November 2014) there were two confidential items, one of which dealt with the Whitford City Structure Plan. Would those confidential items now be part of the minute book?*
- A6 The Chief Executive Officer advised that would not be the case as one of the matters related to a State Administrative Tribunal (SAT) hearing that has a jurisdiction of the Court and until such time as the matter has been dealt with by SAT, the matter will remain confidential.

Mr M Sideris, Mullaloo:

Mr Sideris congratulated Mayor Pickard on his recent appointment as President of the Australian Local Government Association.

Re: Boat Launch Facility at Ocean Reef.

- Q1 *With regard to the existing boat launch facility at Ocean Reef, who is responsible for the on-going maintenance costs?*
- A1 The Chief Executive Officer advised that the City was responsible for certain items, with the Department of Transport having responsibility for others. The Department of Transport is responsible for the dredging of the mouth of the marina. The City is currently undertaking upgrading of the launch area, particularly the jetties.

Q2 *Is the infrastructure insured against storm damage and what are the premiums?*

A2 The Chief Executive Officer advised that while the infrastructure is insured, it is doubtful there would be a specific premium for the facility. It is more likely that this would be covered as part of the overall insurance for infrastructure throughout the City.

Q3 *With reference to the proposed redevelopment at Ocean Reef, when will this Council use the Western Australian Planning Commission definition of 'canal estate development' to better describe the facility proposed?*

A3 The Chief Executive Officer advised he doubted the City would be using the Western Australian Planning Commission definition for a canal. The Ocean Reef Marina is not a canal.

Q4 *How much is in the current budget for progressing the Ocean Reef redevelopment?*

A4 Mayor Pickard advised this question would be taken on notice.

Q5 *When will a business plan/cost benefit analysis be produced and made available to the ratepayers?*

A5 Mayor Pickard advised that the response to this question was captured in the motion moved earlier in the meeting by Mr Pearce.

MOVED Mr M Sideris, SECONDED Mrs M Macdonald that given some \$5,000,000 has been spent or currently budgeted for the Ocean Reef redevelopment, we the ratepayers request that the business plan/cost benefit analysis be made available by the end of May 2015.

The Motion was Put and

CARRIED (5/0)

MOVED Mr M Sideris, SECONDED Mr K Zakrevsky, as the Memorandum of Understanding between the State Government and the City of Joondalup is no longer current, we the ratepayers request that a new Memorandum of Understanding be signed between both the State Government and the City of Joondalup within the next three to six months.

The Motion was Put and

CARRIED (5/0)

Re: Joondalup Performing Arts and Cultural Centre.

Q1 *With regard to the proposed performing arts and cultural centre, has the Federal and State Government committed financial support to allow this project to continue?*

A1 Mayor Pickard stated that at this stage neither the Federal nor State Government has committed financial support. The project is currently structured in the City's financial management plan whereby the City is not reliant on Federal or State Government fiscal support, although financial support would be welcomed.

Q2 *What is the projected costs for the performing arts and cultural centre?*

A2 Mayor Pickard advised this question would be taken on notice.

Q3 *Does this project have a business plan/cost benefit analysis available to ratepayers?*

A3 Mayor Pickard advised that a business plan/cost benefit analysis was currently being prepared and would be available on presentation to Council.

Q4 *What will be the timeframe for availability of the business plan/cost benefit analysis?*

A4 Mayor Pickard advised this question would be taken on notice.

Re: *Redevelopment of Percy Doyle Reserve.*

Q5 *The Percy Doyle Reserve redevelopment project is currently deferred for 20 years. Why and what funds have been spent to date?*

A5 Mayor Pickard advised these questions would be taken on notice.

Q6 *Does this project have a business plan/cost benefit analysis available to the public?*

A6 Mayor Pickard advised Council considered a Master Plan for redevelopment of Percy Doyle Reserve and engaged with relevant stakeholders and the community on their aspirations for the site. In preparing the Master Plan there were minor costs associated with engaging external consultants. Subsequently, when comparing other major project priorities, the Council formally resolved to remove the Percy Doyle Reserve project from its *20 Year Strategic Financial Management Plan*. No funds have been allocated in the next 20 years for this project.

Re: *Cash-in-Lieu Payments for Shortfall Car Parking.*

Q2 *With respect to cash-in-lieu, why has this policy never been actively pursued?*

A2 Mayor Pickard advised it is ultimately a decision for Council on a case by case basis, dependent on the facts presented for consideration by City officers in the report on whether to apply cash-in-lieu or not.

Re: *CBD Office Redevelopment.*

Q3 *Is there currently a business plan/cost benefit analysis in relation to the CBD office redevelopment?*

A3 Mayor Pickard advised that a decision has yet to be made on this matter, therefore no associated business plan/cost benefit analysis exists.

Q4 *How much has been spent on this project to date?*

A4 Mayor Pickard advised that this question would be taken on notice.

Q5 *With regard to Council's decision earlier this year to terminate dealings with Seven Capital Pty Ltd, what action has been taken to recover the costs of approximately \$234,000?*

A5 Mayor Pickard advised that he did not believe there was any ability for the City to recover these costs. The City entered into negotiations in good faith, with documents produced to protect the interests of the City. Those documents cost funds, particularly in the engagement of legal advice and will guide future negotiations of an office development in the Joondalup City Centre.

The Chief Executive Officer reiterated that the expenditure on the first round provided a number of documents which have formed the basis of the second round of expressions of interest. A number of the documentation was used by the City in its submission to the State Government to relocate facilities to the Joondalup City Centre.

Re: *Confidential Items.*

Q6 *One of the items being considered by Council at its meeting held on 18 November 2014 related to Perth Glory relocating to part of Percy Doyle reserve. How was it possible for Perth Glory to be involved in a press release at 8.30am the next day when the item was confidential?*

A6 Mayor Pickard advised that once the decision had been made by Council, the press release announced that decision.

Mayor Pickard advised that the City engaged in discussions with Perth Glory which remained confidential until such time as a formal decision of the Council was determined. Council has subsequently considered a Memorandum of Understanding to guide negotiations and discussions with Perth Glory which was announced in the press release.

MOVED Mr Sideris, SECONDED Mrs M Macdonald that we the ratepayers of the City of Joondalup request that at the completion of every confidential item, that the Elected Members, where practical, resolve to declare that the report in its entirety be not confidential.

The Motion was Put and

CARRIED (5/0)

Governance Officer, Dawn Anderson left the Chamber at 6.28pm.

Mrs M Zakrevsky, Mullaloo:

Q1 *Is the wearing of head gear prohibited in this Chamber applicable to women as well?*

A1 Mayor Pickard advised that he has never ruled in relation to head gear, but that he had ruled in relation to the wearing of hats. Mayor Pickard was of the belief that it was not appropriate and indeed was disrespectful to address the Council wearing a hat.

Q2 *Is there a policy in existence stating that ratepayers should not wear a cap in this Chamber, even if it is for a valid reason and not a frivolous reason?*

A2 Mayor Pickard commented that his consistent ruling was made in accordance with the provisions of the *City of Joondalup Meeting Procedures Local Law 2013*. Mayor Pickard stated there was a provision in the local law that indicated where a matter was not specifically detailed in the local law, that the Presiding Member may determine the ruling and that was the provision he used.

Mrs Zakrevsky spoke in relation to the wearing of caps in the Council Chamber and strongly urged Elected Members to look at a policy that would allow discretion in good faith to those people with a disability.

Mr K Zakrevsky, Mullaloo:

Mr Zakrevsky spoke in relation to the wearing of a cap in the Council Chamber.

There being no further business, Mayor Pickard declared the Annual General Meeting of Electors closed at 6.36pm. 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 LIAM GOBBERT
CR MIKE NORMAN
CR JOHN CHESTER
CR RUSS FISHWICK, JP
CR TERESA RITCHIE, JP