



**ANNUAL GENERAL MEETING OF ELECTORS
THURSDAY, 18 NOVEMBER 2004**

MINUTES

OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD IN THE FUNCTION ROOM, ADMINISTRATION CENTRE, ORCHARD AVENUE, ARMADALE ON THURSDAY, 18 NOVEMBER 2004 COMMENCING AT 7.30 PM

PRESENT:

The Mayor, Cr L Reynolds JP presided:	Westfield Ward
Deputy Mayor, Cr J H Munn JP CMC	West Armadale Ward
Cr J Knezevich	West Armadale Ward
Cr F R Green	Armadale Ward
Cr R J Tizard	Armadale Ward
Cr H A Zelones JP	Kelmscott Ward
Cr V L Clowes-Hollins	Kelmscott Ward
Cr J Everts	Seville Ward
Cr D L Hopper JP	Roleystone Ward
Cr P J Hart	Roleystone Ward
Cr J A Stewart	Westfield Ward
Cr A L Cominelli JP	Forrest Ward
Cr G M Hodges	Forrest Ward

IN ATTENDANCE:

Mr R S Tame	Chief Executive Officer
Mr A F Maxwell	Executive Director Corporate Services
Mr I MacRae	Executive Director Development Services
Mr A Bruce	Executive Director Technical Services
Mr C Askew	Executive Director Community Services
Mrs S D'Souza	CEO's Executive Assistant

Public: 15

His Worship the Mayor, Cr Linton Reynolds, welcomed those in attendance to the 2003-2004 Annual General Meeting of Electors. He advised that the proceedings were being recorded and requested that people state their name and address prior to addressing the meeting.

1 APOLOGIES AND LEAVE OF ABSENCE

Apology received from Cr Wallace.

2 BUSINESS OF MEETING

2.1 PRESENTING & RECEIVING THE 2003-2004 ANNUAL REPORT

2.1.1 2003-04 Annual Financial Report

MOVED Mr Simpson that the 2003-2004 Annual Financial Report be received.

CARRIED

2.1.2 Auditor's Report

The Chief Executive Officer, Mr R S Tame, read aloud the Auditor's Report.

MOVED Mr Clay that the Auditor's Report on the 2003-2004 Annual Financial Report be received.

CARRIED

2.1.3 2003-04 Annual Report (Remaining Parts)

Mayor Reynolds read aloud his Report, as printed in the Annual Report.

MOVED Ms Southam that the 2003-2004 Annual Report be received.

CARRIED

2.2 GENERAL BUSINESS

2.2.1 Questions of which prior notice has been given

Questions from Mr Towle of 6 Wyee Place and from Mr D Foster of 248 Albany Highway had been received. However, as Mr Towle was not present at the meeting the Mayor advised that the responses would not be read but a written response forwarded to Mr Towle for his information.

Mr D Foster, 248 Albany Highway, Bedfordale

Reserve Bedfordale Road/Albany Highway

Q1. Can the answers to questions be challenged by the people at the meeting – YES or NO?

Response:

Section 5.31 of the Local Government Act 1995 states that procedures are to be as per Regulations, and Local Government Administrative Regulation 18 then states that the person presiding will set the procedure for the meeting.

Given that discussion with Council officers and/or Councillors is possible during the week, every week, and that we have at each fortnightly Council meeting a public question time, I believe that there is ample opportunity outside of this forum to swap views.

Therefore tonight we will first answer the questions provided in writing, then those from the floor, and then if the meeting wishes to move any motions I will accept debate on them at that point.

Q2. Will the Council ever remove the fences and curb the stroppy behaviour that makes the public land a de-facto private land. YES or NO?

Response:

Mr Foster your concern about the Neerigen Brook reserve is well understood and has as you know been examined by our officers, the Ombudsman, and myself. While the City accepted vesting of this reserve for drainage and recreation purposes in 1998 it does not yet have the funds required to manage it in a way that would allow us to encourage regular use of it. Now while the City does not encourage the public to access this reserve, the City tries to provide the opportunity for the public to do so, and this has been clarified with neighbours on your behalf in recent years, as you know.

With regards your description of them as being “stroppy”, my understanding is, that that behaviour, has only been exhibited towards yourself, with staff, myself, and contractors all being allowed free passage on council business. I am not in a position to comment on what might have caused this reaction to you.

- Q3. Will the Council ever do anything about the stream diverted to landscape a private garden YES or NO?**

Response

Yes, in time. The matter of a stream diverted to landscape a private garden will be addressed following the preparation of a future management plan for Neerigen Brook Reserve. Any such plan will have significant financial implications for Council, and I need to advise you that it is not yet included in the 15-year financial plan that outlines Council priorities. As this plan is reviewed annually, this does not mean that nothing will happen for 15 years.

- Q4. Will the Council ever finish the “Clayton’s” survey that only make it more apparent the scale of the land grab YES or NO? I walked the reserve on Monday and could not find quite a lot of the pegs that were put in, although this might have been due to the high vegetation.**

Response

Following your earlier representations, City Officers identified that parts of the reserve adjoining some residences were being used for storage of building materials, parking of vehicles, the erection of structures and fences, private plantings and animal grazing. As a result, members of the public may have been unreasonably denied access due to obstructions across the reserve.

As a result of that inspection, a licensed surveyor carried out a cadastral survey in May 2003 to identify the reserve boundary. The City then wrote to all landholders adjoining the reserve requesting that they remove any of the obstructions as was necessary to conform to the surveyed boundary. I understand that there may be a need to follow up that letter with one or two of the adjacent landowners, and we are considering installation of larger, permanent markers to clearly define the Public Open Space boundary following the slashing of long grass in the reserve.

- Q5. The people of Armadale pay to top up the ponds further down the creek, but the council tolerate pumping all year round by people without riparian rights. WHY?**

Response

Let me say at the outset that Council is not the controlling authority of the brook itself and was only made responsible for the reserve in 1998. Much of your concerns relate to long established practice that occurred while the Water Corporation had responsibility for the land. I understand that Neerigen Brook is not a waterway that

requires a licence for the removal of water; being one of the very few that are not licensed, so people do not need to hold a water extraction use licence to collect water from the Brook. In addition to those that have Riparian Rights, there are also others that have pre-existing approval to take water from the brook granted when it was under the control of the Water Corporation. If the person in question were extracting water without either of these conditional rights, then I would understand that they are in breach of the Rights in Irrigation and Water Act. The Waters and Rivers Commission oversee this matter, and the contact is Mr Steve O'Brien at Waters and Rivers Commission in Victoria Park. You might like to raise the issue with him.

In relation to our pumping of water into the lakes in Minawarra Park, those lakes are used for storage in lieu of a large unsightly tank as part of our irrigation infrastructure for Minawarra Park. Any pumping that occurs is not necessarily directly related to water flow in the brook above.

Q6. Can we have notices at all the entrances to the park saying it is a reserve and if not why not?

Response

While Reserve name signage could be installed at key entrances to the reserve, this might encourage a higher use of the land ahead of Council's financial capacity to properly manage it. This could expose Council, and ultimately the ratepayers to unnecessary risk of litigation. At a minimum we would need to:

- Slash the long grass more often,
- Install permanent markers defining reserve boundaries, and
- Provide some form of even walking surface, including bridge structures.

Council would need to appropriate additional funds specifically for that work as part of a future annual budget process.

Q7. Why do the council tolerate the use of unlicensed motor vehicles? Parking of motor vehicles in the reserve and business use i.e. storage of materials in the reserve.

Response

As you are aware, Council is not the regulatory authority for vehicles. Regardless of this, it is incorrect to say that we tolerate unlicensed vehicle use. As stated earlier, I am advised that some areas of the reserve do appear to be being used for purposes other than the designated 'Public Recreation and Drainage' e.g. the storage of building materials, parked vehicles, the erection of structures and fences, private plantings and animal grazing. Whilst a notice was issued to residents adjoining the reserve to have the abovementioned obstructions removed, it would appear as I have already observed that further consultation on this matter will be necessary.

- Q8. At a previous meeting I enquired about the cutting down of a tree in the reserve and was told it was cut down because it was rotten. It seem OK to me. I now find that the twin trunks are the bases of a new bridge. COMMENT PLEASE.**

Response

Following an inspection today, I am advised that most of the material from the trees cut down previously had been removed from the site. Several logs on site used to stabilise embankment which is not causing any problems. It would appear to have been done by someone who planted some reeds/rushes. However, if children or others have used any remaining timber to construct a bridge we will investigate and take whatever action is appropriate.

- Q9. The entrance at Amethyst Crescent is dangerous to people using the footpath and drivers coming out, their visibility being cut by vegetation and two signs. Some people are not as careful as they might be, could the vegetation be cut back before an accident happens and perhaps the signs be placed elsewhere?**

Response:

The shrubs have been pruned to improve pedestrian/motorists' visibility at the above location today. Rangers advise there is no signage causing any visual hazard. Please note real estate signs are exempt from our planning laws.

- Q10 Could the reserve be given a name? I have asked about this previously, but I am very aware, that I will get nowhere without council support from both paid and elected members.**

Response

Reserve No. 35613 is known to Council as Neerigen Brook Reserve.

- Q11 Why is the reserve and surrounding land apparently exempt from firebreak law?**

Response

I have received a very lengthy answer from our Chief Bushfire Control Officer, which effectively boils down to the Crown, and therefore land owned by the crown but vested with a local authority, not being subject to the Bush Fires Act 1976. Now that of itself does not mean that Council would not put in place a fire break where it was thought that it was necessary, or appropriate, or in this case possible. We do provide strategic firebreaks in a number of our bushland reserves, and not always without concern being expressed about how we do that.

In the case of this reserve, however, any firebreak that would reasonably achieve its purpose would lead to the total defoliation of this riverine reserve. Steps other than bare ground are felt to be more appropriate in managing the threat of wildfires in this reserve. Surrounding private land is not to my knowledge exempt from the Bush Fires Act 1976.

Further information in respect to the Bush Fires Act is available and can be supplied, if required, following the meeting tonight.

Sugar Gums

Q12 The sugar gums beside the new station have now gone. And the bees which have been there for generations have been exterminated. I enquired a few weeks ago about the gums and in reply was shown a picture, an artist impression of what the station would look like. The station was surrounded by mature trees. Was this an impression of how it would look like in 2104?

Response

I would understand that this is a copy of the artist's impression that you refer to, as it is to my knowledge the only one that exists. As can be seen by looking at it, the avenue of trees that lead up to the railway station are anything but mature trees in the sense that the previous sugar gums were. The trunks depicted are no more than 200mm in diameter. In my estimation, and given that four metre high spotted gums are to be planted around Easter next year, it depicts a boulevard treated Commerce Avenue in about 5 years time, not 100 as you believe.

Q13 Sugar gums are so called because rotten part provide nesting place for bees also birds and animals, a few hollows do not mean that the tree is unhealthy, not only have the trees beside the station been vandalistically cut down but also the ones beside Harvey Normans. What other parts of our heritage are in your sights?

Response

This was not done without regret.

I accept that you have a different point of view about safety from those expressed by not only our staff, but also independent, authoritative consultants, and that you do not need to carefully consider Duty of Care like your Council is required to.

From our point of view, as early as 1998 officers had presented reports to Council indicating that some of the trees were potentially dangerous – one of those identified in that report later fell over of its own accord and thankfully did no worse than give us all a fright. Subsequently a number of reports found that almost all of the trees were in a severely weakened state, and subsequent removal of them has attested to this. The one tree found to be sound in the area that you refer to has been retained.

Having had three of the sugar gums fall over in recent years (the other two were on the other side of the railway station) Council and the ARA have had little option but to plan the redevelopment of Commerce Avenue without them. It should, however, be noted that unlike our parents, we are planting for the future generations, and on that short stretch of Commerce Avenue alone, it is proposed to plant 31 spotted gums which are a much more tolerant species for this form of urban environment. I would also refer you to my response to questions from Mr Jeff Green at last years AGM in relation to these same trees.

Things that you might consider to be representative of Heritage can only be preserved if they are safe. The safety of our community is the highest responsibility that Council has. You might also note that we have had to close off the Shale Quarry due to the risk it poses to neighbours and casual users.

In July 2004, five trees were removed from “The Domain” in Sydney and the removal and replacement of these trees is justified in the interests of safety and sustainability. *(News article on this issue was read at the meeting).*

Question from the floor

Mr D Cox – 28 Sixth Road, Armadale WA 6112

Q1 Could you explain why Mr Towle’s questions and answers are not being read out – this should be done regardless of whether the questioner is here or not.

Response

This is the same procedure as what is adopted for a Council meeting, where if the person who has given written notice of a question is not present at the Council meeting then a response is not verbally provided at the meeting but a written response forwarded to the questioner. This is standard practice. However, in this instance I am happy to read out the questions and answers.

Questions of which prior notice has been given

Mr N F Towle – 6 Wyee Place, Armadale WA 6112

Q1. At the annual general meeting of electors for 2003 I raised a question about expenditure on the reserve in Wyee Place. The Mayor advised that the expenditure would need to be researched and the question would be taken on notice. No reply was received.

The matter was again raised on 7 October 2004 when an email was sent to info@armadale.wa.gov.au. Once again no acknowledgement or a reply has been received.

Response

Mr Towle is correct in that he did not receive a written response to his question as promised, and for that I apologise on behalf of myself, and Council. While the Council did receive and consider the report of the AGM, this item was not acted on appropriately.

However, Mr Towle's email message in October has proved elusive, and to date we can find no trace of it. Can I suggest that if we are ever this slow in responding to a request in the future, that Mr Towle contact me much earlier as it will not have been intentional? Even when we don't like the answer that we are going to give, we do so quickly.

So, the long overdue response is as follows:

Wyee Place Reserve is one of 118 minor passive reserves vested with the City of Armadale. Wyee Place Reserve (that is Res No. 34873) has an area of 3921 m² or almost 1 acre in the old language. Typical annual expenditure is as follows:-

▪ Contract mowing	6 services	\$ 500
▪ Rubbish bin emptying	26 services	\$ 600
▪ Playground/soft fall maintenance		\$ 500
▪ Park furniture/fixture maintenance		\$ 200
▪ Supervisor inspections	12 services	\$ 300
▪ Minor tree pruning		<u>\$ 100</u>

TOTAL \$2,000

Q2. On the fencing to this reserve there is now graffiti on two of the fences. Several telephone calls have been made to the Council but the graffiti has still not been removed. Is the City of Armadale serious about tackling the graffiti problems in the City?

Response

Mayor

Yes we are serious about graffiti, but also need help from residents to keep it under control. Residents like Mr Steve Aldersea who voluntarily gives many hours of his time to remove graffiti whenever he sees it. The instance that Mr Towle refers to was investigated yesterday (16th November 2004) by the Park Supervisor who was not aware of this matter until the written questions were received. The graffiti on the super six fences that border the reserve will be painted over by Parks staff no later than 25 November 2004. In explanation, the reason that it has not already been painted out is that priority is given to offensive as opposed to non-offensive graffiti.

Again this question concerns me in that Mr Towle seems not to be getting through to the right person in the organization – I will be suggesting to him that perhaps regular contact may be made with Ward members to use them as a conduit into Council.

CEO

I am concerned that such requests are not being directed appropriately within the organization and intended to follow this up with Mr Towle if he was present tonight. In Council's current system such requests are lodged electronically and tracked till completion. This request may have slipped through the system during the changeover from the old to the new system. However, I would like to assure everyone that if you don't get a response to emails/requests please get in contact with the office so that we may track them down as this helps us to improve our system and service.

- Q3. I also note from WALGA that the City of Armadale is not one of 22 Local Governments in WA who are participating in the used oil recycling infrastructure programs and receiving grant monies and trying to provide some protection to the environment from used oil contamination. Why is the City of Armadale not participating in this program?**

Response

Thank you for this question as it allows me to demonstrate how far ahead of the rest of the pack Council is in this area.

Armadale has been recycling waste oil at our landfill site for approximately 8 years, and was one of the first councils in WA to make an application for the Commonwealth Grant to construct an oil receival facility. Technical Services Committee agenda available on our website, or in our libraries regularly reports oil quantities recycled.

However, in relation to receiving a grant, drawings were prepared and an application for funding was made back in December 2002 to the original custodians and financiers of the scheme, the Commonwealth. When WALGA took over the assessment of the applications in June 2003 it offered an 'off-the-shelf' skid mounted receival facility, which was not considered suitable for the quantities and container sizes received at our landfill site. Negotiations have been proceeding with WALGA to vary the standard design so that we might receive some funding. It is expected that the resulting tank and drum bunded area will be constructed early next year. In the meantime, 8 years of oil recycling has occurred at Armadale servicing not only us, but also Gosnells and Serpentine-Jarrahdale.

You might also recall a news item in a local paper in August of this year that noted that some 5% of all material recycled throughout Western Australia that would otherwise have gone to landfill was from our city. Our population is approx 2.5% of the state total, so we are performing at twice the average. I congratulate our residents for that result.

Q4. In the “Your City” on page 6 of the Annual Report in the localities and suburbs section, West Armadale was not included. Has the City of Armadale already forgotten about West Armadale and been consigned to history?

Response

The ‘Your Council’ section on page 4 of the Annual Report lists all localities / suburbs formally approved by the Department of Land Information (and adopted by Australia Post as postal localities) that currently exist within the City’s boundaries. West Armadale has never existed as a separate or individual locality other than in the context of being a name given to one of the City’s seven electoral wards, and which was part of the suburban locality of Armadale.

Recent changes to the electoral boundaries made necessary by the Local Government Act 1995, means that for the next Council election in May 2005, Mr Towle’s household moves to the Lake Ward, which is a larger version of the previous Forrest Ward.

2.2.2 Questions received from the Floor

Mr Tony Cutajar – 91 Cammillo Road, Westfield

Question: Regarding the new Armadale Railway Station – are you aware that the ramp to the station is too narrow and there is no non-slip surface for when it rains for those people in wheelchairs?

Are you also aware that disabled toilet doors are too tight for people in wheelchairs to push?

There also seems to be a problem with signage at the station, i.e. directions to platforms, lifts etc.

Response: Council is not aware of the problem with the ramp but will be happy to take up the matter with the Public Transport Authority (PTA). I would hope that they have not got the design wrong as considerable investment has gone into this project.

Regarding the toilet doors, I am aware that this seems to be the problem with all the toilet doors as I have noted that these are solid steel doors and are of considerable weight and will pose a problem especially to those people in wheelchairs. Here again the matter will be taken up with the Public Transport Authority to rectify the problem.

Council will be happy to take up the matter of signage also with PTA but would also suggest that you may want to raise all these matters directly with the local Member, Alannah MacTiernan who is also the Minister for Transport. This will give you a far more direct avenue to the PTA than by us taking it up on your behalf.

Mr James Edwards-18 Talus Drive, Armadale

Question: When was the decision finally made to remove the sugar gums on Commerce Avenue and due to their historical significance was that decision actually put forward for public comment and if so, how was it done?

Response: All the way through the redevelopment proposals, the Armadale Enquiry By Design, the new railway station, the ARA's enquiry and its published Structure Plan made it quite clear to most people that the new Commerce Avenue would look different following redevelopment. In the meantime, a series of reports had been to Council indicating that these trees were unsafe. There is actually no need for Council to receive such reports as there are powers vested with staff to act under delegation to remove unsafe trees. Staff have managed these trees for as long as they could. There was no need for a formal decision, although Council was well aware of the plans for Commerce Avenue. Those people who attended the AGM last year would have heard my remarks about those trees and they would have been in no doubt that those trees had to be removed.

Council did not invite public comment on the removal of these trees as there were no options to offer – the 12 trees had to be removed for public safety.

Question: Regarding the Enquiry By Design – the reports actually stated that Jull Street should look like Commerce Avenue but did not specify the removal of the sugar gums.

Response: When Council does get to finish the streetscape works on Commerce Avenue it will look like Jull Street. Where the 12 unhealthy trees have come out, 31 healthy trees are going in to create a boulevard effect. Council did not take down the trees without any regret, this had to be done in the interests of public safety. Till now Council's Parks & Gardens staff were able to manage the trees and when Council was given the opportunity by the ARA to revamp Commerce Avenue, the decision was made to remove the trees now rather than in 6 months time. Once the roadworks are completed replanting will commence. I would like to assure everyone that this was not done lightly as most council members have also been around these trees just as many of the people in the audience.

Mrs L Cox – 38 Sixth Road, Armadale

Question: I am also disappointed at the loss of the trees but am also worried as to what is going to happen about the trees on Glastonbury Court and also the large trees that now camouflage the cinema block. Are these going to be removed?

Response: There is no intention to remove the trees in Memorial Park. However, if there is an indication that any one of those trees becomes unsafe and poses a risk to the community then the decision will be made to replace it. However, we are managing the trees so they stay healthy and safe. The present Council accepts it must replace unhealthy trees – there were a number of trees in the Council carpark which were replaced five years ago and now there are a significant standard of trees here. Regarding Glastonbury Court, Council has received a report which indicates that those trees are at the end of their life span and there is a Council approved tree replacement program for the area.

Question: On Green Avenue there is no footpath to approach the new railway station – it is not a very welcoming sight with overgrown verges. Am also very disappointed with the number of steps into the railway station – there are approximately 46 steps.

Response: Unfortunately, Council was not involved with the design of the railway station. We did speak to the ARA and the Minister to install an additional lift on the other side of the station as well. All new stations are being built island style for security reasons. There is one more stage being proposed for railway stations and that will be when most of the main stations in the next year or two become token-only stations, i.e. a ticket will be required to go on to the platform.

With regard to Green Avenue, this area is part of the redevelopment of Armadale. The ARA recently dealt with a proposal to improve the traffic movement in the northern end. The redevelopment of Commerce Avenue does involve access to Church Avenue through a roundabout and it is hoped that in the future the same will happen with Green Avenue on the other side of the railway line. The second stage of the railway station development is the construction of the parking facilities on the other side of the railway line which will then give Council the opportunity to improve facilities in the area.

Mr Tony Cutajar, 91 Cammillo Road, Westfield

Question: Are you aware that the lifts on the railway station are only accessible for one wheelchair at a time and if the lifts break down this will cause problems for people to get in and out of the station?

Response: Mayor - Council is aware and has drawn that to the PTA's attention but would encourage you to take up these matters with the Minister.
CEO – The Customer Service Officers at the PTA are very aware of the problems with the lifts and I'm sure the PTA will be taking necessary action to

resolve the situation.

Mr D Foster, 248 Albany Highway, Bedfordale

Question: The pedestrian access to the park in which I am interested from Amethyst Avenue is currently blocked by a great pile of mulch and a trailer which makes it impossible for people to get through. Can access be given from Amethyst for children and prams as there is a wonderful place down there if the public had access to it.

Response: Council contacted the four landowners who jointly owned the accessway adjoining the pedestrian access and they were advised to either allow the public to use their road or we would have to clear the accessway. We were reluctant to clear the accessway because it was foliated quite appropriately. As I am not aware of what the landowners response was in this regard Council officers will contact you with this advice.

Question: The bridge which was mentioned in one of my earlier questions – it is quite a substantial bridge and it definitely uses the two trunks of the tree.

Response: I was advised that Council staff inspected the area to look for the bridge that you described. I will advise Council staff to do another inspection to assess the safety of such a bridge.

Mr D Cox, 38 Sixth Road, Armadale

Question: Refer to Page 17 of the Minutes of the last AGM – this should read 1.5m, not 5m, from the road where there are footpaths. This is still not happening with bins being placed on the footpath.

Response: The correction will be made to these Minutes and our Waste Management section will be advised that with the next mail out to remind residents who live adjacent to footpaths to place their bins 1.5m from the road, i.e. behind the footpaths.

Mr Tony Cutajar, 91 Cammillo Road, Westfield

Question: Are you aware that on Cammillo Road there have been a number of public nuisance problems in the area.

Response: This is a matter for the police to deal with and not Council and suggest that a report be made to the police.

Mr D Foster-248 Albany Highway, Bedfordale

Question: Every year I take part in the Clean-up Australia Day where we are told that it is not the public responsibility to pick up needles as it is the Council responsibility. On 3 occasions recently I found needles, the first time Council arranged to have it picked up, on the second occasion I had to have an argument with staff before this was done so on the third occasion I disposed of it myself. What is the arrangement?

Response: CEO - There are staff trained in correct disposal procedures for syringes and Council staff do take on the responsibility to dispose of these when advised. The matter of a disagreement with staff will be investigated.

MEETING DECLARED CLOSED AT 8.25 PM

MINUTES CONFIRMED THIS 6th DAY OF DECEMBER 2004

MAYOR
