



**ANNUAL GENERAL MEETING OF ELECTORS  
THURSDAY, 3 DECEMBER 2009**

**MINUTES**

**OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD IN THE FUNCTION ROOM, ADMINISTRATION CENTRE, ORCHARD AVENUE, ARMADALE ON THURSDAY, 3 DECEMBER 2009 COMMENCING AT 7.00PM**

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**PRESENT:**

The Mayor, Cr L Reynolds AM JP presided:	Heron Ward
Deputy Mayor, Cr J H Munn JP CMC	Lake Ward
Cr C J MacDonald	Lake Ward
Cr D M Shaw	Heron Ward
Cr K Lethbridge JP	Minnawarra Ward
Cr M H Norman	Minnawarra Ward
Cr R J Tizard	Neerigen Ward
Cr G A Best	Neerigen Ward
Cr H A Zelones JP	River Ward
Cr R Butterfield	River Ward
Cr P J Hart	Jarraah Ward
Cr C Wielinga	Jarraah Ward
Cr W Mauger	Palomino Ward
Cr L Sargeson	Palomino 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
Mrs Y Coyne	Executive Director Community Services
Mrs S D'Souza	CEO's Executive Assistant

Public: 18

The Mayor, Cr Linton Reynolds, welcomed those in attendance to the 2008-2009 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.

The Mayor also took the opportunity to introduce Crs Norman, Sargeson, Shaw and Wielinga to the meeting. These four councillors had been elected to Council in October 2009.

**1 APOLOGIES AND LEAVE OF ABSENCE**

Nil

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**2 BUSINESS OF MEETING**

**2.1 PRESENTING & RECEIVING THE 2008-2009 ANNUAL FINANCIAL REPORT**

**2.1.1 2008-2009 Annual Financial Report**

MOVED Mr Wallace that the 2008-2009 Annual Financial Report be received.

SECONDED Mr Winstanley

**CARRIED**

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**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 2008-2009 Annual Financial Report be received.

SECONDED Ms Patricia Watson

**CARRIED**

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**2.1.3 2008-09 Annual Report (Remaining Parts)**

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

MOVED Mr Pike that the 2008-2009 Annual Report be received.

SECONDED Mr Wallace

**CARRIED**

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## 2.2 GENERAL BUSINESS

### 2.2.1 Questions of which prior notice has been given

#### **Mr Foster – 248 Albany Highway, Bedfordale**

##### **Questions in regard to Neerigen Brook Reserve:**

Mr Foster submitted a written complaint on the matter of access to the Neerigen Brook reserve, in particular the PAW from Amethyst Crescent, as follows:-

- Numerous complaints over 10 years
- Dispute over whether parts of the access are private or public
- In September, Mr Foster was arrested for trespassing on the private part of the access
- Mr Foster is of the view fences still encroach onto the public reserve and parts of the reserve being used as private property.
- Again seeks Council response.

##### Response

*The Mayor responded as follows:-*

*Mr Foster has again raised issues in relation to the public land through which the Neerigen Brook runs between Bedfordale Hill Road and the Pioneer Village.*

*I don't intend to go over old ground; answering questions posed and answered in previous years but will deal with what has occurred since our last AGM.*

*Specifically Mr Foster has raised the issue of legal access to the reserve via the constructed driveway from Amethyst Cr. Landgate data shows the roadway on the western side of the brook to be constructed on private land. Where it crosses the brook, it is on land under the control of the City and therefore it can be argued that it is available for public use. On the eastern side of the brook contiguous land under the care of Council exists. There is also a piece of land approximately 3 metres wide on the southern side of the driveway on the western side, that is public land. Building a public accessway (adjacent to the existing private access) is an expensive proposition.*

*As this public land has been planted out by nearby residents and access to the reserve via this land is not currently practical. This requires Council to negotiate with landowners in order to either remove the vegetation and allow access (not our preferred option), or to reach a legal agreement that will allow the public to walk on the driveway in order to be able to retain the vegetated roadside. Mr Foster was advised of the unresolved status of this issue verbally and by letter dated 7<sup>th</sup> August 2009.*

*As a result of an incident on the driveway in September this negotiation has unfortunately become more complicated and is now being handled under advice from our lawyers. However, I am advised that contrary to Mr Foster's understanding, Mr*

*Tame not only spoke to the police officers by phone on the day, but also met with the two arresting officers for about an hour on the same day.*

*A substantive issue arising from this discussion about driveway access and future responsibility in terms of the driveway maintenance. This matter has not reached conclusion as yet, but is identified in the detailed Reserve Management Plan that has been drawn up over the last 12 months. This plan has been developed to address some of the issues raised by Mr Foster over the years, and in which the problems associated with opening this reserve up to more regular public access are addressed.*

*Given a range of safety issues and accessibility standards that public authorities are required to meet, there will be a substantial cost to be considered by Council in terms of the initial capital expenditure needed, and the annual recurrent expenditure required to be allocated before the reserve can be said to be available for the public to use freely.*

*In the absence of a legal resolution to the shared use of the access corridor from Amethyst Cr to the brook, I am therefore unable to meet Mr Foster's request for a signed letter permitting him to use land that is private property and outside of Council's jurisdiction. I have, however, emphasised with staff the urgent need to resolve this access matter.*

*Mr Foster's letter also mentions a fence and gate that Council erected in the reserve. This fence is not designed to stop people using the reserve, but is an early part of our management plan for the reserve, delineating private and public land at that end of the reserve.*

### **2.2.2 Questions received from the Floor**

**The Mayor offered the following advice prior to inviting questions from the floor:-**

*"Ladies and Gentlemen, before we take questions under the agenda item of "General Business", I wish to point out to you and make it clear, that simply by prefacing your remarks with the expression "Without Prejudice" does not afford you protection against the laws of defamation.*

*I am not seeking to in any way limit your legitimate right to raise issues in this forum, rather, I am concerned to ensure that you do not proceed on an incorrect understanding as to your legal rights. In short, you cannot make comments on a "Without Prejudice" basis in the belief that you thereby have some protection from the consequences of false or damaging comments. You do not.*

Cr Reynolds requested that prior to asking a question the person state their name and address for the record.

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**Mr Foster – 248 Albany Highway, Bedfordale**

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- Q-1** There is a barbed wire fence about 1.8m in height which runs right across the reserve and has been partly trampled down by the surveyors and meets up with the creek and then a deliberately planted patch of blackberry. It's very difficult to get through. I have been attacked at both the top end and bottom end of the reserve with sticks and have also been arrested for trespassing.  
This is our reserve and my local park and when is this problem going to be solved?

Response

*The Mayor advised that these are a repeat of questions asked earlier and reiterated that Council is taking action. A comprehensive management plan has been completed which indicates that any work required to be done to provide public access to this reserve will be an expensive project. Council is not in a position to grant written permission for public access as it will be liable for any injury that is caused to people who use this reserve in its current state. Some of the adjacent landowners are opposed to public use and Council is taking up this matter through its lawyers. Ultimately, it will be Council's decision when determining the budget as to whether development of this reserve is a priority.*

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**Mr Bill Davis – 35 Bodicoat Drive, Brookdale**

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- Q-1** Regarding the removal of the ficus trees – these trees take a long time to grow and make a street look very pleasant and sometimes is the reason people buy in that street. What plans do Council have to replace those trees in the same street?

Response

*The Mayor advised that ficus trees need a lot of space and those planted in the middle of a reserve are pleasant and provide beautiful shade. However, the ficus trees on suburban streets of Westfield and Clifton Hills were placed inappropriately. Over the years there have been constant requests from ratepayers to remove them due to damage to retaining walls, houses and public infrastructure. This led to preparation of a protocol and program of removal. Most of these trees are also under powerlines and need to be cut back 2.5m from these lines leaving very little of the tree remaining. Council is open to discussion with those who wish to retain ficus trees on their verges and this may be subject to them signing an agreement indemnifying Council against any future damage caused by that tree. Council has not made the decision lightly to remove these trees and considering the damage that is being caused it has budgeted to remove 1000 trees and is currently halfway through the program.*

- Q-2** Five trees were removed about 6 months ago which have not been replaced. Are these trees going to be replaced?

Response

*There is a replacement program but am not sure as to what species have been chosen to replace these trees. Council usually organises its tree planting at the start of winter.*

- Q-3** In regard to public open space (POS) – Armadale’s population is going through the roof and there is graffiti all over the place. POS is very important for young children and cannot see any justification in Council selling POS considering the increase in population.

Response

*The Mayor agreed that POS is important but equally important is that the POS is usable. Council has over the last 10 years gone through a well publicised and extensive public consultation process for each block identified. The analysis considered some of the smaller lots left over by developers in the early development stages of Armadale and Kelmscott where it was not economically viable for Council to maintain. Council is then required by law to spend the funds generated from these sales on improving other POS in that neighbourhood. As a result there has been a significant increase in the standard of the existing POS.*

**Mrs Skinner – 6 Vistula Terrace, Clifton Hills**

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- Q-1** Representing the residents of Vistula Terrace in regard to the planned removal of the ficus trees that line the verges of our street.

“We are strongly opposed to Council’s decision to remove the ficus trees that line the verges. These trees are healthy and mature and are not damaging property. We ask Council to reverse the decision to remove the ficus trees and adopt a more progressive and environmentally conscious approach towards these trees such as that exhibited by the City of Gosnells who assess their ficus trees on a case by case basis only removing those that are diseased or causing damage.”

Response

*The Mayor advised that the matter will be referred to Council for a decision.*

**Mr Foster – 248 Albany Highway, Bedfordale**

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- Q-2** About 9 years ago these issues in regard to Neerigen Brook Reserve would be fixed in a 15 Year Plan. About 5 years later one of the Council officers indicated no awareness of this 15 Year Plan. In a letter from the Council it said “arrangements are being made to have this work completed in the early New Year 2008”. There is now another Draft Plan – what is the difference between this and the 15 year Plan?

Response

*The Mayor advised that the 15 Year Financial Plan details the budget expenses right across the entire Council. One of the items that is included in this Financial Plan is the development of reserves. Before a reserve is developed by Council, a management plan is prepared that will guide the way Council will invest funds in the development of that reserve in subsequent years. Hence the Management Plan that was mentioned in regard to this reserve was adopted by Council via public consultation with landowners in the area, including yourself, and will now guide how that reserve is made available in the future to members of the community.*

**Q-3** Can you put a timeframe on this?

Response:

*The management plan includes a whole series of budget items which will need Council's consideration and determination of funds being budgeted towards development of this reserve. Hence, a timeframe cannot be confirmed as it is subject to a Council decision in its consideration of whether this reserve is a priority.*

**Mr Van Kuyl – 40 Clarence Way, Kelmscott**

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**Q-1** The current speed of 60kmph on Champion Drive is too slow – can this be increased?

Response

*The Mayor advised that speed limits are set by Main Roads WA and given the high number of severe crashes that are happening at the intersection of Champion Drive and Tonkin Highway the Department may not agree to any increase in speed limits.*

**Q-2** With the rates notice this year there were no tip passes included for industrial blocks and there are no roadside verge collections either for the area.

Response

*The Executive Director Technical Services advised that tip passes are not offered commercial and industrial properties (these normally have commercial waste management arrangements).*

*The Mayor requested Mr Van Kuyl to forward a request in writing for consideration by officers and a recommendation to Council.*

**Mr Wallace – 154 Westfield Road, Kelmscott**

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**Q-1** Would like to thank Council for the fabulous job done on Ranford Road. Thanks to Technical Services we can now drive safely down that road.

Response

*The Mayor acknowledged the comment.*

**Mr D Cox – 38 Sixth Road, Armadale**

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**Q-1** There is a consistent amount of traffic on Devonshire Terrace and there is no footpath for pedestrians. It is disappointing that a footpath was not constructed when the development was completed. This requires urgent attention as it is en-route to the train station.

Response

*The Mayor advised that each unit approved in the group dwelling development in this locality had to provide funds for 5m of footpath. The funds are being held and the footpath would be constructed once the group dwelling development is completed. However, the matter will be investigated and a response forwarded in writing.*

- Q-2** Re. Wungong Road and the reopened section – this is narrow and there should be no parking on the western side. Also at the corner of Seventh and Wungong Roads there is no indication that there is a drain there and this could cause accidents to people coming over the railway line.

Response

*The Mayor advised that Technical Services will investigate with a view to rectifying.*

- Q-3** The roundabout at Church Avenue (on the railway line) – Council or contract workers left unfinished work unprotected over the weekend with concrete lying around without any signs to warn motorists. Contact with Council over that weekend did not resolve the issue and it was Wednesday before something was done to fix the problem.

Response

*The Mayor advised that the matter will be investigated.*

- Q-4** There were a countless number of detour signs put up on Twelfth Road which was very confusing as there was no work being done in the vicinity.

Response

*The Executive Director Technical Services advised that this was done by a State government authority as part of its road network management arrangements.*

- Q-5** There are a few truncations on corners to be looked at in the City.

Response

*The Mayor requested Mr Cox to forward this in writing so Council's design officers could investigate.*

**Mr Foster – 248 Albany Highway, Bedfordale**

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- Q-4** Recently had occasion to dispose of a small amount of asbestos – it cost \$300 for a bin and another \$50 for the bags. Isn't there are cheaper option for disposal?

Response:

*The Mayor advised that the State Government provide the guidelines for disposal of asbestos which Council is required to enforce.*

**Mr Bill Davis – 35 Bodicoat Drive, Brookdale**

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- Q-4** In regard to the ARA owning the Catholic Church – this was constructed in 1912 and is quite a substantial building but note that the building is not secure with the door being able to be opened. Can someone not live there to ensure it is kept in good condition.

Response:

*The Mayor advised that the Catholic Church is privately owned and it is a condition of the ARA development approval for that site that the Church be maintained and conserved but understand that there are some issues associated with this. The place is uninhabitable but the matter will be pursued with the ARA to follow through with the owners to make appropriate arrangements at the site.*

**Mr Van Kuyl – 40 Clarence Way, Kelmscott**

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**Q-3** Are the security cameras in the City working well?

Response

*The Mayor advised that the system is working well and is currently being refined. A survey will be done after 12 months to determine whether it has made a difference and depending on the result the cameras may be rolled out to other areas in the City.*

**Mr Winstanley – 6 Westminster Court, Armadale**

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MOVED Mr Winstanley

That gratitude and thanks be expressed to Councillors and staff of the City of Armadale for a great job done this past year.

SECONDED Mr Cox

MOTION CARRIED (Unopposed)

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MEETING DECLARED CLOSED AT 8.00 PM

MINUTES CONFIRMED THIS 14<sup>th</sup> DAY OF DECEMBER 2009

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MAYOR