



**ANNUAL GENERAL MEETING OF ELECTORS
THURSDAY, 20 NOVEMBER 2014**

M I N U T E S

OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION CENTRE, ORCHARD AVENUE, ARMADALE ON THURSDAY, 20 NOVEMBER 2014 COMMENCING AT 7.00PM

PRESENT:

The Mayor, Cr H A Zelones AM JP
presided:

River Ward

Deputy Mayor, Cr R Butterfield
Cr M H Norman
Cr K Busby
Cr M Geary
Cr J H Munn JP CMC
Cr C Frost
Cr C M Wielinga
Cr G Nixon
Cr C A Campbell JP
Cr D M Shaw
Cr J A Stewart

River Ward
Minnawarra Ward
Minnawarra Ward (8pm – 9.15pm)
Neerigen Ward
Lake Ward
Lake Ward
Jarrah Ward
Jarrah Ward
Palomino Ward
Heron Ward
Heron Ward

IN ATTENDANCE:

Mr R S Tame
Mr A F Maxwell
Mr I MacRae
Mr K Ketterer
Ms Y Loveland
Mrs S D'Souza
Ms C Thomson

Chief Executive Officer
Executive Director Corporate Services
Executive Director Development Services
Executive Director Technical Services
Executive Director Community Services
CEO's Executive Assistant
Secretarial Assistant (CEO's Office)

Public: 18

APOLOGIES AND LEAVE OF ABSENCE

Apology received from Cr M S Northcott & Cr C M Wielinga.

His Worship the Mayor, Cr Henry Zelones, welcomed those in attendance to the 2013-14 Annual General Meeting of Electors and addressed the meeting as follows:

Good evening and welcome to our Annual Meeting of Electors.

I would like to acknowledge that tonight's meeting is being held on the traditional custodians of the lands of the Nyoongar people, and pay our respect to their elders both past and present.

We have received apologies from Crs Busby and Northcott.....

I'd like to begin by introducing my fellow Councillors and ask each of them to stand briefly as I introduce them.

The deputy Mayor Ruth Butterfield, Councillors Guenter Best, Mark Geary, Colin Campbell, Jim Stewart, Donna Shaw, Mathew Norman, Jeff Munn, Carol Frost, Grant Nixon, and Caroline Wielinga.

Also with us tonight are our senior executive team on my right our CEO, Mr Ray Tame, Mr Tony Maxwell - Corporate Services, Mrs Yvonne Loveland - Community Services and on my left Mr Kevin Ketterer - Technical Services and Mr Ian MacRae - Development Services.

Before dealing with the business of the meeting, I need to emphasise that this is not a public meeting, but a meeting of electors as provided by the Local Government Act of 1995. As such, the residents who would normally participate are those who are on the City of Armadale Electoral Roll. However, this entitlement is also extended to those others who would be entitled to be on the roll, whether they are on it yet or not. As we may have observers from neighbouring local governments, and if time permits, I shall accept questions from them as well. It is my intent to close the meeting at 9pm and to take any further questions on notice for a response to be included in the minutes of this meeting that will go forward to the Council.

The Local Government Act in allowing Electors Meetings confers on the Mayor the responsibility of chairing the meeting, and for deciding the manner in which the meeting should be run. I would hope that the meeting procedure that I am about to outline will permit informality, and during question time the maximum amount of time to ask question on matters for which the city is responsible. If necessary, but only if necessary to retain order, I would invoke the full range of Council's Standing Orders.

I would hope that I don't have occasion to remind anyone during the meeting that none of us here enjoy any privilege or protection from laws relating to defamation, as we will of course, all be focusing on the issues. Prefacing remarks with the words "Without Prejudice" as sometimes happens at this type of meeting does not confer any protection to the speaker. The meeting is being taped to assist officers who will be required to provide a detailed report to Council.

When we get to general business, I will deal with questions from the floor before turning to those submitted in writing. I am making this change to the order of business in order to allow as many electors the opportunity to ask their questions. We have received 60 questions in writing prior to this meeting and in responding to those questions may limit the time available for other electors.

I or members of the Executive will try to answer your questions tonight, but some may require further research in which case I will take the question on notice and the person asking the question will receive a response in the mail. The minutes of this meeting once adopted by Council will also contain those answers.

The City of Armadale is a large metropolitan Council with a population exceeding 75,000 residents covering a land area of over 500 sq. kms and an operating budget of approximately 100 million dollars. Is not possible for me or the executive to be able to reply to all questions instantly as, in order, to provide accurate and current information may require follow up with other officers from the City of Armadale, other government agencies and/or sub-contractors who carry out a large amount of the works required.

We have a microphone available, so I would ask people to remain in their places and staff will bring the microphone to you. As I said earlier, the meeting is being recorded so I would ask that you begin your question by giving your name, and your address. We try to share the order of questions being asked around so initially I will deal with one question from each person who has one, then go to second and so on keeping in mind I will deal with the questions on notice last. This process should ensure that everyone has a fair go.

In terms of voting tonight should that be necessary, you will have already been asked to register on your entry. If any member of the public present tonight isn't entitled to be an elector in the City of Armadale, given my earlier explanation of who is eligible, can I ask that you simply refrain from raising you hand when a vote is taken.

I would also remind members of the public that I and my fellow Councillors are also electors of the City of Armadale and retain the right to vote for or against, or abstain from voting, on any motion that may be put from the floor. Should a member of the public wish to put a motion before the meeting the procedure that I will adopt will be similar to that which we use at Council meetings and our standing orders will apply during the debate on the motion. All motions put to the meeting will require a seconder before debate on the motion proceeds. If there is no seconder the motion shall lapse.

The mover of the motion will speak first followed by the seconder and then alternately those wishing to speak for or against. The mover will have the right to respond in summing up his arguments or responding to comments made during debate. No new material to be introduced by the mover of a motion in his closing remarks. No person shall speak twice to a motion other than the mover and there shall be no further debate on a motion once the mover has concluded his remark. The motion shall then go to a vote of eligible voters.

I also advise that any vote taken on any matter here this evening is not binding on the Council but will be considered in light of all relevant information provided to Council in due course. The minutes of this meeting will be presented to a future City Strategy meeting and then to Council for consideration.

Thank you in advance for your consideration.

1 BUSINESS OF MEETING

1 PRESENTING & RECEIVING THE 2013-2014 ANNUAL FINANCIAL REPORT

1.1 2013-2014 Annual Financial Report

MOVED Cr Frost that the 2013-2014 Annual Financial Report be received.

CARRIED

1.2 Auditor's Report

The Chief Executive Officer, Mr R S Tame, read aloud the Auditor's Report (Pages 38 & 39 in the Annual Report).

MOVED Cr Nixon that the Auditor's Report on the 2013-2014 Annual Financial Report be received.

CARRIED

1.3 2012-13 Annual Report (Remaining Parts)

The Mayor read aloud his Report as printed on Page 6 in the Annual Report.

MOVED Cr Shaw that the 2013-2014 Annual Report be received.

CARRIED

2 GENERAL BUSINESS

2.1 Questions received from the floor

Ms J MacDonald – 5 May Close, Armadale

Q1 Are there any tours being proposed for the public to view the Landmark Building?

The Mayor recognised that this is a significant building in the CBD which has generated a great deal of interest and will discuss with officers the possibility of an Open Day to give the public an opportunity for a viewing. This will probably be in March 2015.

Q2 What are the short term and long term plans for the old library building and the DCP building?

The Executive Director Technical Services advised that following relocation of staff to the new building on 12th December the old library building will be demolished in early January to make way for a car park area. The CEO added that the conditions of the lease to Government tenants was that sufficient car parking would be provided and this area will provide the required number of car parking bays.

In regard to the DCP building, with the impending local government reform, the transition of staff from the Shire of SJ and anticipated growth over the next 5 years the building will be required for Council purposes until the Civic precinct is redeveloped.

Mr I Blackburn – 6/15 Dale, Armadale

Q1 Will the work in the Armadale Mall be finished by Christmas?

The Executive Director Technical Services advised that the work will be completed by the end of November.

Mr D Foster – 248 Albany Highway, Bedfordale

Q1 Neerigen Brook Reserve – when it was vested in the City one of the key things was survey of the boundaries, this has never ever happened, what did happen was only a partial survey and before the surveyors were even on site, the landowners got together and moved most of the pegs. I was then told poles would be put in the ground to denote the boundaries. Will the Council consider a survey because it will save an awful lot of bother when people try and walk the reserve?

The Mayor advised Mr Foster that he had already submitted a number of questions on the Neerigen Brook Reserve and this matter would be dealt with later during the meeting.

Mr B Davis, 35 Bodicoat Drive, Brookdale

Q1 Instead of so drastically upgrading the District Hall why can't the \$3.6 million be spent on other worthwhile community projects?

The Mayor advised that the District Hall project has a long history. It has taken Council 16 years to get to this point of commissioning design plans and inviting public comment. Council has not made a decision on the design and a report will be submitted to Council in early 2015 for consideration. Council is very much aware of the heritage significance of the building and a decision will be made in the best interests of the community and the District.

Mr I Blackburn, 6/15 Dale, Armadale

- Q2 In regards to parking in the District, does the Council still own that 38 acres of land down on Forest Road past the Catholic School? If so, what are Council's plans for that land and with development happening in Forrestdale why not look at either building a music centre or providing additional parking in that area?**

The Mayor advised that this land is under the MRA planning control and there are structure plans and concept plans in place. The Executive Director Development Services advised that funds recouped from development in Forrestdale will go into the City's future strategic investment funds and will be allocated for parking or strategic buildings but this will be subject to Council consideration and decision.

Mr Gr Wallace, 154 Westfield Road, Kelmscott

- Q1 Could the Council revisit some sort of traffic calming devices for Westfield Road?**
The reason I'm asking for this is because there has been quite a few accidents that have been mentioned to Council and there has been two forms of traffic counting and speed counting on Westfield Road. The answer we got back last time was it doesn't seem to be warranted. However, on other streets in the same area there are 7 calming devices between Forrest Road and Armadale Road so why can't there be one on Westfield Road.

The Executive Director Technical Services advised that following an investigation of traffic volume, mean speed and accident rates the results did not fulfil the need for traffic calming devices. However, a broader view is now being taken to address traffic issues on Westfield Road and surrounding areas with a view to installing median islands, pedestrian crossings, dual-use pathways and design work is in progress.

Mr Wallace expressed disappointment that this information was not forthcoming earlier and wished to be updated on what was being proposed.

Mr D Grimwood, 7 Sapphire Court, Mt Richon

- Q1 In regards to the Mall, it has been noticed that the monuments of past Councillors in the mall are being carefully preserved during the works but as these Councillors served before the current period would ask that you remove these completely.**

The Mayor took this under advisement.

Ms K Coulthard, 110 Clifton Street, Kelmscott

- Q1 Do you agree that there is a heritage precinct down in Jull Street?**
You know we have worked for quite a long time to get that set up as tourist precinct and so I feel your new plans will take the view of the Hall away from the precinct, it will basically obstruct the view and remove it from the precinct, Do you agree with that?

The Mayor agreed that this area of Jull Street is a tourist and a heritage precinct with two buildings within the area listed in the Local Heritage Listing and the State list. It was reiterated that Council has not yet made a decision. There has been a lot of discussion on the possibilities and consultants have compiled a report to satisfy a range of uses for the Hall. A report and recommendation will be considered by Council in early 2015.

Q2 Will the upgrade be approved by the Heritage Council of WA?

The Mayor advised that the Hall is a heritage listed facility and any changes proposed to the heritage fabric of the building will be communicated to the Heritage Council and we are obliged to take notice of its advice on any upgrades, extensions, demolitions proposed. Consultants and officers have held preliminary discussions with the Heritage Council.

Q3 What was the result of those discussions?

This information will be in the report to Council in early 2015.

Mr J Christmass, 14 Wandoo Street, Mt Nasura

Q1 My great concern over the years has been that with many of these developments, Council consults us after they've decided what to do, in many cases this occurs and the same thing happens with the Hall. Architects and consultants paid before you find out what the public want, especially if it is associated with the public and I'd like to see in the future with any major projects that this is open to public comment prior to the engagement with professionals and expenditure of public money on those things.

The Mayor advised that some of these questions have already been submitted and these will be dealt with later during the meeting. In regards to your first question about the consultation process, the process that we use is consistent to the way we approach it, due to your questions being connected with each other and context as they are for Mr Foster and Mr Grimwood.

Q2 In regards to City Views magazine is it produced/printed in house?

The CEO advised that currently the City Views may be produced and printed in-house but can also be outsourced for printing, packaging and mailing.

Q3 I couldn't find any notice of this meeting on the website today and I've been concerned about the obscurity of the meeting and understand from your response previously, the City Views magazine is prepared well ahead. **I want to know why you don't leave the meeting until there has been an opportunity to publicise all this information and have more people here?** The City magazine has been sent back to the person producing it because it is full of errors and I'd like to see information on some of the major projects as there is not a great deal of interest in some of these things as these are not very well publicised.

The Mayor advised that in terms of this meeting, due process is followed in accordance with the Local Government Act with public notices in both local newspapers, City's Administration

Centre and at all the City's libraries. The agenda for this meeting was available on the website with the main items of business being receiving the annual report and auditor's report followed by general business. The City Views is there to provide a variety of other information and services and operates on a pre-determined production and distribution schedule. It is not feasible to coordinate this process with the statutory timetable.

Ms E De Ruiter, 7 Incana Court, Kelmscott

Q1 It was the City of Armadale in 1998, that raised the level of the balustrade in the gallery causing sight lines to the stage to be compromised. The architects in 2001 in their conservation plan recommended that the structural truss surrounding the front of the gallery be redesigned so that the height of the balustrade could be lowered. He also recommended the use of wire cables or screens to help fix the problem. **Why in 2014 is the same architect now going against his own conservation policy and recommending demolition of the gallery?**

The Mayor advised that he could not answer on behalf of the architect. A number of factors has changed since 1998 in regard to use of the Hall. However, these comments will be considered when Council has the opportunity to consider the architect's report and the public submissions in nearly 2015.

Q2 If the gallery is removed, it will not make any difference to the available floor space in the main hall and the capacity of the hall remains the same. At the stakeholders meeting, 90% of the people there were against the proposal, it was confirmed due to the new maximum capacity schools would not be using the hall. **If schools and it seems, John Christmass as an example, will not be using the hall with their performance groups why are these changes being done?**

The Mayor advised that the Hall is used by a range of groups with Business Armadale being one of them to hold their Annual Awards Dinner so the Hall is there for a variety of uses.

Q3 **Are you saying that the hall is underutilised? There were 750 bookings or more in the last year, how can any more people use the hall?**

The Mayor indicated that at no point did he say the hall was underutilised. This is a heritage listed building and Council is committed to preserving its heritage significance as well as ensuring this important venue is available for a variety of uses. The Hall does have the capacity to hold 300+ people and in its current state is not conducive to hold the City's Australia Day citizenship function involving 250+ people in 40 degrees heat with noisy portable air conditioners. This refurbishment will ensure that the building is fitted with appropriate air-conditioning without destroying the heritage fabric.

If there are any further questions on the Hall please contact either Cr Butterfield or myself.

Mr J Christmass, 14 Wandoo Street, Mt Nasura

Q4 Does Council have any plans to establish or acquire the necessary land for the establishment of a performing arts centre?

The Mayor advised that following completion of the Landmark Building, Council is actively pursuing with the State Government the establishment of a Justice and Police precinct within the CBD. To establish a performing arts centre will require significant external funding and the Executive Director Corporate Services will be able to provide details of where this project fits into the long term plan.

The Executive Director Corporate Services advised that commencing from 2017 there is a reserve provision of \$500,000 per annum for a cultural performing arts facility in the Corporate Business Plan. This is not a significant amount but a start to the formal planning process.

Mr D Grimwood, 7 Sapphire Court, Mt Richon

Q2 Understand that Council has something like \$50 million in reserves and considering the level of expertise and resources that is available within the Local Government itself would seem to me that the only impediment to progressing a performing arts centre is the desire to do it?

The Mayor advised that funds in reserve are “reserved” for particular purposes and cannot be allocated to other uses. For example, development contribution schemes operating in Piara Waters, funds from these schemes are paid by developers for specific use within that development precinct and cannot be transferred. The Executive Director Corporate Services just confirmed that a reserve will be established commencing in 2017 for the specific purpose of providing a performing arts centre. The total amount of funding required, location and design for such a facility are all factors that will require consideration and determination at the planning stage.

Mr B Davis, 35 Bodicoat Drive, Brookdale

Q2 I believe that Armadale has the biggest population growth south of the river. With the number of developments going on, can you give us any idea of the projections of the population of Armadale over the next 5 years?

The Mayor advised that it is predicted that by 2030 the City of Armadale’s population will be 150,000. With the Government’s plans now for a merger with the northern part of the Shire of Serpentine Jarrahdale, the population for the City of Armadale in July 2015 will be about 102,000 and by 2030 it is predicted that this will increase to 180,000.

The CEO added that the City was currently running at about 4000 people per year and this will be increased to 6000 per year with the addition of Mundijong and Byford. At that time the City will be growing even faster than Wanneroo.

2.2 Questions of which prior notice has been given

Mr J Christmass – 14 Wandoo Street, Mt Nasura

Q1 What is the estimated cost of the current upgrading of Jull St Mall ?

The street lighting replacement and improvement, together with the additional underground services such as separate power point provision and CCTV, amounted to \$290,000. The project budget amounted to some \$500,000, but with the project still incomplete, final costs cannot yet be reported. These costs included the removal of the old pavers, new paving installation and inclusion of benches, bins and tree protection works, as well as design costs.

Q2 Who designed the plan for the Mall?

The design was completed by the City's landscape architect, in consultation with the affected user community and business groups, and followed by presentations to council, as well as businesses in the CBD.

Q3 Would it be possible to include in 'City Views' brief summaries of items such as the Strategic Corporate Plan, Plan for the Future and the 15 year Budget ?

This can be looked at for inclusion in the City Views for the next Annual Budget.

Q4 What advice (if any) was taken on the new lighting for the Mall. Was aesthetics an important consideration ?

The primary reason for the new improved lighting was to address the complaints related to dark patches in the mall. The lighting design specifically addresses these areas, and the aesthetics continue the design theme of the lighting from other areas in the CBD, for example the lighting provided in Memorial Park and Commerce Ave.

Q5 Would it be possible to plan the date of the annual meeting of ratepayers so that information regarding this important event could be included in the 'City Views' ?

No it's not possible to give advance specific notice of the AGM date and time in the City Views because of the statutory processes involved leading up to the meeting, i.e.

- *The City's completion and submission of the financial report to the City's Auditor – by 30th September;*
- *Completion of the Audit Report by the Auditor – by 31st December;*
- *Preparation and acceptance of the Annual Report by Council – by 31st December but subject to the prior receipt of the Auditor's Report;*
- *Local Public Notice of the AGM – at least 14 days prior notice is required;*
- *The availability of the Mayor and Chief executive Officer to attend the AGM given their other engagements on behalf of the City;*
- *Publishing and printing the Annual Report; and*
- *The timing, publication, printing and distribution of the City Views*

Q6 What consideration (if any) is being given to banning smoking in the Mall ?

The City has a policy regarding Smoke Free Outdoor Areas (Policy HLTH 1). This policy relates to the control of smoking within and near to City property and events. It is

intended to review this policy in the near future which may include, following public consultation, extending the policy to include public places such as the Jull Street Mall.

Q7 Why was there not a meeting of interested parties regarding the District Hall PRIOR to the engagement and payment of an architect, sound advisor and theatre advisor?

The Armadale District Hall Upgrade is a key strategic project in the City's Corporate Business Plan. Council has set aside funds to both investigate the future of the facility, and to plan and implement any required modifications.

The process of presenting an initial concept plan to council for subsequent community consultation, as happened in the case of the District Hall project is quite normal and allows for discussion around key design elements. The Council is elected to appoint architects and other consultants for this type of project and has the responsibility of making the final decision after appropriate advice and consultation.

Q8 How much was spent on engaging the aforementioned parties?

\$23,000

Q9 I note that Spudshed in Kelmscott has various items on the Albany Hwy footpath and that these have been there for many months. When will they be obliged to clear these away?

The City has been liaising with the MRA on a number of occasions relating to the completion of the works associated with the Spudshed development. The paving on the Albany Highway footpath was displaced due to the need to access services and the delay in restoration has been drawn to the attention of Spudshed who have undertaken to address the matter immediately.

Q10 Do householders receive notice to clear away grass and other inflammables on their properties and road reserves, enforceable prior to commencement of the fire risk season ?

Every year the City of Armadale produces a "Firebreak Notice and Bushfire Information" brochure, which is distributed to every ratepayer. The document contains information ranging from how to reduce fire hazards around the property, "Prepare Act Survive" information, and relevant information regarding the landowners statutory responsibility to install firebreaks, and reduce fire hazards around their property. This document is also readily available at libraries and other Council facilities.

The City of Armadale provides regular media releases throughout the year, particularly leading up to the fire season, encouraging residents to start preparing their properties to ensure they are ready ahead of summer and advising residents the City of Armadale and the Department of Fire and Emergency Services (DFES) have an abundance of information available to assist them with bushfire preparations.

Inspections are undertaken of all "at risk" areas and the City responds to complaints or information provided by the public. Notices are provided to offending landowners both public and private, where property is considered to be in breach of requirements.

Mr D Foster – 248 Albany Highway, Bedfordale

Question / Statement 1 – “I recently tried to access the public open space (once, I believe called Churchman’s Brook Park) to the south of the Canning River and Churchman’s Brook. My usual route is from near the climbing crag and over to the old airfield, but this time I decided to access from the west. I have done this many times but not recently, I found access blocked, my map shows public access via Balgor Crescent if this access is legal can we please have a sign saying so? In the past access was available from several places to the west of the park.”

The area being referred to is within the Darling Range Regional Park east of Balgor Crescent and managed by the Department of Parks and Wildlife.

Question / Statement 2 – “I recently tried to access Fletcher Park from Mitchell Street and found the access blocked. I am not really bothered as horse “trail riders” were degrading this park – the swampy nature being a wonder land of flowers before horses spoilt them. I noticed a large newish fence can you please tell me about this? Are horses still tolerated grazing this park?”

The fence that extends east-west at the end of Mitchell Street to the Public Transport Authority fence that borders the railway line was constructed in 2012 for the following reasons;

- *To stop horse traffic illegally entering the reserve and damaging flora in the threatened ecological community.*
- *To stop motorbikes illegally accessing the reserve and damaging the reserve, damaging the flora and increasing the risk of a bush fire in this section of the reserve.*
- *In response to a resident who expressed concern with the amount of motorbike traffic and horse traffic using the reserve as a thoroughfare.*

Residents of Mitchell and Moore Streets consequently complained about the lack of access for horse riders wanting to travel between the two streets and having to do so via South West Highway since the installation of the fence.

The City is currently negotiating with a number of stakeholders to create a thoroughfare from Mitchell to Moore Street via a Water Corporation Easement on the eastern side of the reserve, between the reserve and private property.

These negotiations are in the final stages and will allow horse and pedestrian traffic to move safely between Mitchell and Moore Streets.

In regards to Mr Foster’s question about horses being permitted to ‘graze’ in Fletcher Park Reserve, although the reserve is used by the Wallangarra Riding and Pony Club for events, grazing is not permitted in the conservation areas of the reserve.

The Wallangarra Riding and Pony Club must use the reserve in accordance with the Fletcher Park Management Plan 2011 and observe permitted uses through this Management Plan and their lease agreement with the City.

Question / Statement 3 – “Since the City has taken over the running of Neerigin Brook Reserve, the park has become severely degraded. Horse grazing has been allowed (FOR THE FAVOURED) a blind eye turned to the illegal water pumping depleting the pools animals rely on, chopping down the trees including a hugh flooded gum, which must have been a most important tree for many kilometres (culprits, Beaver, a city contractor). Replacing natural ground cover with lawn, the roaming of cats and dogs, and local residents attempting to deny walkers access to public open space, the dumping of rubbish (and subsequence infestation of weeds including morning glory) burning rubbish in and out of season, and the planting of prickly plants to deny access to walkers, can a sign be put near the gate at the northern end saying it is public open space? Cannot the City look after the park for the public? Has any progress been made as regards the creek diversion I complained about 15 years ago? I was told at the time that it would be fixed as part of a 15 year plan. I was told again about 5 years ago that there was no 15 year plan, this creek diversion involves the theft of land and water and the thieves attempt to deny access to the area.

Answers -

- 1. Since the City has taken over the running of Neerigin Brook Reserve the park has become severely degraded.**
Neerigin Brook Reserve is maintained by the City's Landcare Workers on a programmed basis in accordance with it's bushland reserves maintenance / operations schedule. Furthermore, the Ministry of Justice have a small team of workers that attend the site from time to time along with a number of other reserves and undertake maintenance work within the reserve. The reserve is continuing to improve.
- 2. Horse grazing issue.**
The one horse that was in a small portion of the reserve was permitted to graze within a fenced grass meadow alongside the property owners home. The horse assisted in the control of the grass. The horse has long since been removed from the reserve at the time of the City's Management Plan Development in 2008.
- 3. Illegal water pumping matter.**
On the matter of riparian rights, Council is not the controlling authority of the brook itself as advised at the AGM of Electors held in 2004 and on subsequent occasions in 2005 and via direct correspondence to this matter. The Water and Rivers Commission overseas this matter. Many water pipes that run across the reserve for the purpose of taking water from the Neerigin Brook are named in an agreement and are doing so lawfully. It is possible that some water pipes and pumps within the reserve belong to residents who are not named in the agreement and are consequently unlawfully accessing water. A water use survey (Water & Rivers Commission, 1998) found that among the properties accessing water that some were not identified in the Neerigin Brook Access Agreement and are therefore in breach of the Water Irrigation Act.

4. Alleged chopping down of trees in reserve.

The matter of cutting down trees has been raised at past AGM of Electors by Mr Foster and he has also raised this matter on numerous occasions by telephone. We do not permit the cutting down of trees on any reserves and Officers on each occasion have investigated the allegations. Council has removed several trees and limbs on safety grounds as is necessary in the management of POS.

5. Changing landscape and extension of private properties into adjoining Reserve.

It is acknowledged that several private properties have extended their yards into the adjoining reserve but are causing no issues of concern. The marker posts put in by Council when the reserve was surveyed act as a guide to determine property boundaries between private and public.

6. Domestic animals.

Specific concerns relating to domestic animals within Neerigin Brook Reserve can be discussed with the City's Ranger Services.

7. Denying walkers access to POS.

As POS walkers should not be denied access and it would appear that it is only Mr Foster that has been denied access in the past largely because of his confrontational nature – a matter that has repeatedly been discussed and well documented. Harassment issues should be reported to the police who have the authority to intervene between yourself and residents along the reserve. Members of the public are entitled to use the POS. It follows that residents do not have any legal right to obstruct members of the public who wish to walk on the reserve.

8. Illegal dumping of garden rubbish in POS.

Illegal dumping does occur at numerous areas within the COA and if offenders are known they may be prosecuted.

9. Infestation of weeds.

It is well documented that the reserve is infested with numerous weed species that will continue to be managed by the city.

10. Burning rubbish out of season.

Burning rubbish out of season needs to be reported to the City's Manager Ranger and Emergency Services.

11. Planting prickly plants to further deny access to POS.

The matter of planting prickly plants to further deny public access to the POS is managed by Parks staff for public safety in the reserve and are removed.

12. Request for park sign near gate at the northern end saying Public Open Space.

Several park name signs are installed at the Neerigen Brook Reserve – no additional signs are considered necessary or warranted.

13. Cannot the City look after the Park for the public?

Neerigen Brook is a public open space that has been vested with the City of Armadale since 1998 for the purpose of 'Public Recreation and Drainage' and accordingly is managed to a service level commensurate with natural areas management in accordance with a maintenance schedule.

14. Has any progress been made as regards the creek diversion I complained about 15 years ago?

The matter of the creek diversion raised by Mr Foster is a complex matter and many other matters need to be addressed within the reserve ahead of this matter. This has been asked for the last couple of years at past AGM of Electors and answered repeatedly.

Mr D Grimwood, 7 Sapphire Court, Mt Richon

Questions 1 to 28 relate to the Criminal Court judgements in the matter of City of Armadale V Merrick.

The Mayor advised that this matter has been the subject of legal proceedings with a decision already been handed down in the City's favour. Due to legal implications this matter will not be responded to at this meeting.

QUESTIONS ON OTHER MATTERS – Mr Grimwood

Q29 What is the current status and progress for the implementation of the Neerigen Brook Reserve Management Plan 2008?

In 2008, the following three major components of the Management Plan were identified as priorities, and completed shortly thereafter

- *Establishing land boundaries*
- *Removing infrastructure encroaching on the reserve*
- *Establishing the land management infrastructure for weed and fire control.*

At that stage it was stated that additional funding would be required to carry out any further works, and that these would be considered as part of Councils budget deliberations. Considering the priorities identified by Council in subsequent years, the further actions identified in the Management Plan have not been identified as priorities for implementation.

The City does however continue to maintain the Reserve with the Council staff, as well as with the assistance of Landcare workers as part of the programmed works, as well as with a Juvenile Justice crew from time to time.

Q30 Given some 300,000 persons recently risked their lives to demonstrate in the Communist state of Hong Kong because they want to choose their own candidates for election to public office in representation of their interests – an act generally supported by Western Governments in support of democratic reform throughout the world – why is it that you continue to resist reform of your undemocratic communist like policy of not allowing the peoples of Armadale to directly elect their Mayor, Deputy Mayor and Councillors?

Mayor's position – for reasons of greater teamwork and unity, the City's preference is for the Mayor's position to be elected by the elected councillors, which is no different to how state and federal governments in Australia elect their leaders. If others like Mr Grimwood are of the view that the Mayor of the City should be elected by the electors, then electors can propose a change as per section 2.12 of the Local Government Act 1995, ie. a petition in the required form signed by at least 250 electors.

Deputy Mayor position – the Local Government Act 1995 restricts the election of Deputy Mayor to election by the Council.

Councillor positions – the City's preference for Councillor representation is the ward based system as opposed to the no ward system. In the City's August 2009 Local Government Reform submission, public feedback on the ward question of representation supported the ward option with example comments like:-

- Fear that prospective councillors will be turned away by the workload and cost of running for council,
- Concern that local access to elected ward members will be lost,
- I like knowing my councillor lives near me and experiences the same environment, whether it's traffic, graffiti or other community issue,
- Don't want to be represented by someone remote from their neighbourhood,
- Believe public will disengage, lose interest and not participate or vote,

Advantages of a ward system

- Different sectors of the community can be represented ensuring a good spread of representation and interests amongst elected members.
- There is more opportunity for elected members to have a greater knowledge and interest in the issues in the ward.
- It may be easier for a candidate to be elected if they only need to canvass one ward.

Disadvantages of a no ward system

- Electors may feel that they are not adequately represented if they don't have an affinity with any of the elected members.
- Elected members living in a certain area may have a greater affinity and understanding of the issues specific to that area.
- There is potential for an interest group to dominate the Council.
- Elected members may feel overwhelmed by having to represent all electors and may not have the time or opportunity to understand and represent all the issues.
- It may be more difficult and costly for candidates to be elected if they need to canvass the whole local government area.

- Q31** Following the subsumation of the SJ Shire LG, the formal SJ "Public Statement Time" period in Council and Committee meetings, where residents are accustomed to expressing issues, concerns and recommendations directly to Council, will be lost. The City of Armadale does not and will not allow this vital form of dialogue with its community.

Will you advance democracy, connection with your community, dialogue with your constituents and opportunity to facilitate collective knowledge and wisdom to enter your meetings – and therefore your thinking processes, by allowing a formal Public Statement Time in Council and Committee meetings?

As part of the local government reform process, all local laws of the City of Armadale and Shire of SJ including the City's Standing Orders Local Law will be reviewed, and as part of this review, the option of having a "Public Statement Time" as part of the City's Council meeting agenda will be considered.

- Q32** The fourteen C of A Councillors represent about 6,000 per ward, whereas SJ's nine Councillors currently represent only about 12,600 Electors all up. On this ratio it is likely SJ will have just two equivalent wards and two Councillors for the entire subsumed shire.

It will be difficult to effectively represent the interests of SJ's rural and urban wards with just two Councillors. Importantly, Armadale's Select Committee system ensures each of those two new Councillors will be spread across four committees, reducing influence and direct representation.

Armadale uses the ward system for elections, so it is likely minority SJ Councillors joining the City of Armadale will have little hope of attaining the Mayoral or Deputy Mayoral office in the foreseeable future – perhaps never if Mayor Zelones persuades the State Government to retain the ward system.

SJ Electors can only attain fair representation in the new local government by eliminating the Committee System, eliminating wards, and then directly electing all Councillors and the Mayor by all Electors in an open election using preferential voting.

Given SJ has much to lose in political representation, will you listen to the people you purport to represent, change your policies and implement appropriate measures – including direct election of all Councillors by all Electors - to protect and preserve our civil and political rights before the subsumation is completed?

Given it is the law that all Councillors vote on all issues in all wards, there can be no rational case to preserve the ward system, which prevents citizens from directly choosing those representatives who will determine their future governance. Apart from retaining your seats on Council, what other rational reason can there be for abolishing wards?

Our response to this question is the same response to question 30.

- Q33** Once again you have published the sterile statutory public notice of this meeting in the back pages classified section of a local paper, said notice communicating the barest of information in a form not likely to attract electors to it. This practice is in contrast to your prominent news-section notices re issues and announcements where you seek vote-winning publicity.

Furthermore, despite its claim *“City Views provides residents with information about Council policies, services, activities and community events”* there is no reference to this meeting in the latest issue (11/14) of your “City Views” magazine, reinforcing a view that you do not want people to know about it.

Given State and Federal Governments regularly consult with interest groups and receive elector feedback before acting, is it not time to involve your community – ie “the governed” - into your scope of activity such that you will change from an authoritarian “do as you are told” or “as we determine” or “we know best” executive government to a participative, consensus oriented organisation serving the people whom you claim to represent and purport to serve?

The City does regularly consult with the community and there are numerous examples every year that can be referred to.

Local Public Notice of tonight’s Annual General Meeting has exceeded the minimum requirements set by the legislation. Notice has appeared in both local newspapers not one, more than 14 days notice has been given and the notices in the newspapers were in the form of display advertisements not a lineage advertisement. Notice of this meeting was also placed on public notice boards at each of the (3) public libraries and at the Administration Centre.

- Q34** The successful Kelmscott Agricultural Show, that attracts hundreds of visitors and brings wealth to the Armadale region, ran into the night for both visitors and exhibitors.

Given opportunistic criminals like the dark, why were the floodlights over the Rushton Park show area turned off on the Saturday night of 18 October when the night was dark and raining and the only effective local lighting came from stall holders and a few streetlamps?

The matter of lighting provision for the Kelmscott Show was discussed at an early start up meeting between City Officers and Kelmscott Agriculture Society representatives. It was agreed the City would install (4) small light towers on a temporary basis with (2) lights on each at strategic locations around the ground. The level of illumination was good. Also all carpark lighting and other passive lighting within the surrounding parklands was all operational. At handover to the KAS prior to the show all lights were checked & working. KAS are the hirers of the facility and managed the times the lights were switched on/off. The debrief following the show between City Officers and KAS which occurs each year advised of the success of the show in 2014 with no issues raised in terms of insufficient lighting or other matters.

Q35 The City has installed Armco style vehicle crash barriers at the roundabouts on Eleventh Road/Rowley Road and Seventh Road/Wungong Road Armadale.

In both cases the barriers protect vacant land and weeds and appear to serve no useful purpose.

In the latter case a high density dwelling complex has been built on the opposite corner and well below road level with your approval, creating a very high risk to its occupants for death or injury from a vehicle overshooting this tight roundabout at window height.

Why are the barriers not protecting people and property instead of weeds?

The erection of the barriers was in response to the utility services authorities in order to protect their infrastructure, as well as their workers working on their services from time to time.

Why are there not similar barriers on Bedfordale Hill Road to protect Neerigen Brook Bridge where the road edge is 3 metres above the creek, and to protect children using playground equipment at Tredale Field Reserve, where risk is also high?

The erection of a barrier at these locations will be further investigated.

Q36 A review of the City's Annual Budgets since 2004 and Strategic Community Plan 2013 – 2028 (SCP) verify zero dollars have been or will be allocated for expenditure in the locality of Mt. Richon until 2028.

When do you think you might recognise Mt. Richon as an area worthy of your support instead of being just a cash cow funding other peoples' dreams?

Would you agree this experience demonstrates the "ward system" of representation does not work for the peoples of Mt Richon?

The City's Asset Management System provides an indication of the condition of assets throughout the City, and when funding is required to be allocated to the asset infrastructure in the various areas, the funding requirement is considered by council and allocated accordingly. In this manner Mount Richon is treated on an equal basis with all other areas, and is irrespective of any ward structure.

The Mayor thanked his fellow councillors for their attendance tonight and thanked the public.

MEETING DECLARED CLOSED AT 9.15 PM

MINUTES CONFIRMED THIS 15TH DAY OF DECEMBER 2014

MAYOR