



**ANNUAL GENERAL MEETING OF ELECTORS
THURSDAY, 6 DECEMBER 2012**

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, 6 DECEMBER 2012 COMMENCING AT 7.00PM**

PRESENT:

The Mayor, Cr H A Zelones JP presided:	River Ward
Deputy Mayor, Cr R Butterfield	River Ward
Cr M H Norman	Minnawarra Ward
Cr K Busby	Minnawarra Ward
Cr M Geary	Neerigen Ward
Cr G A Best	Neerigen Ward
Cr J H Munn JP CMC	Lake Ward
Cr C J MacDonald	Lake Ward
Cr C M Wielinga	Jarrah Ward
Cr G Nixon	Jarrah Ward
Cr L Sargeson	Palomino Ward
Cr D M Shaw	Heron Ward
Cr J A Stewart	Heron 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 K Ketterer	Executive Director Technical Services
Ms Y Coyne	Executive Director Community Services
Mrs S D'Souza	CEO's Executive Assistant
Ms C Thomson	Secretarial Assistant (CEO's Office)

Public: 20

His Worship the Mayor, Cr Henry Zelones, welcomed those in attendance to the 2011-12 Annual General Meeting of Electors and addressed the meeting as follows:

The Mayor wished everyone present a good evening and welcomed them to the City's Annual Meeting of Electors. Apology has been received from Cr Northcott..

The Mayor introduced Councillors and officers present.

The Mayor advised that before dealing with the business of the meeting, there was the 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 2012 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.

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. It is hoped that the meeting procedure that he was about to outline will permit informality, and the widest possible airing of views while retaining normal meeting good manners. If necessary, but only if necessary to retain order, the full range of Council's Standing Orders would be invoked.

The Mayor hoped that he would not have occasion to remind anyone during the meeting that they enjoy any privilege or protection from laws relating to defamation, as everyone will of course, 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 dealing with general business, questions submitted in writing will be dealt with first after which questions will be invited from the floor. The Mayor or members of the Executive will try to answer questions put tonight, but some may require further research in which case the question will be taken 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 of 70,000 residents and an operating budget of approximately 100 million dollars. It may not be possible for the Mayor 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.

A roving microphone is being used, so people are asked to remain in their places and staff will bring the microphone to you. As mentioned earlier, the meeting is being recorded so people are asked to begin by stating their name and address. To share the

order of questions being asked one question from each person will be dealt with first, and then go on to a second and so on.

In terms of voting tonight, should that be necessary, those present will have already been asked to register on entry to the meeting. If any member of the public present isn't entitled to be an elector in the City of Armadale, given the Mayor's earlier explanation of who is eligible, he asked that they simply refrain from voting.

The Mayor reminded members of the public that he and his 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 he will adopt will be similar to that which is used at Council meetings and Council's standing orders will apply during the debate on the motion. All motions put before the meeting will require a seconder before debate on the motion proceeds.

The Mayor advised that any vote taken on any matter at the meeting was not binding on the Council but would be considered in light of all relevant information provided to Council in due course. The Minutes and any formal motions of this meeting will be presented to Council for consideration.

1 APOLOGIES AND LEAVE OF ABSENCE

Apology received from Cr M S Northcott

2 BUSINESS OF MEETING

2.1 PRESENTING & RECEIVING THE 2011-2012 ANNUAL FINANCIAL REPORT

2.1.1 2011-2012 Annual Financial Report

MOVED Cr MacDonald that the 2011-2012 Annual Financial Report be received.

SECONDED Cr Butterfield

CARRIED

2.1.2 Auditor's Report

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

MOVED Cr Butterfield that the Auditor's Report on the 2011-2012 Annual Financial Report be received.
SECONDED Cr Shaw

CARRIED

2.1.3 2011-12 Annual Report (Remaining Parts)

Mayor Zelones referred the meeting to his Report as printed on Page 6 in the Annual Report.

MOVED Cr Munn that the 2011-2012 Annual Report be received.
SECONDED Cr Best

CARRIED

2.2 GENERAL BUSINESS

2.2.1 Questions of which prior notice had been given

Mr David Foster – 248 Albany Highway, Bedfordale

Question 1

1. How much longer are the gates that the city put in after the horse grazing finished (at least 5 years 5/6 horses. Illegal but tolerated by city) and which the adjacent land owners take as proof that the horse grazing area is private. This meeting was told many years ago that they were temporary?

Answer 1

Gates can be removed however as they are not inhibiting access or devaluing the amenity of the reserve it was determined their removal was unwarranted and a waste of city resources based on just the one request.

Question 2

- 2 The bridge near the public access way 3 has none of the safety features necessary under the city laws, I have been repeatedly told by different people that I must not cross it. Saying that they paid for it to built, I have been threatened that I will be thrown off it, Can I please have handrails act; as per the law and a notice saying that it is for public use?

Answer 2

Raised and answered at 2011 AGM (Answer 4 on Page 5 of AGM Minutes of 8 December 2011). Same answer applies which is as follows.

New boundary fencing to define the PAW, signage indicating the status as a PAW and railings on both sides of the bridge to manage pedestrian movement both in and out of the reserve via this PAW, have been installed. As a result there should be no doubt of the status of the PAW as a public access way, and not a private access way.

Question 3

3. Can the ranger do a door knock? And inform the local land owners that the city, not them-are in charge of the reserve (As Mr Tame made known that the local residence were in charge and they have made this known to visitors). A door knock is necessary as letter will more than likely receive the same treatment as my letters to the city.

Answer 3

No. It is not intended to put more staff out on this matter. Where landowners abuse the function of the reserve or transgress local law they will be approached.

Question 4

- 4 Has any progress been made regarding retrieving the land stolen when the creek was diverted to landscape a garden?

Answer 4

Raised and answered at 2011 AGM (and earlier). Same answer still applies. (Answer 7 on Page 6 of AGM Minutes of 8 Dec 2011)

According to the 2011 minutes this matter was raised again having been subject of a response by the Mayor at the 2010 AGM and the same response still applies. Basically, public access and thoroughfare through the reserve has been protected. There are no current plans to reconstruct or modify the stream.

Question 5

5. Will the CEO give a guarantee that no more builders spoil will be dumped on the reserve?

Answer 5

The City or CEO could not give a guarantee that no more builders spoil will be dumped on the reserve, and would rely on the community doing the right thing and not dumping illegally in the first place. Anyone caught (or proven to be) illegally dumping will be prosecuted.

Question 6 - Fletcher Park

6. Could gates be installed at Fletcher Park to keep horses out and occasional ranger presence on Saturdays (The orchids were spectacular) now trampled

Answer 6

Can advise the area is under a Management Plan with riding club committee members assisting the City with monitoring and education of members. There are gates and fencing around Fletcher Park but at times unapproved public access takes place. When reported the City investigates any damage. Rangers will be asked to make occasional inspections.

Question 7 - Settlers Common

7. Could the unnecessary barbwire fences that have no relevance in settler's common be taken away?

Answer 7

Raised at 2011 AGM and answered. (Answer 2 on Page 4 of AGM Minutes of 8 December 2011)

The City receives help and advice from numerous "Friends" management groups in Settlers Common.

Council staff have undertaken removal of debris/ rubbish frequently in areas designated for walking and continue to respond to such incidents. Recent removal of dumped asbestos was undertaken and rubbish removal is to be done next week.

With regard to debris, i.e. old barbed wire & very old car bodies etc in areas off the "beaten track" that are now after so long "part of the earth" and would result in significant damage through removal. This action is considered unnecessary and is not preferred by the management groups in Settlers Common.

2.2.2 Questions received from the Floor

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

Mr Brad Anstey – 5 Eneabba Place, Armadale

- Q1 In report tabled at the August 7 City Strategy Meeting it was recommended that the City review the current differential rating system which currently discriminates against vacant land owners and instead look to implement a zoning based rating system. The City stated that there was insufficient time to implement this recommendation for the adoption of this year's budget. What action if any has the City undertaken in implementing this recommendation and will it be adopted before the next budget?

Response

The Mayor advised that the budget review process will commence around February/March next year but invited the Mr Maxwell, Executive Director Corporate Services to respond.

Mr Maxwell advised that as per Council's resolution on the matter, the option of a property zoning based differential rating system will definitely form part of Council's 2014 Annual Budget deliberations. Preliminary work has commenced on updating the City's property data base with MRA property zoning information, this being a necessary pre-requisite to any rate modelling options based on property zonings. At this stage it is anticipated that Council's Rating Review Working Party will, during the period February to April 2013, be presented with the relevant rate modelling data and options following which Council will then be presented with the Working Party's findings and recommendations

- Q2 In regard to correspondence with the City and Mr Maxwell, what are Council's key performance indicators and measures in answering correspondence from ratepayers?

Response

The Mayor advised that City officers are aware of Council's views on all correspondence being answered.

The CEO advised that Council's customer service charter required responses to correspondence within 14 days. Where a full response was not possible within that timeframe an interim response is required to be sent. The matter will be followed up and responded.

- Q3 Will the City be able to support its future statement of objects and reasons to the ratepayers which is a statutory requirement under the Act.

Response

The Mayor responded in the affirmative.

Mr David Foster – 248 Albany Highway, Kelmscott

- Q1 I was assaulted and arrested and taken to the police lockup for walking in this reserve, this was shortly after 8 o'clock in the morning. Told police to ring the CEO, Mr Ray Tame and he will sort it out. The police told me that Mr Tame refused to come to the phone, I was released at 11:20am. Why did Mr Tame not come to the phone?

Response

The Mayor advised that this same issue was raised and answered last year and that this incident had occurred a while ago, However, Mr Tame will again fill you in with the details.

The CEO advised that this had occurred in 2009 and assured Mr Foster that he did not refuse to come to the phone. Two police officers visited the offices for details on this reserve and when this was brought to my notice they were shown straight to my office. They were provided with a wealth of history on this matter, and plans to help them ascertain exactly where you were, when you were arrested – i.e. whether you were legally entitled to be there or not, The two police officers spent an hour with me going through the background and detailed survey information. We cannot control the behavior of residents who are offended by your presence in the area. We can only make the reserve readily available and if residents abuse the law then appropriate action can be taken.

The Mayor advised that he had met and discussed all these matters with Mr Foster and also walked this reserve. He had also been down there several times with Mr Ketterer, Executive Director of Technical Services and personally had no problem walking along the reserve.

- Q2 The bridge in Lions Park which provided access to the toilets has been removed – can this be replaced?

Response

The Mayor advised that the bridge was damaged during the storms. There are requirements for building bridges across streams and it was not considered necessary to replace this bridge. However, the site will be visited and if the bridge is considered necessary it will be referred to Council for consideration.

- Q3 Quite a few years ago I was told the boundary of the park (Neerigen reserve) would be marked out and a survey was done – the survey was never done, only a partial survey was done and when I asked why it wasn't all surveyed they said there was going to be private development and they'll do the survey, its never

happened. I was also told there were markers put in but this is totally incorrect, some were put in but immediately taken out. Can the park boundaries be marked out as I have been repeatedly told I am trespassing and the people are getting stroppy.

Response

The Mayor noted that pegs had been surveyed but apparently removed by persons unknown. He advised that he would refer this matter to Technical Services for investigation.

Q4 Is it not the by-law that there should be hand rails on the bridges?

The Mayor reiterated that the matter will be referred to Technical Services and if necessary a site inspection will also be undertaken by him and Mr Ketterer.

Mr Dennis Grimwood – 7 Sapphire Court, Mt Nasura

Q1: Re. Annual Report: Item 1C – Page 35 – Goods and Services Tax

It reads “in accordance with recommended practice, revenues, expenses and assets capitalized are stated net of any GST recoverable. Receivables and payables in the State of Financial Position are stated inclusive of applicable GST.”

My question relates to the rates, the rates notice says GST nil or 0, quite obviously the suppliers to Local Government whether buying trucks, stationery, food for canteen there will be GST paid/collected along the way which under normal circumstance be refunded to the supplier when that article is passed on to the next customer, so in this case there is no one to pass it on to so what happens to the GST on suppliers that Local Government purchases but appears to not be recovered on the rates.

Response

The Executive Director Corporate Services, Mr Maxwell, advised that the Goods & Services Tax (GST) is complex legislation. What this note explains is that:-

- All the expense and revenue figures reported in the financial statements are exclusive of GST, whereas,
- The receivables (debts owed to the City) and payables (amounts owed to creditors) as reported in the Statement of Financial Position (Balance Sheet) are, where applicable, inclusive of GST.

The City pays GST on supplier invoices and collects GST on most debtor invoices (council Rates do not attract GST). The difference between the GST paid and GST collected (almost always payments are greater than collections), is then claimed back from the ATO via the monthly lodgement of the Business Activity Statement.

- Q2: Next April the Federal Government will switch off analogue television. Will council make some arrangements for residents to dispose of analogue televisions or VCR equipment?

Response

The Mayor advised that the Federal Government has been advising, since 2009, that a date has been set in 2013 when it would switch off analogue television and since that announcement a number of analogue TVs have been disposed of each year. It is not anticipated that there will be a huge number of these being disposed of come next April but the matter will be reconsidered at the time.

- Q3 Re. Roleystone Fires: On the front page of the paper there is an article about the rebuilding process and residents being asked to build walls, put in sewerage septic tanks etc. Council has spent a lot of its time in meetings and committees, either giving concessions or adding extra requirements on building applications. Why is it not possible for council to look at their situation where their house has burnt down and make some concessions in some areas where there is no change?

Response

The Mayor advised that people are rebuilding in bushfire prone areas and for safety reasons these have to be done according to the building code.

The CEO further added that where the Council has discretion some concessions might be granted, but in the application of the Building Code, many aspects are mandatory. Most of the residences lost were built in the early 80's and since then legislation has changed. Consequently there are many new requirements that have been in place for some time and any new building will need to comply with these requirements.

The Council is doing everything it can, it debated with the Premier, waived fees when people put in applications but in regard to the building code, there is no discretion. There was a lot of reporting suggesting Codes have changed since the 2011 fires, no changes have been made as yet and these are still being discussed by Government agencies

- Q4 The Government announced that the City of Joondalup would be getting an influx of Government offices. The ARA were going to do wonderful things, but most of it took a lot of time and are not attracting activity to Armadale for jobs etc. Does this mean Armadale does not have the same representation with the State Government in the area that it used to have?

Response

The Mayor advised that the ARA did get involved to attract government departments to the area. The City is now negotiating to build accommodation for a government department and is in discussions with the Government to establish a 24 hour police station and new courthouse. Metropolitan Redevelopment Authority funding is currently going into City projects but we will continue to pursue these developments with the State Government.

The CEO further added that Joondalup, Swan, Rockingham and Armadale have been designated Strategic Regional Centres and negotiations are underway to bring more Government department offices into Armadale. The priority right now is the Courthouse and Police station.

- Q5 There are big things happening in Local Government like the Robson review – a report on Local Government in Perth for the next 50 years. The City made submission to that review and from my perspective made out like they didn't want to change much at all. However since then there has been 450 submissions to all 3 reports and I wondered if the Council has or will have a think tank on this issue and make another submission with a changed position?

Response

The Mayor advised that there will be a Councillor workshop before a response is sent to the Government. There will also be a submission from WALGA. Mayors and CEOs from metro local governments will be meeting on 20th December 2012 to consider the Robson Report recommendations to inform WALGA on its submission.

- Q6 Re. the Canning Inquiry Report – this report indicates that the Mayor suspended the CEO but apparently the Act says this cannot happen. The issue for this Council – if it is not happy with the performance of staff or CEO – what can the Council do?

Response

In the instance of Canning the Mayor may have acted without Council consultation. Under the Act, Council has the power to take action on the CEO's Performance in accordance with the Contract of Employment.

Mr Murrie Anstey – 4A Peet Road, Roleystone

- Q1 Page 58 Future Project Funding \$7 million reserve. Have you taken legal advice on whether or not that reserve meets the test as it is not a particular project reserve. Or is it a "general" reserve in which case it is non-compliant with the act?

Response

The Executive Director Corporate Services, Mr Maxwell, advised that the City has not taken legal advice on this matter. The funds set aside in this Reserve Account are applied towards future major capital works as reported in the City's Plan for the Future. As per the Independent Auditor's Report, the 2012 Financial Report (including all Reserve Accounts) is, in the opinion of the Auditor, compliant with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*. The City will, in response to the question now raised, seek further clarification to ensure the Future Project Funding Reserve Account is compliant with the requirements of the *Local Government Act 1995*.

The CEO further added that the Budget and Strategic Plan identifies these major projects specifically but noted that it may be necessary to more clearly designate the purpose of the reserve in the Annual Report as clarification.

Mr John Christmass - 14 Wandoo Street, Mt Nasura

- Q1 Kelmscott CBD – Can anyone tell me when the ARA considered its destruction of the CBD in Kelmscott.
- Q2 The Minnowarra Festival (nothing new) and Highland Gathering (amateur performances & poor atmosphere) events are a waste of public money and should be discontinued. What are your views on that? Very pleased however with the Art Exhibition - the move to Armadale Hall was well received and it was very well presented.

Response

The Mayor responded as follows:

In regard to Kelmscott CBD, the ARA now MRA put together a number of plans for Kelmscott but the 2008 GFC and a change in Government in 2009 were two of the issues resulting in this area not receiving funding. Discussions took place with the MRA to hand control of the Kelmscott CBD back to the City but the MRA still felt it could play an important role in that area.

In regard to the two events mentioned, these are run in conjunction with advisory groups and representatives are constantly looking at ways to improve the program and get more people involved. Cr Stewart has been involved with these two events for a number of years and will take your comments on board.

Mr Cam Clay – 496 Albany Highway, Bedfordale

Thanked Council for the introduction of the new three man bush crew and for its financial support and commitment throughout the year.

The Mayor acknowledged Mr Clay's comments.

Mr Paul Clune – 42 Croyden Road, Roleystone

Mr Clune thanked Cr Nixon for a prompt response and his assistance on a recent issue.

- Q1 Can the City take a look through its portfolio for any crown land still in Armadale's name and revert it to crown so then any adverse possession claims can be resisted?

Response

The Mayor advised that he didn't think there was any but would investigate.

- Q2 FESA do not approve of sprinklers on roofs as an anti-fire process. However as a result of the Roleystone fires and areas now in a fire risk zone it is suggested that Council rethink the position and talk to FESA about water jets being installed. Far more economical than water being dropped by helicopters.

Response

The Mayor advised that the State Government have not yet completed their work on bushfire strategies with the WA Planning Commission also being asked to provide advice on the matter.

Mr Jack Barker – 93 Carawatha Avenue, Mt Nasura,

- Q1 Have been made aware that Armadale is going to be a regional centre. The original Armadale shopping centre, unlike Carousel, was not suitably located or easily accessible and people tended to bypass Armadale and go into Cannington. Armadale's regional status is disappearing fast and we are now trying to get it back. Have we missed the boat?

Response

The Mayor advised that the decision on the shopping centre development was made years ago. The establishment of the ARA was primarily to look at such issues and though considerable progress has been made with the cinema and more retail development there is still more work to be done. As mentioned earlier we are negotiating for more state government presence in the centre to increase job activity.

The Mayor thanked those in attendance and advised that it was useful to obtain feedback from the public, particularly with regard to issues of community interest.

MEETING DECLARED CLOSED AT 8.55 PM

MINUTES CONFIRMED THIS 17TH DAY OF DECEMBER 2012

MAYOR