I N D E X

Chief Executive Officer's Report

19 DECEMBER 2011

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CITY OF ARMADALE
Chief Executive Officer's Report

Mayor and Councillors
City of Armadale

Following is my Report for the period
ended 15 December 2011

1. COUNCILLORS' INFORMATION BULLETIN – ISSUE NO. 20/ 2011

WARD	All
FILE REF:	CIB
DATE	8 December 2011
REF	CT
RESPONSIBLE MANAGER	CEO

In Brief:
- Councillors' Information Bulletin – Councillors are advised to take note of the information submitted in Issue No. 20/2011 to be received by Council.

Strategic Implications

Corporate Services
2.1 Identify and implement mechanisms to improve communication and achieve common understanding of corporate issues and objectives.

COMMENT

The following general information and memorandums were circulated in Issue No. 20/2011 on 8 December 2011.

Correspondence & Papers

- **Correspondence**
- WALGA Info Page – Metropolitan Local Government Review
  - **WA Local Government Association (WALGA) News**
  - Issue No.47.11 – 28 November 2011
  - Issue No.48.11 – 5 December 2011
  - **Australian Local Government Association (ALGA) News**
  - 25 November 2011
  - 2 December 2011

  Media Releases
  - Margaret River Fire Appeal – 25 November Building Approvals Reform on Track

29 November 2011

Information from Human Resources

- Employee Movements

Information from City Strategy

Progress Report

Progress Report on Contingency, Operational & Strategic Projects

- **Outstanding Matters & Information Items**

Report on Outstanding Matters – City Strategy Committee

- **Donations/Grants/Contributions**

August/September/October/November 2011
Annual Contributions
Grants
Accounting Reports
Rates Report
Report of Common Seal

Information from Development Services

- **Outstanding Matters & Information Items**
  Report on Outstanding Matters - Development Services Committee
- **Health**
  Health Compliance Report – October & November 2011
- **Planning**
  Planning Applications Report – October & November 2011
  Reviews before the State Administrative Tribunal (SAT)
  Town Planning Scheme No.4 - Amendment Action Table
  Subdivision Applications - WAPC Approvals/Refusals – Oct & Nov 2011
  Subdivision Applications - Report on Lots Registered for 2011/2012
  PAW Closure Report - Significant Actions during Oct & Nov 2011
  Road Naming Report 2011/12 & consequential action of Council Recommendation
  Compliance Officer's Report – October & November 2011
- **Building**
  Building Services Manager's Report – October & November 2011
  Building Compliance Report – October & November 2011
  Building Applications Monthly Statistics – October & November 2011 D-31

RECOMMEND

That Council acknowledge receipt of Issue No 20/2011 of the Information Bulletin.

2. ACTING SENIOR POSITION - EXECUTIVE DIRECTOR TECHNICAL SERVICES

WARD:	ALL
FILE REF:	CM/ED/4
DATE	14 December 2011
REF	KK
RESPONSIBLE MANAGER	EDTS

In Brief:
- Provides advice of the Executive Director Technical Services, Mr Kevin Ketterer's request for 2 periods of annual leave and
- Seeks Council endorsement of the Chief Executive Officer's recommendation to appoint the Executive Manager Technical Services (Mr G Davies) to the position of Acting Executive Director Technical Services for the periods 24 December 2011 to 8 January 2012 inclusive, and 20 April 2012 to 19 May 2012 inclusive.

Tabled Items
Nil

Officer Interest Declaration
Nil.

Strategic Implications
Nil.

Legislation Implications
Nil.

Council Policy/Local Law Implications
Council Policy and Management Practice ADM12 - "Acting Senior Positions".

Budget/Financial Implications
The higher duties payment associated with this matter is provided for in the adopted 2011/2012 Annual Budget.

Consultation
Chief Executive Officer.

BACKGROUND

The Executive Director Technical Services will be taking leave from 24 December 2011 to 8 January 2012 inclusive, and 20 April 2012 to 19 May 2012 inclusive. During this time, the Chief Executive Officer recommends that the Executive Manager Technical Services, Mr Glyn Davies, be appointed Acting Executive Director Technical Services.

RECOMMEND

That Council:

1. Note that the Executive Director Technical Services (Mr K Ketterer) will be taking annual leave from 24 December 2011 to 8 January 2012 inclusive; and from 20 April 2012 to 19 May 2012 inclusive and

2. Pursuant to Management Practice ADM 12 and on the recommendation of the Chief Executive Officer, appoint the Executive Manager Technical Services (Mr G Davies) to the position of Acting Executive Director Technical Services, for the periods from 24 December 2011 to 8 January 2012 inclusive; and from 20 April 2012 to 19 May 2012 inclusive.

MOVED Cr
MOTION CARRIED/LOST (…..)

3. ANNUAL GENERAL MEETING OF ELECTORS 2011

WARD	All
FILE REF:	G/CM/2
DATE	15 Dec 2011
REF	LEK
RESPONSIBLE MANAGER	CEO

In Brief:-

- This report presents the Minutes of the AGM held on 8th December 2011.
- The Report recommendation is to received the minutes as presented

Tabled Items
Nil.

Officer Interest Declaration
Nil.

Strategic Implications
Good Governance and an Effective Organisation
4.3 An informed and engaged community
4.3.1 Improve two way communications with the local community

Legislation Implications
Local Government Act 1995 – Subdivision 4, Section 5.33 states:

(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable –

(a) at the first ordinary council meeting after that meeting; or
(b) at a special meeting called for that purpose,

whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Council Policy / Local Law Implications
Nil

Budget / Financial Implications
Nil

BACKGROUND

Council at its meeting on 14th November 2011 accepted the Annual Report and resolved to hold its Annual General Meeting of Electors on Thursday 8th December 2011.

COMMENT

Minutes of the Annual General Meeting of Electors held on 8th December 2011 are attached to this Report for Council to receive consider and determine as appropriate. **(Refer to Attachment "A-1")**

There were no motions put and carried at the electors meeting which require a decision of Council nor were there any matters/ queries taken on notice for subsequent follow up.

RECOMMEND

That Council receives the Minutes of the Annual General Meeting of Electors held on 8 December 2011 as presented at Attachment "A-1" to this Report.

Moved Cr _____
Motion Carried/Lost

R S TAME
CHIEF EXECUTIVE OFFICER

CHIEF EXECUTIVE OFFICER'S REPORT

SUMMARY OF "A" ATTACHMENTS

19 DECEMBER 2011

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ANNUAL GENERAL MEETING OF ELECTORS
THURSDAY, 8 DECEMBER 2011

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, 8 DECEMBER 2011** 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 J H Munn JP CMC	Lake Ward
Cr C J MacDonald	Lake Ward
Cr C M Wielinga	Jarrah Ward
Cr L Sargeson	Palomino Ward
Cr M S Northcott	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 P Lanternier	Manager Parks
Ms Y Coyne	Executive Director Community Services
Mrs Y Ward	CEO's Executive Assistant (Acting)
Ms C Thomson	Secretarial Assistant (CEO's Office)

Public: 12

His Worship the Mayor, Cr Henry Zelones, welcomed those in attendance to the 2010-11 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. Apologies had been received from Cr Nixon and Cr Best.

The Mayor introduced Councillors and officers present.

The Mayor advised that before dealing with the business of the meeting, there was a need to emphasize that the meeting was not a public meeting, but a Meeting of Electors controlled by the Local Government Act (1995). As such, the people who would normally participate were those who were on the 2011 City of Armadale Electoral Roll. However, this entitlement was also extended to those others who were entitled to be on the roll, whether they were 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 the Mayor outlined would permit informality, and the widest possible airing of views while retaining normal meeting good manners. If necessary, but only if necessary, to retain order, he would invoke Council's Standing Orders.

The Mayor stated he hoped he would not have to remind anyone during the meeting that none of those present enjoy any privilege or protection from laws relating to defamation, as the meeting will 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 was being taped to assist officers who will be required to provide Minutes of the Meeting to Council.

When arriving at the point of general business, the Mayor advised that he would deal with questions submitted in writing first of all and then accept questions from the floor. He, or members of the Executive would try to answer the questions at the meeting, but some may require further research in which case, he would take those questions on notice and the person asking the question would receive a response in the mail. The Minutes of the meeting, once adopted by Council, will also contain those answers.

Electors were asked to begin their questions by giving their name and address.

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 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

Apologies received from Cr G Best and Cr G Nixon.

2 BUSINESS OF MEETING

2.1 PRESENTING & RECEIVING THE 2010-2011 ANNUAL FINANCIAL REPORT

2.1.1 2010-2011 Annual Financial Report

MOVED Mr Wallace that the 2010-2011 Annual Financial Report be received.
SECONDED Mr Clay

CARRIED

2.1.2 Auditor's Report

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

MOVED Mr Clay that the Auditor's Report on the 2010-2011 Annual Financial Report be received.
SECONDED Mr Wallace

CARRIED

2.1.3 2010-11 Annual Report (Remaining Parts)

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

MOVED Mr Smith that the 2010-2011 Annual Report be received.
SECONDED Cr Butterfield

CARRIED

2.2 GENERAL BUSINESS

2.2.1 Questions of which prior notice had been given

Mr D Foster – 248 Albany Highway, Bedfordale

Question 1:

"The path in Settlers Common near Observation Circle (for which the City is to be congratulated). The surface is breaking up. Was it a contract job? And if so are the contractors liable for repairs?"

Answer 1:

The path in Settlers Common near Observation Circle was constructed Departmentally by the City. A recent inspection has shown that some plant regrowth is penetrating through the path layer works in places, and will require repair or reconstruction should the pathway become unsuitable for the intended use.

Question 2:

"There are several barb wire fences in Settlers Common which are not relevant. After seeing in the South West on two occasions roos that have died as a result oft tangling with such fences. Can these fences be removed?"

Answer 2:

On 13 April 2011, Mr Foster reported dumped rubbish, razor wire, asbestos, car bodies and other debris within Armadale Settlers Common (ASC). The relevant areas of the ASC were inspected by City staff and arrangements made for removal of the reported rubbish from the off-road parking areas adjoining ASC, on Settlers Road. All reported dumped asbestos found was professionally removed. Mr Foster met with City staff on site on 4 May to determine the location of the 'razor' barbed wire in the ASC. "Barbed wire" in itself is not considered hazardous.

Question 3.

"A partial and incomplete survey was done on. Neerigen Brook Reserve. In the area of block 10, there was no survey done, and when I enquired I was told that a private survey as to be done appertaining to a subdivision on Bedfordale Hill Road the top peg was never put in. In other places the City turned a blind eye, the pegs being removed very shortly after being put in. I was told bollards were to be concreted in but the residents pulled most of them out (there were no traces of concrete on the bollards) some were in the ground a few millimeters and fell over. PAW. 2 3 and 4 were not marked at all. Will a proper survey EVER be done and not a waste of money like the last one?"

Answer 3:

JBA Surveys carried out a complete survey of the Neerigen Brook Reserve in 2008, in addition to earlier surveys carried out in 2002/03. Several survey pegs were subsequently removed by unknown person/s. The marker pegs were re-surveyed and bollards were placed at all corners and change-of-direction of the reserve boundary immediately following the re-survey and the pegs being installed. (Refer plan February 2008). All bollards were installed departmentally and all were concreted into the ground. Some of these were again removed by person/s unknown and moved to other locations. All Public Access Ways (PAWs) were marked by survey pegs and bollards as well. The Chief Executive Officer added that it is an offence, punishable by law, to remove survey marker pegs.

Question 4:

"The bridge and land to the east of PAW. is regarded by local residents as very private despite what they say to city officials, the bridge in particular is deemed by resident a very private (it has none of the safety features demanded by local bylaws despite being on public land) can markers and signs be put in to mark what is public and private?"

Answer 4:

Public Access Way #3 is well defined having been cleared of encroaching vegetation. 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 5:

"After complaining to the City about public access number 3 being incorporated in to a private garden and planted with thorny plants, I was told permission had been given by the local resident to use the adjacent driveway. After receiving this notifications I cannot recall any further communication on the subject, I was using this driveway when I was set upon by a local resident assisted by two others who phoned the police, I was arrested for trespass and spent four and a quarter hours in a police lockup, at 8.30a.m. a-policeman phoned Mr Tame on my behalf, he came back some time later saying Mr Tame had refused to come to the phone. At what time did Mr Tame contact the police?"

Answer 5:

This matter was fully dealt with at the AGM of 3 December 2009, and is documented in pages 3 and 4 of the minutes of this meeting.

Question 6:

"When I returned from holiday, a letter was in my re directed mail saying the agreement was not binding. What this not incompetent on the City's behalf to make a non binding agreement and feed me incorrect information?"

Answer 6:

This question is unclear as to the nature of the subject matter. Mr Foster left the meeting without providing further clarification, therefore, no further action will be taken on this matter.

Question 7:

"What progress has been made, if any, regarding repossessing stolen land to the east of block 88/89 that is guarded by a high barbwire fence with a small gap usually filed with brushwood and very aggressive land owner, and the illegal creek diversion to the north?"

Answer 7:

This matter was raised at the 2010 AGM, at which the Mayor gave advice on this matter. Correspondence was proved to Mr Foster for his reference including an extract from the Minutes of the 2010 AGM dealing with this matter. The essence of this response was that much of the fence across the reserve was removed and that further works would subsequently have occurred for the reserve to be accessed by the general public.

Question 8:

"Why was the dam near PAW 3 allowed to be finished after I had complained in the early stages of construction (3 phone calls including I to Mr Tame's office)?"

Answer 8:

The City is not aware of the matter being raised though this question. Mr Foster left the meeting without providing further clarification, therefore, no further action will be taken on this matter.

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 Glenn Smith, 4 Mortar Pass, Byford – Business Armadale

Q-1 Can you please provide an up date/progress report on the appointment of a Business Development Officer by the City?

Response

The Mayor advised that this question had also been raised and minuted at the last City Strategy Committee Meeting.

The Chief Executive Officer advised that the City had advertised the Business Development Officer position on three occasions. The City had not been able to make a placement for the position through that process which is quite frustrating. As reported to Council, officers have also been in contact with other Councils who have been going through the same process. The City has commissioned a senior placement agency, the same one that dealt with the City of Joondalup appointment. If the City is not able to make a placement by early January, it will be advertising that position again towards the end of January.

Mr Bruce Waddell, 4 Leschenaultia Street, Roleystone

Q-1 This question is in regard to the actions of Western Power in the hills to do with vegetation clearance. Is Council being required to pay the agents of Western Power for verge clearing of vegetation this year?

Response

The Chief Executive Officer advised that the work normally comes back to the City to undertake. Western Power, via its contractors, undertakes some work directly near power lines but they also require the City to undertake work on the verge and the natural undergrowth around power lines. If it is native vegetation, Western Power accepts responsibility and they will take action. If it is street trees that have been planted or maintained by the City then they will expect the City to do the work or they will have their contractor undertake the work and send the City the bill.

The Manager Parks advised that Western Power has a number of appointed contractors which are appointed to carry out works in various districts. They are in contact with the City's tree officers and the City is in constant discussions with them. The City is just about to go into more detailed discussion with Western Power because the "game plan" is changing. The City is keeping a vigilant eye on these works and is trying to deal with the contractor rather than Western Power.

Mr John Christmass, 14 Wandoo Street, Mt Nasura

Q-1 My concerns are in regard to the Kelmscott CBD which has been a "thorn in my side" for many years. No amount of communication with the Council, Armadale Redevelopment Authority (ARA), Main Roads or the Minister results in anything happening. Coming in tonight, I was impressed by the beautiful displays of red and

white flowers in the entry area and this upset me even more because Kelmscott has become a boring, dull place. I would like the new Councillors to be aware of the degree of public concern about the discrepancy between what is happening in Armadale and Kelmscott. Kelmscott was founded before Armadale but it looks like the lost cousin at the moment.

Response

The Mayor advised that the ARA completed its landscaping of Albany Highway in Kelmscott. The City's Parks and Gardens did a significant amount of restoration work after plants had died including the rushes. The City has put a proposition to the ARA about making a contribution towards making further improvements to the Kelmscott landscaping. It is the wrong time of the year to be planting plants but hopefully in the autumn or maybe even closer, an improvement will be apparent. In regard to "to the look of Kelmscott", a great deal of the land that does not look so good, is in fact, in private hands. The Mayor advised that a landscape plan and the issues raised by Mr Christmass are being dealt with by the Department. A report will be provided to a Technical Services Committee probably in April.

The Armadale Redevelopment Authority has agreed to contribute some further funds to the Kelmscott Town Centre.

In response to a request to see the plans, the Mayor advised that the information will be provided in the Technical Services Agendas and Minutes and will be available to Councillors and the public. Agendas are available to the public for scrutiny several days before the actual meeting itself.

Q-2 The Minnawarra Festival has been something of a farce for many years. It seems to me that there has been a continuous waste of public money because it hasn't improved. Some of it looks like a downgraded sideshow alley at the show. It is hardly my idea of a cultural festival and that is what the Minnawarra Festival is supposed to be. The Art Exhibition is of a very high standard indeed. I mentioned some years ago to the people concerned that I don't think it should be held in the Council building.

Response

The Mayor advised that he was aware of the view held by Mr Christmass on this matter and asked that if he had a list of ideas he would like to submit to Council, the Mayor would ensure that they were considered. In regard to the Society of Artists and the City's art program, the Mayor advised that over a number of years it has been a highly successful event. The Minnawarra Festival is something that it is annually reviewed and the public and the members who are involved with that Reference Group make the recommendations and create a program for what they see as the target market.

Ms Dilys Paine, 41/1 Eskdale Street, Roleystone

Q-1 I go to the Aquatic Centre to take part in the Armadale Water Walkers. I believe over $3 million has been spent there In the disabled changeroom the floor is not level at all – the water goes out the door. Can there please be a survey of just what the complaints are?

Q-2 Is there a hydrotherapy pool in Armadale? If not, why not. The local hospital is putting off people who have to go to other major establishments.

Response

The Mayor advised that he had been supporting an upgrade of the Aquatic Centre for over 20 years. The City has moved to a position where it has a project and a timeframe in which to complete the project. That plan and concept have been advertised and are incorporated in the City's 15 Year Forward Plan. The $3M that has recently been spent on the upgrade of the Aquatic Centre is only a portion of approximately $25M that is going to be expended on the Centre eventually. In terms of any faults with the current works, the Mayor advised Ms Paine that if there were any issues or problems at the Centre that need correcting, could she please provide a list to the City.

The Chief Executive Officer advised that much of the current ($3M) project is underground, with only limited refurbishment works visible. While the change rooms have been repainted and renovated, the floors are the original concrete floors. If there is any unsatisfactory work being done by the contractors, the City will certainly attend to it.

In regard to the question about the hydrotherapy pool at the hospital – there was in fact one planned in the original design for the hospital but it was deleted during the major project. That is obviously not a Council project but a State Government project. They determined that they had greater priorities in a medical or health sense, rather than a hydrotherapy pool. It is an expensive item and it requires water of a different temperature to the standard aquatic centre pool.

Q-3 In approaching Roleystone from one of about five entrances from roads, i.e. the Peet and Brookton Highway intersection, I believe the intersection has had a lot of money spent on it. Could the design please be checked? You feel as though you are approaching the corner but it is not that because of the bicycle inlet to Peet Road. People coming out of Peet Road really have their lives in their hands. The 70 km speed is not adhered to and you have trucks and/or vehicles hurtling past that entrance.

Response

The recent upgrades along Peet Road and Brookton Highway have been carried out by Main Roads WA. The Mayor advised that over the 20 years that he had been on Council, there had been significant work done along Brookton Highway to try to address the issues raised in terms of speed, visibility and so on, including the erection of mirrors to view oncoming traffic. A number of design problems arose out of significant trees that could not be removed, hence the Main Roads have had to modify their original proposal.

Q-4 Outside Collis hardware there has been a sign saying "Get everything done by 30 November". Who is responsible for clearing the dry undergrowth in private or the public/park areas? I live near a lovely treed area but there is a lot of undergrowth and dead trees and wood and I am wondering whether 30 November applies to that park?

Response

The Chief Executive Officer advised that a report had been presented to Council at its last Council Meeting that all the land that is under the Council's management (including verges) had been assessed for its fire risk. A verge pick up is currently being undertaken, offering residents the opportunity to put fuel load and leaf litter taken from their properties out on the verge for collection. For private property or land under the control of any other agency, the City is notifying owners of properties found to be a risk and reminding them of their responsibility. If they are private owners, certainly they could be prosecuted, if they fail to heed the notice.

Mr Bruce Waddell, 4 Leschenaultia Street, Roleystone

Following on from the comments about verge clearance, we were fortunately on the southern side of the Brookton Highway to have that clearance carried out today and I would like to record my appreciation of the standard in which it was done. There is very little debris left behind and they have done an excellent job. Will you please pass that on to your contractors.

Response

The Mayor thanked Mr Waddell – the City always gratefully receives acknowledgements of work well done.

The Chief Executive Officer advised that the City had removed the load limit on how much people could put out on their verge to encourage them to clear their blocks even more than in previous years. What has actually happened is that the publicity and opening up of that limit has resulted in a lot more people putting litter out, i.e. more properties are being cleared of fuel. This means they are clearing their blocks that weren't being attended to last year. It is good to see the message is getting through.

Q-2 Regarding Borrello Park. You have had a request for toilets to be placed in there, the feedback we are getting is that a quote for the price of the toilets has been received. Can you please enlighten me on when you anticipate putting toilets onto Borrello Park and what are the problems that you envisage there?

Response

The Mayor advised that the toilets as an issue, is one that has been debated in depth at Council. No decision has been made either on the installation of the toilets or the type, quality and size etc. There are issues in terms of the fact that there is no deep sewerage in the Park. It is going to have to be one of the later type ATUs. Council has not made a firm decision as to how and when this project will take place. The City does have money within this year's financial budget to be spent on several of the reserves, Borrello being one of them. The Mayor suggested that if Mr Waddell wanted to follow the issue closely that he contacts his Ward Councillors or keep an eye on Council agendas.

The Mayor thanked those in attendance and advised that it was useful to obtain feedback from the public, particularly with regard to the issues of interest. Council is always open to try and give full information as is possible.

MEETING DECLARED CLOSED AT 7.55 PM

MINUTES CONFIRMED THIS 19TH DAY OF DECEMBER 2011

_____

MAYOR