



**ANNUAL GENERAL MEETING OF ELECTORS
WEDNESDAY 13 DECEMBER 2017**

MINUTES

OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION CENTRE, ORCHARD AVENUE, ARMADALE ON WEDNESDAY 13 DECEMBER 2017 COMMENCING AT 7PM

PRESENT:

The Mayor, Cr H A Zelones OAM JP
presided:

Cr C M Wielinga
Cr K Busby
Cr G J Smith
Cr C Frost
Cr M Silver
Cr C A Campbell JP
Cr L Sargeson
Cr D M Shaw
Cr J A Stewart
Cr J H Munn CMC JP

River Ward

Hills Ward
Minnawarra Ward
Minnawarra Ward
Lake Ward
Lake Ward
Palomino Ward
Palomino Ward
Heron Ward
Heron Ward
Ranford Ward

IN ATTENDANCE:

Mr R S Tame
Mr P Sanders
Mrs Y Loveland
Mr T Maxwell
Mr K Ketterer
Mrs Kai Lothian
Mrs J Sutherland

Chief Executive Officer
Executive Director Development Services
Executive Director Community Services
Executive Director Corporate Services
Executive Director Technical Services
Manager Communications and Marketing
Executive Assistant Corporate Services

Electors: 5

APOLOGIES:

Deputy Mayor, Cr R Butterfield
Cr M Geary
Cr G Nixon

River Ward
Ranford Ward
Hills Ward

His Worship the Mayor, Cr Henry Zelones, welcomed those in attendance to the 2016/17 Annual General Meeting of Electors and addressed the meeting as follows:

Good evening and welcome to our Annual Meeting of Electors.

Kia Wanju, I would like to acknowledge the traditional custodians of the lands on which we meet and pay our respect to their elders, both past and present.

We have received apologies from Crs Butterfield, Geary and Nixon.

I'd like to begin by introducing my fellow Councillors Jeff Munn, Laurie Sargeson, Colin Campbell, Jim Stewart, Donna Shaw, Kerry Busby, Gary Smith, Carole Frost, Michelle Silver and Caroline Wielinga.

Also with us tonight are our senior executive team our CEO, Mr Ray Tame, Mr Tony Maxwell, Executive Director - Corporate Services, Mrs Yvonne Loveland, Executive Director - Community Services, Mr Paul Sanders, Executive Director - Development Services and Mr Kevin Ketterer, Executive Director – Technical Services.

Before dealing with the business of the meeting, I need to emphasise that this is not a public meeting. It is a meeting of electors as provided by the Local Government Act of 1995.

5.27. Electors' general meetings

- *A general meeting of the electors of a district is to be held once every financial year.*
- *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- *The matters to be discussed at general electors' meetings are to be those prescribed.*

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.

The business prescribed to be conducted tonight is consideration of the City's Annual Report 2016/17 and, as is our custom, we have invited questions from electors on the business of the City.

An electors meeting is just one of many opportunities that exist during the year to publicly raise matters with your Council so it is my intention to conduct the business of the evening promptly and enable everyone to return home to their families at the earliest.

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 questions 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 recorded to assist Officers in preparing the minutes.

When we get to general business, I will deal with questions from the floor before turning to those submitted in writing. I do this in order to allow as many electors that are present here tonight the opportunity to ask relevant questions. We have received a number of questions in writing prior to this meeting and responding to those questions first may limit the time available for other electors.

I also advise that if some questions relate to matters being dealt with by the courts or contain content that casts adverse reflection on the Councillors or officers of the City of Armadale, I will deem them to be out of order. As always, there are processes for aggrieved persons to challenge my rulings following this meeting.

As to the questions, all questions will be directed to me in the first instance. I will provide answers to the written questions with advice given to me by our officers. If necessary, I will call on the CEO or a member of the Executive Team to provide an answer to your question. Under no circumstance will I or any of our officers enter into debate in regard to those answers. In some circumstances some questions may require further research in which case I will take the question on notice or refer them to be answered administratively. The person asking the question will receive a response in the mail and 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 over 87,000 residents covering a land area of over 550 sq. kms and an operating budget of over 100 million dollars. The City employs more than 400 staff members for which the CEO is their employer. It is not possible or appropriate for me or the Executive to reply to all questions instantly as, in order, to provide accurate and current information it may require follow up with other officers from the City of Armadale, other government agencies, such as the Metropolitan Redevelopment Authority and/or sub-contractors who carry out a large amount of the works for and in the City of Armadale.

This meeting is being recorded for administrative purposes, so the process adopted is that once given the call, please step up to the microphone, state your name and address and then ask your question. I will allow for some preamble to the question in order to establish context. If necessary, I will request you to ask the question.

I will 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 the 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 your 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 any 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, and no debate will take place.

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 & legal advice 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.

Following the close of this meeting, the CEO, and I will be available for a short while should you wish to discuss or seek advice on other matters.

Thank you in advance for your consideration.

1 BUSINESS OF MEETING

1 PRESENTING AND RECEIVING THE 2016/17 ANNUAL FINANCIAL REPORT

1.1 2016/17 Annual Financial Report

MOVED Mr Grimwood that the 2016/17 Annual Financial Report be received.

SECONDED Mr Van Kuyl.

CARRIED

1.2 Auditor's Report

The Chief Executive Officer, Mr R S Tame, read aloud the Auditor's Report (Pages 61 to 63 in the Annual Report).

MOVED Cr Frost that the Auditor's Report on the 2016/17 Annual Financial Report be received.

SECONDED Mr Grimwood.

CARRIED

1.3 2016/17 Annual Report (Remaining Parts)

MOVED Mrs D Southam that the remaining parts of the 2016/17 Annual Report including the Mayor's report, be received.

SECONDED Cr Shaw.

CARRIED

2 GENERAL BUSINESS

2.1 Questions received from the floor

Nil

2.2 Questions of which prior notice has been given

Mr D Grimwood – Sapphire Court, Mt.Richon

Council, you may recall at this meeting in 2015 I asked what you might do to improve the economic wellbeing and social standing of working class families and welfare recipients under your jurisdiction.

Q1. What proposals does Council have to improve Armadale's standing in the national psyche?

Answer: The City manages a range of activities to improve perceptions of the City of Armadale, in response to the direction from our community in the Growing Armadale consultation process to tell the positive stories of Armadale.

We cannot expect quick changes to perceptions which are purely clichés and stereotypes.

Everything the City does feeds into shifting the perceptions of Armadale that people in WA hold. Including the City's Advocacy Strategy, it's engagement with leading growth Councils throughout Australia, the improved quality of development in green fields and infill developments which the City has worked with developers to deliver, the economic development activities undertaken to bring varied business and industry to the City, the statewide promotional campaigns, the tourism development and promotion.

We are continually receiving feedback on the changes in the people's perception of Armadale. Over time we are confident these concerted efforts of the organisation and the natural evolution of ideas over time will lead to Armadale being recognised for the beautiful and varied place it is, worthy of recognition as a lovely place to live and a great place to visit or do business.

Council, your decision to permit a child-care facility in the Jull Street Mall directly opposite a hotel and directly beneath an ultra-high-frequency radio transmitter at the same time you approved funding for a security patrol in that section of the mall defies rationality.

Q2. How can Council justify siting a child care facility in the Jull Street Mall?

Answer: Council considered a report on the development application at its meeting on 28 November 2016 and resolved to approve the application, subject to conditions. The report is available on the City's website and includes the assessment of the application, Town Planning Scheme and Policies.

In 1999 you resolved to sell the whole of Lot 60 Carawatha Avenue, Mount Nasura. To facilitate that process you subsequently subdivided Lot 60 into three parcels, being Lots 200, 201 and Benson Court. In 2017 you sold Lot 200 and retained Lot 201.

Q3A: Given your longstanding intent is to also sell Lot 201 – and TPS4 Amendment 17.3 requires Benson Court to be constructed as a condition of development for the whole of Lot 60, why is it that the proposed medical centre project and any future owner of Lot 201 will gain free access to Benson Court at the capital expense of the residents it services and the ongoing contribution of their twelve sets of annual rates compared to a single rate for Lot 200?

Q3B: Why have you not required the owners of Lots 200 and 201 to contribute a pro-rata compensation towards the cost of constructing Benson Court?

Q3C: Would you agree that your exploitive approach using your town planning powers to further your entrepreneurial land-sale ventures constitutes "unconscionable conduct" unworthy of an award-winning organisation?

Answer: Lot 100 required alternative access to Albany Highway to be permitted to be developed for higher density grouped dwellings, as direct access to Albany Highway was not permitted. The

developer constructed Benson Court to achieve this higher density. The land for the road reserve was ceded free of cost by the City. The City has complied with all relevant legislation.

Q4: What is the approximate net return on investment for the past financial year for the Orchard House building?

Answer: 7%

Q5: Will you give consideration to the significant reduction in costs to Ratepayers by replacing "City Views" with "The Examiner"?

Answer: No- the City Views as part of the City's Communications and Marketing Plan is reviewed regularly.

Q6: Optus appealed to the State Administrative Tribunal your decision to reject its application to construct a telecommunications tower in Gwynne Park on the grounds of health risks. What were those health risks?

Answer: The preamble to this question incorrectly refers to the location of the land where the City refused a telecommunication infrastructure (tower). The City refused an application for telecommunication infrastructure on Lot 20 (Number 3-5) Townley Street, Armadale. There were 8 refusal reasons, which are detailed in the report to Council at its meeting on 26 June 2017, which also considered the proposed new location for the infrastructure.

Q7A: Given Cr. Shaw is employed as the City of Rockingham Senior Statutory Planner, where she co-ordinates and assesses statutory planning proposals, assesses and reviews Planning Policies, and provides specialist advice on statutory planning matters, what measures are in place to prevent the ideologies, policies and practices of that city from displacing those of Armadale ?

Q7B: Given the intense impact town planning policies and practices have on ordinary peoples' lives and the character of our City, can Cr. Shaw give a commitment to move away from the coercive draconian policies and practices so long a part of the City's psyche but which have produced no discernible result other than discourage job and wealth creating development within the City's jurisdiction?

Answer: Cr Shaw is well aware of the distinction between her role as an officer at the City of Rockingham and as a Councillor of the City of Armadale. Any further inference from your question I deem to be an adverse reflection and out of order.

In 1996 the Carawatha Working Group submitted a plan to Council for a native fauna and flora park for this lot. Despite a positive TS Committee recommendation, Council rejected the plan and the lot remained bare earth.

Q8: In relation to Lot 60 Carawatha Avenue Mt. Nasura, which you have owned in freehold title for more than 30 years, Why do you have a "do as I say not as I do" approach to government?

Answer: It is confirmed that while Council had received a landscaping plan from a local interest group in 1996, Council did not endorse approve or accept the plan for implementation. The City since this time maintained the area by annual slashing, mainly for fire risk management purposes. The City has no plans for any form of beautification of landscaping on this property at this time.

It can however be advised that to plant trees throughout the City some 4,975 trees have been planted from the commencement of the City's Urban Forest Strategy in 2015. Other Citywide plantings including streetscapes and park improvements, resident requests and rehabilitation projects culminated in 139,914 trees and shrubs being planted in 2016 and a further 148,643 in 2017. The City of Armadale tree canopy cover in 2011 was 32.8% and in 2016 is 46%, a net gain of 13.2%.

On 29 November 2017 the Metro East Joint Development Assessment Panel issued a development approval for Medical Centre Development on Lot 200 (121) Carawatha Avenue, Mount Nasura. A standard landscaping condition was applied.

This question relates to the removal of stormwater drainage on Lot 60 Carawatha Avenue, and the application of a standard condition on subsequent owners of land to "relocate, remove or upgrade any drainage infrastructure". The implication is that the City masked the existence of drainage infrastructure and "passed on" the cost of removal.

Q9: In relation to Lot 60 Carawatha Avenue Mt. Nasura, why do you need to resort to deception in your business dealings?

Answer: There is no deception. The drainage pipe was relocated by the City at its cost, prior to sale of the lot.

On 29 November 2017 the Metro East Joint Development Assessment Panel issued a development approval for a Medical Centre Development on Lot 200 (121) Carawatha Avenue, Mount Nasura. Condition 13 of the JDAP Development Approval is a standard drainage condition that requires the developer to demonstrate how their drainage will be managed, provide any easements and relocate, remove or upgrade any drainage infrastructure on the lot or within the adjoining road reserve that is impacted by the proposed development.

I repeat, there is no deception in this matter and the City has complied with all relevant legislation.

Q10: Why cannot Council conduct this meeting prior to the biennial October elections to enable those responsible to be held accountable?

Answer: The current elected Council is responsible and accountable for the 2016/17 Annual Report by virtue of section 2.5(2) of the Local Government Act 1995 which states that the City is a body corporate with perpetual succession and as such, there is perpetual accountability.

Schedule 4.2 of the Local Government Act 1995 reinforces this perpetual accountability by requiring half the total number of councillors to retire every 2 years.

The most recent elections in October 2017 resulted in 5 of the 7 retiring councillors being re-elected.

Legally and operationally, the timing of the elector's general meeting and the biennial elections matters not, provided of course the annual report is prepared, and the electors' general meeting is held, pursuant to provisions of the Act which are as follows:

- *Section 6.4 requires the City to submit to its Auditor by the 30 September, the annual financial report for the preceding financial year;*
- *Section 7.9 requires the Auditor to provide his report to the City by 31 December;*
- *Section 5.54 requires the City to accept the Annual Report by 31 December (the annual report is to contain amongst other matters, the annual financial report and the Auditor's Report); and*
- *Section 5.27 requires the City to hold a general meeting of electors not more than 56 days after the Annual Report is accepted.*

The above legislative provisions have all been fulfilled.

Mr D Foster – Albany Highway, Bedfordale

The Mayor explained to Mr Foster and the meeting that all of his questions which he had forwarded to Council had all been asked and answered at previous general meetings of electors and therefore would not be accepted. Mr Foster proceeded to nevertheless ask his questions and was reminded that unless he had new questions to ask, he would be asked to desist and resume his seat. Mr Foster left the meeting at approx. 8pm.

A large part of Neerigen Brook Reserve was used illegally with full knowledge of Mr. Tame. This went on for at least 5 years with 5 or 6 horses involved. This part of the park was denied to the public.

Q1: Why were there no proceeding taken against the culprits?

Q2: Why did Mr. Tame ignore my phone calls and letters?

Q3: Why did Mr. Tame ignore my complaints about harassment?

Q4: Why did Mr. Tame refuse to have the large private sign taken down?

***Answer:** These matters have been raised by Mr. Foster and responded to on multiple occasions in the past. At the AGM of Electors held 2014, the City's response to the horse grazing issue read in part "The horse has long been removed from the reserve at the time of the City's Management Plan Development Plan in 2008". City officers met with the owner of the horse at this time and the horse was removed from the park.*

I phoned the City to complain about an earth mover diverting the creek. This was about a month after the City assumed responsibility for the reserve.

I have repeatedly complained about the situation at least twice a year.

Q5: Is this honest?

***Answer:** Mr. Foster has raised this matter over the last 15 years or so, and responses have been provided in 2002, 2003, 2004, 2005, 2006, 2008, 2010, 2011, 2015 and 2016. Any works to redirect the creek now will create significant environmental damage to the reserve, notwithstanding the difficulty of access through the site by heavy machinery to undertake any works.*

Q6: What is the status of the new bridge between the traffic bridge and Mr. Tames grazing area?

***Answer:** I am going to declare this question out of order. This has been raised previously and you have made several accusations. The reference to Mr Tame's grazing area is out of order. I will take your request of the status of the new bridge on notice.*

The traffic bridge beside the PAW number 3 is regarded by the people in the area as private.

Q7: Can the bridge have a notice on it saying it is public and the safety features demanded by bylaws?

***Answer:** Public Access Way #3 is well defined having been cleared of encroaching vegetation and is regularly serviced. New boundary fencing to define the PAW, signage indicating the status of the PAW and railings on each side of the bridge were installed in 2010. As a result there should be no doubt of the status of the PAW as a public access way.*

Q: Can't a sign or notice be put up to say the bridge is public?

Answer: Taken on notice

Q8: When I was arrested for trespass, why did Mr. Tame refuse to come to the phone and why did he mislead the people at a previous meeting here?

Answer: Mr Foster this question has been answered repeatedly, I am ruling you out of order and I am going to ask you to sit down.

2.3 Supplementary questions received from the floor

Mr Grimwood – Sapphire Court, Mt.Richon

Q1. Will my questions be minuted in full or abridged?

Answer: The questions will be minuted but your lengthy pre-amble will be summarised and para phrased.

Q2. What concerns me is that by para phrasing my questions about Cr Shaw, the point of my question which was the structural relationship between the planning decisions of the City of Rockingham and the City of Armadale will be lost.

Answer: The requirement for the City to develop a town planning scheme is something that is required under the Act and there is a process for following that through. Cr Shaw is extremely well versed in this. The public consultation phase invites input from many stakeholders. The process is long and the scheme is then approved by Council, the Department of Planning and the Minister. Cr Shaw has the ability to interpret the scheme as required. This is her particular skill and talent and we all appreciate that.

CEO: Mr Mayor if I could also just advise Mr Grimwood that all his questions have been provided in full to all Councillors.

Q3. In relation to the landscaping regarding Lot 60, the point of the question was that the City owned the land for a very long time and let the lot go to rack and ruin. The weeds are two metres tall. The point of the question is that the City did nothing but now someone else wants to do something with the land they are subject to a whole lot of conditions.

Answer: Point noted and if the weeds have indeed flourished after late rains we will address the matter.

Q4. I did ask you earlier about the sale of Lot 201 as the original plan as resolved by Council was to use the monies from the sale of Lot 200 to fund the development of Lot 201 but then later on it became apparent to sell Lot 201 and those monies would be transferred somewhere else. Since then the lot has been rezoned back to parks and recreation. What are the City's Plans for Lot 201?

Answer: Several public meetings were held on that matter. We do have a policy for when we sell freehold land and as to how that money will be used. We determine those on a case by case basis.

Mr Van Kuyl – Clarence Way, Champion Lakes

Q1 I am worried about the weeds around Kelmscott and Armadale lately especially around Denny Avenue growing under footpaths.

Answer: I am going to let the Executive Director Technical Services comment.

Director: There is a regular weed spraying program but this is the time of the year they are growing very vigorously and we can't always keep up but they are sprayed at least twice a year.

Q2. What about road sweeping. There are a lot of leaves in Champion Lakes, Lake Road?

Answer: I have noticed a road sweeper just in the past few weeks around that area but we note your question and will inspect the area.

Q3. What about verge mowing? Is that the responsibility of the Council? If people don't look after it what can we do about it?

Answer: Verges adjacent to a private residence are the responsibility of the land owner. Verges adjacent to private property are under the care, control and management of Council for the provision of services and matters such as public thoroughfares and safety. However the landscaping and amenity of the verge space is an extension of the care and management property owners must apply to their own property frontage protecting and maintaining its use and value. The City expects owners to maintain their adjacent verge and only takes action where public safety, fire risk or hazard becomes a concern.

Q4. On Railway Avenue, can we get a sign to show where the City of Armadale begins? I don't know where the boundary is.

Answer: The Tonkin Highway is the boundary between the City of Gosnells and the City of Armadale.

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

MEETING DECLARED CLOSED AT 8.17PM

MINUTES CONFIRMED THIS 29th DAY OF JANUARY 2018

MAYOR

