



**Annual General Meeting of Electors  
Wednesday 20 January 2021**

# MINUTES

**OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD IN THE FUNCTION ROOM, ADMINISTRATION CENTRE, ORCHARD AVENUE, ARMADALE ON WEDNESDAY 20 JANUARY 2021 COMMENCING AT 7PM**

**PRESENT:**

The Mayor, Cr R Butterfield	River Ward
Presided:	
Deputy Mayor, Cr C Frost	Lake Ward
Cr G Smith	Minnawarra Ward
Cr C A Campbell JP	Palomino Ward
Cr M S Northcott	Palomino Ward
Cr D Shaw	Heron Ward
Cr E Flynn	Heron Ward
Cr J Munn CMC	Ranford Ward <i>from 7.09pm</i>
Cr S Peter JP	Ranford Ward
Cr G Nixon	Hills Ward

**IN ATTENDANCE:**

Ms J Abbiss	Chief Executive Officer
Mr M Hnatojko	Acting Executive Director Corporate Services
Mr S Famiano	Acting Executive Director Development Services
Mr N Kegie	Acting Executive Director Community Services
Mr K Ketterer	Executive Director Technical Services
Ms K Kent	Manager Communications and Marketing
Mrs L Jarosz	Executive Assistant Community Services

Public: 39

**APOLOGIES:**

Cr C Wielinga	Hills Ward
Cr H Jones	River Ward
Cr M Silver	Lake Ward
Cr K Busby	Minnawarra Ward

Her Worship the Mayor, Cr Ruth Butterfield, welcomed those in attendance to the 2019/20 Annual General Meeting of Electors and addressed the meeting as follows:

*Good evening, ladies and gentlemen, Councillors and Staff.*

*Welcome to the City of Armadale's 2020 Annual General Meeting of Electors, which I now declare open.*

*Firstly, I would like to introduce you to your Councillors (members please stand as I introduce you). Deputy Mayor, Cr Carole Frost, Cr Gary Smith, Cr Jeff Munn, Cr Shavanas Peter, Cr Grant Nixon, Cr Colin Campbell, Cr Melissa Northcott, Cr Donna Shaw and Cr Emma Flynn.*

*Apologies have been received from and Cr Wielinga, Cr Busby, Cr Silver and Cr Jones is on Leave of Absence.*

*Also present are our Chief Executive Officer and Executive Leadership Team: Ms Joanne Abbiss, CEO, Mr Sergio Famiano, Acting Executive Director - Development Services, Mr Neil Kegie, Acting Executive Director - Community Services, Mr Michael Hnatojko, Executive Director - Corporate Services, and Mr Kevin Ketterer, Executive Director – Technical Services.*

*I will conduct this meeting generally in accordance with the Council's Standing Orders. There are copies of the meeting rules and procedures available on the seats around you.*

*If there is a vote on anything, each elector is entitled to one vote. Only electors of the City are entitled to vote at this meeting.*

*Any decisions made by this meeting will be submitted for consideration at the February 2021 Ordinary Council meeting.*

*Could all speakers please state their name and address before they speak.*

*I also wish to advise that tonight's proceedings are being recorded for administrative purposes.*

## **1 BUSINESS OF MEETING**

### **Presenting and Receiving the 2019/20 Annual Financial Report**

#### **1.1 2019/20 Annual Financial Report**

The Presiding Member, Mayor Ruth Butterfield, read aloud the Mayor's Foreward (Page 4 of the Annual Report).

*Cr Jeff Munn joined the meeting, the time being 7.09pm.*

The Mayor called for questions to be raised that specifically related to the annual report.

---

#### **Mr B Davis – 35 Bodicoat Drive,**

---

**Q.1** I note there has been hefty deficiencies in the past. Can you assure me that any deficiencies, for example invoices paid before the order was given, are being addressed?

**Mayor** *We are addressing issues found in past auditors reports and you'll note in this one we have a pretty good scorecard.*

**CEO** *That is an area for improvement within the City's operations and that has been identified in both our internal and external audit processes. The Executive Director Corporate Services is charged with putting procedures in place across the organisation to address that and there's a process whereby those recommendations are reported back to the Audit Committee so the Committee can have the assurance that they have been closed out and addressed and then they will be further audited again.*

MOVED Mr Bill Davis that the 2019/20 Annual Financial Report be received.  
SECONDED Mr Paul Marshall

**CARRIED**

---

#### **1.2 Auditor's Report**

The Chief Executive Officer, Ms J Abbiss, read aloud the Auditor's Report (Pages 43 to 45 in the Annual Report).

MOVED Mr Denis Grimwood that the Auditor's Report on the 2019/20 Annual Financial Report be received.  
SECONDED Ms Bree Hartley

**CARRIED**

---

### **1.3 2019/20 Annual Report (Remaining Parts)**

MOVED Cr Shaw that the remaining parts of the 2019/20 Annual Report including the Mayor's report, be received.  
SECONDED Cr Frost

**CARRIED**

## **2 GENERAL BUSINESS**

### **2.1 Questions of which prior notice has been given**

---

**Mr D Grimwood – 7 Sapphire Court, Mt.Richon**

---

#### **POINT OF ORDER #1**

Notwithstanding S5.27(3) of the LG Act and Regulation 15 prescribes that matters at this meeting are to be “discussed”, the City has unlawfully redefined that term and the purpose of the Annual Elector Meeting by converting the published statutory “General Business” agenda into a restricted “Question Time” with no right to present context or discuss responses. However it remains the case that the City's Code of Conduct **mandatory** “Values” of “*Honesty, Accountability, Respect and Professionalism*” must prevail over meeting management.

Although the Person Presiding has absolute discretionary control over “procedural” management of the meeting it remains the case that neither the LG Act, Regulations nor Local Law Standing Orders grant powers to the Person Presiding to determine “matters” to be discussed. Therefore those powers do not exist.

This is a meeting of Electors – not a meeting of Council. Consequently the Person Presiding has no lawful jurisdiction to determine Elector Matters to be discussed when presented in “General Business”.

Consequently the limitation of the statutory Agenda Item “General Business” to only questions is unlawful.

#### **Ruling of the Person Presiding**

*The Mayor advised that the Agenda for the Annual General Meeting of Electors complies with the requirements of the Local Government Act 1995 and the Local Government (Administration) Regulations 1996. The reference to questions under the heading of “General Business” is simply to provide a format for the meeting, and is not intended to limit to questions only the matters, issues or concerns which may be sought to be raised by an elector during the electors' meeting.*

## **POINT OF ORDER #2**

### **City of Armadale Local Law Standing Orders**

#### ***18.1 Procedure for Electors' Meetings***

*In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to these Standing Orders.*

Notwithstanding the implied and real threat of prosecution of Electors by discretionally applying Standing Orders to the meeting (SO 8.4), it is the case that inclusion of SO18.1 in the most recent amendment of SO has the effect that the Person Presiding is limited to "having regard" to Standing Orders.

That means to "take into account" SO as "guidance for consideration" when making rulings from the Chair.

SO19.1 is a stand-alone clause that excludes SO18.1 because it does not reference SO18.1.

Electors' Meetings are not meetings of Council or a Committee and any Councillor present has standing only as an Elector.

SO 18.1 Procedure for Electors' Meetings does not enact mandatory or discretionary application of Standing Orders to Elector Meetings.

SO 19.1 does not empower the Person Presiding to unilaterally suspend all or any Standing Orders.

SO19.2 does not empower the Person Presiding to discretionally switch Standing Orders on or off as a Local Law carrying penalties upon Electors.

SO19.2 does not empower the Person Presiding to make unilateral decisions or rulings on "*matters to be discussed*" by Electors.

Standing Orders do not apply equally to Councillors and Electors who allegedly breach Standing Orders. This is not equality under the Rule of Law.

The City of Armadale is the lowest tier of administrative government in a democratic society operating under the Rule of Law– it is not an authoritarian dictatorship in a third-world country.

It is unlawful for a Public Officer to apply a law retrospectively to an event if at the time of the event the law did not have force, hence unless the Person Presiding declares beforehand that Standing Orders do apply they cannot be lawfully applied after an alleged breach.

#### **Ruling of the Person Presiding**

*The Mayor advised that the City's Standing Orders Local Law apply to all persons attending meetings of Council and Council Committee meetings.*

*The City's Standing Orders Local Law does not apply to electors' meetings, but can be used by the person presiding an electors' meeting as a guide on how to call, conduct and manage an electors' meeting. The person presiding an electors meeting is to decide questions of order, procedure, debate and other matters where there is no guidance to be obtained from the City's Standing Orders Local Law, the Local Government Act 1995 or the Local Government (Administration) Regulations 1996.*

*Where a person presiding an electors meeting makes a decision of this nature, the presiding person may consider the decision is to be a final decision, but has discretion to determine whether to permit motions to be moved and carried that the ruling of the person presiding is disagreed with. I can advise that as the presiding member my ruling on any matter is to be final.*

*While an elector cannot be prosecuted for breaches of the City's Standing Orders Local Law which occur during an electors' meeting, they may be liable for breaches of other laws.*

*The powers contained in clause 19(1) of the City's Standing Orders Local Law concerning the suspension of standing orders can only to be exercised by Council or a Committee of Council.*

### **POINT OF ORDER #3**

The LG Act prescribes at S5.32(b) and S5.33. "Decisions made at electors' meetings" are to be considered by Council.

There is no defined agenda item or procedure for the lodging of formal Motions for the purpose of making "decisions" by the meeting.

It is clear the City is relying upon Elector ignorance to avoid decision making by Electors.

### **Ruling of the Person Presiding**

*The Mayor advised an agenda for the electors' meeting has been supplied for the purposes of providing a framework for the meeting. There is no legal requirement for an agenda to be provided.*

*The procedure to be followed with respect to motions at an electors' meeting is within the discretion of the person presiding the meeting, who must have regard to, but is not bound by, the City's Standing Orders Local Law. This ensures that matters, concerns or issues are raised and identified in the most convenient and time effective manner to all electors.*

*Prior to answering Mr Grimwood's questions, I wish to categorically state that the provision of a response is in no way an agreement or acknowledgement of any of the contentions, statements or allegations made by Mr Grimwood in his questions or their associated pre-amble.*

---

**Mr D Grimwood – 7 Sapphire Court, Mt.Richon**

---

**Q1:** Council, when are we likely to see a City of Armadale boundary marker and entry/welcome statement on Brookton Highway?

**Mayor:** *There is no provision within the current 2020/2021 annual budget for a boundary marker and entry/welcome statement on Brookton Highway. The City's Long Term Financial Plan is currently being reviewed and is where Council would consider the timing of any future allocation for this project in the context of other competing priorities.*

---

**Ms Sue Conway – 7 Beetzee Way, Champion Lakes**

---

**Q1:** Prior to the expiry of the lease, will Council work with the Residents Association to provide the residents of Champion Lakes with:

1. An alternative and appropriate storage facility?
2. A secure, accessible and central location for the community's containers for change bin?
3. Support and approval for relocation of the CCTV so it will continue to provide critical coverage enhancing security within the area?
4. Public toilet facilities.

**Mayor:** *City Officers have been liaising with the Champion Lakes Residents Association (CLRA) and Development WA on a future facility for a significant period of time and the items noted in the question have thus far not been raised by the CLRA. Notwithstanding, City Officers are happy to continue working with the CLRA and Development WA to see if and how the City might be able to assist with the points raised.*

---

**Mrs Glenda Gray – 3 Banyoles Circuit, Champion Lakes**

---

**Q1:** Can you please outline the service standard for the "remainder of the City" and then outline the service standard for Champion Lakes Estate, so we can understand what we are getting in return for payment of the Special Area Rate?

**Mayor:** *The purpose of the Residential Amenity Services Special Area Rate (SAR) is: "To maintain and enhance the Public Open Space in the newer residential estates at a standard higher than that which occurs with POS throughout the remainder of the City". There are 303 properties in Champion Lakes. The Special Area Rate was first introduced for Champion Lakes Residential ratepayers in 2012/13. The difference in Service Standards between the rest of the City and the SAR Residential Amenity Ratepayers are outlined by activity in the Table below:*

<i>Activity</i>	<i>Remainder of City</i>	<i>SAR Residential Amenity</i>	<i>Additional Services</i>
<i>Mowing of Passive Reserves</i>	<i>17</i>	<i>26</i>	<i>9</i>
<i>Fertilising</i>	<i>1</i>	<i>2</i>	<i>1</i>
<i>Edging</i>	<i>17</i>	<i>26</i>	<i>9</i>
<i>Garden Beds</i>	<i>4</i>	<i>12</i>	<i>8</i>
<i>Servicing Structures/Park Facilities General</i>	<i>1</i>	<i>2</i>	<i>1</i>
<i>Park Lighting</i>	<i>2</i>	<i>4</i>	<i>2</i>
<i>Litter Collection</i>	<i>26</i>	<i>52</i>	<i>26</i>
<i>Irrigation Maintenance</i>	<i>26</i>	<i>41</i>	<i>15</i>

*Several other maintenance activities are undertaken at the same level of service Citywide such as playground inspections (based on the City's playground hierarchy), tree management, bbq cleaning etc.*

---

**Mr Roberto Bonomo, 10 St Catherines Promenade, Champion Lakes**

---

**Q1:** Will the City please work with the residents of Champion Lakes Estate to establish our community garden in an appropriate location during 2021, and assist with site preparation, fencing, etc, if required?

**Mayor:** *The City has a policy on the establishment of community gardens (COMD9) which has been developed to assist community groups. Officers are happy to work with the CLRA to assist with their community garden proposal within the parameters of the policy.*

---

**Mr D Grimwood – 7 Sapphire Court, Mt.Richon**

---

**Q1:** Council, given the City of Armadale is the official “Managing Authority” for the Neerigen Brook Reserve, why will you not fully implement Council’s endorsed Neerigen Brook Reserve Management Plan to enable this unique public open space reserve to become available for its designated purpose of public recreation and amenity?

**Mayor:** *The Neerigen Brook Reserve Management Plan 2008 was not fully implemented as it was withdrawn by Council on 10 April 2017 (T28/4/17 refers).*



**Q2:** Council, given your Secretariat from time to time prepares the official Minutes for the Metro East Joint Development Assessment Panel (DAP ) and Council has not applied its Code of Conduct mandatory “Values” of “Honesty, Accountability, Respect and Professionalism” when approving the 2019 AME Minutes, what confidence can the public have in the integrity of official minuted records ?

**Mayor:** *The confidence of the public regarding the integrity of official minuted records is that which is achieved through the legislative protections and administrative processes regarding the creation, review, adoption and preservation of minutes, combined with the public accessibility to the minutes and meetings of the Council, that are provided for in the Local Government Act 1995 and its associated regulations, as well as the City’s Standing Orders Local Law.*

---

**Mr B Davis – 35 Bodicoat Drive Brookdale**

---

**Q1:** I would like to ask about if Council is considering opening the Jull Street to through traffic. Can Council please ensure there is plenty of time for public consultation on this issue before actually reopening the mall to traffic?

**Mayor:** *The City is in receipt of a request by several landowners/business owners who operate adjacent to Jull Street Mall asking the City to consider ‘opening’ Jull Street Mall to potential vehicle traffic. The landowners/business owners have also submitted a petition on this matter. Council will consider the request and petition, and any requirements in relation to public consultation, when the report is presented in the near future.*

**Q2:** When will the Standing Orders House Advisory Group meet and discuss the issue of flying the LGBTI flag and will the City of Armadale give Residents ample notice of when is the right time to participate in the consultation process?

**Mayor:** *The specific date of when the Standing Orders House Advisory Group (SOHAG) will consider the development of a policy on flag flying is not known, however it is a matter that is currently listed for future presentation. SOHAG will provide guidance on the development of the policy, and any requirements in relation to public consultation will be considered when the policy is presented to Council.*

---

**Mr P Marshall, 37 Strathclyde Circuit, Champion Lakes**

---

**Q1:** Can you please inform us of what money is allocated to the suburb of Champion Lakes in the 2020/21 budget, and what is proposed to be allocated in the 2021/22 budget, and for what purpose?

**Mayor:** *The City's annual budget is not categorised by suburb, so it is impossible to identify the exact proportion of City funds that are expended within the suburb of Champion Lakes. The City does not generally make allocations per suburb for the provision of services such as rangers, street sweeping, drainage maintenance etc. However, capital projects are generally separately listed and there was an allocation of \$250K for the Corfield Bushland Rehabilitation in the 20/21 annual budget. The table below also includes \$136K that was specifically allocated to the maintenance component of 6 park locations within Champion Lakes and \$58K that was allocated to two buildings for items such as security, cleaning, utilities and both preventative and reactive maintenance.*

*The 21/22 budget has not yet been considered by Council.*

<b>CHAMPION LAKES AREA</b>	<b>2020/21</b>
<b>Capital</b>	
<i>Corfield Bushland rehabilitation</i>	<i>\$250,000</i>
<b>Operational</b>	
<b>Parks</b>	
<i>Bill Claire</i>	<i>\$5,000</i>
<i>Joe Saunders</i>	<i>\$39,000</i>
<i>Regatta Boulevard</i>	<i>\$3,200</i>
<i>Street trees</i>	<i>\$30,000</i>
<i>Streetscapes</i>	<i>\$15,000</i>
<i>Champion Lakes Beach</i>	<i>\$45,900</i>
<b>Buildings</b>	
<i>Champion Lakes Interpretive Centre</i>	<i>\$3,000</i>
<i>Champion Lakes Public Toilet Block</i>	<i>\$55,000</i>
<b>Total</b>	<b>\$466,100</b>

---

**Mr D Grimwood – 7 Sapphire Court, Mt.Richon**

---

**Q1:** Council, what strategies do you have in place to expand the Armadale CBD retail precinct to support forecast population growth?

**Mayor:** *The principal strategies for the future growth of the Armadale City Centre are articulated within the Armadale Strategic Metropolitan City Centre Structure Plan (ASMCCSP). The ASMCCSP sets the long term vision and planning framework to guide future development of the Armadale City Centre. Council resolved to support the ASMCCSP, supporting Technical Documents and Design Guidelines (Local Planning Policy) on 21 August 2018 and these documents were then forwarded to the Western Australian Planning Commission (WAPC) for approval. The WAPC issued a recommendation on 10 September 2019 which outlined the required changes to the documentation and the need for the preparation of a Scheme Amendment prior to the WAPC approving the ASMCCSP. The Scheme Amendment (Amendment 103) was required to implement the proposed zoning changes contained in the ASMCCSP. In December 2020, the Hon. Minister for Planning requested some minor modifications be made to Amendment 103 prior to the Amendment being approved. The requested modifications to Amendment 103 are in progress and it is expected that final approval will be received from the Hon. Minister for Planning and, ultimately, gazettal of the Amendment in February 2021. Once this occurs, and the required modifications to the documentation are completed, the ASMCCSP will be in order for the WAPC to consider final approval.*

---

**Mr B Davis – 35 Bodicoat Drive Brookdale**

---

**Q1:** Who sets the schedule of fees for the Hopkins Road Tip?

**Mayor:** *Council each year when setting its Annual Budget determines the schedule of fees and charges applicable to the operations at the City's Landfill and Recycling Facility.*

**Q2:** Why is it that the fee to dispose of a lounge suite works out to be around \$400 per ton which is a lot more than the \$175 per tonne for unsorted waste less than 2.6 square metres ?

**Mayor:** *A normal midsized lounge suite will cost a customer around \$50 or \$80 (depending on size) or one or two tip passes if brought in on a trailer without any other waste. Trailer and Ute loads are charged on volume and not actual weights. As such some loads will be heavier (above average) and some lighter (below average). These smaller loads do not have the pricing benefit of bulk loads due to handling and onsite transport costs.*

**Q3:** I note that illegally dumped rubbish costs the City hundreds of thousands of dollars per year. To help minimise that dumping can Council please consider changing the following

- A - about half of tip passes are not redeemed is it possible to send the passes to the property occupier rather than the owner?
- B - reinstate acceptance of cash payments at the weighbridge office?
- C - adjust the schedule of payments to reflect the weight of disposed items more than the volume?

**Mayor:** *Tip passes are provided to ratepayers. It is the responsibility of property owners to pass tip passes on to tenants. The City unfortunately have no control in this regard.*

*The weighbridge has been operating cashless for 9 months. Remaining cashless reduces the City's risk for the transmission of viruses (COVID or other) and also reduces the risk of armed robbery and after hours break-ins. This all contributes to the health and safety of the community and staff.*

*The current weighbridge infrastructure (one weighbridge) does not allow for the volume of vehicle movements required if all vehicles are weighed in and out and payment is taken at the end of the process. This would lead to an unacceptable increase in queuing, waiting times and disputes regarding payment after waste has been dropped off.*

---

**Mr D Grimwood – 7 Sapphire Court, Mt.Richon**

---

**Q1:** Council, what does the term “parking credit” mean, what other parking credit agreements exist in relation to the Jull Street Mall and how will those credits be redeemed?

**Mayor:** *The term ‘parking credit’ is not a specific planning definition/terminology currently in use, however the City presumes the query relates to whether the City has approved a shortfall of parking in lieu of the full provision of car parking spaces in accordance with Town Planning Scheme No.4 (TPS4) standards for properties along the Jull Street Mall.*

*The City has discretion to waive/vary car parking requirements (Clause 4.5), enter into agreements for shared parking (Clause 4C.8) or require cash-in-lieu payments (Clause 4C.7 and Local Planning Policy 5.4 – Cash in Lieu for Car Parking) for proposed shortfalls in car parking.*

*There are historical legal agreements affecting some properties abutting the Jull Street Mall, which allow for future parking shortfalls as compensation for the loss of direct vehicle access to the Mall.*

**Q2:** Council, given the location of the Treedale Reserve children’s play area directly beneath a busy intersection, why will you not apply your mandatory Code of Conduct “Values” of “Honesty, Accountability, Respect and Professionalism”, acknowledge the high risk in this circumstance and protect our innocent children?

**Mayor:** *The playground within the parkland at this location has been well received following its installation in 2019, with a number of letters of appreciation having been received. The playground is well separated from the roadway having a good cover of planted vegetation across the embankment above the playground position.*

*Bedforddale Rd has a roundabout installed at the intersection with Talus Dr which also serves as a traffic calming measure and the risk to the park users from errant vehicles passing through this intersection is considered “very low”. A previous assessment against the Austroads Guide to Road Design (AGRD Part 6 - Roadside Design, Safety and Barriers) confirms that the risk scores would not warrant the installation of a safety barrier.*

**Q3:** Council, in the matter of the City’s 2018 conviction for criminal negligence, given the subsequent Supreme Court appeals trials costs were paid by your insurer, why did you approve payment of the substantial original Magistrates Court fines from the Municipal Fund instead of claiming payment from your insurer?

**Mayor:** *The general practice on this matter has been for the City to pay the costs upfront and then raise an invoice against the insurer to be paid on final settlement of the claim. The City’s insurance policy provided coverage for the legal costs, fines and penalties incurred by the City, with the exception of the prohibition notice.*

*With respect to the charges related to the City’s former employee, the City was able to recover from a different insurance policy the court costs and penalties – with the City taking responsibility for the excess. This claim was settled and the City received the costs of the claim, minus the excess, on the 24 September 2019.*

---

**Mr B Davis – 35 Bodicoat Drive Brookdale**

---

**Q1:** Will Council consider asking for public comment about the current charges for waste disposal in the City of Armadale?

**Mayor:** *Council advertises its schedule of fees and charges each year prior to adopting the annual budget. This is made available on the City’s Website, with members of the public able to make submissions for Council’s consideration.*

**Q2:** I understand there is a proposal for the City to send refuse to the Waste to Energy Plant at Kwinana. How are those plans progressing and is it likely to result in cheaper fees for rubbish disposal for residents of the City of Armadale?

**Mayor:** *The Kwinana Waste to Energy (WtE) facility is scheduled to commence operations towards the end of 2021. The impact of sending the City's waste to WtE will be reflected in the 2021/22 budget deliberations, but is not likely to result in a reduction in the waste charge.*

---

**Mr D Grimwood – 7 Sapphire Court, Mt.Richon**

---

**Q1:** Council, noting the flying of a flag indicates “recognition, support, allegiance and loyalty”, given the LG Act prescribes it is Council’s role to determine policy, is the flying of the Gay Pride flag by the City alongside the City’s flag an expression of public policy “sensitizing the society” by endorsing sodomy and buggery practices – thereby causing ill-will in the broader community.

**Mayor:** *The City does not currently have a policy in this regard. The matter of developing a policy on flag flying has now been formally referred to the City’s Standing Orders House Advisory Group.*

**Q2:** Council, noting the provisions of S3.2 of your Local Law Bushfire Control, having regard to the number of landowners required to comply with your Directions Notice issued every year under S33 of the Bushfires Act 1954, to clarify the apparent conflict between your S33 Bushfires Act 1954 Notice for Firebreaks, the requirements of the Planning and Development Act 2005 and your Town Planning Scheme No.4 – all of which require the landowner to make discretionary choices, to avoid confusion and encourage compliance will you commit to making a clear declaration of the interaction or otherwise of these prosecutable laws and publish all or any applicable requirements and procedures on your website, as well as include them with the S33 Firebreak Notice each year?

**Mayor:** *The question references a Local Law regarding Bushfire Control. The City does not have, and is not required under the Bushfires Act 1954 (the Act) to have a Local Law regarding Bushfire Control. Section 33 of the Act is sufficient in providing direction regarding the issuing of firebreak notices.*

*The City sees no conflict between the Town Planning Scheme provisions mentioned, and believes that the firebreak notice is clear in providing direction to landowners. Residents are welcome to contact the City at any time should they wish to understand the application of the firebreak notice or the Town Planning Scheme provisions to their property.*

**Q3:** Council, noting your commitment of 4 million dollars to restoration of the Roleystone Theatre is commendable for the good people of Roleystone when will the long-promised more comprehensive Armadale Performing Arts Centre become a reality?

**Mayor:** *There are no current plans for an Armadale Performing Arts Centre. The Armadale Multi Arts Centre Needs Assessment was considered by Council on 23 April 2018 (C12/4/18 refers). The City's Community Services Committee had discussed the Needs Assessment including links with the Armadale City Centre Structure Plan and the refurbished District Hall, with the general view that realising a Multi Arts Centre was at best a long term aspiration. The Council accepted the Committee's recommendation to note the receipt of the Armadale Multi Arts Centre Needs Assessment and to delete Part 2 of the officer recommendation which had suggested to retain and use the Assessment results to:*

- *inform future deliberations regarding the provision of cultural facilities, activities and programmes in the City.*
- *inform the development of the Armadale City Centre Structure Plan.*
- *inform the City's Community Infrastructure Plan to ensure that the concept can be reviewed from time to time.*
- *assist in guiding existing resources and funding allocations for cultural activities in the City within the parameter of the Strategic Community Plan.*

---

**Mr Rajesh Paul – 12 Yewers Drive, Champion Lakes**

---

**Q1:** In partnership with the Town Teams Movement and Development WA, the Champion Lakes community developed an Action Plan for 2019 – 2022. It is a dynamic document containing a practical list of actions to be undertaken in partnership with residents, businesses and government. The actions have been guided by a strong understanding of place, community consultation, guiding principles and vision for Champion Lakes Estate.

The Champion Lakes Action Plan identifies the following key priorities and goals to plan for the future:

1. Enhance the sustainability of what we have done and will be doing
2. Provide strong and responsible leadership
3. Implement efficient processes and practices
4. Increase levels of partnership between our major Stakeholders
5. Promote our Community centre and other positive aspects within the community
6. Make our community a safer place
7. Build upon our "Cultural Bridge" initiatives
8. Increase communication, awareness and participation within our community
9. Achieve growth in our available asset base

Can you please inform us of Council's future plans for the suburb of Champion Lakes?

**Mayor:** *We acknowledge that you have created a wonderful community in Champion Lakes and we enjoy watching you grow and prosper as a Community. The rowing facility as*

*you know is world class and the City is very proud to have that within our boundaries. The Facility is well utilised by people from outside of the City and the City always makes sure we have representation at large events when they occur at the Rowing and Regatta Centre so we can promote the City and its facilities – tourism, bushwalks etc. so we can promote the positive things about Armadale. We also have Tourism opportunities that arise from the Centre and we have approved an event in the budget for next year and potentially years in the future.*

**CEO:** *Apologies that we didn't receive the question. There are planning related matters in terms of future growth and the Executive Director Development Services can outline those. We have had contact with the organisers of Avon Descent and they are keen to organise an event as part of a month long lead up to the Avon Descent with the opening of that lead up to occur at Champion Lakes. Council has endorsed the expenditure funds to sponsor the opening event and combine that with a community celebration on that day. Our Community Development staff will be looking to engage with the Champion Lakes Residents Association in respect to that event. Ward Councillors have been keen to advocate on your behalf, including a desire to provide environmental information around the beautiful birds you have around Champion Lakes. Our environment team have met with Birdlife WA who have put forward a proposal to install interpretive signage that reflects the Aboriginal totem information around these birds and that project will be considered by Council as part of next year's Council budget deliberations. As part of the development of the City's Strategic Community Plan and Corporate Business Plan, the ability of these iconic tourist facilities such as Champion Lakes and Araluen to help transform the perception of Armadale has been recognised as critical. Actions have been identified for Officer's in the Corporate Business Plan to look at how the City can partner with Key Stakeholders such as Venues West and the Araluen Botanic Park Foundation to build partnerships that will ultimately benefit the City, by getting people down here so people can see just how beautiful it is.*



## 2.2 Questions received from the floor

---

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

---

**Q1:** I would like to request a hand rails that I believe is a requirement of the State Government along the Nerrigen Brook public access way No 3 and a notice saying that it is not private.

**Mayor:** *Taken on Notice*

---

### **Ms Pat Hart – 160 Croyden Road, Roleystone**

---

**Q1:** In the City of Armadale aware that the way in which they work with environmental groups is an outstanding example to other local governments as to how they should work with Community to get the best results?

I would like to acknowledge Neil Burbridge and his team for their great partnership along with the Technical Service's staff that work with us at the environmental centre that is a fantastic partnership.

**Mayor:** *Thank you very much.*

---

### **Mr Rajesh Paul – 12 Yewers Drive, Champion Lakes**

---

**Q1:** In relation to the Auditors report where it references non-conformance such as procurement practices, how do these get addressed and can you give an overview in terms of procurement practices and procedures?

**CEO:** *After meeting with the team from the Auditor General's office, I specifically directed the Auditors to focus on these particular areas, so I was able to get that independent verification of the City's performance in this regard, which has been brought out in this external audit along with work that the Audit Committee has had reported to them from our internal auditors.*

**Mayor:** *I would also like to add that the City now has a very strong Audit Committee and we do have input into advising the CEO and the auditors about what we would like to have addressed and looked at and these are matters that have been brought to us in the past and we felt that we really needed to have them looked at very closely and need a solution. We are on that track and have bolstered the membership of our Audit Committee by including an external member, so it is no longer just an internal group, which adds an extra level of scrutiny and independence to the Audit Committee group.*

**CEO:** *It's reflective that the City is on a journey to improve in this space and one of the matters identified was in relation to purchases being made when there was no specific budget allocation. There has now been a process developed around budget variations to get the approval of Council to vary the budget to allow an emerging priority to be addressed and they are reported monthly to Council as budget variations through the monthly financial statements. In terms of procurement practices, we have reviewed the Policy and Procedures and we are now rolling that out throughout the organisation, which will take education, monitoring and feedback to individual officers. The Audit Committee has oversight and we report to the Committee on how we are going against the actions that have been identified. We also have the ability during meetings such as these to openly see what those audit findings have been. I am hopeful that this time next year the outcome will be zero, if not a lot less than the 17% reported this year. The onus is to continually improve, educate and better the City's processes.*

---

**Mr Ian Dunstan - 19/24 Aragon Court, Armadale**

---

**Q1:** My first question relates to an article published in the Examiner Newspaper on 26 November 2020 regarding a joint announcement by the State Government and the City of Armadale about the elevation of the railway line. Is there something on public record that the City wrote to the State Government with the proposal of the preferred elevation of the railway line, and if there's not, are we entitled to a copy? Why the shift from underground to elevated, as I live right alongside the railway line and I'm going to cop more noise than if the

**Costings/plans/Where are we at this stage.**

**CEO:** *When the City adopted the City Centre Structure Plan, they also adopted that there were the three options that were available in respect to the rail through the City Centre. Council were really keen to progress the undergrounding and, if they were unable to achieve the undergrounding, the next best solution was the via duct solution, and the least preferred solution was the at grade solution. Since the time of that decision of Council, that is on the public record and that can be provided to you, the Metronet team have been working through what's going to happen with respect to the extension of rail through to Byford and it was absolutely put in no uncertain terms that the City would not be getting an underground rail solution. In fact the solution that was being progressed by the Metronet team and announced by the Govt was the at grade solution. This would've meant that Forrest Road would be closed as one of the potential ways of dealing with the frequency of trains going through, cutting an arterial road going through into the City Centre. Another option was to create an enormous overpass over Forrest Road, which would result in huge impacts to the shopping centre, petrol station and the shops right up to Jull Street Mall. To leave the road open would mean the road would be closed 46 minutes out of the hour during peak hour creating traffic concerns, creating another Denny Avenue problem that the State is now addressing in Kelmscott. Main Roads have future plans where Armadale Road and the Rail meet, plans that would mean that underneath the rail line would be 6 lanes wide impinging right up to the lake edge. You wouldn't be able to enter via Streich Avenue and there would be a significant cost doing that road. Given these options, the time was imperative to see if the Government could consider the via duct*

*solution and there needed to be a very quick advocacy to the Government as the tender documentation and detailed designs for the at grade solution were being progressed at that time. Dr Toni Buti, Member for Armadale is really concerned about the future of the City Centre and ensuring sure it's viable, and the Minister for Planning is also trying to find the best solution. The State Government commitment at this stage is to go out to market to get costings on the solution which includes the via duct solution. So it's a case of if this progresses (as the money would still need to be found for the via duct solution) We're hopeful that a combination of state and federal funding would allow that or the alternative will have detrimental effect to the City Centre.*

**Mayor** *With regard to noise levels, we have been informed that the noise would be addressed through sound attenuation that would make it a lot quieter, so the people living very close to the rail line would actually hear less. There have been studies and noise has been important for Councillors to know about. As part of the planning, the undergrounding only dealt with a small portion from Forrest Road to Church. It was identified that as Neerigin Brook is piped, there would be no way to get the train through the Brook and the cost was completely prohibitive, and was only half a solution as it didn't address Armadale Road. All things considered, the via duct option, if affordable and achievable for the State Government, will really work for the City of Armadale and will be a fantastic solution.*

**Q2:** My next question relates to an article published in the Examiner Newspaper in July about the Tree Top Walk. Whereabouts are we in relation to the City Views Tree Top Walk and what's likely to happen. Are we going to see a dollar figure and how will it address problems in Jull Street?

**CEO:** *In relation the concept, Council endorsed the undertaking of a prefeasibility study, to look at all potential designs, risks, engineering etc and to present to the Council as part of the engagement a series of options. Those options were presented in a workshop just before Christmas and Council gave officers and the consultant feedback in relation to the options presented and a revision of the options is underway taking into consideration the feedback from the workshop. Council will be able to take elements from the pre-feasibility that they wish to progress, or choose not to proceed with the concept, based on the final outcomes of the study. It is likely to be presented to Council in first quarter if not first half of this year.*

---

**Mr D Carbonell – 9 Hilarian Elbow, Hilbert**

---

**Q1:** It is very pleasing to see the speed reduction along Eleventh Road - 80 kms was far too quick and dangerous. The intersection of Eleventh Road and Forrest Road can also be quite hazardous turning right or going across. Are there any plans for a roundabout or other measures to be installed at that intersection?

**Mayor:** *I will refer that question to the Executive Director Technical Services (EDTS)*

**EDTS** *This intersection has been identified as a potential application for Blackspot funding and we will be submitting an application. There was a recent fatality in that area and that will increase the urgency. Long term all intersections are proposed to be roundabouts all along except for one - Twelfth Road. Blackspot funding closes in March and we are just concluding the cost benefit analysis to support the application.*

---

**Mr D Grimwood – 7 Sapphire Court, Mt.Richon**

---

**Q1:** With regard to unbroken white lines in middle of narrow roads, during rubbish collections, verge and greenwaste collections or vehicles breakdowns, it is unlawful to go around these vehicles. Can you make representations to the State Government to change the law so that people can go around these service vehicles?

**Mayor:** *The law actually allows for people to overtake on unbroken white lines if safe.*

**Q2:** With regard to the auditor's report, I have heard talk in the public arena that the Auditor General will be involved in looking at the efficiencies and effectiveness of expenditure. What is the progress on this front?

**CEO:** *I'm not aware of such discussions in the public arena, however I know that the AG has recently taken over the auditing of LGs which is reflected in the level of detail and rigour in the report before you this evening and they have been very thorough. They do a significant number of performance audits on LGs that are reported to Parliament to look at a whole range of matters and then generate a series of recommendations that LGs have to take forward and implement into their organisations. Whether they address the matter you raised through the standard audit process or perhaps through focus or performance audits, I do not know.*

### 2.3 Notice of Motion

MOVED Mr Paul Baker: SECONDED: Mr Paul Marshall

That Council:

As requested in the Annual General Meeting of Electors Notice of Meeting, please find below notice of a motion I wish to propose at the meeting on 20 January 2021.

1. Provide a permanent, centrally located Community Hub in Champion Lakes, which includes a large room for meetings and other group activities, a kitchen, storage and amenities, and is adjacent to a park where events can be held.
2. Liaise with the Champion Lakes Residents Association and advise of the outcome of investigations by 30 April 2021.
3. Include the establishment of a Champion Lakes Community Hub in next year's, and future, budget and planning documents.

#### Response

*The Member for Armadale, Dr Tony Buti has advised the City that he has been in direct contact with the Minister for Lands on this matter and is currently in active discussions about securing a building for the group.*

*The City is currently working with the Champion Lakes Residents Association and Development WA to explore options that will find a permanent home for the Champion Lakes Residents Association given that DevelopmentWA has given notice to the Champion Lakes Residents Association that it will need to vacate from its current location (former Champion Lakes Sales Office) in 2021. Options include remaining in the current location, relocating to a new purpose built facility in POS proposed for Stage 7B of the Champion Lakes Estate or relocating to an existing Community Building within 2km proximity of the Champion Lakes Estate.*

*The City and DevelopmentWA are currently looking at the costs associated with those options and will be in a position to report to Elected Members on the various options for their consideration and decision during the first quarter of 2021. The Champion Lakes Residents Association will be kept informed of the process and discussion as it unfolds.*

In speaking to the motion, Mr Baker spoke of the strong sense of place, and community well-being and interaction that the Community hub and the Champion Lakes Residents Association has created. There is a need for a building, as per the motion, to continue with the successful outcomes achieved over the past 8 years and to continue to achieve outcomes as listed in the Association's 2020-2022 Action Plan.

Mr Marshall reiterated Mr Baker's sentiments, noting that Champion Lakes could be one of the Jewels in the Crown for Armadale.

MOTION CARRIED (Unopposed)

*The Mayor thanked her fellow Councillors and the electors for their attendance.*

MEETING DECLARED CLOSED AT 9.23PM

---

MAYOR