



**ANNUAL GENERAL MEETING OF ELECTORS
THURSDAY, 13 DECEMBER 2007**

M I N U T E S

OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD IN THE FUNCTION ROOM, ADMINISTRATION CENTRE, ORCHARD AVENUE, ARMADALE ON THURSDAY, 13 DECEMBER 2007 COMMENCING AT 7.00PM

PRESENT:

The Mayor, Cr L Reynolds AM JP presided:	Heron Ward
Cr J Knezevich	Minnawarra Ward
Cr K Lethbridge JP	Minnawarra Ward
Cr J A Stewart	Heron Ward
Cr G A Best	Neerigen Ward
Cr C J MacDonald	Lake Ward
Cr H A Zelones JP	River Ward
Cr R Butterfield	River Ward
Cr P J Hart	Jarrah Ward
Cr J Everts	Palomino Ward
Cr W Mauger	Palomino Ward

IN ATTENDANCE:

Mr R S Tame	Chief Executive Officer
Mr I MacRae	Executive Director Development Services
Mr G Davies	A/Executive Director Technical Services
Mr N Cain	A/Executive Director Corporate Services
Mrs Y Coyne	A/Executive Director Community Services
Mrs Y Ward	CEO's Executive Assistant (Acting)

Public: 43

His Worship the Mayor, Cr Linton Reynolds, welcomed those in attendance to the 2006-2007 Annual General Meeting of Electors. He advised that the proceedings were being recorded and requested that people state their name and address prior to addressing the meeting.

During the Mayor's opening address, Mr D Grimwood interjected with a point of order and requested, at this point, to be able to present the following motion to the meeting:

“Having regard to the absolute discretionary powers delegated to the Chairperson by the Local Government Regulations for determining procedures, regulating discussion and imposing summary penalties, the Electors present resolve that the City of Armadale Local Laws Standing Orders shall not be applied in whole or in part to this meeting of Electors.”

Cr Reynolds advised that there was no point of order and he would not accept the motion. If necessary, but only if necessary, would he invoke Council’s Standing Orders. Standing Orders would only be invoked if the order of the meeting was to break down, otherwise Standing Orders would not apply.

The Mayor, Cr Reynolds, continued with his address.

1 APOLOGIES AND LEAVE OF ABSENCE

Apologies received from Cr Tizard, Cr Munn and Cr Scidone.

2 BUSINESS OF MEETING

2.1 PRESENTING & RECEIVING THE 2006-2007 ANNUAL FINANCIAL REPORT

2.1.1 2006-2007 Annual Financial Report

MOVED Mr Winstanley that the 2006-2007 Annual Financial Report be received.

SECONDED Mr White

CARRIED

2.1.2 Auditor’s Report

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

MOVED Mr Guthrie that the Auditor’s Report on the 2006-2007 Annual Financial Report be received.

SECONDED Mr Wallace

CARRIED

2.1.3 2006-07 Annual Report (Remaining Parts)

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

MOVED Mr Aldersea that the 2006-2007 Annual Report be received.
SECONDED Mrs Munn

CARRIED

2.2 GENERAL BUSINESS

2.2.1 Questions of which prior notice has been given

Mr Foster – 248 Albany Highway, Bedfordale

Fletcher Park

Q-1 Who owns this land?

Response

The reserve is owned by the Crown (DPI) and vested in the City of Armadale.

Q-2 Has a portion of Fletcher Park now been sold?

Response

No part of the Reserve has been sold to date. Council has previously resolved to sell a portion to the adjoining neighbours depending on their interest as part of Council's POS rationalisation program.

Q-3 How many Councillors went and investigated the land on site? And how many relied totally on the advice of the paid executive, which had allowed grazing and denied public use of this portion of the reserve for many years.

Response

This is for individual Councillors to answer specifically. The Mayor advised that he was guided by staff input in terms of the environmental assessment, although he had previously visited the site. The park went through a number of Council processes prior to implementation. A portion of the park is leased to the Wallangarra Pony Club. It has recently been reported that there has been further unauthorised access, and the City is investigating this matter currently.

Q-4 What price was achieved?

Response

The land has not been sold, therefore no money has been received.

Q-5 To whom was it paid (State or City) and how was the money spent?

Response

No money has been received therefore no Government organisation has received any payment. It is probable that in the event of the land being sold it would be the State

that received the revenue, rather than the City, as the Reserve was not given up under Section 20A of the Town Planning and Development Act 1928.

The following question was asked at the meeting by Mr Foster:

Q-6 Is that land still fenced off and denied to the public?

Response

The Mayor advised that the question would be taken on notice.

Q-7 This land was described as degraded by grazing, was it valued as such?

Response

This portion of Fletcher Park was considered to have little environmental value and was considered suitable for disposal. It would be valued within six months of any proposed sale and therefore the value would be based on the condition of the land at that time. I would understand that cleared or grazed land would, from a valuation point of view, be greater than uncleared land.

Q-8 Does this sale set a precedent for other parks?

Response

The intended sale of the portion of Fletcher Park has occurred as part of the overall POS Rationalisation Strategy, where Council disposes of some parcels of unwanted POS land and accepts vesting of other portions of land. It does not create a precedent.

The Mayor then responded to a number of assertions made in Mr Foster's letter relating to Neerigen Brook Reserve before dealing with specific questions:

In 1998, the City of Armadale was given responsibility by the State Government for managing the reserve (No. 35613) for the purpose of 'Public Recreation and Drainage'.

A letter was sent to householders in 2002 advising that some areas of the reserve appeared to be used for purposes other than the designated 'Public Recreation and Drainage' e.g. for storage of building materials, parking vehicles, the erection of structures and fences, private plantings and animal grazing.

The City allocated funds in 2003 for a boundary survey of the reserve which previously had not been clearly defined and for some minor works (\$5,000).

I am advised that your concerns have always been assessed by our Parks Officers e.g. in relation to tree removals, earthworks, illegal fences etc.

Once the City re-surveys the boundary of the reserve and installs rural fencing around the entire reserve boundary, it will be in a better position to determine private land from public land. (Arrangements are being made to have this work completed early in the New Year 2008). A draft management plan for the reserve is currently under way, and I have asked that you, along with landowners beside the reserve, be consulted.

Q-9 “The map shows 5 entrances, but only 2 are useable”.

Response

I am advised that there are currently at least 3 useable entrances currently e.g. one off Bedfordale Hill Road, one midway along Amethyst Crescent and one at the end of Topaz Court. It is planned to upgrade access generally within this reserve for improved pedestrian use, operational purposes and fire management.

There are no fences within the reserve with barbed wire stopping the public using the reserve however, once the re-survey is complete and the reserve appropriately fenced, we can then determine what is inside or outside of the reserve and begin removing undesirable materials from within the reserve.

Q-10 “Are you going to sell to the residents, the land which has been used privately for so long”?

Response

No.

Q-11 “What is the purpose of the two gates hung a short while ago? At either end of the grazed land”.

Response

These gates were only temporary whilst some other access works were being carried out by the City within the reserve and they will be removed soon.

Q-12 “Are you going to allow more grazing now the person who was privileged with free grazing has moved on?”

Response

No. Grazing within public reserves is not permitted under Council’s Local Laws.

The past two surveys were carried out by Licensed Surveyors and each time the entire reserve was surveyed. A new survey is to be done and a fence installed this time to clearly define the reserve boundary.

Once the boundary is clearly defined, we will be able to see where private and public land is, and then determine matters such as wire around trees used for fencing.

Q-13 “Have any of my complaints ever been found to be unjustified?” – In relation to Neerigen Brook.

Response

Considerable Officer time has gone into site meetings, inspections, discussions etc. It has often been difficult to determine where problems or concerns that have been raised are located within the reserve, given that much of the reserve is not easily accessible given the creek, vegetation and topography. Furthermore, until the new survey is complete and the fence installed, there will always be a question about land boundaries.

2.2.2 Questions received from the Floor

The Mayor offered the following advice prior to inviting questions from the floor:-

“Ladies and Gentlemen, before we take questions under the agenda item of “General Business”, I wish to point out to you and make it clear, that simply by prefacing your remarks with the expression “Without Prejudice” does not afford you protection against the laws of defamation.

I am not seeking to in any way limit your legitimate right to raise issues in this forum, rather, I am concerned to ensure that you do not proceed on an incorrect understanding as to your legal rights. In short, you cannot make comments on a “Without Prejudice” basis in the belief that you thereby have some protection from the consequences of false or damaging comments. You do not.

I would ask that we rotate the questions so that everyone gets a fair chance, so one question at a time.”

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

Mr McLay – Armitage Road, Kelmscott

MOVED Mr McLay, SECONDED Ms Whitehead:

We the residents of Armitage Road move that the Armadale City Council make one final written request to Main Roads Western Australia, on our behalf, to resolve the Armitage Road cul-de-sac issue. This action to be taken by the Council before 29 February 2008.

MOTION CARRIED (Unopposed)

Mr Gyuru – Armitage Road, Kelmscott

Q-1 I was at the last meeting when this issue was discussed and I was under the impression that Council had already made provisions to include the cul-de-sac in the 2007-2008 budget, is that correct?

Response

The matter had been considered by the Technical Services Committee and at that meeting, one of the Councillors moved that the matter be deferred for a period of time while some further investigations were carried out. Council does have the funds to carry out the closure should it get Main Roads approval to do so.

Q-2 It has taken (6) years of deliberation, what is the problem, why does it take Council (6) years to make up its mind to erect a permanent closure?

Response

It is symptomatic of the many different opinions on this proposal and where Local Government sits with Government Departments. Council could have acted unilaterally but residents would have been unhappy. Initially, barriers were erected as a trial to test whether it performed the function that was required to your advantage and to Council's satisfaction. That was in the first year or so. After that Council began entering into negotiations with Main Roads. It is understood, that Main Roads required the cul-de-sac to occur so far down Armitage Road that most of the residents would have still been connected to the highway and not cut off from it. That was seen by Council, at the time, to have been counter-productive for the residents. It would have left the residents with all the ills and without any of the advantages. There has been constant discussion with Main Roads to try and achieve a better outcome and it is understood that has occurred recently.

Cr Reynolds advised that a Ward Councillor had enquired as to the quickest way that Council could formally deal with the matter again so that the construction could begin. The delay is regretted but it is inevitable when long protracted arguments of a professional nature are entered into with State Government Departments who, in the main, overrule Council.

- Q-3 I gather by your remarks that when you say construction is going to begin as soon as possible, do I understand that to mean that it is a foregone conclusion that the closure will go ahead?

Response

The Council has to make another formal motion on it but it is anticipated that the answer is in the affirmative.

- Q-4 At the last meeting, at which I was present, one of the members of the Council moved that the east end be closed or at least the Council would look into that possibility. What happened about that motion?

Response

The resolution of Council is that Armitage Road will be closed at the western end as close as Council can achieve. It is then a matter of negotiating a design that is acceptable to Main Roads.

- Q-5 It will stay at the western end?

Response

That is the understanding. Ward Members are in agreeance.

Mr Guthrie – Mountain View, Kelmscott

- Q-1 You haven't actually said that Main Roads has given permission for that to go ahead. Has that happened?

Response

The Acting Executive Director Technical Services advised that there were two issues involved, being the actual location of the turning circle and if another alternative was selected to give traffic access to Armitage Way, the Foster/Armitage “diagonal” across Albany Highway does not meet with standards for traffic moving across main roads. At the moment Council is awaiting a written response from Main Roads on both issues to enable it to finalise the matter.

Q-2 The letter still needs to be written by Council?

Response

Cr Reynolds advised in the negative - the letter needs to be written by Main Roads to authorize Council to carry out the works. The City’s intent is that as soon as it has permission, it will carry out the works.

Q-3 If the letter to Main Roads is unsuccessful, and if they still delay, what is the next step? Obviously, if the people don’t get a satisfactory answer, or you don’t get a satisfactory answer, you should let the people of Armitage Road know and then they will take it to the Minister.

Response

Local residents may choose to take their concerns to the Local Member. In reply to the second part of the question, Cr Zelones regularly meets with the residents of Armitage Road.

Q-4 It is the residents who have to take it to the Minister?

Response

Obviously, Council can raise it with the Minister, but it has more impact when residents raise an issue rather than Council.

Mrs Gyuru – Armitage Road, Kelmscott

Q-1 If it has taken (6) years so far, how long do you think it will probably take to go through to Main Roads and come back to the Council?

Response

The Acting Executive Director Technical Services advised that while MRWA has provided a verbal response, no response has been received in writing. If Council does not receive a response this time, a second reworded letter will be sent advising that Council will proceed with the works, unless MRD advise otherwise. Council will give it (6) weeks and reword another letter.

Cr Reynolds advised residents to contact the Local Member and ask her to expedite the matter.

Mr Gyuru – Armitage Road, Kelmscott

- Q-6 If you have the liberty to go ahead anyway, why aren't you doing that now? Why wait for the Main Roads? It is illogical to wait for Main Roads to respond.

Response

The Acting Executive Director Technical Services advised that the reason there has been a reluctance to proceed is because Main Roads has advised that they consider a turning circle in the current position to be unsafe. They are worried that traffic would enter and then end up backing out onto the highway and therefore cause unsafe manoeuvres or rear-end accidents. The City cannot ignore advice provided by the State road authority when that advice is that something is unsafe.

- Q-7 You do have the prerogative or the Council has the prerogative to proceed in any case. Would that be my understanding?

Response

The Chief Executive Officer advised that although Council may undertake works, Main Roads is the approving road marking/sign marking authority. Council would be putting itself at risk of liability, if it went ahead without Main Roads approval.

- Q-8 What is the worst that can happen? Otherwise it becomes a ping pong for the next (6) years.

Response

The Chief Executive Officer advised that if an accident occurred resulting in death, the Council (the community of Armadale) would be held liable.

Mrs Gyuru – Armitage Road, Kelmscott

- Q-2 Do we have to wait another (6) years before someone takes action.

Response

The Chief Executive advised that if Council takes action and somebody is killed it will be held liable. This matter has been debated for (6) six years not just with Council's opinion about what might be the right solution but also with differing opinions from residents. Council has received 3 or 4 different propositions from people claiming that theirs is the appropriate treatment. Council is trying to find one that generates the best overall outcome. If Council changes the Armitage Way/Albany Highway intersection without Main Roads' approval/support and someone is killed there, then straight away the "finger" will be pointed at Council.

- Q-3 How can we take steps to make sure that this is dealt with immediately? Somebody has to make a decision one way or the other.

Response

Council has made a decision. It is simply waiting for the power to act on that decision. Residents may take the matter up with their Local Member and gain her support for the proposal.

Mrs McLay – Armitage Road, Kelmscott

- Q-1 Now more than ever, with the new buildings on the highway between the Kelmscott Shopping Centre and Brookton Highway, Armitage Road needs to be closed to continue the avoidance of accidents that have not been happening since that closure has been in place.

Response

Council agrees that with the closure of Armitage Road, the previous traffic conflict on the corner of Armitage Road and Albany Highway has disappeared.

Mr Christmass – Armitage Road, Kelmscott

- Q-1 I am of the opinion that the development of the funeral parlour has created some of the problems, however, I may be incorrect in this assumption. There seems to be a parking problem which generated this closure. Is this part of the problem? Why was the funeral parlour allowed to be built on the small block, given the inadequate parking.

Response

It is fair to say that in the early days, the approval of the parlour and use of the property above and beyond that which had been declared to the Council, have created a parking problem there. The road closure was in part response to that. The road closure, from a neighbourhood point of view, was also because of previous traffic problems associated with the street configuration. One gave an opportunity to resolve the other problem. The problem then arose that Council required the support of the State road authority and it has been in that bind ever since. Council's intent is to close Armitage Road, however, it is a matter of finding a way of closing it that is acceptable to Main Roads so that Council is not left at risk of liability.

Mr McLay – Armitage Road, Kelmscott

- Q-1 First of all, is it possible for me to see all the correspondence that has taken place between the Council and the Main Roads? Your representative advised that there was a lot of correspondence.

Response

The normal procedure for information on correspondence is either to request your Ward Councillor, who is entitled to view the open file, or to make a Freedom of Information Application, with associated costs. If you ask your Councillor a series of questions that Councillor may then look at the file to satisfy themselves that they can answer your questions. That would incur no cost and would probably be a quicker process. Council correspondence files are not open to the public.

- Q-2 That would be honestly done?

Response

Yes – of course.

- Q-3 This whole situation has developed into a farce. The Council is blaming Main Roads but I have also heard that the Main Roads is blaming Council. Surely, and to everybody who is here, a positive vote for my motion should achieve something concrete. Otherwise, as was said earlier, we feel that we will have to take a direct approach to the Minister.

Response

I have already acknowledged you may approach the Minister.

Mr Gyuru – Armitage Road, Kelmscott

Requested that an amendment be made Mr McLay's motion to replace the word "final" with the word "another letter".

Response

Cr Reynolds advised that Council will continue on the case until it obtains a result. If that requires 2 or 3 more letters, that will be done. It is believed that the mover of the resolution wanted the matter over and done with. This information has been represented by Ward Members and the matter has been discussed in the last fortnight at Council with a view to bringing Armitage Road to a finality.

Mr Carroll – Lefroy Road, Mt Nasura

- Q-1 There is a significant increase in traffic up Lefroy Road and also Billabong Road since the closure of Ecko Road. Traffic counts were done in 2002 and 2006. In that time there has been an extra 3,171 vehicles per week going up Lefroy Road alone.

MOVED Mr Carroll:

That the City of Armadale immediately erect a sign at the entrance of Lefroy Road from the Brookton Highway, indicating "local traffic" only.

MOTION CARRIED (Unopposed)

Mr Christmass – Wandoo Street, Kelmscott

- Q-2 Is Council able to prevent the clearing of all the trees and worthwhile vegetation by developers or residents and with penalties, if any. If not, will Council enact the necessary by-laws to put a stop to his wanton destruction?

Response

Cr Reynolds sought clarification as to whether the question related to urban land or all land?

This relates to the various blocks in Kelmscott that are being developed along the highway and so on.

Response

Currently, under Council's Town Planning Scheme, there are no prohibitive powers. There are inducements that are offered to people to retain trees on urban land but in urban areas the owners' rights are generally declared unless there is a tree preservation order on the tree.

The Executive Director Development Services concurred with Cr Reynolds' comments and added that there are provisions in the Town Planning Scheme maybe to identify trees or clumps of trees but where they haven't been identified a landowner has a right to clear his block and develop it.

- Q-3 Is it possible that Council can make some by-law that will alter this unfortunate situation so that we don't see the random clearance of all the blocks down Albany Highway and over by the Mower Centre?

Response

The Executive Director Development Services advised that technically it is a very difficult thing to do without defining what trees, clumps of trees and bushes it is that you want to protect. Otherwise, obviously Council's Compliance Officer would have to spend his time going around inspecting everybody's back garden when they had cut down any tree. Unless one has a clear idea of what process should be adhered to and how you would register and keep a record in Council of these trees, it is not possible to do it. Legally, it is possible to tighten up provisions in Town Planning Schemes to enable to do it but the administrative difficulty of policing it would be very difficult.

- Q-4 Are there any plans to ensure that developments in Kelmscott, especially in the business area, are of quality and reflect the original character of the area and will Council take action?

Response

Yes, when Council gets a proposal, talks are held with the developer about colour, shape and fitout. There are limited powers within the Town Planning Scheme that allow Council to do that. Council cannot, however, say you will build in brick and you cannot build in tilt up concrete. So in the case of developers wanting to build in tilt up concrete, Council discuss with them how they can change the appearance with protrusions and colours etc. It will always be that some of the buildings that gain approval will not meet the satisfaction of everyone. Having lived in Kelmscott for a long time, Cr Reynolds advised that he was not sure that there was a central theme other than the 1960s buildings which were, he felt, of poor quality themselves.

- Q-5 Will there be any alterations to the Mountain Place/Turner Road area. 100 units are planned in that area and a great number of houses have been demolished.

Response

This question to be taken on notice.

Mr Guthrie – Mountain View, Kelmscott

MOVED Mr Guthrie:

That the Armadale City Council examine the processes of dealing with correspondence and produce and publish a report on the processes that it has in place to respond to correspondence from ratepayers and ratepayer organizations in a reasonable time.

MOTION CARRIED (Unopposed)

A letter was written to the Armadale Redevelopment Authority and we got a reply in a week. We wrote a letter recently to the Gosnells City Council about a traffic matter and got an answer within three weeks. We did not get an answer from the Armadale City Council on about (5) matters that we raised at a general meeting of the group for 3½ months and even when we got the reply, it was a reply to a different issue than the one we had raised. I think that the communication is a problem in any organisation and I would like to see some sort of City Views article indicating to people how best to communicate with the Council. Whether it is by telephone or by mail.

Response

The Chief Executive Officer advised that Council is aware of the statements made by Mr Guthrie's particular group in regard to Council correspondence. The Chief Executive Officer advised that he does not agree with Mr Guthrie's assertion and requested Mr Guthrie to give him the precise details of the letter and the date on which he believes it was sent in. He is aware that the group forwarded requests in many different ways, via different means, (phone, emails, hand-written notes, calls to Councillors) often repeating the same queries. Staff make their best efforts but it is not surprising if a response overlaps a repeat request. If a formal letter is received from the group's Secretary, it is acknowledged formally and its "progress" through various Departments tracked on enquiry. Of course there will be ways in which communication can be improved. A City Views article is a good idea and will be followed up.

Mr Grimwood – Sapphire Court, Mt Richon

- Q-1 Two years ago in this same meeting and venue, we discussed at some length the future of Minnawarra Park and specifically, Lot 401 Streich Avenue. [This is the lot on which the new Woolworths/Big W store stands and also extends across to the middle of the lake.] In the report here, it tells us on page 60, there were no major land transactions during the financial year. I don't know quite how you would define major or transaction. Also at that meeting, two years ago, Councillors present undertook to do their best to make sure that the remaining land was protected and preserved - what is the current status of the land beside us in the park – is it yet vested in Council or if not, can you give us some idea of its projected future?

Response

The land beside the Shopping Centre falls within a Main Roads WA road reserve. Until Main Roads finalise a design either under or over the railway crossing, they will not give up any of their land reserve at all. Their land reserve runs across to close to the middle of the lake. All that Council can continue to do is to enjoy the use of their land

for as long as possible and continue to mount the case that it should remain that way. However, Main Roads owns the land and it is vested in them for road reserve. It is unfortunate, but inevitable, that Armadale Road will have to either go below or above the railway line in time and they are preserving their options for the future.

Council does not own the land, therefore it was not a land transaction from a Council viewpoint.

- Q-2 My understanding was that the land belonged to the WA Planning Commission and was leased to Council and at that time it had a couple of buildings on it which were used by community groups and that the Main Roads reserve is actually the bit that we see on the other side of the roundabout. So in fact, unless something has changed, the dialogue should be with the Planning Commission rather than Main Roads.

Response

What's left, that is of greatest concern to you, is the road reserve. The Planning Commission acquires reserves which are transferred to the Road Authority when required for road purposes. On the east side of Orchard Avenue, there is still a small sliver of Planning Commission land there but most of it is either fee simple, owned by Council (close to the Admin. Building) or it is Main Roads road reserve. Cr Reynolds suggested if Mr Grimwood call at the Council Offices he could be provided with a map that shows the respective landholdings.

Mrs McLay – Armitage Road, Kelmscott

- Q-2 Is there any way that you can advise Western Power not to cut the beautiful Jacaranda trees before they flower?

Response

No – Council has no power over Western Power. Council is in constant argument with Western Power who now require all foliage to be 2.5 metres from their lines. This would seem like a subterfuge to have Council pay to underground their service when they should be paying to underground it themselves. Council's contractors, when they have to err, err on the side of only doing the tree once and so instead of cutting it 2.5 they might cut it 2.7 to be absolutely sure. This applies more particularly to Roleystone and the hills suburbs but now increasingly on the flats as well where they are requiring feature trees to be cut back harshly. Cr Reynolds advised that Mrs McLay could take the issue up with Western Power or her Local Member.

Mr Scott – Wymond Road, Roleystone

MOVED Mr Scott, SECONDED Mr Macdonald:

That the City of Armadale develop and implement a Corridor Plan for the Canning River and nearby reserves for animal, plants and people (walktrails).

MOTION CARRIED (Unopposed)

Response

Cr Hart advised that she had committed the last 16 years of her life to the Canning River. A major strategic project, addressing issues referred to by Mr Scott, just got through its second stage at the Integrated Water Reference Group. The Department of Water has also released a document about the biodiversity and values of the Canning. It is believed that this document has not been released widely but a copy is available. Because Council owns land along the river as well as having a real commitment to its protection, Mr Scott can rest assured that it will be high up on the list of Council priorities. The City of Armadale will be one of the stakeholders in any Canning River project along with the Cities of Gosnells, Canning and Melville. Cr Hart advised that she appreciated Mr Scott's support and concern.

Mr Macdonald – Brook Place, Roleystone

MOVED Mr Macdonald:

That this meeting thanks Councillors and staff for their unstinting efforts on behalf of electors and residents throughout the year. We all might not always agree with decisions or practical outcomes, but we do applaud their commitment.

MOTION CARRIED (Unopposed)

MOVED Mr Macdonald:

That, in order to retain and enhance flora and fauna in the City's nature reserves, Council convene a meeting of stakeholders and interested parties to institute a system of sequential operations on reserves, mindful of weather and breeding conditions and so far as is practicable, for weed suppression, re-planting, watering, dieback treatment, cool mosaic controls burns and other tasks necessary.

MOTION CARRIED (Unopposed)

MOVED Mr Macdonald:

That, in order to retain and enhance flora and fauna in the City's nature reserves (and incidentally encourage installation of underground power while State coffers are full), Council confer with Sydney's LGA (at least some of which member councils prohibit clearing of any trees, native or otherwise) with regard to prohibiting the pruning, lopping or felling of any native tree or trees, or clearing of understorey native vegetation, on our City's reserves, verges and properties whether private residential or otherwise, without the extraordinary approval of Council. Further, that a draft proposal to proceed to this end be distributed to Electors by 1 May 2008.

OPPOSED Mr Grimwood

SECONDED Mr Scott

MOTION LOST

Mr Grimwood – Sapphire Court, Mt Richon

- Q-2 My daughter lives within the Shire of Serpentine of Jarrahdale and the land that her and her husband purchased was part of a subdivision that was covered by a covenant and the covenant was established by the developer in conjunction with the local government. The local government enforces the covenant and then the landowner is beholden to the local government. This particular subdivision has trees everywhere and unfortunately, they have become a fire hazard but the Council advises that they are there for other reasons and not a flammable species even though they are eucalypts so the landowner cannot do anything about it so they are stuck with the trees. However, there is the option available to Council through developers to have that kind of structure. The other option which you might consider is that Council could create a register of trees of significance so that residents could register a tree with Council and perhaps then that tree could be subject to the sorts of conditions and regulation that has been presented.

Response

Council does have a register for trees and Cr Hart was involved in a drive around the district in the not-too-distant past looking at identifying other major trees or trees of significance to be added to that register. Council has, within its Special Rural areas, those that are more sensitive environmentally, development envelopes that restrict a person's house construction to within a specific part of the block so trees cannot be cleared from the rest of the block. A lot of those interim measures are undertaken but it is not quite to the intent of the previous motion.

Mr Foster – 248 Albany Highway, Bedfordale

- Q-1 I had occasion to walk around Armadale with a visitor from New Zealand, a week or so ago. The rubbish lying around is disgusting – there are no rubbish bins – can we please have some rubbish bins?

Response

Cr Reynolds requested Mr Davies to take note of the comments made by Mr Foster in regard to the lack of rubbish bins. However, it is incorrect to say there are none. What might be the case is that there are not enough and that will depend upon the frequency of emptying. Sadly, many in the community, even if bins are provided still will not use them. The town centre will be looked at jointly with the Armadale Redevelopment Authority who have got planning responsibility for, and look at whether we do need to and can provide more rubbish bins in the town centre.

- Q-2 Over the years I have complained about the earthworks and landscaping occurring on the Neerigen Brook - some of which have been solely designed to block people obtaining access from Amethyst Crescent. Who is going to pay for the works to be undone?

Response

This question to be taken on notice.

Ms Walkington – Grade Road, Kelmscott

- Q-1 There was cleaning within the business district by the Council on a regular basis when building was occurring. Is it possible for that to be re-commenced? It cannot be done during the week because it is too busy and all the car parks are taken up, but is it possible for the business district to be cleaned on a Sunday? Because there is a lot of rubbish and dust etc. lying around.

Response

Council has a (2) person crew that cleans the CBD on a daily basis. However, Council does not clean private property. It has talked to private owners about whether they would be prepared to work with Council to engage a collective group of people to do the total district cleaning. Council has been talking to private owners about this matter and also about parking coming under Council control as well. As yet no resolution has been arrived at for either matter.

Mr Bestow – 31 Barnes Road, Roleystone

- Q-1 I see developers who are permitted, apparently by Council, to knock all trees flat on their land before development goes ahead. This is done with the permission of the Council. Whereas people like myself, who own blocks of land in the hills, which have lots of trees, are told they must preserve those trees. Why should there be one law for one and one for another? I would have thought it quite possible for developers to develop their land but leave some trees so that they have a nucleus there for future development.

Response

This is a complex issue. It is not that Council is unsympathetic to the view. Currently the Town Planning Scheme allows a difference between land that is zoned Urban and land that is zoned Rural. The land that is zoned Rural does have some caveats on it in terms of tree preservation or the cutting down of large mature trees. For land that is zoned Urban, there is a reasonable expectation in the community that a person, can, as has been expressed tonight, make a decision about trees on their land. In that sense, a developer is no different from someone who already lives in a house, whether they want to preserve trees or not. Council tries to encourage developers to retain trees wherever possible but it is acknowledged that there have been (2) or (3) instances recently of a developer taking it to the absolute limit and clear felling. Council is conscious of that and is talking to staff about ways to be able to manage it.

Mr Christmass – Wandoo Street, Mt Nasura

- Q-6 The fact that Woolworths put in an enormous car park and practically no vegetation. This was mentioned to Council recently and it is understood that they actually were supposed to put in more vegetation than they did. I can see it being a sweltering ocean of bitumen in the summer.

Response

The Executive Director Development Services advised that in regard to the Woolworths car park and the landscaping provisions placed on the development

approval issued, not all of those requirements have been met. The matter is with Council's lawyers and with a view to legal action being taken. (9) letters have been written, contact through the builder, the developer and Woolworths itself has been attempted, without success. Council has now instructed its lawyers to contact Woolworths' Head Office in the Eastern States.

- Q-7 Foxy's Sports Centre obviously has not got sufficient parking provision. In recent weeks there has been a succession of cars parked on the Council's footpaths on both sides of the highway and I am sure this is going to lead to an accident.

Response

It is to be hoped that the new development beside Foxy's will take some overflow car parking at those times of day when Foxy's is more popular than their car park allows for.

Mr Cox – Sixth Road, Armadale

- Q-1 Last year I raised the subject of parking bays in Jull Street etc. – as you are trying to park you lose all vision of any parking reference point. If you wander down Jull Street any time of the day, you are sure to find a number of cars just sitting on the white line. Nobody can see those unless they get out of their car. I still think we could have a blob of white paint put on the road way so that you can say that is where the point is.

Response

In support of Mr Cox, Cr Reynolds pointed out to Mr Davies that Mr Cox had last year raised the opportunity that in marking parallel parking bays that the bit running at right angles from the kerb would go out onto the road a little further so a driver looking out the side window would be able to see where they are in relation to the start and finish of the bay.

- Q-2 In regard to rubbish bins - during public holidays public rubbish bins are usually full – is there any chance of getting somebody to go around the bins on Christmas Eve or very early on Christmas Day? It is a horrible thing to see bins overflowing.
- Q-3 Copies of the Agenda etc. for those people who arrived late to the meeting- they ran out, would it be possible to be provided with a copy later?
- Q-4 Last year, I also mentioned in a roundabout way, Seventh Road where there is a development which had built up the back fence to 5ft of fill. Straight across the corner in Seventh Road the people there that have finished their development, they have gone down about 10 inches into the topsoil. The land is lower than originally planned. Where are your inspectors? Do they ever go and inspect jobs?

Response

When housing is being constructed – yes. Cr Reynolds suggested that Mr Cox give the address of the properties to Mr MacRae to arrange for a staff member to check that the building has been constructed according to approved plans.

Mr Gyuru – Armitage Road, Kelmscott

- Q-9 I notice that in living in Kelmscott, there is an inordinate number of heavy haulage vehicles traveling through Kelmscott. I think it is just a matter of time before a serious accident is going to happen and someone most probably will get killed as a result of an accident with these vehicles involved.

MOVED Mr Gyuru:

That Armadale City Council request Main Roads not to re-issue heavy vehicle permits travelling through Kelmscott but redirect heavy vehicles onto the Tonkin Highway.
MOTION CARRIED (Unopposed)

- Q-10 Is it possible to erect signs, similar to those on Brookton Highway, where trucks are discouraged from using their exhaust brakes?

Response

Signage certainly is a Main Roads' responsibility. Council can request that signs be erected.

Mr Grimwood – Sapphire Court, Mt Richon

MOVED Mr Grimwood:

Having regard to the principles of openness and accountability to the Electorate, set out in the Local Government Act 1995, including implementation of the statutory right of individual electors to question and scrutinize Council's conduct, the City of Armadale shall develop and publish efficient, effective and fair procedures for the management of meetings of Electors by its representative.

OPPOSED Cr Munn

SECONDED Mr Foster

MOTION LOST

MOVED Mr Grimwood:

That the Minutes of all Elector Meetings shall be uniquely published, archived and made available to the public separately to other minutes and reports of Council, Committees and Officers of the City of Armadale.

MOTION CARRIED (Unopposed)

MOVED Mr Grimwood:

The Electors present instruct its Councillor Representatives to the Armadale Redevelopment Authority (ARA) Board to demand immediate removal or correction of two large ARA signs prominently displayed in Commerce Avenue and Armadale Road that falsely represent to the public that a lake will be constructed where the Westzone/Woolworths/Big W complex now stands and that Minnawarra Park will be extended and enhanced as declared thereon.

MOTION CARRIED (Unopposed)

Response

Cr Reynolds advised that he and Cr Zelones would be happy to draw to the ARA's attention that the signs are out-of-date, however, that of itself does not mean that the signs will be removed.

MOVED Mr Grimwood:

To enable Electors time to reasonably consider Council's Annual Report and question Council on it and other matters, that the Electors present resolve this meeting be adjourned to a date to be fixed but not later than 30 March 2008.

MOTION LAPSED for want of a seconder.

Mr Christmass – Wandoo Street, Mt Nasura

Q-8 I would like to thank the Council for the openness of this meeting. I want to thank the people who have come along. It is a sign of the times that we have this vigorous meeting. Thank you Mr Mayor.

Response

On behalf of the Council, Cr Reynolds thanked everyone for coming and wished them and their families a very merry, enjoyable, restful and holy Christmas and New Year break.

DECISIONS OF THE MEETING:

MOTION-1

MOVED: Mr McLay, SECONDED: Ms Whitehead

We the residents of Armitage Road move that the Armadale City Council make one final written request to Main Roads Western Australia, on our behalf, to resolve the Armitage Road cul-de-sac issue. This action to be taken by the Council before 29 February 2008.

MOTION CARRIED (unopposed)

MOTION-2

MOVED: Mr Carroll:

That the City of Armadale immediately erect a sign at the entrance of Lefroy from the Brookton Highway entrance, indicating "local traffic" only.

MOTION CARRIED (unopposed)

MOTION-3

MOVED: Mr Guthrie:

That the Armadale City Council examine the processes of dealing with correspondence and produce and publish a report on the processes that it has in place to respond to correspondence from ratepayers and ratepayer organizations in a reasonable time.

MOTION CARRIED (Unopposed)

MOTION-4

MOVED: Mr Scott, SECONDED: Mr Macdonald

That the City of Armadale develop and implement a Corridor Plan for the Canning River and nearby reserves for animal, plant and people (walktrails).

MOTION CARRIED (unopposed)

MOTION-5

MOVED: Mr Macdonald

That this meeting thanks Councillors and staff for their unstinting efforts on behalf of electors and residents throughout the year. We all might not always agree with decisions or practical outcomes, but we do applaud their commitment.

MOTION CARRIED (unopposed)

MOTION-6

MOVED: Mr Macdonald

That, in order to retain and enhance flora and fauna in the City's nature reserves, Council convene a meeting of stakeholders and interested parties to institute a system of sequential operations on reserves, mindful of weather and breeding conditions and so far as is practicable, for weed suppression, re-planting, watering, dieback treatment, cool mosaic controls burns and other tasks necessary.

MOTION CARRIED (unopposed)

MOTION-7

MOVED: Mr Gyuru:

That Armadale City Council request Main Roads not to re-issue heavy vehicle permits travelling through Kelmscott but redirect heavy vehicles onto the Tonkin Highway.

MOTION CARRIED (unopposed)

MOTION-8

MOVED: Mr Grimwood:

That the Minutes of all Elector Meetings shall be uniquely published, archived and made available to the public separately to other minutes and reports of Council, Committees and Officers of the City of Armadale.

MOTION CARRIED (unopposed)

MOTION-9

MOVED Mr Grimwood:

The Electors present instruct its Councillor Representatives to the Armadale Redevelopment Authority (ARA) Board to demand immediate removal or correction of two large ARA signs prominently displayed in Commerce Avenue and Armadale Road that falsely represent to the public that a lake will be constructed where the Westzone/Woolworths/Big W complex now stands and that Minnawarra Part will be extended and enhanced as declared thereon.

MOTION CARRIED (Unopposed)

MEETING DECLARED CLOSED AT 9.00 PM

MINUTES CONFIRMED THIS 29th DAY OF JANUARY 2008

MAYOR