

**ORDINARY MEETING OF COUNCIL
5 December 2005**

MINUTES

C O N T E N T S

1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE	1-2
3	ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	
	MR T PILKINGTON RE: ARALUEN BOTANIC PARK.....	2
4	PUBLIC QUESTION TIME	
	MR T PILKINGTON RE: ARALUEN BOTANIC PARK.....	3,4 & 5
	MRS W COSTA RE: FOOTPATH – DOORIGO ROAD.....	4
	MRS W COSTA RE: PROMOTION OF PIONEER VILLAGE	5-6
5	APPLICATIONS FOR LEAVE OF ABSENCE	
	CR STEWART – 1 TO 21 JANUARY 2006.....	6
6	PETITIONS	
	NIL	6
7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	
	MINUTES OF ORDINARY COUNCIL MEETING HELD ON 21 NOVEMBER 2005.....	6

8	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	
8.1	2005 ANNUAL GENERAL MEETING OF ELECTORS -----	7
8.2	'RIPPER READERS' GROUP – PRESENTATION OF CERTIFICATES -----	7
8.3	CHAMBER OF COMMERCE GALA NIGHT UNDER THE STARS-----	7
8.4	OPENING OF DALY & SHAW HARDWARE STORE -----	7
8.5	WESTFIELD LIBRARY SENIORS' CHRISTMAS SHOW-----	7
8.6	SOUTH EAST METROPOLITAN ZONE MEETING-----	7
8.7	WILLANDRA PRIMARY SCHOOL – GRADUATION EVENING-----	7
8.8	CITY OF ARMADALE COMMUNITY CONTACT LUNCH-----	8
8.9	GROUND BREAKING CEREMONY – REDEVELOPMENT OF ARMADALE SHOPPING CENTRE-----	8
8.10	COCKBURN CITY ANNUAL DINNER -----	8
8.11	SHIRE OF SERPENTINE-JARRAHDAL E ANNUAL FUNCTION -----	8
8.12	ARMADALE ROTARY CLUB'S 50 TH ANNIVERSARY DINNER -----	9
8.13	CITY OF GOSNELLS ANNUAL DINNER -----	9
8.14	TOUR BY MAYOR OF THREE MAJOR ROAD PROJECTS WITHIN THE CITY OF ARMADALE -----	9
9	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN – WITHOUT DISCUSSION	
	NIL	9
10	REPORTS	
10.1	TECHNICAL SERVICES COMMITTEE – 28 NOVEMBER 2005 -----	10
10.2	COMMUNITY SERVICES COMMITTEE – 29 NOVEMBER 2005-----	11
10.3	CHIEF EXECUTIVE OFFICER'S REPORT – 1 DECEMBER 2005 -----	12
	10.3.1 MINUTES –AGM OF ELECTORS – 22 NOVEMBER 2005-----	12
	10.3.2 DELEGATIONS OF AUTHORITY -----	12
	10.3.3 COUNCILLORS' INFORMATION BULLETIN – ISSUE 23/2005 -----	14
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	
	REVOCATION OF RECOMMENDATION D155/11/05 -----	14
12	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING	
	NIL-----	16
13	MATTERS FOR REFERRAL TO STANDING COMMITTEES	
	CR ZELONES – PROCESS INVOLVED IN HANDLING AN APPLICATION FOR DEVELOPMENT FOLLOWING COMPLAINT -----	16
14	MATTERS REQUIRING CONFIDENTIAL CONSIDERATION	
	NIL	17
15	CLOSURE -----	17

ATTACHMENTS

MINUTES – ANNUAL GENERAL MEETING OF ELECTORS – 22 NOVEMBER 2005

CITY OF ARMADALE

MINUTES

OF ORDINARY MEETING OF THE ARMADALE CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 5 DECEMBER 2005 COMMENCING AT 7.03 PM

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor, Cr Reynolds, declared the meeting open at 7.03 pm.

The Mayor welcomed to the meeting Mrs Yvonne Coyne, who is currently acting in the position of Executive Director Community Services in the absence on leave of Carl Askew.

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (previously approved)

PRESENT:

Mayor, Cr L Reynolds JP presided over	Heron Ward
Deputy Mayor, Cr J H Munn JP CMC	Minnawarra Ward
Cr J Knezevich	Minnawarra Ward
Cr A L Cominelli JP	Lake Ward
Cr C J MacDonald	Lake Ward
Cr R J Tizard	Neerigen Ward
Cr G A Best	Neerigen Ward
Cr H A Zelones JP	River Ward
Cr R Butterfield	River Ward
Cr P J Hart	Jarrah Ward
Cr L Scidone	Jarrah Ward
Cr J Everts	Palomino Ward
Cr G T Wallace	Palomino Ward
Cr J A Stewart	Heron Ward

IN ATTENDANCE:

Mr R S Tame	Chief Executive Officer
Mr A F Maxwell	Executive Director Corporate Services
Mr W A Bruce	Executive Director Technical Services
Mr I MacRae	Executive Director Development Services
Mrs Y Coyne	Acting Executive Director Community Services
Mrs Y Ward	CEO's Executive Assistant (Acting)

Public: 3
Press: Nil

LEAVE OF ABSENCE:

Nil

APOLOGIES:

Nil

**3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS
TAKEN ON NOTICE**

The following questions were taken on notice at Council's Meeting on 21 November 2005 and a response forwarded on 1 December 2005.

Mr A Pilkington, 312 Croyden Road, Roleystone

Q-2 What role does the City of Armadale play in policing Local Laws in the area of the Araluen Botanic Park particularly in regard to Zoning Laws, Bush Fire Control – Fire Breaks, Local Law relating to the Health Act 1911, Building Codes, Road Construction Australian Standards? What is the role of the City of Armadale relating to the Araluen Botanic Park when it comes to Local Laws?

A-2 Executive Director Technical Services:

*With respect to local laws, unless there is a specific provision within an Act of Parliament a local government cannot make local laws that are binding on the Crown. The Local Government Act 1995 says that it does not bind the Crown (with limited exceptions) and consequently local laws made under the Act **are not binding on the Crown.***

Since Araluen Park is held in the name of the Department of Planning and Infrastructure (a State Government Department) it is not subject to our local laws or to any other laws that do not specifically bind the Crown.

The Araluen Botanic Park is reserved for parks and recreation under the Metropolitan Region Scheme. Accordingly, the City has no planning or land use powers which it can exercise over the Park under its Town Planning Scheme.

The Araluen Botanic Park Management always comply with the Firebreak Notice and constantly consult with the appropriate Fire Services to review their current mitigation arrangements and responsibilities

As the Park is owned by the Crown, the City's Building Control Legislation does not apply.

The Araluen Botanic Park does not construct roads other than on its own land and consequently does not require approval of the City as none of these roads are in the City's domain.

Q-3 Is the City of Armadale aware of any instances whereby the Araluen Botanic Park is not conforming with the City of Armadale Local Laws?

A-3 *No*

Q-5 Referring once again to paragraph 4 of the Mayor's letter of 11 November 2005 where you say "it is the understanding that Council has no power to determine if the Araluen Botanic Park can" etc. – I am concerned that the Araluen Botanic Park is in fact an incorporated body, it is an entity and I refer now to a letter from Mr Jeremy Dawkins which states in part "the Park is operated by the Foundation, that is the Araluen Botanic Park Foundation Inc., as lessee". The WA Planning Commission and the State Government have no day-to-day involvement in the operation of the park nor the staging of events. Whereas in letters and in Minutes of Meetings of this organisation, it is mentioned as a Government instrumentality. I don't believe that is so – I believe it is an incorporated body, it is an entity and, therefore, capable of being sued and given the Nation's three-tiered Government, Federal state and Local, I believe that this Council can tell the Araluen Botanic Park Inc. what to do and when to do it. – will Council examine this aspect with a view to clarification?

A-5 *The WAPC would be able to control the use of the Park by the Araluen Botanic Park Foundation Inc so that the use accords with the lease, in addition to its powers under the Metropolitan Region Scheme. The lease may provide some consents or approvals to the Araluen Botanic Park Foundation Inc to carry out particulars uses and developments on the Park, in accordance with Clauses 13 and 16 of the Metropolitan Region Scheme. The City has no role to play in this.*

Accordingly, the City has no power under its Scheme to direct the Araluen Botanic Park Foundation Inc as to how it uses the Park. That power rests with the WAPC under the Metropolitan Region Scheme and the lease.

4

PUBLIC QUESTION TIME

Mr T Pilkington, 312 Croyden Road, Roleystone

Q-1 Relating to the traffic management plan and activity of the Araluen Botanic Park also located on Croyden Road in Roleystone, I refer in particular to the three additional days that were agreed to by the Council and more particularly, by the

Technical Services people when the Festival, which wasn't called the Tulip Festival, simply called the Festival, was conducted this year. The three additional days were 31 July, 7 & 14 August. Ordinarily, the Festival starts at the end of August when the tulips come in. I am particularly interested in feedback on that recommendation - item (3) of a meeting of 27 June, page 4. Item 3 which says – “That following the Springtime Festival, the Araluen Botanic Park advise Council the effectiveness of the additional three days in terms of tourism, land use, visitor numbers etc. against compromising the local community amenity during these days.” Has item (3) of those Minutes been complied with yet?” Has the Araluen Botanic Park advised Council of the result and if and when that advice is offered, will it be available for public scrutiny, either at this forum or by applying under the Freedom of Information Act.

The Mayor advised that the matter would be the subject of a report to the 12 December 2005 Technical Services Committee Agenda. It should also be possible to access the Agenda on Council's website as from Friday, 9 December 2005 or through Council's three Libraries on that date.

Mrs W Costa, 109 Doorigo Road, Armadale

Q-1 Why are there no footpaths in Doorigo Road? Also at the junction of Doorigo Road and Windarra Way, there is a little dangerous spot there that needs attention.

The Mayor advised that he would not be able to answer the question in regard to the traffic management device this evening. To answer the question as to why there are no footpaths in Doorigo Road, relates to a matter of priority. The Council has a fairly complex but transparent way that it scores each road for footpaths and a number of things are weighed up, points are allocated and then the roads are scored. Council allocates its funds each year according to the priorities and it is not that Council does not believe there shouldn't be a footpath in every street, it is that it does not have the funds to do that. The Mayor advised that he could not answer where Doorigo Road sits in the scoring system but would think that it would be mid-field with a number of others. He advised that he would take the question on notice and refer it to the Executive Director Technical Services for response during the coming week.

Mr T Pilkington, 312 Croyden Road, Roleystone

Q-2 I am referring to 7 February this year in relation to the recommendation that came forward being T6/01/05 dated 7 February 2005. “That all future applications received from the Araluen Botanic Park for either the Tulip or Chilli Festival be handled administratively by the Executive Director Technical Services with advice from the relevant Festivals being provided to Council via the Information Bulletin” and (3) “That Council be informed of future applications regarding Araluen Botanic Park

traffic management plans.” Would Council consider revoking the decision made on 7 February 2005 and bring it back into the forum of this Council to make the decision.

The Mayor advised that whilst the power is delegated from Council to the Chief Executive Officer and on to the Executive Director, he does not make a decision in isolation. His management team, in effect, make and look at the traffic management plan. Whether he makes the decision or Council makes the decision is based on the best technical knowledge to hand in the building. The difficulty we have is that he doesn't make a decision as to whether there will be an event. Somebody else has made that decision. Council is then faced with the fact that we can either declare that to our understanding, the event is going to have enough people coming to it that it needs a traffic management plan or that we don't think very many people are going to come and can leave it as open slather on the road. That is the judgement that you are asking to be made. The difficulty with the previous system, was that it was often reported to Council when we were going through the phases of trying to find the best scheme possible. If Council could find a better plan it would be happy to enact that. The Mayor advised that he could not answer on behalf of 14 people from the Chair tonight but those Councillors have heard Mr Pilkington's comments and will see if any one of them decides it does need a formal referral back.

MOVED Cr Munn that Public Question Time be extended.

453/12/2005 MOTION not opposed, DECLARED CARRIED (14-0)

Mr T Pilkington, 312 Croyden Road, Roleystone

- Q-3 Does the City of Armadale fund the Araluen Botanic Park in any of the following categories:**
- **abnormal maintenance of Croyden or Gardiner Roads other than what would ordinarily be done;**
 - **advertising – any financial support to the press, radio, TV or other, such as magazines;**
 - **entertainment.**

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

Mrs W Costa, 109 Doorigo Road, Armadale

- Q-2 Does the Council promote business at the Pioneer Village?**

The Mayor advised that Council did not promote the business at the Pioneer Village in a direct sense, but did so in an indirect sense. Council runs the Visitor Information Centre which gives out information on the Pioneer Village and its operations.

Q-3 The Council does assist the Greater Union Cinemas with funds but why didn't they assist the Pioneer Village Cinemas?

The Mayor advised that it was a long and convoluted story. The arrangement Council has with the Cinemas was subject to a public tender that all people were invited to participate in, including the cinema operators that had been at the Village Cinema. At the time Council entered into that agreement with the Cinema there were no cinemas operating at the Pioneer Village (they had closed down for the first time before they re-opened). That proprietor was given every opportunity to bid for that level of support from Council. It was contingent upon the provision of no less than 4 high quality cinemas. He chose not to either redevelop his own premises or come down and get involved with other partners down in the town centre.

Public Question Time closed at 7.22 pm.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Request for Leave of Absence received from Cr Stewart for the period 1st January to 21st January 2006, inclusive.

MOVED Cr Munn that:

Request for Leave of Absence received from Cr Stewart for the period 1st January to 21st January 2006, inclusive be received and granted. [Includes 1 Council Meeting – 16th January 2006]

454/12/2005 MOTION not opposed, DECLARED CARRIED (14-0)

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY MEETING OF COUNCIL
HELD ON 21 NOVEMBER 2005

MOVED Cr Munn that the Minutes of the Ordinary Meeting of Council held on 21 November 2005 be confirmed as a true and accurate record.

455/12/2005 MOTION not opposed, DECLARED CARRIED (14-0)

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.1 2005 Annual General Meeting of Electors

On Tuesday, 22 November 2005, the 2005 Annual General Meeting of Electors was attended by 26 members of the public. The Minutes are reported to Council later in this meeting.

8.2 'Ripper Readers' Group - Presentation of Certificates to Grade 1 School Children

On Thursday, 24 November 2005, on Council's behalf, the Mayor presented certificates to all Grade 1 Children who had participated in this year's 'Ripper Readers' group at an afternoon tea at Westfield Library.

8.3 Chamber of Commerce Gala Night Under the Stars

On Friday, 25 November 2005, many of us again enjoyed the local Chamber of Commerce Gala Night Under the Stars in the Jull Street Mall. On Council's behalf, the Mayor was particularly proud to receive the annual Alec Wood Award for contribution to the Community. Scope Irrigation was the winner of the annual award sponsored by Council.

8.4 Opening of Daly & Shaw Hardware Store

During the morning of Saturday, 26 November 2005, the Mayor was pleased to officially open the new Daly & Shaw Hardware Store in Armadale. He noted that although they do use dayglo orange in their colour scheme, it is sparingly used and the appearance of the building fits in very well with the surrounding commercial centre.

8.5 Westfield Library Seniors' Christmas Show

On Wednesday, 30 November 2005, along with Crs Munn and MacDonald, the Mayor attended the Westfield Library Seniors' Christmas Show where the Mayor was able to thank all the volunteers who work with Council staff to provide this very well received service. The Mayor also took the opportunity to congratulate the library staff from all three branches, which on a daily basis provide the most personal interface with our residents.

8.6 South East Metropolitan Zone Meeting

During the evening of Wednesday, 30 November 2005, along with Cr Munn and Mr Tame, the Mayor hosted the South East Metropolitan Zone Meeting.

8.7 Willandra Primary School - Graduation Evening

Also on Wednesday, 30 November 2005, Cr Cominelli attended Willandra Primary School's Graduation on the Mayor's behalf. Over the next week or so, there are a large number of school functions in particular that Councillors have been asked to attend and the Mayor thanked those who will be attending functions for their assistance.

8.8 City of Armadale Community Contact Lunch

On Thursday, 1 December 2005, along with Council's Community Development team, the Chief Executive Officer and Crs Hart and MacDonald, the Mayor attended the City of Armadale's Community Services Contact Lunch in the Function Room. The team once again combined to entertain and to educate the large crowd of local service providers with the highlight being a performance by Kara Wood, one of Council's young trainees. Kara will leave Council shortly at the end of her twelve month traineeship.

8.9 Ground Breaking Ceremony – Redevelopment of Armadale Shopping Centre

In the morning of Friday 2 December 2005, along with Crs Zelones, Hart, Munn, MacDonald, Best, the Chief Executive Officer and senior staff, the Mayor attended the official ground breaking ceremony to mark the commencement of the redevelopment of Armadale Shopping City. Doric Construction has won the right to do the work and a building licence has been issued by Council, so it will appear in the statistics for December.

Talking about building statistics, during November building licences were issued for 50 private houses, the highest number in any month for many years, bringing the total for the first 5 months of the year to 173 and on target for a 400 plus figure, similar to levels last experienced in 1994/95. Total value of buildings approved will this financial year exceed \$100 Million for the first time ever, the previous highest being last years \$73M.

8.10 Cockburn City Annual Dinner

In the evening of Friday, 2 December 2005, Cr Munn and the Chief Executive Officer, Mr Tame, attended the Cockburn City Annual Dinner.

8.11 Shire of Serpentine-Jarrahdale Annual Function

On Saturday, 3 December 2005 the Mayor attended the Shire of Serpentine-Jarrahdale Annual function at Café on the Dam at the Serpentine Dam. This newly refurbished venue is well worth a visit, although the advice is that bookings are essential on a Sunday.

8.12 Armadale Rotary Club's 50th Anniversary Dinner

In the evening of Saturday, 3 December 2005, the Mayor was pleased to represent Council at the Armadale Rotary Club's 50th Anniversary Dinner at Armadale Hall. A crowd of around 100, including many previous members or their partners were also given a year by year potted history of the Club which in many ways told the story of Armadale and its people.

8.13 City of Gosnells Annual Dinner

As a result of the Mayor being tied up at the Armadale Rotary Club's 50th Anniversary Dinner, also held on Saturday, 3 December 2005, Cr Zelones attended the City of Gosnells' Annual Dinner with the Chief Executive Officer, Mr Tame. The Mayor thanked him and the Chief Executive Officer for doing so.

8.14 Tour by Mayor of Three Major Road Projects within the City of Armadale

Earlier today (Monday, 5 December 2005), Mr Bruce and Mr Elsegood provided the Mayor with a tour of the three major road projects that Council is trying to have finished before the Christmas stand down. The size of the culvert being constructed over the Wungong River is almost beyond belief, and although Council workers should be on site next week, it will not be opened to traffic until the second half of January.

The work on Armadale Road, which had been held up awaiting Western Power and Water Corporation action, is rapidly nearing completion – both Council work and the work being conducted by the MRWA contractor. Both round-a-bouts will be functioning within a fortnight, but some tidying up work will be held over until the workers return in January.

The Commerce Avenue work continues to be delayed, primarily by the lack of ready availability of contractors or materials. However the section between Fourth Road and William Street should be completed shortly. The completion of the round-a-bout on Church Avenue will now have to be undertaken in the New Year. There have been supply problems with bitumen over the last few weeks for all of Council's projects due to problems at the BP Refinery, and today, with workers on site to seal Commerce Avenue, the bitumen plant broke down.

9 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN - WITHOUT DISCUSSION

Nil

10 REPORTS

10.1 TECHNICAL SERVICES COMMITTEE

Report of the Technical Services Committee held on 28 November 2005.

CORRECTIONS:

Pages 6, 9, 11, 15,
17, 20, 24, & 27

The word "LOST" following "MOTION CARRIED" be deleted.

Page 28

Recommendation T123/11/05 – Councillors' Items

The following words be added underneath Recommendation T123/11/05:

"MOVED Cr Stewart
MOTION CARRIED (7/0)"

MOVED Cr Everts that the Report, subject to the above corrections, be received.

456/12/2005 MOTION not opposed, DECLARED CARRIED (14-0)

BUSINESS ARISING FROM REPORT

Recommendation T117/11/05 – Croyden Road, Roleystone – Speed Zoning

Cr Hart disclosed that she resides on a property in Croyden Road. As a consequence there may be a perception that her impartiality on the matter may be affected, but declared that she would put side the association, consider the matter on its merits and vote accordingly.

MOVED Cr Everts that Recommendation T117/11/05 be adopted.

457/12/2005 MOTION not opposed, DECLARED CARRIED (14-0)

Recommendation T118/11/05 – Forrest Road, Armadale – Request for Footpath

Cr Zelones declared a financial interest in Recommendation T118/11/05 on the basis that he lives along Schruth Street. The change to the 2006 Footpath Programme involves deferment of Schruth Street North in preference for Forrest Road. Cr Zelones left the meeting.

MOVED Cr Everts that Recommendation T118/11/05 be adopted.

458/12/2005 MOTION not opposed, DECLARED CARRIED (13-0)

Cr Zelones returned to the meeting.

Recommendation T120/11/05 – Budget Amendment – Purchase of Parks and Reserves Department Plant and Equipment

MOVED Cr Everts that Recommendation T120/11/05 be adopted.
SECONDED Cr Munn.

459/12/2005 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL (14-0)

MOVED Cr Everts that Recommendations T115/11/05 to T123/11/05, except those already dealt with, be adopted.

460/12/2005 MOTION not opposed, DECLARED CARRIED (14-0)

10.2 COMMUNITY SERVICES COMMITTEE

Report of the Community Services Committee held on 29 November 2005.

MOVED Cr Cominelli that the Report, be received.

461/12/2005 MOTION not opposed, DECLARED CARRIED (14-0)

Recommendation C108/11/05 – Seniors' Interests Advisory Committee – Appointment of Member

MOVED Cr Cominelli that Recommendation C108/11/05 be adopted.
SECONDED Cr Munn.

462/12/2005 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL (14-0)

BUSINESS ARISING FROM REPORT

Recommendation C110/11/05 – Redevelopment of Former Kelmscott Pool Site – Performing Space

Cr Munn declared an interest in Recommendation C107/11/05, (Redevelopment of Former Kelmscott Pool Site – Performing Space) on the basis that as a Marriage Celebrant he may be required to perform services at such a venue but this will probably be a minor part of an overall development for the good of the whole of the community. As a consequence, there may be a perception that his impartiality on the matter may be affected. Cr Munn declared that he would put aside the association, consider the matter on its merits and vote accordingly.

MOVED Cr Zelones that Recommendation C110/11/05 be adopted.

463/12/2005 MOTION not opposed, DECLARED CARRIED (14-0)

MOVED Cr Cominelli that Recommendations C108/11/05 to C111/11/05, except those already dealt with, be adopted.

464/12/2005 MOTION not opposed, DECLARED CARRIED (14-0)

10.3 CHIEF EXECUTIVE OFFICER'S REPORT

Report of the Chief Executive Officer as at 1 December 2005.

MOVED Cr Wallace that the Report be received.

465/12/2005 MOTION not opposed, DECLARED CARRIED (14-0)

10.3.1 Minutes – Annual General Meeting of Electors – 22 November 2005

MOVED Cr Tizard:

That Council:

1. receive the Minutes of the 2004-2005 Annual General Meeting of Electors held on 22nd November 2005 as presented at Attachment A-1 to this report.
2. in considering the decision made at the Annual General Meeting of Electors, authorize officers to approach the Metropolitan Cemeteries Board regarding a staged development of a cemetery facility in the south east corridor.
3. authorize officers to respond to the questions taken on notice at the 2004-2005 Annual General Meeting of Electors and these responses be forwarded to the respective enquirers within 2 weeks of Council accepting the Minutes.

466/12/2005 MOTION not opposed, DECLARED CARRIED (14-0)

10.3.2 Delegations of Authority

MOVED Cr Scidone:

SECONDED Cr Wallace:

That Council, pursuant to Section 5.42 of the Local Government Act 1995, delegate to the Chief Executive Officer, the exercise of the following Council powers and duties and that these delegations remain in force until November 2006 when next they will be reviewed, i.e.

Local Government Act 1995

No:	Delegated Authority		Assigned by CEO
	Section Ref	Delegation Described	
8	9.17(1)(c)	To accept payment of a modified penalty	Yes

No:	Delegated Authority		Assigned by CEO
	Section Ref	Delegation Described	
10	6.12(1)(c)	To write off monies owed to the Council subject to: (i) the write off amount being less than \$200, and (ii) the write off's made pursuant this delegation being reported to Council.	Yes
11	9.10	To appoint employees and persons as "authorized officers" for the purpose of performing functions under the Act and Regulations.	No
17	6.49	To accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.	Yes
18	6.61(1)	To request from either an occupier of property or an agent of the owner of the property, the name and address of the owner or the person receiving or authorized to receive the rent of the property (relates to the recovery of unpaid rates and service charges)	Yes
19	6.69(2)	To accept payment of outstanding rates and charges, upon such terms and conditions as are agreed between the parties, within (7) days of land actually being sold for recovery of unpaid rates and charges.	Yes

Local Government (Financial Management) Regulations 1996

No	Delegated Authority		Assigned by CEO
	Section Ref	Delegation Described	
150	12(1)(a)	To make payments from the Municipal and Trust funds	Yes

Local Government (Long Service Leave) Regulations

No	Delegated Authority		Assigned by CEO
	Section Ref	Delegation Described	
195	6A, 6B, 7 & 8	To approve: (i) the payment of long service leave on half pay or double pay; (ii) the taking of long service leave when the leave is taken at a date greater than 6 months from the date the leave became due and the ordinary time rate at which the leave is to be paid.	No

Local Law – Activities & Trading in Thoroughfares & Public Places

No	Delegated Authority		Assigned by CEO
	Section Ref	Delegation Described	
200	Various	To administer the Local Law including the appointment of authorized persons to perform any of the functions of an	Yes

No	Delegated Authority		Assigned by CEO
	Section Ref	Delegation Described	
		<p>authorized person but not including any of the following functions, i.e.</p> <ul style="list-style-type: none"> - approve a Traders permit under clause 7.2(1)(a); - approve an outdoor eating facility under clause 7.2(1)(a); - adopt or vary policy containing conditions subject to which an application for a permit may be approved under clauses 7.2(1)(a) and 7.4; - cancel a permit under clause 7.10; - hear an objection – refer clause 8.1; - appoint authorized persons who are not employees under section 9.10 of the Local Government Act 1995; - declare a thoroughfare to be a “flora road” under clause 5.3; - designate a thoroughfare or part of a thoroughfare as a “special environmental area” under clause 5.7. 	

467/12/2005 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL (14-0)

10.3.3 Councillors’ Information Bulletin – Issue No. 23/2005

MOVED Cr Best:

That Council acknowledge receipt of Issue No. 23/2005 of the Information Bulletin.

468/12/2005 MOTION not opposed, DECLARED CARRIED (14-0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Under the provisions of Standing Order 3.8 Cr Zelones has given notice of the following motion:-

That Recommendation D155/11/05 adopted by Council on 21 November 2005 being:-

“That Council refuse the request by Mr & Mrs Fava of Lot 19 (75) Roberts Road, Kelmscott to refund a \$200 application fee for a development application, as the application was assessed in full and a determination made.”

be revoked and the report and recommendation D155/11/05 be recommitted to the next Development Services Committee for reconsideration.

In terms of Regulation 10 of the Local Government (Administration) Regulations 1996 i.e. Revoking or changing decisions made at council or committee meetings, the above motion must be supported by at least 1/3 of the number of offices of members of the Council.

Crs Munn, Everts, Hart and Wallace have supported the above revocation motion of Cr Zelones.

Though Council has, under Clause 10 of the Local Government (Administration) Regulations 1996, the discretion to revoke or change decisions made at Council or Committee meetings. Where a Council decision has been "acted upon" Local Law 14.1.3 of the City's Standing Orders Local Law requires that a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation, be considered.

Resolution D155/11/05 has been acted upon, therefore the following is submitted:-

LEGAL CONSEQUENCES

Other than the potential precedent referred to below, there do not appear to be significant legal consequences for Council in reconsidering the matter and revoking recommendation D155/11/05. Legal advice has not been sought, given the scale of this request.

However, to endorse such action would be likely to weaken the City's position in contesting similar cases through the Courts in the event of this occurring in the future.

FINANCIAL CONSEQUENCES

The Town Planning (Local Government Planning Fees) Regulations 2000 empowers a Local Government to impose fees for the determination of a development application. Council endorsed a schedule of fees and charges for Development Applications in December 2000. These fees and charges are imposed for the service provided in assessing and determining an application. The issue apparently raised by the applicant is that if advised from the outset that the application had no chance of support, only one (complying) application would have been made.

Experience has shown this is not always the case. Officers must also take care not to pre-empt Council consideration. Where any discretion remains applicants may push the decision to the highest level, some times to the State Minister.

In this instance time was spent responding to the complaints and concerns of the surrounding community and the applicant was advised at the counter, prior to determination of the original application, that between 10 and 12 dry sheep equivalent only would be permitted on the subject property.

As services had been provided in determining both applications, a decision to revoke the recommendation to refuse the reimbursement of a second fee could have financial consequences. The refund of the fee would suggest that fees are not really required for that service.

If a precedent was to be set by revoking the recommendation and reimbursing the fee, the City could potentially create a situation where all unsuccessful applicants might seek a refund or reduction on their second application... Some fees are substantially greater than the \$200 sought by Mr. and Mrs. Fava (one substantial development in Kelmscott wanted a \$25,000 fee returned). It has to be said however, that the number of instances of fee reimbursement is likely to be small.

Other financial issues that come to mind in this matter are the costs of each officer's time spent on assessing each application (time spent on the initial application was significant), item to Council addressing the refund request and currently revisiting the matter, which without doubt have exceeded the fees paid. Further expense could also be incurred in seeking legal advice, if such advice is deemed necessary.

MOVED Cr Zelones:

That Recommendation D155/11/05 adopted by Council on 21 November 2005 being:-

“That Council refuse the request by Mr & Mrs Fava of Lot 19 (75) Roberts Road, Kelmscott to refund a \$200 application fee for a development application, as the application was assessed in full and a determination made.”

be revoked and the report and recommendation D155/11/05 be recommitted to the next Development Services Committee for reconsideration.

OPPOSED Cr Reynolds
SECONDED Cr Munn

MOTION LOST

(1-13)

12 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

13 MATTERS FOR REFERRAL TO STANDING COMMITTEES - WITHOUT DISCUSSION

Cr Zelones The matter of the process involved in handling an application for development following complaint, where officers believe it

to be contrary to Council's stated position by law, policy etc. to be referred to the Development Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Reynolds, declared the meeting closed at 7.46 PM.

MINUTES CONFIRMED THIS 19th DAY OF DECEMBER 2005

MAYOR



**ANNUAL GENERAL MEETING OF ELECTORS
TUESDAY, 22 NOVEMBER 2005**

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 TUESDAY, 22 NOVEMBER 2005 COMMENCING AT 7.00 PM

PRESENT:

The Mayor, Cr L Reynolds JP presided:	Heron Ward
Deputy Mayor, Cr J H Munn JP CMC	Minnawarra Ward
Cr J Knezevich	Minnawarra Ward
Cr R J Tizard	Neerigen Ward
Cr G A Best	Neerigen Ward
Cr H A Zelones JP	River Ward
Cr R Butterfield	River Ward
Cr P J Hart	Jarraah Ward
Cr L Scidone	Jarraah Ward
Cr A L Cominelli JP	Lake Ward
Cr C J MacDonald	Lake Ward

IN ATTENDANCE:

Mr R S Tame	Chief Executive Officer
Mr A F Maxwell	Executive Director Corporate Services
Mr I MacRae	Executive Director Development Services
Mr A Bruce	Executive Director Technical Services
Mr C Askew	Executive Director Community Services
Mrs S D'Souza	CEO's Executive Assistant

Public: 26

His Worship the Mayor, Cr Linton Reynolds, welcomed those in attendance to the 2004-2005 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.

1 APOLOGIES AND LEAVE OF ABSENCE

Apologies received from Cr Wallace, Cr Everts and Cr Stewart.

2 BUSINESS OF MEETING

2.1 PRESENTING & RECEIVING THE 2004-2005 ANNUAL REPORT

2.1.1 2004-05 Annual Financial Report

MOVED Ms Clowes-Hollins that the 2004-2005 Annual Financial Report be received.

SECONDED Mrs Munn

CARRIED

2.1.2 Auditor’s Report

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

MOVED Mr Wye that the Auditor’s Report on the 2004-2005 Annual Financial Report be received.

SECONDED Mr Green

CARRIED

2.1.3 2004-05 Annual Report (Remaining Parts)

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

MOVED Mr Cox that the 2004-2005 Annual Report be received.

SECONDED Ms Clowes-Hollins

CARRIED

2.2 GENERAL BUSINESS

2.2.1 Questions of which prior notice has been given

Mr N Towle – 6 Wyee Place, Armadale

Before answering these questions, I understand that the same questions were essentially asked at a recent Minnowarra Ratepayers Association Meeting where they were answered in part on the night by Mr Nathan Cain. Mr Cain is Council’s Executive Manager Business Services and an answer from him carries as much weight as one from me.

Q1 At the annual general meeting of electors for 2003 I raised a question about expenditure on the reserve in Wyee Place. The Mayor advised that the expenditure would need to be researched and the question would be taken on notice. No reply was received. This was raised again at the annual general meeting of electors for 2004 and was replied to by the Mayor on 13 December 2004. However, the reply covered typical annual expenditure and showed a total of \$2000 (which I believe should have been \$2200. The question was about the cost of the improvements to the reserve which was improved under the NIP Programme. Therefore, the original question has still not been answered.

Re. Wyee Place reserve expenditure. Cost of the improvements to the reserve under the Neighbourhood Improvement Programme.

Response

\$1,650 – NIP Expenditure at Wyee Place Reserve.

Q2. Re: Sporting Club Debtors – Please advise details of outstanding by name as at 1/1/05 and now, and if any debts have been written off advise the details by name and amount and an explanation for any write-offs.

Response

The following sporting clubs had debts with the City at the dates indicated:

Club	Debt at 1/1/05	Debt at 18/11/05
Armadale Cricket Club	0	3,850
Armadale Rugby League Club	3,419	5,000
Armadale Soccer Club – Seniors	18,030	18,030
Armadale Sporting Club	4,282	4,282
Forrestdale Football Club	0	1,128
Forrestdale Junior Football Club	0	266
Forrestdale Senior Cricket Club	0	550
Forrestdale Tennis Club	0	191
Kelmscott Baseball Club	0	1,013
Kelmscott BMX Club	0	153

Club	Debt at 1/1/05	Debt at 18/11/05
Kelmscott Blues Softball Club	0	913
Kelmscott Cricket Club	1,112	3,312
Kelmscott Football Club	19,570	23,732
Roleystone Karragullen Cricket Club	0	1,375
Roleystone Karragullen Sporting and Recreation Centre	550	1,100
South Suburban Badminton Association	0	833
Total	46,963	65,728

During this period there were no write offs involving Sporting Clubs.

- Q3. Re: Calendar for rubbish collections distributed with rates notices – please advise the cost incurred and why no fridge magnet on the back this year.**

Response

The production of the waste calendar costs approximately \$4,000 per year. Your 2005/06 calendar should have had a magnet on it. However, the producers have advised that attaching the magnets to the calendars is a manual process and while every care is taken to ensure that every calendar has a magnet attached, there may be rare instances where magnets may come away from the calendars. As we include the calendars with the rates mail packs, there also may have been occasional instances where the magnets have come off during the insertion process.

- Q4. Re. Mowing on reserves. In the budget for 2005-06 has there been an increase which would allow for the clippings from the mowing contractors to be taken away? Also are the contractors obliged to whipper snip around signs and power poles?**

Response

While there has been a general increase in this area’s budget for 2005-2006 it will not allow for the clippings from the mowing contractors to be taken away. Very few municipalities remove grass following mowing. In order to reduce the amount of mown debris, more frequent mowing is to be undertaken, and that is the reason for the increase in funding.

Contractors are required to whipper snip around signs and power poles, however, they are also permitted to apply chemical herbicide i.e. ‘Roundup’ to control grass around power poles, signs, fence lines etc.

Mr D Foster, 248 Albany Highway, Bedfordale

Reserve Bedfordale Road/Albany Highway

- Q1. After complaining that a large healthy tree had been cut down on the reserve, ascertaining that it had not been cut down by the parks staff, and giving accurate directions where the trunks were lying. The explanation by city staff was that it was children playing. As the twin trunks have now been made into an unauthorized bridge and measures 7.7 metres long even after trimming, would you agree that the explanation was both ludicrous and misleading?**

Response:

I am reliably advised that in a staff memo dated 30 July 2005, the Parks Officers that met with Mr Foster on-site on 29 July 2005, between 1.00 pm and 3.00 pm, records that a general comment in respect to trees being cut down by children playing, building cubby houses etc was made, but it was also acknowledged at this time that it was more than children that had cut down this tree and that several others that had been noted.

- Q2. Why was no notice taken when I reported that the largest flooded gum in the neighbourhood was cut down on the reserve? Again, the park staff were not involved. The stump has now been stump ground, the smaller branches mulched, the trunk slabbed, some of these slabs were almost a metre in diameter and removed by truck. Access is only through private property, why has no action been taken?**

Response:

Parks Officers have always taken notice when contacted by any resident, including you Mr Foster. The incident regarding the reported tree was no exception. Contact has been made with the nearby residences in relation to this matter, as Officers agreed to do. Mr Foster, you were also I understand advised at the time that it was difficult to prosecute in these instances unless the offence was witnessed and reported immediately.

- Q3. At least eight of the healthy trees on the reserve have been cut down by local residents in order to have lawn down to the creek. In two cases access is only through private property. When I reported this, no action was taken. Why? How is the City to celebrate Arbor Day.**

Response

Yes, Officers have noted the trees that have been cut down within the Public Open Space over a period of time and we are following up with landowners. Arbor Day is celebrated each year with plantings, but for our Parks and Gardens staff, every day is Arbor Day.

- Q4. I complained that access was very difficult on the West Side, of the three entrances marked on the map, one is fenced off. One was closely planted by shrubs when I first complained, but have now grown to make pedestrian access impossible, and the “private” road next to this is inaccessible owing to local residences stopping people who do not live down there, and saying the private sign means what it says. Does it? If not, can the sign be removed?**

Response

With regards to the entrance alongside the roadway, the landholders of Lots 144, 145, 146 and 147, Amethyst Crescent have been advised of Council’s preference that they permit pedestrian access onto the private driveway to access the Public Open Space, thus negating the need to remove the vegetation and irrigation. I am unsure as to the legal status of the private sign as I have not seen it.

- Q5. I complained last year about the third entrance being blocked by a load of privately owned mulch. It has now been removed and the sloping ground incised in order to make private parking on public land. This makes access more difficult. Can something be done about access from this side?**

Response

Pedestrian access alongside No. 97 Amethyst Crescent is not considered appropriate at this time as the site is steep and as such Council would need to provide additional funds specifically for that work. The provision of some form of even walking surface would need to be considered as part of the future annual budget process for the entire reserve.

- Q6. I complained to Main Roads that spoil from the construction of the truck arrester bed was making access difficult from the Pioneer Village end. Mr Mark Hamlin came and saw the problem that city staff could not and reported back to me that the city had plans to improve access from this direction. Has any progress been made on this? Or has the problem been shelved?**

Response:

Parks Officers met with Mr Mark Hamblin from Main Roads WA on 3 May, 2005, to discuss the matter of improved access within the Public Open Space on the Western end of the reserve, below the truck arrester bed area, as a result of spoils from the construction of the truck arrester bed, making access difficult. It was agreed at this meeting to come up with a draft concept for a walkable track for this section only, including costs, for further discussions with MRWA. The Manager Parks is in regular contact with Mr Mark Hamblin of MRWA. It is envisaged to have a costed draft concept plan be early 2006 for a report to Council on this matter.

- Q7. I have heard talk of “fifteen year plans” for this reserve. When did the fifteen years start?**
-

Response:

I think that you are referring to my response last year when I spoke of projects needing to be considered for inclusion in the fifteen year financial plan that determines work priorities. As I said at the time it is not listed in our current fifteen year plan, but that that didn't mean that a future review of that plan couldn't include it. Each year the plan is extended for another year, and so it always remains a snapshot of what is expected to be done in the next fifteen years.

- Q8. Last year I complained about water being pumped from the reserve and I contacted the environmental department with a view to ascertaining the legality of this. Water pumping goes on all summer, whenever water is flowing on the reserve. I was told the environmental department was responsible for water quality, and yes one did not require a license to pump it if the creek ran through your property or one had access from the road. Not one property on the reserve meets this criteria. The pipes have to cross over or under the reserve and this makes it the City's responsibility. The water is pumped to the detriment of the lower part of the reserve and the reserves down stream, and at least one property with true riparian rights. Despite what was said at a previous meeting, any water that comes down the creek in summer means less has to be pumped out of the ground to maintain the levels of the ponds down stream. Rate payers are paying for this. Do you intend to let the situation continue? (Please answer yes or no, and do not try to baffle the public with lots of talk).**

Response:

Dealing with your last comment first, can I say that I resent your implication, and would counsel you, if you genuinely want help, to try not to alienate either staff or elected members of Council.

To answer your question, No. Mr Lanternier of our office spoke with Mr Steve O'Brien from the Department of Environment on 9 November 2005 regarding this matter, as he, like Mr Mark Hamblin from MRWA, has a Ministerial regarding the matter of water pumping rights. The matter is being investigated by the Department of Environment and Council's Manager Parks.

- Q9. On the Pioneer Village end the reserve is fenced off on the right hand side of the creek, using a living tree as a fence post. Is this fence legal?**

Response:

I am uncertain as to who installed the fence and therefore cannot pass judgement as to whether it is legal. However, using a tree is not appropriate, legal or otherwise.

- Q10. There are several fences which I have been complaining about since the City took over the reserve. All put in to impede the public using the reserve. Why has not one been removed?**
-

Response:

The City has written to all landholders adjoining the reserve, requesting they remove any obstruction, including fences. Now that the permanent marker posts have been installed, Council Officers will follow-up that letter with adjacent landholders, to once again request they remove any obstructions.

- Q11. I have complained several times about trenches been dug from private property across the reserve to the creek to facilitate pumping and drainage. Were these dangerous trenches all with the permission of the City?**

Response:

As with question No. 8, the Manager Parks will investigate with the Department of Environment the matter of pipes that cross over or under the reserve. . Council has not had any requests, nor has it approved any trenches across the reserve.

- Q12. Has any progress been made regarding the removal of the large, illegal creek diversion? Do you ever intend to do anything about this?**

Response:

No. In terms of future intentions, I quote from an answer given to you at the 18 November 2004 AGM of Electors:

Yes, in time. The matter of a stream diverted to landscape a private garden will be addressed following the preparation of a future management plan for Neerigen Brook Reserve. Any such plan will have significant financial implications for Council, and I need to advise you that it is not yet included in the 15 Year Financial Plan that outlines Council’s priorities. As this plan is reviewed annually, this does not mean that nothing will happen for 15 years.

- Q13. Residents are planting prickly plants to deter walkers, and lawn to the creek. This is to the detriment of native plants. Why do you allow this?**

Response:

A reserve management plan is vital to address issues in this reserve in an ordered approach with budgeted actions and outcomes. Deliberately planted species can only be dealt with once a management plan is in place.

- Q14. I have seen a letter in which it was said “the local residents were the best people to manage the reserve”. Who made this decision? Was it our elected policy makers or was this decision made by paid administration staff? Has this decision ever been reviewed in the light of the severe deterioration and change of vegetation on the reserve?**
-

Response:

I am unaware of any letter that used the words that you report. Perhaps if you supply a copy of the letter I will be able to determine who did or didn't say whatever.

Q15. “O’Neil the real estate agent” advertised a property “with a private creek”, as this was incorrect and I feel they were selling our property, I phoned and complained, but they would not change the advert. I politely requested that someone from the City phone O’Neil’s to point out that the creek was public, not private. This request was denied. Could I have an explanation why?

Response:

Not knowing who you spoke to, or when, I am unable to respond to your question. However, real estate agents often make misleading or erroneous statements ranging from using the wrong suburb name to describing houses as being suitable for large trucks. I believe the saying “buyer beware” covers all real estate transactions.

Q16. Could letters be sent to local residents pointing out that the reserve is public even if they have fenced it off (illegally) and threats and harassment of people walking on the reserve is wrong.

Response:

A letter was sent out several years ago at your request. It will be followed up shortly with another, individually addressed to each adjoining landholder addressing matters such as:

- advice / communication on what Council is doing in the reserve;
- again requesting that the landholders remove obstructions from within the reserve;
- the matter of public access - particularly relating to Lots 144, 145, 146 and 147 Amethyst Crescent;
- a notice regarding illegal dumping in the reserve;
- cutting down of trees;
- planting of plants; and
- matters relating to water pumping.

Questions 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.

That said, I welcome your questions.”

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

Mrs M McRae, 24 Cambell Road, Armadale

Question: Regarding the article in the Comment News headlined “Win for Minnowarra House” – At the special meeting held to discuss the issue which was attended by Mr John Ellis it was stated specifically by the Council at the time that it had no power that it had to defer to the ARA on this matter. Yet this article says that the Council have basically given the go-ahead for Minnowarra House and Orchard House to be offered this new location and for lottery funds to be applied for to finance the building. This is all with the consent of Alannah MacTiernan. I really feel very concerned about the fact that we have been given a story/position that seems to suit the Council at the time of the meeting and don’t feel comfortable about that and feel that we are being given the run-around.

Response: The Special Meeting of Electors was about a planning matter that was under the jurisdiction of the Armadale Redevelopment Authority (ARA) and not the Council. Council was only in a position to give its comment on the matter to the ARA. Our commentary was that should the groups in Minnowarra and Orchard House be able to be relocated successfully then that was the condition that should be abided by and Council would support the construction of the retail centre. Regarding the article in the Comment News – the headline is the prerogative of the editor of the newspaper not Council and this was the interpretation of the editor. Council was asked by the newspaper that given it had land adjacent would it be prepared to make that land available to resolve the situation and its comment was in the affirmative. This is not inconsistent with Council’s comment made earlier where it was made clear that there was a need for the ARA to find a way to accommodate both the group’s needs and Council was then asked as part of resolving that issue if it would be prepared to make some land available.

Mr D Grimwood, 7 Sapphire Court, Mt Richon

Question: I would just like to add to your answers to the previous set of questions relating to the reserve down the bottom of Amethyst and between Albany Highway. We were the first people to build a house on that estate back in 1980 and there were a 100 homesites each of approx. 2000 sqm and a lot of the homesites backed on to the creek which was to be a reserve. The developer put in accessways down to the creek from Amethyst and also accessways between some of the other roads on the estate. None of those accessways were ever finished and we got involved in the one which accesses Bedforddale Hill Road south of Jade Street to enable easier access for my family. Council built a crossover at that point. The accessways were supposed to have barriers on them to stop cars using them and these

were not installed. So various people over the years as they built their houses did try to get access to that reserve but it came to a head when the State Government upgraded the Highway and as part of that project they built a footpath/cycleway which runs all the way down the Highway and then was going to divert down through this reserve on the eastern side. At sometime then a Community reference Group was established and they comprised presumably a group of residents that had an interest in preserving their interest and the end result was that the cycleway was built along Jade Street and Amethyst. The die was cast then and unfortunately anyone who has come to live in the area since then is stuck with that situation. Maybe there is another solution and hopefully officers can have a look at it. There is a sign which Main Roads has placed on the on the cycleway on the junction of Bedforddale Hill Road and the Highway which says “end of cycleway” and right next to it Council has a sign that says something like “cycleway only” – this is very messy and has been there for a long time.

Response: There is a requirement under the Road Traffic Act that cycleways be signposted at their “start” and “finish”, particularly at the junction of major highways, however officers will investigate. Regarding your earlier commentary, there was a proposal originally for a path to go down the creek line – it was not only opposed by local residents but also opposed by people interested in the environment as it was inappropriate for a 2/3m wide concrete path to do down to the creek. The issue with Mr Foster is that he would like to see Council spend money and develop a reserve as quickly as possible. We acknowledge the desire to do it but there are other higher priorities for our funding.

Mr N Towle, 6 Wyee Place, Armadale

Question: At last year’s AGM (Question-2 refers) I raised the issue of graffiti in the City and asked if Council was serious about tackling the graffiti problems. In part the response from the Mayor I took that he was appealing for volunteers and cited the example of Mr Steve Aldersea and he also indicated that there was possibly some problems with communication with Council and indicated that if any communication issues occurred in the future that perhaps the ward members should be used as a conduit to Council. The bus shelter on Eighth Road has a problem with graffiti – this was reported to Technical Services are of Council and there was no response. It was later brought up at the meeting of the Minnowarra Progress Association on 13 October and Cr Knezevich was going to deal with that matter. On 10 November it was again raised at the same association meeting and Cr Munn undertook to deal with the matter. I would again like to ask that the graffiti on this bus shelter be attended to. The second point about communications is that there are some signs that are down in Wyee Place – a keep left and an arrow sign in particular have been down for four months now and have been reported in the same way as the graffiti. In relation to the signs, one phone call to the Main Roads Department had a sign on Armadale Road dealt with the next day.

Response: The Mayor regretted that the graffiti was not removed as quickly as expected. There is a new graffiti trailer and the attention of the officers has been drawn to that particular bus shelter and the intent is that graffiti will be removed off Council’s public property within 24 hours.
All signs are the responsibility of Main Roads and Council do not erect, replace or repair road signs. When these are reported the information is forwarded to Main Roads for their appropriate action.

Cr Best retired from the meeting at 7.45pm

Mr L Guthrie, 9 Mountain View, Kelmscott

Question: From the Annual Report – Page 17 - I note that draft concept plans about the Kelmscott Pool site and foreshore have been adopted since March 2004. It also states that detailed plans were submitted to both the Swan River Trust and the WA Planning Commission for developmental approval. Are these plans available for public perusal?

Response: These are the same plans that were exhibited in the library for public information.

Mr B Waddell, 4 Leschenaultia Street, Roleystone

Question: You will be no doubt aware of the increasing community concern and publicity about the ignoring of reduced restricted speed signs around schools and roadworks. You should also be aware of the increasing fightback by some motorists regarding the appropriateness of some of those restrictions. Why is there a reduced speed sign on the Brookton Highway 200m either side of Holden Road when the roadworks are 150m up Holden Road?

Response: It may be to warn people that if they were to turn into Holden Road they will immediately enter into a roadwork site and there are safety concerns. The Executive Director Technical Services agreed with the Mayor’s response and added that the traffic management for roadworks is very precise and Council needs to conform with these requirements as set out by the Commissioner of Main Roads.

Question: On following this up with Main Roads, their view was that it was not necessary to have those signs at such a distance along the Brookton Highway.

Response: The Mayor advised that officers will investigate the matter.

Mr B Van Kuyl, 84 Clarence Way, Kelmscott

Question: Who is responsible for the verges – is it Council or the householders?

Response: The land is technically owned by the Crown and because it is a road reserve it

is vested in the Council. We encourage householders to mow their strips as Council's budget, with few exceptions, does not extend to mowing all of the verges in the City. So unless you're located on special roads such as Armadale Road, then we don't mow them. Obviously at an intersection where there is a safety issue, these verges are mowed.

Mr D Cox, 38 Sixth Road, Armadale

Question: A sign has been knocked down on the corner of Wungong and Seventh Roads. Could the Armadale Redevelopment Authority be contacted by Council regarding the access to the railway station and the parking on the western side of the railway line. Since the new station has been opened nothing has been done.

Response: Council will be happy to contact the ARA to ask them to move more swiftly on the access and parking to the railway station.

Mrs M McRae, 24 Cambell Road, Armadale

Question: Sometime ago I approached the Council in regard to the public toilets on Orchard Avenue and asked as to whether the wall could be extended or a tree planted to provide a secure blind and nothing has been done about that.

Response: The Mayor advised that officers will investigate the matter and come back with a response. The Executive Director Technical Services advised that the toilets were looked at on a number of occasions and there were some potential safety reasons involved but the matter will be investigated to find a solution.

Mr D Grimwood, 7 Sapphire Court, Mt Richon

Question: Regarding Council's financial processes – when I paid my rates I was given a duplicate receipt and not an original receipt which is now a standard practice. Can you explain why we are only issued duplicate receipts and is it possible to obtain original receipts which may be required for taxation purposes?

Response: At the request of the Mayor, the Executive Director Corporate Services advised that Council do need original receipts for its record but he was sure that a certified copy of original receipt could be made available to ratepayers on request.

(Mr Grimwood clarified that previously the imprint of the cash register sufficed as a record but this has now changed with computers).

Mr F Green, 16 Westborne Road, Roleystone

Question: In regard to the Aquatic Centre, is Council looking at covering this or is it on the program?

Response: The Mayor advised that Council is looking at the new model sometime in Year 12 on the 15 Year Financial Plan and that's around \$17-20M. However there is a possible \$5M that has been earmarked in the 2008-09 Financial Year to put a cover on the existing facility so that it can be used all year round. At a study tour of the eastern states recently some of these facilities were viewed giving some insight into the design and characteristics that are required to make them viable and the catchments that are necessary to make them cost effective.

Mr B Waddell, 4 Leschenaultia Street, Roleystone

Question: Given the sudden overwhelming eruption of garish orange along the Brookton Highway I prompted to ask – what standards of visual aesthetics does Council apply or require from commercial buildings in the City of Armadale?

Response: The same orange colour first appeared at BWS in Kelmscott without Council having any ability to regulate the colour scheme.

At the request of the Mayor, the Executive Director Development Services explained that this depends on the conditions of the development approval that was issued. If the development approval specified particular colours then Council could require compliance. The town planning scheme does not have blanket controls over the building colours that could be applied to either commercial or residential areas. Hence, Council is not in a position to act to restrict colours in that situation under the current legislation.

The Mayor explained that Council has rectified this situation and development approvals that have been issued during the last year include conditions relating to visual aesthetics and the regular maintenance to landscaping. Unfortunately, the Collie & Sons development is a non-confirming use right going back a number of years and the approval did not include a condition regarding visual aesthetics that is now enforceable.

Mr L Guthrie, 9 Mountain View, Kelmscott

Question: With regard to the Community Services further planning situation, I am quite pleased that some of those things are listed as being looked at for the future. I notice mapping existing community services which I support but in regard to the mapping of proposed community services – is it possible to obtain a list that the community services have put together?

Response: The mapping of proposed community services is not only what Council may propose but it's also services offered by other groups in the community. So

when Council maps this we do not map what we do but what other community groups do to establish where there are gaps and what needs to be provided.

Mr N Towle, 6 Wyee Place, Armadale
Question: Regarding the “Win your Rates Competition” – In the advertising for this competition it was indicated that the prizes are up to \$700. I would like to ask if we can have a true “Win your Rates Competition” and not upto the 68% of your rates as I was lucky to receive a rate notice of \$1036. Alternatively can everyone who pays on time get a discount as we used to have.

Response: The “Win Your Rates Competition” is phraseology used by marketing people. It was clearly indicated that there were four prizes of \$1000 each and four prizes of \$500 each. The Shopping City runs its own competition and that is the \$700 one that you referred to.

Mr D Cox, 38 Sixth Road, Armadale

Question: Regarding Commerce Avenue and the loss of parking there since development has been done. It looks as though more parking will be lost now that nibs have been installed between Fourth Road and Church Avenue and don’t think these should be in that area.

Response: Council is constructing Commerce Avenue under contract to the ARA who is the sponsor for the works. It’s being done according to the design approved by the ARA which Council concurred with. It is acknowledged that a couple of parking bays will be lost but Commerce Avenue is designed to be a boulevard and the nibs are required so that trees can be planted.

Mrs McRae, 24 Cambell Road, Armadale

Question: I approached the Council in September the year before last regarding the illegal feeding of ducks in Minnowarra Park. This is because there is inadequate signage informing people at both ends of the Lake that it is inappropriate and unhealthy to feed the ducks with bread. I also put the suggestion at the time about the possibility of installing some kind of a vandal-proof seed dispenser which people could use to feed the ducks. It was also suggested that maybe one of the parking signs in the car parking area could be replaced with a sign notifying people about not feeding the ducks with bread. Till now nothing has been done about that.

Response: Council would like to keep signage to a minimum in the Park area but will look at the current signs and see what additional signage may be required. Many people are actually aware that they are not doing the right thing by feeding the ducks bread and do ignore the signs. So additional signs may not necessary change people’s habits. Regarding installation of seed dispensers, Council’s parks and gardens department will investigate as to whether this will be a viable option.

Mr Van Kuyl, 84 Clarence Way, Kelmscott

Question: This year I received two lots of rates in the same week – does this happen very often?

Response: This may have been occurred due to a glitch in the computer system but the matter will be investigated and resolved.

Mr N Towle, 6 Wyee Place, Armadale

Question: In relation to the truck parking policy – the property at 89 Eighth Road, cnr of Tillinga Street – on most weekends a fully loaded truck and trailer is parked on the verge and this is left standing from late Friday evening all through the weekend. Is this activity permitted and are the Council officers available after hours for the reporting of such matters?

Response: A ranger is rostered for certain periods of time during the weekend and after hours on weekdays. Depending on the priority of other reports i.e. dog attacks then they would follow-up on reports of truck parking. Truck parking illegally on a roadway is the responsibility of the police, truck parking illegally behind the property line is governed by the town planning act and parking illegally on a verge is investigated by rangers. If this is a regular occurrence then our rangers will be advised about the situation.

Mr B Waddell, 4 Leschenaultia Street, Roleystone

Question: Would the Council consider the introduction, installation and maintenance of dog waste bags in parks and reserves and appropriate receptacles for the disposal?

Response: These are already available in some reserves and we are gradually extending it to a number of additional reserves.

Mr D Cox, 38 Sixth Road, Armadale

Question: The eastern side of Seventh Road, the narrowing kerb on both sides of the road of Neerigen School – this is something from a long time ago and I don't believe it is necessary now as there are buses going down there now, there's only a 17 foot gap and we've got 8 foot buses going down there. This is a liability and believe that the nibs on the eastern side could be removed.

Response: Council will investigate but as a user of Seventh Road it does cause motorists to slow down which is the intent for having those nibs there especially as it is right outside a school and there have been no reported accidents in the area.

Mrs M McRae, 24 Cambell Road, Armadale
Question: Regarding parking of trucks and heavy earth moving equipment – During the recent resurfacing work

at the Recreation Centre there was heavy equipment parked on the road. This is already a narrow road and the parking of these vehicles was very dangerous. On approaching the contractor concerned I was informed that it is illegal to park these vehicles on the verge – is that correct?

Response: If the truck was carrying equipment for the roadworks then it could be parked on the roadway for the entire duration of the roadworks. Usually when roadworks are going on the speed limit is only 40kph and precautions are taken to have this adequately signposted.

Ms H Treloar , 43 Angelo Street, Armadale

Question: I feel very sorry for truck drivers because they are the life blood of the City. How is it possible for them to deliver anything anywhere if there isn't proper facilities - I think sometime residents are a little bit selfish and don't take into consideration the importance of truck drivers around the City.

Response: The comment was noted.

Mr N Towle, 6 Wyee Place, Armadale

**Question: Regarding a cemetery in the southern corridor:-
Does the Council support the efforts by the community to have the southern corridor cemetery established immediately rather than the Cemeteries Board where they are pushing a 50 year plan?
What can the Council do to fast-track the establishment of a cemetery in the southern corridor?
Can the Council in the event that any fast-track is unsuccessful press for a staged development that is to have a memorial garden, followed by a chapel, then a burial and finally a crematorium.**

Response: Council does support the immediate provision of a cemetery rather than a staged one. It was at Council's instigation that there was discussion of a crematorium/burial ground in the south east corridor when Council approached both the State Government and the Metropolitan Cemeteries Board. They visited the area and investigated a number of options within the City but none were found suitable. However, we assisted them in identifying a suitable land parcel in Serpentine-Jarrahdale.

There is nothing much else we can do to fast-track it. The Metropolitan Cemeteries Board is looking at the matter as a business case and not sure if political intervention will override that.

The Mayor invited Mr Towle to put his motion.

MOTION-1

MOVED Mr Towle; SECONDED Mr Wye

That Council support a staged development to have the southern corridor cemetery established in the following order:-

memorial garden

- **chapel**
- **burial;and**

crematorium

as we need this facility now and not 50 years into the future.

MOTION CARRIED (unopposed)

Richard, 11 Dale Street, Mt Nasura

Question: What are your intentions/plans with regard to public open space in Wandoo and Lefroy Roads.

Response: Council has not yet confirmed a position with regard to the public open space strategy for this area.

David Craig, 17 Zenobia Terrace, Champion Lakes

Question: At the end of Zenobia Terrace that accesses Tonkin Highway there is a gate there and I have been unable to establish who is responsible for that gate. It gives people direct access onto the easement that runs right along the side of Tonkin Highway from Corfield Street. I have over half a kilometre of land along that easement and have lived on the property for 18 months and have been broken into twice. There are constantly motorbikes, bicycles, cars coming up Zenobia Terrace and straight up to Tonkin highway. I have contacted the contractors for Tonkin Highway, Western Power and have got no action from anybody. I am not aware of who owns this land.

Response: The land that runs along Tonkin Highway is owned by the Armadale Redevelopment Authority and is part of the revegetation and the works that are required to balance out the environmental conditions that were imposed on the Champion Lakes rowing course. There is a slither of land that runs from the rowing course down to the roundabout on Corfield Street. The gate used to be a Western Power gate and this should still be locked. The Mayor agreed to take the matter up with the ARA as to their legal responsibility with regard to this land.

Mr Van Kuyl, 84 Clarence Way, Kelmscott

Question: The white water park – is that going to go ahead?

Response: There is currently a contractor that has been employed by the ARA who is advertising nationally and internationally to find a proponent. The ARA’s proposal is that a parcel of land would be given to the successful tenderer who will then develop the white water course and they would have the rights to develop commercial activities on the rest of that land. It was suggested that the ARA be contacted if a more detailed response was required.

Mr N Towle, 6 Wyee Place, Armadale

Question: Question-4 in my written questions to the Council for this AGM concerning the mowing on reserves. Further to that, does the Council agree that lawn clippings can be a fire hazard and was the Council aware of a fire in the public accessway between Burran Court and Kootingal Street where a local resident had to call the fire brigade after the kids set the clippings on fire. The fire brigade took 35 minutes to respond to that call and that little exercise could have been avoided had the clippings been removed.

Response: Council was not made aware of the fire however officers responsible for areas such as fires or parks may have known about it. As advised earlier, Council is mowing the reserves more often and thus the amount of grass that is cut is less which in turn means that the grass left lying around is much less. The workforce was restructured to achieve more regular mowing. Council does not have the funds to have the contractor pick up all the cut grass after mowing as it is a significant cost.

Mr D Grimwood, 7 Sapphire Court, Mt Richon

Mr Grimwood advised that he had three motions to put to the meeting. The motions are addressed to the Council but relate to the Armadale Redevelopment Authority business. He understood that in terms of the ARA Act as a member of the ARA Board the Mayor is prohibited from speaking publicly about Board business or in fact ARA business and the Mayor is obligated and duty bound to support Board positions on issues. Hence he requested that the Mayor consider his position and to protect himself invited him to hand the Chair to somebody else.

Response: The Mayor advised Mr Grimwood that he would like to hear the motions and would then make that decision for himself.

Cr Zelones disclosed that as a member on the ARA Board there may be a perception that his impartiality on the matter may be affected, but declared that he would disregard this association, consider the matter on its merits and will be voting accordingly.

MOTION-2

MOVED Mr Grimwood; SECONDED Mrs McRae

To remedy the present situation whereas those public parks and recreation lands collectively known as *Minnawarra Park* are not defined in any map or document available to the public or to stakeholders using, holding or controlling lands within said park, that Council request the Minister for Planning and Infrastructure to prepare a draft *Minnawarra Park Act* for presentation to Parliament at the earliest opportunity having the purpose of;

- a) defining and delineating those lands that comprise Minnawarra Park, and;
- b) protecting and preserving them in perpetuity for the public good against encroachment, acquisition, re-zoning or change of use.

OPPOSED Cr Reynolds

MOTION LOST (6 – 16)

MOTION-3

MOVED Mr Grimwood; SECONDED Mrs Bettridge

That Council request the Minister for Planning and Infrastructure immediately cancel Amendment Number 3 to the Armadale Redevelopment Authority’s *Armadale Redevelopment Scheme 2004*, any Development Approval arising therefrom and transfer of title or use of any lands within the area of the Scheme amendment

OPPOSED Cr Munn

MOTION LOST (4 – 19)

MOTION-4

MOVED Mr Grimwood; SECONDED Mrs Bettridge

Pursuant to the statutory duties of the CEO of the City of Armadale under the Corruption and Crime Commission Act 2001, in relation to Lot 401 Streich Avenue, Armadale, it is requested that to satisfy those Electors having concerns arising from *perceptions* of

- (a) deficiencies in the integrity and propriety of the town planning process;
-

- (b) irreplaceable loss of an important public asset for private purpose and benefit;
- (c) council’s business relationship with the beneficiary of its actions;
- (d) systematic deceptive conduct and disinformation;
- (e) private benefit at public expense;
- (f) passed an ongoing financial loss to ratepayers; and
- (g) and other related matters

a Section 28 Notification communicating the foregoing be forwarded to the Commissioner within 7 days.

The Mayor advised that sub-clauses (b) onwards implied adverse reflection which was contrary to Council’s standing orders and he would need to rule this out of order unless the mover chose to amend his motion.

Mr Grimwood then put forward an amended motion as follows:-

MOVED Mr Grimwood, SECONDED Mrs Bettridge

Pursuant to the statutory duties of the CEO of the City of Armadale under the Corruption and Crime Commission Act 2001, in relation to Lot 401 Streich Avenue, Armadale, it is requested that to satisfy those Electors having concerns arising from *perceptions* of deficiencies in the integrity and propriety of the town planning process and other related matters a Section 28 Notification communicating the foregoing be forwarded to the Commissioner within 7 days.

OPPOSED Mr Green

MOTION LOST (2 – 23)

Ms V Clowes-Hollins, 3 Drummond Court, Kelmscott

Question: I feel that the integrity of the council has been challenged here tonight. As a former councillor of 12 years I have to say that every decision was made in the open and not behind closed doors. I really object to what is being said here tonight even though I am no longer a councillor and I am going to apologise to the councillors on behalf of some of the people at the meeting. As far as all these people who are so concerned - would you like to tell me where they all are tonight?

Response: The Mayor noted the comment.

Mr D Cox, 38 Sixth Road, Armadale

Mr Cox expressed his thanks and appreciation to Council and staff for their hard work during the last year.

MEETING DECLARED CLOSED AT 9.25 PM

MINUTES CONFIRMED THIS 5th DAY OF DECEMBER 2005

MAYOR
