



SPECIAL MEETING OF ELECTORS
THURSDAY, 22 JULY 2004

MINUTES

OF THE SPECIAL MEETING OF ELECTORS HELD IN THE IN THE FUNCTION ROOM,
COUNCIL'S ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON
THURSDAY, 22 JULY 2004 COMMENCING AT 7.30 PM

1. INTRODUCTION

The Chief Executive Officer welcomed those in attendance at the special meeting.

2. DECLARATION OF OPENING

The Mayor, Cr Reynolds, declared the meeting open at 7.30pm.

3. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

(previously approved)

PRESENT:

Mayor, Cr L Reynolds JP
presided over:

Westfield Ward

Cr J Knezevich
Cr F R Green
Cr R J Tizard
Cr A L Cominelli JP
Cr G M Hodges
Cr H A Zelones JP
Cr V L Clowes-Hollins
Cr J Everts
Cr G T Wallace
Cr P J Hart

West Armadale Ward
Armadale Ward
Armadale Ward
Forrest Ward
Forrest Ward
Kelmscott Ward
Kelmscott Ward
Seville Ward
Seville Ward
Roleystone 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 C Askew	Executive Director Community Services
Mr M Boyle	Public Relations Co-ordinator
Mrs Y Ward	CEO's Personal Assistant (Acting)
Ms K Higgins	Secretarial Assistant

Public:	66 [registered as electors]
Other Persons:	4

APOLOGIES:

Apologies received from Crs Munn, Hopper and Stewart.

4. BUSINESS OF THE MEETING

4.1 To discuss the concerns expressed by a number of residents on the proposed zoning provisions of Town Planning Scheme No. 4.

The Form-1 Request for a Special Meeting containing 241 signatures submitted the following points for discussion:-

1. *The concerns of electors about the provisions in proposed Town Planning Scheme Number 4 (and indicated on the Scheme Map) which zone certain areas of the City currently used by the community for sport and recreation for residential use rather than being reserved for Parks and Recreation (Local).*

Specifically:

- *The proposal to rezone Creyk Park from R12.5 to R25 (with the potential to be developed at R40) when current use by the community would indicate that Creyk Park should be reserved under the scheme for Parks and Recreation (Local).*
- *The proposal to retain the Residential zoning (with the potential to be developed at R40) of the section of Gwynne Park fronting Forrest Road when current use by the community would indicate that it should be reserved under the scheme for Parks and Recreation (Local).*
- *The R15/40 zoning (with the potential to be developed at R40) of Fancote Park fronting Page Road when current use by the community would indicate that it should be reserved under the scheme for Parks and Recreation (Local).*

2. *To provide an opportunity for the Mayor of Armadale to explain how the Council can ensure that the areas listed in Point 1 remain available for sport and recreation.*
3. *To consider the motion –
That this Special meeting of Electors requests the City of Armadale to reserve in Town Planning Scheme Number 4 all of Creyk Park, Fancote Park and Gwynne Park for Parks and Recreation (Local).*
4. *Any other matters relating to TPS No.4*

PRESENTATION

The Mayor advised the meeting that the proceedings were being recorded for the purposes of preparing the Minutes.

The Mayor welcomed those present to the Special Meeting of Electors called under Section 5.28 of the Local Government Act to discuss a number of issues relating to the proposed new Town Planning Scheme 4.

The Mayor advised that for brevity he might paraphrase the petition calling the meeting, it seeks:

- To specifically consider three parcels of land currently used by the community for sport and recreation that are zoned residential as opposed to the requested zoning of Parks and Recreation (Local). Those land parcels being parts of Creyk Park, Gwynne Park, and Fancote Park;
- To give him an opportunity to explain how Council can ensure that these areas remain available for sport and recreation in the future; and
- Any other matters relating to Town Planning Scheme No. 4.

Under the Local Government Act they are the only items that the Meeting can deal with tonight. If those in attendance have a question as the meeting proceeds it will need to relate to Town Planning Scheme No. 4 to be admitted.

The petition received does foreshadow a Motion:

“That this Special Meeting of Electors requests the City of Armadale to reserve in TPS 4 all of Creyk Park, Fancote Park, and Gwynne Park for Parks and Recreation (Local).”

At this point the Mayor introduced Council representatives at the front table as:

Cr Zelones	-	Represents Kelmscott Ward – Chairman of Development Services Committee
Mr Ray Tame	-	Chief Executive Officer
Mr Ian MacRae	-	Executive Director Development Services
Mrs Yvonne Ward	-	Minute Secretary

The Mayor then introduced further Councillors and staff in attendance

Cr Alison Cominelli		Represents Forrest Ward
Cr Trudi Hodges		Represents Forrest Ward
Cr Jim Everts		Represents Seville Ward
Cr Graham Wallace		Represents Seville Ward
Cr John Knezevich		Represents West Armadale Ward
Cr Bob Tizard		Represents Armadale Ward
Cr Frank Green		Represents Armadale Ward
Cr Vivienne Clowes-Hollins		Represents Kelmscott Ward
Cr Pat Hart		Represents Roleystone Ward
Tony Maxwell	-	Executive Director Corporate Services
Carl Askew	-	Executive Director Technical Services

The Local Government Act confers on the Mayor the responsibility of chairing Special Electors Meetings, and for deciding the manner in which these meetings should be run. The meeting procedure proposed by the Mayor would permit informality as far as possible, and the widest possible airing of views while retaining normal good manners. The Mayor also advised that none present enjoy any privilege or protection from laws relating to defamation as discussion must relate to the issues rather than individuals. Prefacing remarks with the words “Without Prejudice” does not confer any protection to the speaker. At this meeting, the Mayor indicated that the wishes of the people are not directly opposed to the wishes of the elected Council – “probably a very good place for all to start from”.

The Mayor advised that he would ask the City’s Executive Director of Development Services who has carriage of TPS 4, and who until recently was a senior officer of the Department of Planning and Infrastructure, to make a brief presentation.

The Mayor proposed a period of discussion as opposed to debate in order to clarify issues. Roving microphones are available, and he asked that people remain in their places to allow the microphone to be brought to them. As the meeting is being recorded, each person needed to begin their question or comment by giving their name and address.

Mrs Rhonda Johnson, who was the instigator of the petition, was given the first opportunity to speak.

Once all the questions or doubts have been canvassed, the meeting will move to any motions that the meeting wants to convey to Council. It is most likely that Council will refer those motions for consideration as part of the review of public comments in connection with TPS4. The Mayor advised that there was one motion foreshadowed and others related to the business of the meeting could be accepted.

In terms of voting, attendees will have already been asked to register as electors on entry. As Council is unlikely to be dealing with issues that in the Mayor’s view will split the group or the Council to the extent of requiring an actual count, he had not deemed it necessary to refuse access to those who could not be confirmed as electors from the electoral roll. The

Mayor asked that if there were any members of the public present that were not electors of the City of Armadale, that they refrain from voting or influencing the debate.

Although the formal comment period for Town Planning Scheme No. 4 closed on the 22nd of June, Council continued to accept submissions, and will continue to do so until close of business next Monday, 2 August 2004. An issue needs only be raised by one person for it to be formally dealt with in this process. If something new comes out of tonight's discussion that needs to be considered, the Mayor asked that people commit it to paper and forward it to Council by Monday.

At the conclusion of the meeting, anyone who wishes to stay a little longer can join with Councillors and staff in a cup of tea or coffee.

The Mayor then invited Mr Ian MacRae, Council's Executive Director Development Services, to give a brief opening address.

The Executive Director Development Services then delivered a 15 minute presentation covering the following:

- How a provision for a balance of open space in each community is to be achieved and the need for a strategy.
- The Town Planning Scheme process, the current situation, what is included in it and when it is likely to be finalized.
- Details about the parks that have been the subject of the petitions and the submissions. Information about the range of ownership of parks, tenure of parks and how one can protect them securely.

A copy of the PowerPoint presentation provided by Mr MacRae is attached. **(Refer to Attachment "A-1" to these Minutes.**

1. QUESTIONS FROM THE FLOOR

5.1 Ms Rhonda Johnson, 13 Waltham Road, Armadale

Thanked all those in attendance for taking time out to attend. She requested that the foreshadowed motion, the subject of the request for the Special Meeting, be withdrawn subject to permission of the meeting, and that it be considered at the end of the meeting, i.e.

That this Special meeting of Electors requests the City of Armadale to reserve in Town Planning Scheme Number 4 all of Creyk Park, Fancote Park and Gwynne Park for Parks and Recreation (Local).

The Mayor responded that to withdraw the foreshadowed motion would require the permission of the meeting.

5.2 Mr Brett Busby, 2 Pelham Street, Armadale

I have foreshadowed a motion which could replace the motion of Ms Johnston, if the meeting was agreeable. This motion was to deal with Town Planning Scheme No. 4 and the intent of Town Planning Scheme No. 4.

That this meeting recommends to the Armadale City Council (the Council), that:

- 1. The Council abandon the proposed Town Planning Scheme No. 4.*
- 2. The Council surrender to the people of Armadale, the stated discretion of the Council, to allow higher density residential development than is stated for each residential zone, with future increases in residential or commercial density, requiring the approval of a majority of voters in a referendum of electors of the Armadale City Council.*
- 3. The Council immediately commence action to merge the blocks of land that comprise each of the parks and reserves, or, what are currently known or used as the parks and reserves, within the jurisdiction of the Armadale City Council, and thence cause those merged blocks of land and thence all land currently known as or used as parks and reserves to be vested for the specified purpose of recreation, and rezone those blocks of land as Parks and Recreation (Local).*
- 4. The Council institute a Local Law to forbid the rezoning as anything other than as Parks and Recreation (Local), the reassignment, or disposal, of any land used or known as park or reserve or as part of a park or reserve, within the jurisdiction of the Armadale City Council, without the rezoning, reassignment or disposal of such land obtaining a majority vote of voters in a referendum of the electors of the Armadale City Council, with such Local Law including a clause requiring a majority vote of voters in a referendum of electors of the Armadale City Council, to vary or revoke the Local Law.*
- 5. The Council institute a Local Law restricting any residential development not approved before this public meeting, to no greater residential density than R12.5, subject to this being varied by a majority vote in a referendum of electors of the Armadale City Council, with such Local Law including a clause requiring a majority vote of voters in a referendum of electors of the Armadale City Council, to vary or revoke the Local Law; and*

6. *The Council institute a Local Law requiring any future Town Planning Scheme or amendments to a Town Planning Scheme, to be approved by a majority of voters in a referendum of electors of the Armadale City Council, with such Local Law including a clause requiring a majority vote of voters in a referendum of electors of the Armadale City Council, to vary or revoke the Local Law.*

Mr Busby advised that the grounds for this are:

1. The motion is in the form of a recommendation as Section 5.3.3 of the Local Government Act states that all decisions made at an Electors' Meeting are to be considered at the next available Council Meeting thus an Electors' Meeting cannot make either directions or demands of its Council, only recommendations.
2. Section 13, subsection 2(b) of the Local Government Act states that the Act is intended to result in greater community participation and the decisions and affairs of local government and section 1.3.2(c) states that the Act is intended to result in greater accountability of local governments to their communities.
3. The document with the title "Proposed Town Planning Scheme No. 4 – Invitation for Public Comment" explicitly and unambiguously states on page 7 – "Reserves which are important to be retained and managed by the City are shown as Parks and Recreation Local, whilst reserves considered unsuitable for recreation are zoned "Residential" in anticipation of future release for residential purposes".

Further grounds put by Mr Busby:-

4. The Forrest Road frontage on Gwynne Park is an example of land that could be converted to residential.
5. TPS No. 4 provides no protection of these reserves.
6. While Council has invited submissions, Mr Busby has observed Council decisions made despite submissions to the contrary.
7. While current Council may heed the community's wishes, future Councils may have a different view.
8. A Local Law on these matters would bind future Councils.
9. Rising levels of obesity in the community, particularly children, demands provision of land for recreation.
10. Blocks adjacent to Creyk, Gwynne and Fancote Parks should be merged

into the parks.

11. The Council's stated "good faith" is not adequate protection and Local Laws are required.

12. Decisions on such matters should be put to referenda.

The Mayor advised that Mr Busby needed to understand that a Local Law, if it was passed, could be revoked by the next Council. The question that has been asked by the public is how can Council ensure that this land is available for recreation forever. The answer is that under law there is no way that can be done. All that the community can do is keep the Council of the day on its toes, understanding that there is a need for recreation reserves. That is a decision for future communities and future Councils.

In response to Mr Busby's statement that Town Planning Scheme No. 4 earmarks Gwynne Park for development – it does not. You need to have confidence that Council has got no intention of selling off this land. Council wants to keep its options open in regard to Fancote Park at this stage. On Gwynne Park and Creyk Park, it was his understanding that the officers, in their preliminary investigations, are likely to recommend to Council that these parks be shaded green in TPS No. 4, which would show them as being Parks and Reserves (Local).

The Mayor confirmed that this does not protect the Reserves forever. If they are fee simple land owned by Council, a future Council can change the reservation. There is nothing that anyone can do that takes away the power of a future Council or community. One assumes that a future Council will be responsive to its community at the time.

For Council to deal with Mr Busby's motion, if it is adopted by this meeting, it is going to have to be broken down into parts. Some may not be enforceable in that they contradict current laws and will need careful consideration.

5.3 Ms Sylvia Mason, Lot 9, Buchanan Road, Roleystone

Ms Mason stated that Heritage listing is a way of protecting things for the future. My interest is Fancote Park and the Executive Director Development Services' statement that Kelmscott had 19% public open space. The public open space to which he refers is the river and rivers belong to everyone. The foreshores of rivers are supposed to be protected for everyone in perpetuity.

I would like to see an addition to Mr Busby's motion, the addition of Fancote Park. I do not want Page Road realigned into Fancote Park. I would prefer to see Shopping Centres relocated to the other side of the railway line. The land up to Albany Highway could all be attached to Fancote Park and made into a very rich cultural, natural rehabilitated

native habitat area for eco-tourism – something that is needed in this area.

5.4 Ms Kath Coulthard, 110 Clifton Street, Kelmscott

In order to prevent some people with a vested interest taking over the meeting, is it possible to have a time limit on the speakers?

The Mayor acknowledged the request but given the complexity of the foreshadowed motion put by Mr Busby, it was only fair to allow a little discussion. The Mayor requested that people keep their comments fairly succinct.

5.5 Mr Robin Fletcher, 117 Carawatha Avenue, Mt Nasura

The Executive Director Development Services stated the strategy for the protection of the parks was adopted by the Council five years ago but now Town Planning Scheme No. 4 does not appear to reflect the strategy. On top of that you have the zoning mentioned on the parks as the R25, R15 and R40. In my own experience years ago when we tried to protect Carawatha Park, and had it zoned as a park., the Council in its wisdom rezoned that park for Special Purposes and wanted to sell off the corner to a medical centre. That was five years ago. It is difficult to find an answer to how to protect a park. I thought if the Town Planning Scheme reflected your strategy we wouldn't need to be worrying much about meetings like this. Another park on Opal Way was also going to be sold off by the Council. \$3 million has been spent on the new centre at Gwynne Park and yet it is being zoned as R15, R40 or R12.5. It doesn't give the community much confidence.

The Mayor advised that Gwynne Park has had that zoning since it was first bought. Many properties were brought by Council for broad "community purposes". Gwynne Park has not been rezoned. In regard to the statement about confidence, the Mayor advised that the community has had confidence in that for forty years. Council has owned those parks and been able to sell them if it wished. Successive Councils have chosen not to.

5.6 Mr Allan Halden, 30 Lilian Avenue, Armadale

I have been involved in this whole episode for one purpose and that purpose is to make sure that Gwynne Park, Creyk Park and Fancote Park are rezoned Parks and Recreation for local use. The foreshadowed motion under discussion seems to me to be far in excess of anything that we need. I don't think we will achieve anything anyway practical because, as the Mayor said, it may not be enforceable as law. In other words it won't have any grounding. We had a clear understanding from the Council that they are going to rezone Gwynne Park and Creyk Park as Parks and Recreation for local use and Fancote Park subject to the review. That is all I want from this meeting.

5.7 Ms Elizabeth Laurie, 40 Roberts Road Kelmscott

My concerns are mainly about Fancote Park. I can accept that Council will change the other two parks to Parks and Recreation. Fancote Park it is on the river and any stuff that goes in the river here ends up in Gosnells, ends up in Cannington, ends up as blue green algae and affects the whole of Perth so we have to be very careful what we do along the river banks. I am not against higher density development. As a City we should be developing but keeping away from our waterways. That includes the Wungong River as well as the Canning.

The Mayor advised that it is (in part) why Council has applied to the State Government for funding to look at the entire riverine reserve through Kelmscott. Fancote Park as it exists has two components. The area beside the river and for approx. 80 metres back is protected by a reserve. It is the land from the reserve back to Page Road that is owned fee simple. One consideration should be that much of Kelmscott remains unsewered, requiring leach drains close to the river. R40 development has very stringent conditions on it that everything must be connected to sewer. In terms of nutrient transfer to the river, R40 can be in many circumstances, much safer than R15. The issue for the community is how much R40 you want and where you want it. That is what the whole Kelmscott Enquiry By Design was about – to establish where suitable pockets of R40 might be placed without detracting from the broader amenity.

5.8 Ms Rhonda Johnson, 13 Waltham Road, Armadale

It was indicated by Alannah MacTiernan's Office that the zoning we want for Creyk and Gwynne Parks would be applied. Can you confirm this please?

The Mayor advised that with Town Planning Scheme No. 4 it will eventually end up on the Minister for Planning & Infrastructure's desk. The Minister at the time will then have some say in it. At the moment, the process is in the hands of Council. In terms of Creyk and Gwynne Parks, he believed that Council does not have any reservations about suggesting that they be coloured green on the map, i.e. Parks and Recreation (Local). That will be Council's recommendation as part of Town Planning Scheme No. 4. which will go to the West Australian Planning Commission. The WAPC will then pass it on to the Minister if they are happy with it. If they are unhappy with it they will send it back to Council. It will probably be placed before the Minister in June 2005.

Can you advise that Creyk Park and Gwynne Park will be made Parks and Recreation (Local) – that is why we are here?

The Mayor advised that it was his understanding that it would be recommended that those two parks be rezoned Parks and Recreation. This advice has been received from officers and is the subject of a report yet to go to Council. Fancote Park may be left in abeyance to a degree because Council is about to undergo a jointly funded study of the riverine reserve. This is part of the Ministry for Planning's "more livable city studies" currently being undertaken and a strong pre-condition on Council obtaining funding for that study is that there will be extensive public consultation.

5.9 Mr Allan Halden, 30 Lilian Avenue, Armadale

During the Executive Director Development Services' presentation I understood both he and yourself to say Gwynne Park and Creyk Park had already been zoned Parks and Recreation (Local). You then referred to the information on the pamphlet that was sent out, as being incorrect. I thought both of you said that they had already been zoned Parks and Recreation – is that correct?

The Mayor advised that was not the case. At the moment Town Planning Scheme No. 4 is only a draft. Draft Town Planning Scheme No. 4, as published, and as has been presented, shows those two parks as being residential, just as they always have been. The Mayor advised that it was his understanding that the officers are recommending to Council that those two parks be zoned as Parks and Recreation in the final version of Town Planning Scheme No. 4 to be forwarded to the West Australian Planning Commission and the Minister. It is acknowledged as an oversight that the change was not made sooner.

5.10 Mr M Bradley, 11 Herriard Road, Armadale

I think what you are trying to do is positive but it surprises me that you got the zoning for at least these two parks – Gwynne Park and Creyk Park so wrong. That really highlights a problem in your consultation process with regard to Fancote Park – I can't understand where you are coming from. If anything that Park needs a redevelopment for the community, not for housing. It needs some money spent on it to make it a nicer park. It does not need to have buildings on it. It has been neglected for a long time so you need to take on board what people are saying here - that Fancote Park is important to the people as well as the other two parks.

The Mayor advised that Council was certainly hearing that and that Council has no fixed view on that. Mr Bradley implied that Council has changed the zoning on the parks to residential but that is not the case. Council simply left the zoning to match the surrounding residential as it always has. However, Council is now saying "yes, it agrees with the community" and will look at zoning those parks to Parks and Recreation.

This proves that the community consultation process does work. One of those pamphlets was placed in everyone's letter box. People like Rhonda Johnson were astute enough to look at their neighbourhood and say "I don't like that – I need to do something about it"? If nothing else, tonight proves that the public consultation process works.

5.11 Mr Bob Kelly, 29 Flinn Avenue, Kelmscott

Why weren't these areas of land being discussed tonight, vested first of all as Recreation? When Council decided what it wanted to do with it, why didn't Council make it Recreation?

The Mayor advised that there is a difference between "vesting" and "reserving" Vested land is land that is owned by the Crown which may be then "vested" in the Council i.e. they give it to the Council to manage. Council owns the current parks in fee simple, so they are not "vested". Council is able to determine how it uses the land. With a vesting, a higher authority can control how it can be used.

The Mayor advised he did not know why Council did not zone the land Recreation when they purchased it. It may have been purchased for other purposes, or just a broad "community use". He was not on Council at the time. Council would like to keep its options open in regard to Fancote Park until it has completed a more detailed study. Because of the degree of community consultation that will be required, it is probable that everyone will know quite clearly what is going to happen and it will be a matter of everyone weighing up the "pros and cons". Certainly, what Council is regularly reminded of by Kelmscott people, is that the area behind the shopping centre needs attention. The lady in the front who asked for the shopping centre to be moved – statutorily there is no way Council can force its removal. It is private land, it is owned by people and they have a right to use the land for that purpose in perpetuity. They cannot be forced off. Approval for use of that land was given 130 years ago.

5.12 Ms Kim Hearle, Hesketh Avenue, Armadale

People are asking for you to rezone the parks as Parks and Recreation. As you have shown us, even if it was Crown land, there is still no guarantee it is going to stay that way but at least reserving the parks would buy the community time if the Council sought some other use. It would give people a better defense and time to perhaps argue the point.

In regard to the public open space, a lot of people do not even know that some public open space is public open space. For instance, a lot of the river near the new Lake Road roundabout is public open space and has been for years but you have a barbed wire fence 10 metres from the river. Who knows it is public open space? Also just down from Jade Street, along Neerigen Brook near Albany Highway, all that area along the creek was public open space. If you walk down there now you have people with dogs, people with gardens right up to the creek .

One feels like they are walking on someone's back yard. So you don't know what is public open space and what is not and you don't know when you are trespassing. As a person who wants to walk along the creek, the option is taken away.

The Mayor advised that the first bit of land along the Wungong River on the other side of Lake Road is not public open space. It is still in private ownership. From then on there is a Palomino River Care Group that actually look after the rest. It is believed that all of the Reserve that the Group look after are quite open and can be traversed quite easily.

The Mayor advised that he had recently had cause to try to walk the piece of public open space from Bedforddale Hill Road down to the Pioneer School. Council has started to take action with some of the landowners there to ask them to withdraw their fences and structures from the public open space. By the same token the very nature of that land means that for Council to take full control and management it would need to allocate in order of \$250,000 per year in its budget.

In regard to Fancote Park – a piece of land 250 metres from the water's edge is the piece that may or may not be suitable for use in trying to change the face of Kelmscott.

5.13 Ms Anthea Humphrey, 8 Lindley Avenue, Kelmscott

With regard to the river, how far will you go in looking at it because although Fancote Park has got a nice grassed area and is public open space, the other side of Gilwell Avenue is completely inaccessible and a huge fire hazard. If a fire occurred it would be impossible to get a fire truck anywhere near it. That is also supposed to be public open space.

The Mayor advised that some is public open space and some is not. It is an issue that Cr Zelones raised specifically with Council's fire brigade people this year. Council is taking on as much reserve land as it can. The earlier slide shown by the Executive Director Development Services showed the net result of Council's exercise was while Council will dispose of 32 small reserves, it will take on 57 others. The money that Council has spent on Parks and Recreation maintenance alone has gone from \$500,000 some years ago to about \$2,250,000 per annum. Some of that being mentioned is land that will require large amounts of money to maintain properly. Council would like to reserve all these areas but needs to be careful that it does not do that ahead of its ability to make it accessible and safe.

5.14 Ms Sheila Kelly, 29 Flinn Avenue, Kelmscott

Is it the Town Planning Commission that says 10% of the area has to be put aside for public open space? When you had Town Planning Scheme No. 2, why didn't the Town Planning Commission say to you "why have you set aside Creyk Park" for low density housing?

The Mayor advised that it is part of the West Australian Planning law that when a new residential subdivision is approved, 10% of the land is to be allocated to public open space. In answer to the second part of the question, it predated even Town Planning Scheme No. 2 and Town Planning Scheme No. 1. That land was purchased before there were really town planning schemes and that area was just known as residential.

So as far as the Town Planning Commission is concerned we are without any public open space?

The Mayor advised that was not the case. There is an extensive amount of public open space within the City of Armadale. In that particular area, as the Executive Director Development Services has advised, there is a shortage which is why no Council in the future logically would want to dispose of it.

5.15 Mr Robin Fletcher, 117 Carawatha Avenue, Mt Nasura

The process now goes to the Council Monday night, then it goes to the Planning Commission and then finally to the Minister. Is there any opportunity or any avenue that the Minister may want public information on the process?

The Mayor advised that was entirely up to the Minister. The Minister does not formally get involved in this process until about the middle of next year. As far as the process is concerned, given that this is a Special Electors Meeting, the normal procedure is that the resolutions be considered at the next Council meeting. However, rather than deal with them in isolation at that meeting, it is likely that they would be referred to be dealt with as part of the Town Planning Scheme No 4 review. That means that they will go before the Development Services Committee in August or September, to Council the following week and then be referred formally to the Western Australian Planning Commission which will consider it and if approved, will refer it on to the Minister. If not, it will be sent back to Council for further amendments.

What worries me is that if you have picked up two changes in the whole Scheme, what happens if there are other areas that need to be looked at more closely before you adopt it?

The Mayor advised that it can be reviewed. He advised that there is a subtle difference between fee simple land purchased by Council and Section 20(a) reserves, which are the 10% normally given up by a developer on subdivision. When a person moves into a neighborhood, in effect the person has paid for the Section 20(a) land, i.e. when the developer had to give up 10% of their land they added that on to the value of the blocks sold. In cases where fee simple land is bought by the City, it is not the neighborhood who has purchased that land but the entire City who has purchased it.

The point I am making is that if there are two changes going to be made and not being advertised, are there any other areas that should be looked at?

The Mayor advised that he was not aware of any. He was aware of Council actually changing a piece of public open space to fee simple land and selling it off in West Armadale but that is a process that has been gone through in great detail with the community

Cr Zelones advised that over 300 hundred submissions had been received by Council and not all to do with Creyk, Fancote and Gwynne Parks. A lot of those submissions dealt with a lot of other issues that the people present have not touched upon.

Cr Green advised that like everyone else at the meeting, along with his wife, he was a ratepayer of the City of Armadale and had been for a number of years. He had a concern with the foreshadowed motion proposed by Mr Busby, especially the reference to the word "referendum". A referendum in the City of Armadale will be done the same way as normal elections every two years, i.e. by postal voting. It would have to go out to every elector within the City of Armadale. That would probably cost a minimum of \$35,000 - \$40,000. That is what it is going to cost everybody here at this meeting plus all those other Armadale people.

5.16 Ms Sylvia Mason, Lot 9, Buchanan Road, Roleystone

I am aware that there have been funds allocated by the City of Armadale to some organisations that don't really need funding. In referring to the new Roleystone tennis club, I was happy with old one built by the local people and I prefer that one to be maintained as part of our local heritage. Likewise with the Kelmscott Tennis Club. The old building should have been maintained as part of our local heritage. A referendum puts information right out in everybody's letter box. I didn't receive any information about TPS No. 4. I learned by accident, through a note that was put up in Stargate Shopping Centre about what was being done with the parks. A referendum does make sure it gets into everybody's letter box.

5.17 Ms Elizabeth Laurie, 40 Roberts Road, Kelmscott

One of the things that the Executive Director Development Services brought up is the fact that we are selling off some of these smaller less useful lots of parkland. Has Council got any policy in place to compensate nearby landowners for the reduction in the value of their properties?

The Mayor advised that the requirement of sale is that the money must be spent on other neighbourhood reserves.

I know it must be spent on other neighbourhood reserves but people will have bought houses next to and paid extra because they are next to a reserve.

The Mayor advised that those reserves that are being sold off are generally because the neighbourhood has advised Council to sell them off.

A lot of people have actually bought next to reserves. I myself bought next to a reserve which the Crown gave to the Catholic Church without telling us so I know what I am talking about. The value of your property reduces because you are no longer next to a reserve, you have got a house next to you. Has Council got any policy in place to deal with someone who makes that sort of complaint?

The Mayor advised that no, it did not. In regard to one particular reserve in Kelmscott where Council saw very little use for the reserve, (5) five neighbours advised they wanted it to remain and Council has left it.

5.18 Ms Rhonda Johnson, 13 Waltham Road, Armadale

If we have this acknowledged shortfall in public open space, why wasn't it zoned under this detailed consideration of public open space as public open space?

The Mayor advised that it was not noted by Council and thanked Rhonda for picking it up. It was missed by the officers. When the map was presented to the elected members to inspect and advise as to whether it was a fair reflection of the discussions that had been held for about five years, that detail was not picked up.

As an outcome of this meeting, the recommendation will be that these two parks are going to be rezoned Parks and Recreation (Local).

The Mayor advised that was the recommendation that was coming forward from the officers to the Development Services Committee. It will be debated there and sent forward to the Council. Council will make the final decision. The Mayor advised he was fairly confident that the Council was reading the mood of the community very clearly.

In conclusion, I think there are a lot of people here that would want to monitor the progress of the zoning – how can we liaise with Council to ensure that this recommendation does in fact go through. How can we watch the zoning that we have asked become applied to these two parks?

The Mayor advised that he would ask the Executive Director Development Services to make sure that Rhonda was written to and advised as to which Development Services Committee Meeting will deal with this matter. At that meeting, members of the public have a right to ask questions, just as they have tonight, as they have at every Council and Committee Meeting. It will then go to the following Monday night's Council Meeting where again questions can be asked. It can be monitored very closely. Whatever the outcome of that meeting of Council and the resolution of Council is what goes forward to the West Australian Planning Commission.

The Executive Director Development Services advised that if the West Australian Planning Commission was happy with it then the Minister would approve it. It is expected that the whole process will be completed by the middle of next year.

The Mayor advised that it would be highly unlikely for the West Australian Planning Commission or the Minister to disagree with Council on the zoning of the land as Parks and Recreation.

5.19 Mr M Bradley, 11 Herriard Road, Armadale

Can we read Rhonda Johnson's motion out loud and would like to know if it is incompatible with the one suggested by Brett Busby. They don't have to be mutually exclusive.

The Mayor read the following motion to the meeting:

"That this Special Meeting of Electors request the City of Armadale to reserve in Town Planning Scheme No. 4 all of Creyk Park, Fancote Park and Gwynne Park for Parks and Recreation (Local)".

The Chief Executive Officer advised that what is being suggested by Mr Busby is that virtually none of the steps with regard to the Town Planning Scheme can be taken without a referendum. A referendum is an extremely significant process. Apart from the cost, it is a complex process taking up a great deal of time. Future electors would find their own objectives, including creation of reserves, or subdivision, can't progress without a referendum. While it might be seen as protective, it would make it extremely difficult for a lot of the business of the Council and indeed the community, in the future.

5.20 Mr Tony Wye, 38 Lofties Street, Forrestdale

I know the intent of the motion but I don't think it is clear enough. It doesn't actually state that you want the situation changed from what is Residential to Parks. You have to be more precise.

The Mayor advised that the motion was quite clear in what the end result would be. That is the important thing. That Town Planning Scheme No. 4 would have that land identified as Parks and Recreation (Local).

It should also state that the people want it changed from Residential to Parks.

The Mayor asked if Mr Wye was happy to move that as an amendment to the motion, he was happy to accept that as an amendment.

Mr Busby requested the Mayor to re-read the motion to the meeting. The Mayor re-read the motion.

Ms Johnson advised that to save any possibility of there being confusion perhaps the word "reserve" should be amended to "rezone".

Mr Busby advised he was prepared to accept that amendment to the motion.

The motion is as follows:

MOTION-1

MOVED Mr Busby
SECONDED Mr Halden

That this Special Meeting of Electors requests the City of Armadale to rezone in Town Planning Scheme No. 4 all of Creyk Park, Fancote Park and Gwynne Park to Parks and Recreation (Local).

MOTION CARRIED

5.21 Mr Brett Busby, 2 Pelham Road, Armadale

Some people here have said that they are only interested in the three parks – Gwynne Park, Creyk Park and Fancote Park. In the agenda for the Council Meeting of Monday of this week was a recommendation for selling off part of the Reg Williams Reserve for housing. Part of this is happening already.

The Mayor advised that has been a two or three year long public consultation process about the use of that Reserve. The public involved said "yes – we do want the Reserve to be made more regular in shape – we do want that land to

be sold off for housing and we do want the proceeds from that land to be spent on the development of that park". Council has very clearly gone through a lengthy process to determine the community's view.

What I am saying is that these three parks are not the only three parks in Armadale that may be affected. Another thing that has been mentioned here tonight is residential zoning density. Some have said that allowing development of parts of Armadale to R40 is okay. Armadale has a slogan "City Living, Country Style" – in the country you do not have R40 units. Either we abandon the "City Living, Country Style" or we retain R25 and R40 developments. I think that this is something the people of Armadale have to consider. The Mayor has said that my motion for bylaws would probably result in unenforceable local laws. If they would be unenforceable they could probably be implemented as Council Policy.

The Mayor advised that in terms of protection of policy – a policy is a lower level than a law. A policy can be changed at the whim of the Council, any week. A policy is not the way to go. A local law cannot be contrary to a law of a higher level of Parliament and the Town Planning and Development Act is an Act of the State Parliament. Council is required to abide by that. No local law of the City of Armadale can contravene or trammel that.

5.22 Ms Rhonda Johnson, 13 Waltham Road, Armadale

The community consultation, as part of Town Planning Scheme No. 4 was not entirely successful. Most people, who received the map, did not know how to read it, did not know what it meant or could not find their house. What Mr Busby is suggesting is a more direct approach and I think most of the people here would agree that for successful future TPS plans, there has to be a modification of the process and the map that is sent.

The Mayor advised that Mr Busby's remarks were not about TPS plans, they were about any development in the City in the future. Any request by a landowner to develop their land at higher than R12.5.

5.23 Mr Brett Busby, 2 Pelham Road, Armadale

Cr Green when he spoke, objected to using referenda in the City of Armadale on the basis of the cost to the ratepayers as a means to prevent referenda. The Local Government Act is specific. It has the stated purpose of increasing community participation in Local Government. In this Council when postal voting was proposed a Councillor stood up and said "we cannot have postal voting in this Council because that means that anyone can be elected to Council". The purpose of the Local Government Act is to increase community participation.

The Mayor responded that this Council was one of the first to go to postal voting. He was not aware of any comment as mentioned but the decision of the Council was quite clear.

MOTION-2

MOVED Mr Busby
SECONDED Ms Johnson
OPPOSED Mr Sim

That this meeting recommends to the Armadale City Council (the Council), that:

1. The Council abandon the proposed Town Planning Scheme No. 4.
2. The Council surrender to the people of Armadale, the stated discretion of the Council, to allow higher density residential development than is stated for each residential zone, with future increases in residential or commercial density, requiring the approval of a majority of voters in a referendum of electors of the Armadale City Council.
3. The Council immediately commence action to merge the blocks of land that comprise each of the parks and reserves, or, what are currently known or used as the parks and reserves, within the jurisdiction of the Armadale City Council, and thence cause those merged blocks of land and thence all land currently known as or used as parks and reserves to be vested for the specified purpose of recreation, and rezone those blocks of land as Parks and Recreation (Local).
4. The Council institute a Local Law to forbid the rezoning as anything other than as Parks and Recreation (Local), the reassignment, or disposal, of any land used or known as park or reserve or as part of a park or reserve, within the jurisdiction of the Armadale City Council, without the rezoning, reassignment or disposal of such land obtaining a majority vote of voters in a referendum of the electors of the Armadale City Council, with such Local Law including a clause requiring a majority vote of voters in a referendum of electors of the Armadale City Council, to vary or revoke the Local Law.
5. The Council institute a Local Law restricting any residential development not approved before this public meeting, to no greater residential density than R12.5, subject to this being varied by a majority vote in a referendum of electors of the Armadale City Council, with such Local Law including a clause requiring a majority

vote of voters in a referendum of electors of the Armadale City Council, to vary or revoke the Local Law; and

6. The Council institute a Local Law requiring any future Town Planning Scheme or amendments to a Town Planning Scheme, to be approved by a majority of voters in a referendum of electors of the Armadale City Council, with such Local Law including a clause requiring a majority vote of voters in a referendum of electors of the Armadale City Council, to vary or revoke the Local Law.

MOTION LOST

Attendance: Throughout the meeting a number of electors left. Attendance is now:-
11 Councillors
7 Council staff
25 Electors and others

5.24 Cr V L Clowes-Hollins

In reply to comments made by Mr Busby in regard to the sale of Council Reserves and in particular Reg Williams Reserve. The corner of Reg Williams has been earmarked to be sold for some considerable time at the request of the residents. It is only a small corner and the money realised from the sale will go back into the park for the children of the district to have somewhere to play. There is also an \$800,000 road safety centre down there so there is no way that park will be touched.

MOTION-3

MOVED Mr Busby
SECONDED Mr Fletcher

That this meeting recommends to Armadale City Council (the Council)
That the Council for each of the parks and reserves within the jurisdiction of the Armadale City Council, immediately commence action to merge the blocks of land that comprise each of these parks and reserves or what are currently known or used as these parks and reserves and thence cause those merged blocks of land and thence all land currently known as or used separate parks and reserves to be vested for the specified purpose of Recreation and rezone those blocks of land as Parks and Recreation (Local).

CARRIED

The Mayor thanked the public for their attendance and declared the meeting closed at 9.35 pm

Attachment A-1

Powerpoint Presentation made at the
Special Meeting of Electors held on
22nd July 2004

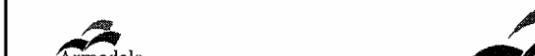
Special Meeting of Electors

City of Armadale



Outline

- The City's strategy for public open space
- The process of preparing the new town planning scheme
- Details of Creyk, Gwynne and Fancote parks
- How land can be disposed of and protected



Public Open Space Review

- Need a strategy for providing open space to the community
- Consultant study provided a strategic approach for City's 250 parcels of POS
- Study concluded that:
 - most POS (including Creyk Park, Gwynne Park and Fancote Park) be retained
 - 32 small spaces should be disposed of
 - 14 be transferred to another authority
 - 57 open spaces be accepted as reserves and vested in the City



Implementation of POS Review

- Study implemented in 7 stages
- Disposal of the 32 small POS parcels followed State Government policy
- Advertising and consultation with nearby residents
- Council accept vesting of unvested reserves
- TPS No. 4 zoned some small parcels Residential
- Funds from sale of reserves to be used to improve other local reserves

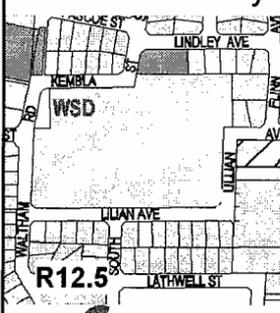



TPS No. 4 Process

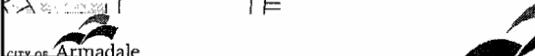
• Study and consultation.....✦	1999
• Prepare Strategy and Scheme.....✦	2001
• Adoption of draft.....✦	2003
• Advertise draft Scheme.....✦	2004
• Review submissions.....✦	2004
• Review by Council.....✦	2004
• Review by Commission.....✦	2004
• Final adoption by Minister.....✦	2005



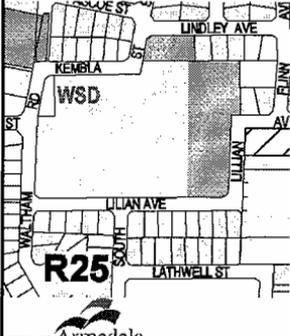
Creyk Park



- TPS No. 2 - Residential R12.5 and P&R Reserve



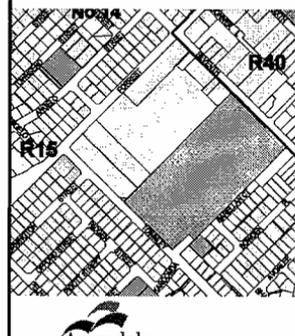
Creyk Park



- TPS No. 2 - Residential R12.5 and P&R Reserve
- TPS No. 4 - Residential R25 and P&R Reserve
- Reserve 39208 (2853m²) vested in City for Public Recreation and Lot 141 (5.44ha) purchased by the City in 1978
- No development proposals

CITY OF Armadale

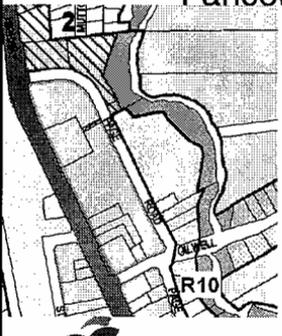
Gwynne Park



- TPS No. 2 and 4 - Residential R15 and P&R Reserve
- Reserves 21152 (8ha), and 41134 (2092m²), vested for Recreation and five lots (7.5ha) purchased by the City between 1953 and 1977
- No development proposals

CITY OF Armadale

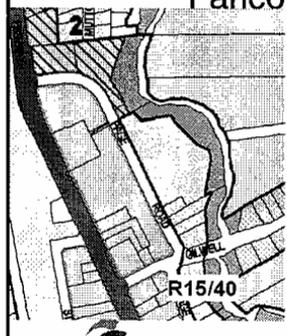
Fancote Park



- TPS No. 2 - Residential R10 and P&R Reserve

CITY OF Armadale

Fancote Park



- TPS No. 2 - Residential R10 and P&R Reserve
- TPS No. 4 - Residential R15/40 and P&R Reserve
- Reserve 29398 (3.3ha) and Lot 24 (1.8ha) purchased by the City in 1982.
- Included in Kelmescott Enquiry by Design

CITY OF Armadale

Disposal of Public Open Space

- Owned by the City – eg Creyk Park
- Given up by subdividers and vested in City – eg most small parks
- Crown Reserves – eg Settlers Common, half of Gwynne Park
- Owned by another - and managed by the City – eg Bungadore Park
- Can be sold following LG Act procedures
- Can be disposed of after formal process and then spent on other POS
- Disposal requiring Parliament or Ministerial approval
- Can be sold off subject to various legislation
- i.e. all can be sold

CITY OF Armadale

Protecting our POS

- The City needs a strategy to provide recreational space for the community
- Privately owned land used as POS can be developed in accordance with the TPS
- Crown reserves can only be sold through a prescribed public process set down by State Government
- Even where land is sold if it is reserved by a TPS it can only be used for the purpose of the reserve

CITY OF Armadale

Conclusion

- The City has a strategy for its public open space
- Submissions are being considered to TPS No. 4
- Fancote Park will be part of Canning Precinct study
- Creyk and Gwynne parks are recreational assets with no development proposed



Special Meeting of Electors

City of Armadale

