

MINUTES OF THE ANNUAL ELECTORS MEETING HELD IN MEETING ROOM 1, KINGIA FUNCTION CENTRE, SERPENTINE JARRAHDAL RECREATION CENTRE, MEAD STREET, BYFORD ON WEDNESDAY, 3 FEBRUARY 2010. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.30PM AND WELCOMED MEMBERS OF THE PUBLIC, COUNCILLORS AND STAFF.

1. ATTENDANCE:

COUNCILLORS: S Twine.....Presiding Member (until 8.28pm)
M Harris Presiding Member (from 8.29pm)
WJ Kirkpatrick
K Murphy
C Buttfield
MJ Geurds
C Randall
A Lowry (from 7.55pm)
T Hoyer
E Brown

OFFICERS: Ms J Abbiss.....Chief Executive Officer
Mr A Hart..... Director Corporate Services
Mr R GorbunowDirector Engineering
Mr B Gleeson..... Director Development Services
Mrs S van Aswegen..... Director Strategic Community Planning
Mr U StriepeExecutive Manager Engineering
Mrs D Bridson..... Minute Secretary

APOLOGIES: Nil

GALLERY: 24

2. TABLING OF 2008 / 2009 ANNUAL REPORT including:

2.1 Reading of President's Report

2.2 Reading of Auditor's Report

Q1. Elector - Why aren't the President and Auditor's reports moved and seconded at this meeting?

A1. The Chief Executive Officer replied that they have been accepted and seconded at committee and Council meetings as required by the Local Government Act.

Q1a. Elector - Attendees are not here as a gallery. That is only the case at Council meetings. The first part of the meeting is to discuss the finance report and second part of the meeting is for Electors to be given the opportunity to ask questions as this is the only chance that the community get.

A1a. The Chief Executive Officer responded by stating that she contends that electors have the opportunity to ask questions at every Ordinary Council Meeting which is why the Western Australian Local Government Association has sought on behalf of local government to have the mandatory requirement for Annual Electors meetings removed.

3. GENERAL BUSINESS

3.1 Questions received and answers to the questions

Q1 & 2 T Thorp – 135 Larsen Road, Byford

Q1. Why has the development site [Byford Central] at the corner of Larsen Road and Thatcher Road, allowed storage to create a mound of overburden and a host of other materials in excess of 10 metres in height? This has existed for over two years and is another example of council inaction to eyesores within Byford.

A1. A meeting will be held on 9 February with the Byford Central developers. The matter of the sand stockpile on Larsen Road will be raised at the meeting and the developer requested to promptly move the stockpile and tidy up the site. If no action occurs in a timely manner, Council will investigate what statutory powers it has to ensure the stockpile is removed.

Q1a. T Thorp – What does Council consider to be a timely manner?

A1a. Director Development Services – Council believes a timely manner would be in the short term. If the developer does not comply Council will investigate the statutory powers it has to ensure the stockpile is moved. Council are having monthly meetings with developers in Byford to address issues like this that have been occurring.

Q2. Larsen Road is now becoming a speedway especially between Briggs and Thatcher Roads. What action will Council take to reduce traffic flow? It is, after all, a horse area.

A2. The issue of speeding and reckless behaviour has always been a very difficult issue for Council. Council has no control over the actions of drivers. In the past 25 years many Councils have placed traffic control devices in problematic areas at quite a large cost to its stakeholders with varying degrees of success. The issues are a social issue not necessary a Council issue.

Roads are constructed in accordance with Australian Standards and the speed zoning set by Main Roads Western Australia. The issue of speeding and reckless behaviour is a national issue and can only be dealt with by changing driver behaviour, policing and community awareness. Council is pro active in these areas and has a Roadwise Committee that, through State Government funding and Council co operation, seeks to bring about driver and community awareness of the dangers of speed and reckless driver behaviour. Council takes the approach that policing is essential and works with the Police on this matter. Roadwise through education and Public Awareness seeks to reinforce the significance of the importance of safety on our roads.

In regard specifically to Larsen Road, officers will speak to the Police and request their assistance. Additionally, Council's Roadwise Committee will be made aware of the issues in Byford and will seek, through consultative measures, to deal with the issue.

If the issue continues, specific speed and traffic data will be obtained, however, it is important to realise that traffic control devices are extremely expensive and do not change driver behaviour.

It is important that the community realise that this is a social issue, not necessarily only a Council issue.

Q2a. Elector - The Chief Executive Officer has already contacted the Police as has a resident in the area. Do we have to wait until someone is killed before something is done?

A2a. Cr Randall - Cr Geurds and I went to Ascot when I first became a Councillor. We did a presentation to Council on the Byford Trotting Complex and it was identified that it is not just one traffic management item that will solve this issue but a number of things together. We really need feedback from the community to be able to address this matter properly.

Q2b. T Thorp - Larsen Road used to be peaceful, now we have major traffic along it. Nothing has been put in place by Council to help address the traffic issues.

Elector - Larsen Road has been turned into a major traffic road so let's get the traffic diverted.

A2b. Cr Randall – we can't block the roads. We are working on finding solutions.

Director Engineering - I do concur there is an issue with speeding in this area. We are evaluating the speed. We are writing to the Superintendent of Traffic Police. At the end of the day it is still an issue about the number of vehicles that are speeding. Planning is also an issue and we are looking at a bypass for this area. We are fully aware of the issues and are doing our best to address them.

Cr Twine - Council is looking at having a policy on streets for future developments that will possibly help address some of your concerns.

Director Development Services – as development progresses there will be more entrances created away from Larsen Road.

Cr Geurds – We have been pushing for the opening of some of the distributor roads onto Thomas Road. We believe this will take a lot of the traffic pressure off Larsen Road. The developer also has to spend more money to move the stockpile of sand and other material, we won't know until the meeting being held on 9 February.

Q3. Elector - In meetings such as this, it is usually the case that people being addressed don't understand the law very well and also the people speaking don't explain the law very well. Does a report of this meeting go to Council?

A3. Chief Executive Officer – The minutes of this meeting will go to Council. Only items that have been the subject of formal motion moved at the Annual Electors Meeting will go to Council for a decision.

**Moved T Thorp, seconded T Hovea that:
The mound of dirt at the corner of Larsen and Thatcher Roads be removed within three months from today.
CARRIED 31/0**

Cr Harris – as the motion is written at the moment there is no indication of who will pay for the removal of the stockpile.

T Thorp – takes your point but thought it would be quite obvious that the developer would be responsible for the removal of the stockpile.

Colleen Rankin – I am keen to support the motion but can't as it reads now. I can only support a motion if it clearly states who is responsible for the cost of removal of the stockpile.

T Thorp withdraws the motion above.

**Moved C Rankin, seconded T Thorp that:
The entirety of the mounds of dirt and other material at the corner of Larsen and Thatcher Roads be removed within three months from today at the developer's expense to the satisfaction of the Director Engineering.
CARRIED 31/0**

Q4. Elector - What does the Council do when these developers put in their plans? What is the Council going to learn about what we have been discussing?

A4. Director Development Services - The sand in Byford is necessary to put houses on. What has happened in the past is some developers have bought in a massive amount of sand. Recently Council has demanded a much higher level of control. Council has recently adopted Dust Local Laws. We will continue to vigorously monitor and investigate these issues with developers.

The Shire President left the meeting at 8.28pm. Deputy Shire President, Cr Merri Harris assumed the Chair.

Q5. Mrs Bond – Is Council aware of the fact that Denyse Needham is a paid consultant to the Shire and has Council voted on this?

A5. Cr Harris said no, that Council was not aware of this as Council has no role in the employment of any staff or consultants. Ex-Councillors are a valuable asset in the mentoring of new Councillors.

Chief Executive Officer - there is nothing sinister occurring, the ex-Shire President was engaged to mentor the newly appointed Shire President.

Q6. Mrs Bond - What expertise has she (Denyse Needham) got?

A6. Chief Executive Officer – her expertise is that she was in the role for 13 years.

Q6a. Mrs Bond – Yes, but what expertise does Denyse Needham have?

A6a. Chief Executive Officer - The ex-Shire President was engaged to mentor the current Shire President and that engagement has now been completed.

Q6b. Mrs Bond - How long was Denyse Needham engaged for?

A6b. Chief Executive Officer - for less than 3 months.

Cr Lowry - Stated that she herself has not been on Council for long and prior to becoming a Councillor was also concerned about perceptions she had of the Council. Cr Lowry stated that she would have to say she has found Council to be a very competent Council, an honest Council with integrity and with competent officers led by a competent CEO.

Q6c. Mrs Bond - Cr Lowry, were you on the committee that assesses the Chief Executive Officer's performance?

A6c. Cr Lowry - No I wasn't at the time but I am now on the Staff Management Committee and will be involved in future.

Elector - I have had some very bad feelings about the Shire. SJ Shire stinks. Why can't officers come and knock on your door instead of writing prosecution letters? We were expecting a letter that we are still waiting on 3.5 years later.

Cr Kirkpatrick – The mood of Council has changed since the last election, the change is that we are now a 'can do' Council. I am the most optimistic that I have ever been since I have been on Council.

Q6d. Elector – We have to rely on the competencies of the officers. Local Government encroaches on our daily life in an ongoing manner ie planning etc. You have just suggested that Council has no control of employment.

A6d. Cr Harris – No, that is not what I said. The Council deals only with the employment of the CEO. The employees of the Council report to the CEO and Council does not interfere with the daily operations.

Q7. Elector – Darling Views, my understanding is that the trees on properties in this estate are under a covenant. I took it up with the District Fire Officer and was told by him they are to do with drainage. Council needs to reassess the fire break notices process.

A7. Cr Harris – The solution is to put your concerns in writing and send it to a Councillor. People sometimes elect Councillors and choose not to notify the Councillors of issues which means the Councillors can't action it. For example, I have been trying to address the dirt mound issue for quite some time now. On the subject of dust, we are ruled by the Local Government Act and it restricts Council as to what it can do. We have just passed a dust Local Law so now we can start prosecuting but are limited by the Act in terms of the fines we can impose.

With the whole amalgamation process that is currently going on you may not end up with a Serpentine Jarrahdale Shire if this Council does not fight. Our CEO has just put in the best submission in the State.

Q7a. Elector - Did you try and fight the \$500 fine?

A7a. Cr Harris, yes we have been working on it. We hope that part of the Local Government Act will be re-written so that we can enforce the law.

Q7c. Elector - Drawing your attention to the competency of council, all I am suggesting is you can consider withdrawing the fire break notices.

A7c. Cr Harris – fire break notices are controlled by the State.

Cr Murphy – If you look at your notice you are entitled to a variation that has to be in by a certain date. If you have trees near your firebreak you can apply for this variation.

Q7d. Elector - If you read your notice that is what has been applied for in the past and you have to re-apply.

A7d. Cr Harris – I believe this is changing.

Chief Executive Officer – I understand they have implemented a longer term firebreak variation. There is a requirement within your re-zoning for retention of vegetation under the Town Planning Scheme.

- Q8. Elector - In the main street of Byford, the RSL occupy a house. I believe that Council has advised them they can't put a sign out the front or fly the RSL flag. Is this information true and if it is why is the RSL being singled out?
- A8. Director Development Services – This issue has been ongoing for some time now. In relation to the signs we did require them to be removed because they do not comply with town planning policies.
- Q9. Elector – Regarding the firebreaks; we asked a question about four years ago when Jan Star was on Council about the variations and she told me that a variation means you can get an exemption. How many exemptions are there in the Shire? Why does Cr Randall have a variation on her property?
- A9. Cr Randall – my property complies with the firebreak variation requirements.
- Cr Harris – if you would like to make a formal complaint please contact me.
- Q10. Colleen Rankin – There is currently only 3.9% Public Open Space in the old quarter of Byford instead of the 10% now required. This wasn't a major issue when housing lots ranged from 800 square metres to an acre, providing plenty of private open space and gardens big enough for substantial trees. With infill subdivision, trees are disappearing from the landscape and there is no space surrounding new homes for a child to play. The provision of up to R60 densities in the old quarter will greatly exacerbate this situation.

It is disappointing to read about the provision of POS throughout new developments in Byford including that to be provided west of the highway in the Town Centre Plan but to find no mention of any increase in POS in the old quarter. In fact, in requesting that something be put in place to address this lack, including listing the Byford Fire Station site as a future pocket park, the Byford Progress Association was told by Council staff that pocket parks were too expensive to maintain, and no solution to the situation was offered.

Many residents of the old quarter have lived in Byford for many years and deserve to be treated on an equal footing with residents moving in to new estates. The amenity of our area should not be eroded and I object to the high rates we have been paying in recent years being swallowed up in producing plans to advantage future residents.

What does council intend to do to provide Public Open Space in the old quarter of Byford and when will we see street trees that have been removed over the last 10 years replaced?

- Q10a. A Clarkson – we tend to deal with issues over the whole area. We need to work together as a community to address these issues. We don't agree with the increase in rates. We must say this community cannot pay these enormous rates. We ask that Council deals with this issue. I must say that over the last couple of weeks there appears to be a new flavour in the Council. State Government has to work together with us.

Elector - The developer that did Sunrays Estate scraped all the overburden and there were no issues with dust. This gets rid of your dust issues and stockpile issues.

- Q11. Elector – I have been listening to the discussion about Darling Views. I know exactly how quickly a fire can come. We pass Darling Views every day and there are very tall gum trees situated very closely to homes in this area. It wouldn't make any difference if there was a 6 metre firebreak in place as the trees there will catch fire anyway.

- A11. Cr Brown – One of the reasons the firebreaks are place is so that fire vehicles can access properties also.
- Q12. Elector – With regards to the new church being built at the corner of Clifton and Mary Streets in Byford, there is no room for car parking. The same situation exists at the Byford Hall and the Shire office.
- A12. Cr Brown - There will be parking at the church available for 34 vehicles. The church has complied will all regulatory requirements.
- Director Engineering – We haven't removed any parking bays from the Byford Hall.
- Q13. Elector –What is Council going to do about the Senior Citizen situation around the Shire?
- A13. Cr Harris – There are multiple things being considered at the moment. There have been several planned proposals for housing in Byford that should be available in roughly 5 years.
- Cr Kirkpatrick – I live in Jarrahdale and the expansion and improvements we did on the hall in Jarrahdale included rooms that have been designed for use by Armadale Home Help among other groups. It is there and it is available for use. The community also has to take responsibility.
- Cr Brown - The new Church in Byford will also be a Community Centre that can be accessed by senior citizens.
- Cr Harris – A new community resource centre is currently being built in Mundijong that will also cater for seniors.
- Francine Nichol - We currently have a lot of programs and services for Seniors available at the Serpentine Jarrahdale Recreation Centre. Please come and see us for more information. We are also looking at starting a Seniors Circle in the next few months.
- Q14. Elector – where are we at with regards to the Jarrahdale Heritage Park?
- A14. Director Corporate Services – Jarrahdale Heritage Park Committee has been operating since 2008. We are now looking at what projects we can move forward. Some of the projects we are currently working on are:
- i) Relocation of the Church
 - ii) Talking to Karnet Prison to use their labour
 - iii) Looking at selling the four cottages on Staff Street
 - iv) Investigating opportunities for grant funding
- Q15. Elector - What other proposals are there for increasing the rates again this year. Are you going to continue to increase the rates 11% every year?
- A15. Cr Harris – At this stage we have no idea. There are going to be many things that come up in the next few months that will impact on decisions we make regarding the budget. We are very well aware of the issues of increases in rates.
- Q16. Elector - How did you get the figure of 11%?
- A16. Cr Harris – You as ratepayers also control the State Government. Many things are happening in terms of Planning. The government is going to enter into public / private partnerships. Another state planning issue that is on the

drawing board is planning regulation changes. The State Government looks like taking more control away from us and they will make more decisions about what will happen in our Shire.

Mrs Rankin – as I see it we have 3 major problems, we are the second biggest area with the smallest population and the highest development rate. You can't apply the same rules to Serpentine Jarrahdale Shire that apply to other Shires because we are so different. There is no other Local Government with the same dynamics.

Cr Kirkpatrick – we require \$50M just to bring our roads up to standard.

Q17. Elector - Could Tony Simpson answer what the State Government is going to do?

A17. Tony Simpson – I am currently working with people to address a number of important issues. I will take your issues on board but I can't address them at the moment. I am still trying to work through an issue with schooling in the Byford area. I am also working on issues with regards to roads and police stations in this area.

Q18. Elector – We have limited public open space within Byford town centre. One of the activities that occur in Byford is the ANZAC service. What will happen to the future of the ANZAC service because of the changes to the Byford Hall? Someone wrote a letter to the editor in the Comment News suggesting that one way we can remember those persons is to erect a plaque. Byford has now in effect lost its park and memorial. Does council have anything in mind to replace the memorial?

A18. Cr Harris – as far as I know there is no specific issue with the memorial. It is still in place.

Q18a. Colleen Rankin – Isn't it a fact that once the playground is moved in to its new spot the area will basically be the same that it was.

A18a. Cr Harris – yes that is right, it looks smaller at the moment due of all the works going on.

3.2 Any Other Business

Nil

4. CLOSE

There being no further business, the Presiding Member closed the meeting at 9.40pm.

I certify that these minutes were confirmed at the
Special Council meeting held on 9 March 2010.

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Presiding Member

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Date