

Special Electors Meeting

Minutes for Monday 28 May 2018

UNCONFIRMED



**city of
kalamunda**

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1. Official Opening

The Presiding Member opened the meeting at 7.01pm and welcomed Councillors, Staff and Electors of the City. Having previously declared an interest in the subject matter of the meeting Mayor John Giardina then handed over to Deputy Mayor Cr Dylan O'Connor to preside.

The Chief Executive Officer read out the Disclosure of Impartiality Interest for Cr Giardina as his family resides in the vicinity. Cr Giardina left the meeting at 7.03pm and did not return.

2. Attendance and Apologies

Councillors

South East Ward

John Giardina (Mayor) *(left meeting at 7.03pm and did not return)*

Michael Fernie

Geoff Stallard

South West Ward

Allan Morton

North West Ward

Sara Lohmeyer

Dylan O'Connor (Presiding Member)

North Ward

Cameron Blair

Tracy Destree

Margaret Thomas

Members of Staff

Chief Executive Officer

Rhonda Hardy

Executive Team

Gary Ticehurst - Director Corporate & Community Services

Dennis Blair - Director Asset Services

Peter Varelis - Director Development Services

Simon Di Rosso - General Counsel & Executive Advisor

Management Team

Rob Korenhof - Manager Asset Delivery Services

Nicole O'Neill - Manager Customer & Public Relations

Administration Support

Kristy Lisle - Executive Research Officer Governance & Legal

Donna McPherson - Executive Research Officer to Chief Executive Officer

Adam Parker - Service Desk Analyst

Electors 33

Members of the Public 3

Members of the Press Nil

Apologies

South West Ward

Lesley Boyd

Brooke O'Donnell

North West Ward

David Almond

Leave of Absence Previously Approved Nil

3. Business of the Meeting

- 3.1 The purpose of the meeting and order for business is –
- a) To discuss options for the preservation of the avenue of Lemon Scented Gums on Welshpool Road East, Wattle Grove.
 - b) To discuss the outcome of the Council's 17 April 2018 Special Council Meeting (**SCM**), particularly, the Council's decision on Item 8.1.1 in the SCM Agenda, '*Application to Amend Development Approval – Place of Worship – Lot 36 (831) Welshpool road East, Wattle Grove*' (**Item 8.1.1**) and any options that may be available to request Council amend this decision

The Presiding Member asked for questions and comments.

Ms Vanessa Mazza. 55 Goderich Street, East Perth.

- Q1. Have site workers been briefed as to the priority of full tree retention? If so, who briefed them and when and has the arborist spoken to the site workers who have already been on site and undertaken any work?
- A1. Manager Asset Delivery attended a start up meeting with the contractor, the developer's representative and some additional City staff on the Friday before the works started. The site was walked over and the trees were examined, discussions were held on how the work would be undertaken. At the conclusion of the meeting it was made clear that trees were to be protected in all instances, if there were any issues the contractor would need to make contact with the City's representative and the arborist and the City's Parks representative.
- Q2. The arborist getting involved, is that prior to damage or post damage?
- A2. Manager Asset Delivery was not aware of the damage until after the initial site meeting. The arborist was brought on to site by the contractor earlier this week and pre-excitation works were undertaken and the arborist investigated the impact of the works on the roots of the trees. Not certain if the arborist was on site when the damage was done and a follow up report has been requested. Director Asset Services added when the test trenching was done, it was to go down a maximum of 350mm, that being the maximum depth of pavement that would be installed and there was a minor section of widening where the pavement was planned. This was to see if there were any roots within the first 350mm, the arborist confirmed that there were no roots in the excavation area, so there was no issue from the point of view of the arborist.
- Q3. At the last Special Council Meeting where the current proposal placing up to 14 trees potentially at risk was passed, officers were asked by Council about the outcome if the proposal was either deferred in order seek clarity and understand and mitigate the risk or was rejected. The City advised Councillors that the church had the right to proceed with the initial plan to remove 14 or more trees, and this was presented and understood as a risk. Beyond knowing the church simply had the right to proceed, did the City engage the church either in a conversation or in writing to understand the actual risk by asking what their intention was in case of deferral or rejection of the application. Was

the City's evaluation that the church could proceed based on any discussion with the church in an attempt to understand or qualify what they might in reality do?

- A3. The Chief Executive Officer confirmed the church was contacted and they advised they had signed contracts prior to the meeting and the contracts effected an action, therefore having acted on the resolutions of Council and enabling them to continue with their works.
- Q4. By saying they had signed contracts, I'm understanding that we're pointing to the legal right to proceed, but had they indicated a moral preposition they were going to proceed if this last decision was deferred to get a better understanding of the risk in order to mitigate it?
- A4. The Chief Executive Officer advised this wasn't discussed with them.
- Q5. Last year in concert with the National Trust, who also value the avenue, I asked in writing if a heritage study had been undertaken prior to the application being approved, furthermore, I asked if a heritage study had not been undertaken, why had it not been undertaken. Can the City please advise me why a heritage assessment was not undertaken prior to your initial plan to eradicate the avenue of lemon scented gums?
- A5. The Director Development Services confirmed the avenue of trees wasn't picked up in the City's most recent iteration of the Municipal Heritage of Inventory. However, since the development approval and this issue coming to rise, the Municipal Heritage of Inventory has been reviewed and the trees have been included, utilising information that you provided to the State Heritage Council and the City is also in the process of preparing a local planning policy declaring the avenue of trees as a heritage area and providing development controls to protect the trees from future development.

Mr Kim Sinclair. 36 Lewis Road, Wattle Grove

- Q1. I would like to reinforce that care is taken when machines are working on site. When are the works anticipated to be finished?
- A1. Manager Asset Delivery advised towards the end of June, dependant of weather.

Mr Laszlo Lenard. 39 Gloucester Road, Kalamunda

- Q1. Who is responsible to shoulder the costs of the relocation of the traffic barriers that were installed to prevent people from hitting the trees travelling on the road and furthermore, who is responsible for the costs of the new slip lanes?
- A1. The Director Development Services advised these are conditions of development approval and the costs are to entirely be borne by the applicant.

As there were no further questions from the public the Presiding Member asked for Ms Mazza to provide and explain her motions.

MOTION 1 – RATIONALE PROVIDED BY VANESSA MAZZA

The renovation of the bus stop and installation of access footpaths and pouring of a new concrete pad is a cause for concern and threat to the trees. The bus stop does not seem to have been individually scrutinized to the same extent as the slip lane, instead being bundled together and dealt with as a single entity, when in fact they are different undertakings and require separate dedicated scrutiny. Given that the 282-bus servicing that stop does not run on a Sunday, that the bus stop has an extremely low event rate, and the bus stop in all probability will be used less and less if ongoing trends of decline in the use of public transport in Perth continues. How is the renovation justified given this could result in creating root zone disturbance to several of the trees resulting ultimately in their removal. A bus stop that is barely used is not more important than a valued land mark and community asset.

The Manager Asset Delivery advised the Public Transport Authority met on site and was insistent the bus stop be retained as it is part of their service delivery. Discussions were held about how best to accommodate the current standards and the outcome. It was determined the existing concrete slab will be removed with the new slab being at a slightly higher level and sloped towards the road to allow for drainage. It is not envisaged this will impact the root zone of the trees given it is in the same position. This was part of the reasoning for including the bus stop within the slip lane. The AusRoad Guidelines would normally require it to be added to the end of the slip lane, so this was a compromise City Officers made at the time to endeavour to protect the trees in general.

Following discussion between Ms Mazza, the City's Manager Asset Delivery and Council, Ms Mazza withdrew her motion pending a written response and no vote was taken.

Voting Requirements: Simple Majority

MOTION 1

That:

1. The renovation of the bus stop should be halted until that renovation is evidentially proved to be essential and mandatory.
2. If the renovation of the bus stop cannot be proved as essential and mandatory that the bus stop remain in its current state and not be renovated.

Moved: **Vanessa Mazza**

Seconded: **Harry Mazza**

Vote: **WITHDRAWN**

MOTION 2 – RATIONALE PROVIDED BY VANESSA MAZZA

In spite of this evenings meeting, works have already begun on site, survey pegs nominating different zones, the new kerb edge, foot paths, drains etc have been set out, work on the median strip has begun in earnest and today the bobcat site workers were excavating around the trees. A lemon scented gum has been significantly damaged, which was discussed earlier, where a large amount of bark has been gouged out, resulting in a partial ring barking of the tree. I believe this damage was caused as a result of site works. This is extremely concerning and does not seem to indicate a careful preservation approach has been taken. It is apparent that an arborist was not on site when this occurred.

General Counsel explained to the gallery of the slight changes to ensure the motion fits within the protocols. These changes are shown below. Discussion ensued, and Ms Mazza accepted the changes.

Voting Requirements: Simple Majority

MOTION 2

That:

1. Immediate action to protect the trees from further damage be taken **which shall include:**
 - a) All those entering the site **for construction purposes**, in any capacity ~~need to~~ be fully briefed (by the arborist and the City) as to the sensitive nature of site and goal of preservation of each and every Lemon Scented Gum.
 - b) The arborist ~~is to~~ be called immediately to assess and report on the damage and that this damage and any and all damage is to be ~~logged~~ **recorded** and made a matter of public record.
 - c) The arborist is to ~~prepare~~ **assess** the site **in advance** and dictate tree sparing protocols – be they guidelines, tree guards etc.
 - d) That any measures undertaken are recorded and are made public as a matter of public record.

Moved: **Vanessa Mazza**

Seconded: **Harry Mazza**

Vote: **CARRIED (41/0)**

MOTION 3 – Foreshadowed, but not put

Ms Mazza advised Motion 3 was centred around the heritage listing of the scented gums, however as the Director Development Services provided information regarding the heritage listing, Ms Mazza did not wish to put forward the motion.

Graham Young. 12 Lyndhurst Road, Kalamunda

- Q1. With regard to the future planning strategies for this particular area and the heritage value of the trees, could I ask why this matter wasn't investigated as soon as this information was known, rather than through band aids at the issue to try and resolve the problem concerning this avenue of trees that is happening now. Clearly, under the North East Subregional Structural Framework, the land around those trees is going to be earmarked for future urban from the period advancing from 2022. It seems to me the future development of this area will have some effect on those trees and including the access from Welshpool Road which has other regional road status, to the church property. The matter of the way the City approaches the heritage value of those trees is going to have to be dealt with again as part of the process to convert Wattle Grove into an urban corridor.
- A1. The Director Development Services advised Welshpool Road through this section is already a dual carriage way and access will be limited off the road in that area when it does urbanise. It is not envisaged Welshpool Road would be upgraded any further than what the dual carriage way already is. Access from this area is a relevant consideration and will be dealt with through the detailed planning of the future urbanisation of Wattle Grove South. It is something that is very difficult to comment on at this stage without the access arrangements and detailed planning for this area. Welshpool Road is currently a dual carriage way and dual carriage ways can facilitate in the order of 25,000 vehicles per day, therefore already at a high capacity and not envisaged to go higher than that even with the urbanisation of Wattle Grove South.

MOTION 4

Ms Mazza indicated she had a forth motion she was previously going to put however, advised based on the discussions held during the meeting she was satisfied with what will be done regarding the site and therefore did not wish to put forward the motion.

Ms Mazza suggested that for other people of the community who come across decisions that they don't like, maybe the City can look at pathways or a liaison officer to help people.

Cr Margaret Thomas left chambers at 7.54pm and returned at 7.56pm.

4. Closure

There being no further business, the Presiding Member declared the Meeting closed at 7.59pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____
Presiding Member

Dated this _____ day of _____ 2018.