

**ORDINARY MEETING OF COUNCIL**  
**14 December 2009**

**MINUTES**

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# CITY OF ARMADALE

## MINUTES

OF ORDINARY MEETING OF THE ARMADALE CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 14 DECEMBER 2009 COMMENCING AT 7.00 PM

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### 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

*The Mayor, Cr Reynolds, declared the meeting open at 7.00 pm.*

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

#### PRESENT:

Mayor, Cr L Reynolds AM JP presided over	Heron Ward
Deputy Mayor, Cr J H Munn JP CMC	Lake Ward
Cr C J MacDonald	Lake Ward
Cr H A Zelones JP	River Ward
Cr R Butterfield	River Ward
Cr G A Best	Neerigen Ward
Cr R J Tizard	Neerigen Ward
Cr W Mauger	Palomino Ward
Cr L Sargeson	Palomino Ward
Cr D M Shaw	Heron Ward
Cr M H Norman	Minnawarra Ward
Cr K Lethbridge JP	Minnawarra Ward
Cr P J Hart	Jarraah Ward
Cr C Wielinga	Jarraah 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 G Davies	A/Executive Director Technical Services
Mr N Kegie	A/Executive Director Community Services
Mrs Y Ward	CEO's Executive Assistant (Acting)

Public: 2  
Press: Nil

**LEAVE OF ABSENCE:**

Nil

**APOLOGIES:**

Nil

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

Nil

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**4           PUBLIC QUESTION TIME**

Nil

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**5           APPLICATIONS FOR LEAVE OF ABSENCE**

**5.1       Request for Leave of Absence – Cr D M Shaw**

Request for Leave of Absence received from Cr D M Shaw for the period Saturday, 30 January 2010 to Sunday, 21 February 2010 inclusive. The purpose of this leave is to go to India to undertake a program involving building new suburbs for women's refuge groups and taking classes and lectures with regard to planning issues.

**5.2       Request for Leave of Absence – Cr G A Best**

Request for Leave of Absence received from Cr G A Best for the period Monday, 18 January 2010 to Friday, 19 February 2010 inclusive.

MOVED Cr Munn that:

1.       The request for Leave of Absence received from Cr D M Shaw for the period Saturday, 30 January 2010 to Sunday, 21 February 2010, inclusive [includes (1) Council Meeting – 8 February 2010] be received and granted.
2.       The request for Leave of Absence received from Cr G A Best for the period Monday, 18 January 2010 to Friday, 19 February 2010 inclusive [includes (2) Council Meetings – 25 January 2010 and 8 February 2010] be received and granted.

**6 PETITIONS**

The presentation of a petition, in opposition to the City of Armadale's decision to remove the healthy and mature ficus trees, was deferred to allow for it to be tabled later in the meeting.

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**7 CONFIRMATION OF MINUTES**

7.1 PREVIOUS ORDINARY MEETING OF COUNCIL  
HELD ON 23 NOVEMBER 2009

MOVED Cr Shaw that the Minutes of the Ordinary Meeting of Council held on 23 November 2009 be confirmed as a true and accurate record.

**332/12/2009 MOTION not opposed, DECLARED CARRIED (14-0)**

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**8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

**8.1 Study Group of Metropolitan South West Council Staff**

On 24 November 2009, the Mayor spoke with a study group of Metropolitan and South West Council staff who toured the area to see the new playground equipment that Council has installed and to hear from Paul Lanternier, Manager Parks, on the initiatives that Council has underway to upgrade Public Open Space.

**8.2 Meeting with Mr Mulani – Araluen Country Club**

Also on 24 November 2009, the Chief Executive Officer and the Mayor met with Mr Mulani at Araluen Country Club to discuss his latest intentions, as reported previously to Councillors.

**8.3 Meeting with National Growth Area Alliance's Executive Director**

Later on 24 November 2009, the Chief Executive Officer and the Mayor met with the National Growth Area Alliance's Executive Director to discuss current research projects in preparation for the 2010 Federal Election.

**8.4 South East Zone of WALGA Meeting at City of Armadale**

On 25 November 2009, the South East Zone of WALGA met in the City of Armadale Council Chambers. The Mayor attended at the invitation of its Chair, Cr Zelones.

**8.5 Highland Gathering – Presentation to Volunteers**

On 25 November 2009, the Mayor awarded certificates of appreciation to the Community Volunteers who assisted with the 2009 Highland Gathering.

**8.6 Launch of Rebadged SWAN TAFE – Polytechnic West**

On 25 November 2009, Cr Munn attended the launch of the rebadged SWAN TAFE – now termed Polytechnic West. It will be interesting to see if it makes any difference to the service delivery in Armadale.

**8.7 Busy Bee – Planting of Replacement Sugar Gums – Community & Kelmscott Primary School**

On 26 November 2009, along with Crs Butterfield, Munn, Best and representatives of the Kelmscott community and Kelmscott Primary School, the Mayor attended a busy bee to plant replacement Sugar Gums on the western edge of Rushton Park to replace those removed over the last two years. It appears that the original trees were planted in early 1909 when the Roads Board received and planted 300 of them around the district.

**8.8 Attendance at Annual Dinner for Local Government**

Along with key senior staff, the Mayor attended the Annual Dinner for Local Government hosted by Nigel Satterley.

**8.9 End of Year Event – Armadale Education Support Centre**

The Mayor attended the end-of-year event for the Armadale Education Support Centre which now caters for a significant number of children with learning disabilities.

**8.10 International Day of DisAbility & Community Contact Lunch at Champion Lakes**

On 3 December 2009, along with other Councillors, the Mayor attended the International Day of DisAbility and Community Contact Lunch at the Champion Lakes facility.

**8.11 2009 Annual General Meeting of Electors**

Also on 3 December 2009, the 2009 Annual General Meeting of Electors was held and the issues arising from the meeting will be dealt with more formally in the New Year.

**8.12 Gosnells Civic Dinner**

On 5 December 2009, the Chief Executive Officer and the Mayor attended the Gosnells Civic Dinner at the Gosnells Golf Club.

**8.13 Year End Celebration – Bushcare Groups**

On 6 December 2009, Cr Hart and the Mayor attended the end of year celebration for Council's Bushcare groups at the SERCUL facility in Kenwick.

**8.14 Carols in Minnowarra**

Also on 6 December 2009, the Council sponsored a Carols evening in Minnowarra Park which was attended by a good sized crowd who appeared to enjoy the event.

**8.15 Books on Wheels Christmas Function**

On 9 December 2009, Cr Best and the Mayor attended the Books on Wheels Christmas function held in the Seville Grove Library.

**8.16 Willandra Primary School Awards**

Also on 9 December 2009, Cr Mauger attended the Willandra Primary School awards evening on Council's behalf.

**8.17 Armadales SES Awards Evening**

Also during the evening of 9 December 2009, the Mayor attended the Armadales SES Awards.

**8.18 Strategic Plan Workshops**

On 9 and 10 December 2009, Councillors and senior staff participated in two workshops associated with the update of Council's Strategic Plan.

**8.19 Annual Serpentine-Jarrahdale Christmas Lunch**

On 12 December 2009, Cr Munn attended the Annual Serpentine-Jarrahdale Christmas Lunch held at the Kingia Function Centre in Byford.

**8.20 City of Armadale Annual Civic Dinner**

Also during the evening of 12 December 2009, Councillors played host at the City of Armadale's Annual Civic Dinner.

**8.21 End-of-Year Function for Armadale Water Walkers**

On 14 December 2009, Cr Norman and the Mayor attended the end-of-year function for the Armadale Water Walkers.

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

Nil

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**10 REPORTS**

**10.1 TECHNICAL SERVICES COMMITTEE**

Report of the Technical Services Committee of 7 December 2009.

MOVED Cr Butterfield that the report be received.

**333/12/2009 MOTION not opposed, DECLARED CARRIED (14-0)**

**BUSINESS ARISING:**

Recommendation T90/12/09 – Warton Road – Compulsory Land Acquisition

MOVED Cr Butterfield that Recommendation T90/12/09 be adopted.  
SECONDED Cr Munn

**334/12/2009 MOTION DECLARED CARRIED BY ABSOLUTE MAJORITY OF MAJORITY OF COUNCIL (14-0)**

Recommendation T92/12/09 – Armitage Road, Kelmscott – Parking Restriction Signage

MOVED Cr Zelones that Recommendation T92/12/09 be approved.

**335/12/2009 MOTION not opposed, DECLARED CARRIED (14-0)**

Recommendation T93/12/09 – Warton Road – Armadale Road Intersection – Federal Blackspot Grant

MOVED Cr Butterfield that Recommendation T93/12/09 be adopted.  
SECONDED Cr Munn



**336/12/2009 MOTION DECLARED CARRIED BY ABSOLUTE MAJORITY OF MAJORITY OF COUNCIL (14-0)**

MOVED Cr Butterfield that Recommendations T90/12/09 to T98/12/09, except those already dealt with, be adopted.

**337/12/2009 MOTION not opposed, DECLARED CARRIED (14-0)**

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**6. PETITIONS**

MOVED Cr Tizard that Standing Orders be suspended to allow the tabling of a petition in opposition to the City of Armadale's decision to remove healthy and mature ficus trees from street verges.

**338/12/2009 MOTION not opposed, DECLARED CARRIED (14-0)**

A petition signed by 44 signatories was tabled by Cr Butterfield, the prayer of which reads as follows:

*"We the undersigned residents of Vistula Terrace, Kelmscott strongly oppose the City of Armadale's decision to remove the healthy and mature Ficus trees that line the verges of our street, and call on Council to reverse this decision."*

MOVED Cr Butterfield:

That the petition be received and referred to the Technical Services Committee.

**339/12/2009 MOTION not opposed, DECLARED CARRIED (14-0)**

MOVED Cr Best that Standing Orders be resumed.

**340/12/2009 MOTION not opposed, DECLARED CARRIED (14-0)**

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**10.2 DEVELOPMENT SERVICES COMMITTEE**

Report of the Development Services Committee of 7 December 2009.

MOVED Cr Zelones that the report, be received.

**341/12/2009 MOTION not opposed, DECLARED CARRIED (14-0)**

**BUSINESS ARISING:**

Nil

MOVED Cr Zelones that Recommendations D133/12/09 to D139/12/09 be adopted.

**342/12/2009 MOTION not opposed, DECLARED CARRIED (14-0)**

**10.3 CITY STRATEGY COMMITTEE**

Report of the City Strategy Committee held on 8 December 2009.

MOVED Cr Tizard that the report be received.

**343/12/2009 MOTION not opposed, DECLARED CARRIED (14-0)**

**BUSINESS ARISING FROM REPORT**

Nil

MOVED Cr Tizard that Recommendations CS132/12/09 to CS136/12/09 be adopted.

**344/12/2009 MOTION not opposed, DECLARED CARRIED (14-0)**

**10.4 COMMUNITY SERVICES COMMITTEE**

Report of the Community Services Committee held on 8 December 2009.

**CORRECTION:**

MOVED Cr MacDonald that the report, subject to the following correction, be received:

Page 5            Recommendation C42/12/09 – Office of Crime Prevention Grant

Part 2 (b) of Recommendation C42/12/09 be amended to read:

b.            Amend the 2009-2010 Annual Budget as follows:

Expense  
Community Projects [220228.1490.02]  
- Increase by \$5,000

Jull Street Mall Events [New Account]  
– Increase by \$15,000

Revenue  
Community Safety Grants [120202.1521.02]

- Increase by \$15,000.

Community Activities Grants [120202.1523.02]  
- Increase by \$5,000.

**345/12/2009 MOTION not opposed, DECLARED CARRIED (14-0)**

### **BUSINESS ARISING FROM REPORT**

#### Recommendation C42/12/09 – Office of Crime Prevention Grant

MOVED Cr MacDonald that Recommendation C42/12/09 be adopted.  
SECONDED Cr Munn

**346/12/2009 MOTION DECLARED CARRIED BY ABSOLUTE MAJORITY OF MAJORITY OF COUNCIL (14-0)**

MOVED Cr MacDonald that Recommendations C42/12/09 to C45/12/09, except those already dealt with, be adopted.

**347/12/2009 MOTION not opposed, DECLARED CARRIED (14-0)**

### **10.5 CHIEF EXECUTIVE OFFICER'S REPORT**

Report of the Chief Executive Officer as at 10 December 2009.

MOVED Cr Mauger that the report be received.

**348/12/2009 MOTION not opposed, DECLARED CARRIED (14-0)**

#### 10.5.1 Annual General Meeting of Electors 2009

MOVED Cr Butterfield:

That Council:

1. Receives the Minutes of the Annual General Meeting of Electors held on 3 December 2009 as presented at Attachment "A-1" to this Report.
- 2 Pursuant to the requirements of section 5.33 of the Local Government Act 1995, adopt the following Table detailing Council's decisions and supporting reasons made in response to the decisions made at the Annual General Meeting of Electors held on 3 December 2009, i.e.

Council's decision in response to the decision made at the Annual General Meeting of Electors	Comments/Reasons for Council's decision	Decision made at the Annual General Meeting of Electors held on 3 Dec 2009
<p>That Council review its post mature street tree removal and replacement programme, encompassing street amenity, aboricultural amenity, and asset management principles.</p>	<p>The ficus trees on suburban streets in Westfield and Clifton Hills and other suburbs were placed inappropriately. Over the years there have been constant requests from ratepayers to remove them due to damage to retaining walls, houses and public infrastructure. Trees under powerlines need to be cut back 2.5m from these lines leaving very little foliage and canopy of large trees, such as ficus, remaining, and significantly reducing their arboricultural health. There is a significant streetscape amenity benefit by providing a consistent tree species along a street; piecemeal removal of trees limits this amenity. Also, the City has a substantial liability risk by leaving inappropriate trees in place, as it can be deemed at law to have failed in its duty of care to all users, including infrastructure providers, of the road reserve.</p> <p>This led to Council determining a protocol and program of removal of inappropriate trees and their replacement with species appropriate to streetscapes.</p> <p>Council has not made the decision to remove street trees lightly, but considering both the actual damage already caused throughout the City and the considerable risk of further damage, it has budgeted to remove 1000 inappropriate street trees, of which half are ficus, and is currently halfway through the program. It must be emphasised that the program also includes replacement trees.</p> <p>Council is open to discussion with those who wish to retain ficus trees on their verges and this may an agreement with the residents of the street indemnifying Council against any future damage caused by the retained trees.</p>	<p>“We the residents of Vistula Terrace, Clifton Hills are strongly opposed to Council's decision to remove the ficus trees that line the verges. These trees are healthy and mature and are not damaging property. We ask Council to reverse the decision to remove the ficus trees and adopt a more progressive and environmentally conscious approach towards these trees such as that exhibited by the City of Gosnells who assess their ficus trees on a case by case basis only removing those that are diseased or causing damage.”</p>

- 3 Notes Officers will respond to the questions taken on notice at the 2008-2009 Annual General Meeting of Electors within 2 weeks of the Minutes of the meeting being received by Council.

**349/12/2009 MOTION not opposed, DECLARED CARRIED**

**(14-0)**

10.5.2 Councillors' Information Bulletin – Issue No. 20/2009

MOVED Cr Best:

That Council acknowledge receipt of Issue No. 20/2009 of the Information Bulletin.

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**350/12/2009 MOTION not opposed, DECLARED CARRIED (14-0)**

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**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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**12 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

Nil

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**13 MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION**

Nil

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**14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION**

Nil

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**15 CLOSURE**

*In closing, the Mayor thanked his fellow Councillors for their participation throughout the year and wished them and their families a safe and enjoyable Christmas break and advised that he would see them again at Council in the middle of January 2010.*

*The Deputy Mayor, in reply and on behalf of his fellow Councillors, wished the Mayor and his family a safe and enjoyable Christmas and wished him well in his move to his new house.*

*The Mayor, Cr Reynolds, declared the meeting closed at 7.25 pm.*

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MINUTES CONFIRMED THIS 25<sup>TH</sup> JANUARY 2010

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MAYOR