



# **MINUTES**

## **Ordinary Council Meeting Tuesday, 5 November 2019**

**Date: Tuesday, 5 November 2019**

**Time: 7:00pm**

**Location: Town of Claremont  
Claremont Council Chambers  
308 Stirling Highway, Claremont**

**Liz Ledger  
Chief Executive Officer**

## **DISCLAIMER**

Would all members of the public please note that they are cautioned against taking any action as a result of a Council decision tonight until such time as they have seen a copy of the Minutes or have been advised, in writing, by the Council's Administration with regard to any particular decision. This meeting shall be recorded for Administration purposes only.

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**MINUTES OF TOWN OF CLAREMONT  
ORDINARY COUNCIL MEETING  
HELD AT THE TOWN OF CLAREMONT, CLAREMONT COUNCIL CHAMBERS, 308 STIRLING  
HIGHWAY, CLAREMONT  
ON TUESDAY, 5 NOVEMBER 2019 AT 7:00PM**

**1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

His worship the Mayor, Jock Barker, welcomed members of the public, press, staff and Councillors and declared the meeting open at 7:01pm.

**2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

**PRESENT:**

Mayor Jock Barker

Cr Peter Browne OAM, JP

Cr Peter Edwards

Cr Sara Franklyn

Cr Jill Goetze

Cr Bruce Haynes

Cr Paul Kelly

Cr Kate Main

Cr Annette Suann

Cr Peter Telford

**IN ATTENDANCE:**

Liz Ledger (Chief Executive Officer),

Les Crichton (Director Corporate and Compliance),

Nick King (Acting Director Infrastructure and Assets)

Katie Bovell (Governance Officer)

One member of the public

Two members of the Press

**APOLOGIES:**

Andrew Smith (Director Infrastructure and Assets),

David Vinicombe (Director Planning and Development),

**LEAVE OF ABSENCE:**

Nil

**3 DISCLOSURE OF INTERESTS**

Mayor Barker declared an impartiality interest in Item 14.1.2 Caxton Road Footpath.

## 4 ELECTION OF DEPUTY MAYOR

### 4.1 ELECTION OF DEPUTY MAYOR

**File Number:** GOV/00074, D-19-37829

**Author:** Les Crichton, Director Corporate and Compliance

**Authoriser:** Liz Ledger, Chief Executive Officer

**Attachments:** Nil

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**That election of the Deputy Mayor for the term ending at the start of the next ordinary Council meeting immediately following the 2021 Local Government elections was conducted in accordance with Schedule 2.3, Division 2 of the *Local Government Act 1995*.**

Cr Haynes nominated himself which was supported by Cr Edwards.

Cr Franklyn nominated Cr Goetze which was supported by Cr Main.

A secret ballot was conducted and having received the greater number of votes, the Mayor declared Cr Goetze elected as Deputy Mayor.

Cr Goetze made the Declaration of the Office of Deputy Mayor in the presence of the Mayor.

**5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**6 PUBLIC QUESTION TIME**

Nil

**7 PUBLIC STATEMENT TIME**

Nil

**8 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

NIL

**10 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**RESOLUTION 143/19**

**Moved: Cr Paul Kelly**

**Seconded: Cr Peter Browne OAM, JP**

**That the minutes of the Ordinary Meeting of Council held on 15 October 2019 be confirmed.**

**CARRIED**

**11 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH THE MEETING  
MAY BE CLOSED TO THE PUBLIC**

Nil

**12 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**

Nil

**13 REPORTS OF COMMITTEES**

Nil

## 14 REPORTS OF THE CEO

### 14.1 LIVEABILITY

#### 14.1.1 PETITION - CHANGE OF TREE, SCOTT STREET, PLANE TREE TO CHINESE PISTACHIO

**File Number:** GOV/00058-03, D-19-36164  
**Author:** Andrew Smith, Director Infrastructure and Assets  
**Authoriser:** Liz Ledger, Chief Executive Officer  
**Attachments:** Nil

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#### PURPOSE

To consider a request to vary the default tree species to be planted in Scott Street from the existing Plane Tree to a proposed Chinese Pistachio

#### BACKGROUND

Clause 6.10(2) of the Town of Claremont Meeting Procedures Local Law 2018, provides that;

*Upon receiving a petition, the local government is... to report on the matter that is the subject of the petition.*

Council at its meeting held on 20 August 2019 received a petition which stated;

*We request any future trees in Scott St to be Chinese Pistachio (Pistacia Chinesis) and not the London Plan (Platanus Acerifolia) as per the current street tree plan.*

*This would provide:*

- a) Continuation of the Chinese Pistachios planned for Bernard St*
- b) Reduced risks of fungal disease that occurs with a monoculture of Plane Trees.*
- c) Reduced risk of asthma attacks induced by the powdered Plane tree seed balls.*
- d) Reduced cost in removal of the large leathery leaves of the Plane tree that is capable of growing to a height of 36 metres.*

The planting of trees across the district is subject to the Council adopted Street Tree Master Plan. Whilst the planting of trees in streets contained within the Master Plan is required to be in accordance with this Master Plan, the Plan itself has also been varied recently by Council following a decision to proactively seek alternatives to WA Peppermint trees, upon which the Town has encountered serious losses in recent years.

Scott Street is listed in the Master Plan as being a street containing a mixed variety of tree species, with an approved street tree of Plane Trees.

#### DISCUSSION

Council has previously recognised the need for the current Street Tree Master Plan to be reviewed, and it is proposed that this will be commissioned during the 2019/20 financial year.

The process of developing a Street Tree Master Plan requires extensive engagement and consultation with the community on a street by street basis, in order to arrive at an outcome that both meets the needs of the Council, achieves outcomes such as foliage cover and adequate shade in summer time, as well as meets the needs and expectations of the community, both broadly and specific to each road or street.

The proposal to require that all future street trees planted on Scott Street be changed to Chinese Pistachio, whilst inconsistent with the Street Tree Master Plan, may be accommodated by the Council if it is felt that this is consistent with community and Council expectations.

Whilst it may be appropriate to alter the Master Plan to reflect this petition, especially as the petition includes all residents of Scott Street, it may be more appropriate to defer any such change until such time as the Street Tree Master Plan is reviewed, so that this provides the opportunity to 'link' the trees for Scott Street with other streets, if there is a general consensus to vary the species types across several streets to create a central theme.

In addition, the practicality of the alternate species should also be reviewed to ensure that it is suitable for the location and does not generate any adverse issues in terms of growth patterns, loss of leaves, seed pods, or create any risks to pedestrians or vehicles.

Whilst reference is made to the proposed species being consistent with Bernard Street, it should be noted that Bernard Street was originally designated for Plane Trees in the Master Plan. This was changed following engagement from residents from Plane Trees to Liquidambar, following which it was changed again to Chinese Pistachio.

Currently only Bernard Street has the Chinese Pistachio allocated as its designated street tree under the Master Plan.

It is also worthwhile considering that there has been some suggestion, both within the petition, and during previous deliberations in respect to the Master Plan, that there may be merit in having more than one tree species for streets.

This concept appears to have merit so that there is greater flexibility when certain species are affected by disease or generate an adverse impact to residents or the environment.

Certainly the recent experiences related to the WA Peppermint Tree, which makes up a considerable proportion of the approved trees for many of the streets in the district, and the considerable loss of these trees in the last number of years, would appear to suggest that having flexibility in tree species across the Master Plan may be beneficial.

Given that the Master Plan is programmed for review in the current financial year, it is therefore suggested that the feedback from the residents of Scott Street is included in this review and the conversion of the designated street tree for Scott Street from Plane Tree to Chinese Pistachio is included in the initial draft of this Plan.

## **PAST RESOLUTIONS**

Ordinary Council Meeting on 3 September 2013:

*That Council*

1. *Adopt the Draft Town of Claremont Street Tree Master Plan 2013 with the following modifications:*
  - *Bernard St – change from London Plane to Liquidambar.*
  - *Dunbar St – change from London Plane to Poinciana.*
  - *Princess Rd – change from London Plane to Poinciana.*
  - *Australind St – change from Liquidambar to Poinciana.*
  - *Mengler Ave – change from Peppermint to Jacaranda*
  - *Davies Rd (east side) – change from Liquidambar to Narrow Leafed Peppermint (Eucalyptus nicholii).*
  - *Barnfield Rd – change from WA Red Flowering Gum (Corymbia ficifolia) to Jarrah (Eucalyptus marginata).*

## **FINANCIAL AND STAFF IMPLICATIONS**

Provisions have been set aside in the 2019/20 budget for the review of the Street Tree Master Plan

## **POLICY AND STATUTORY IMPLICATIONS**

Council Policy EN305 – Street Trees



## COMMUNICATION / CONSULTATION

The original Street Tree Master Plan was originally formed follow extensive community consultation. Since that time, there have been a number of changes made to the Master Plan, all as result of engagement by residents with Council.

## STRATEGIC COMMUNITY PLAN

### Liveability

*We are an accessible community with well-maintained and managed assets. Our heritage is preserved for the enjoyment of the community.*

- Provide clean, usable, attractive and accessible streetscapes and public spaces.

### Environmental Sustainability

*We are a leader in responsibly managing the built and natural environment for the enjoyment of the community and continue to demonstrate diligent environmental practices.*

- Take a leadership in the community in environmental sustainability.
- Aim for best practice in water usage and waste minimalisation in line with community expectations.
- Protect and conserve the natural flora and fauna of Lake Claremont and the Foreshore.

### Leadership and Governance

*We are an open and accountable local government; a leader in community service standards.*

- Our stakeholders are well informed and we provide opportunities for community engagement.
- Provide the best possible customer experience throughout every interaction we have with our customers.

## URGENCY

No urgency to this matter

## VOTING REQUIREMENTS

Simple majority decision of Council required.

## RESOLUTION 144/19

**Moved: Cr Sara Franklyn**

**Seconded: Cr Jill Goetze**

**That Council;**

1. **Acknowledges the petition as received from residents of Scott Street in respect to the proposed changes to the Street Tree Master Plan and advises them of the outcome of this resolution once determined**
2. **Advises the petitioners that Council will not plant any further Plane Trees on Scott Street and will incorporate the request for Chinese Pistachio as the desired street tree for Scott Street, during the review of the Street Tree Master Plan scheduled for later in 2019/20**

**CARRIED**

*The Mayor advised Council will move to item 14.2.1 Appointment of Elected Members to Committees, prior to dealing with item 14.1.2 – Caxton Road Footpath.*

### 14.1.2 CAXTON ROAD FOOTPATH

**File Number:** RDS/00184, D-19-36783  
**Author:** Marty Symmons, Manager Assets and Design  
**Authoriser:** Liz Ledger, Chief Executive Officer  
**Attachments:** Nil

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*Mayor Barker declared an impartiality interest in this item as he resides in Caxton Road and, as a consequence, there may be a perception that his impartiality on the matter may be affected. Mayor Barker declared he would consider the matter on its merits and vote accordingly.*

#### PURPOSE

For Council to review the Caxton Road footpath reconstruction project, following community concerns with respect to the proposed width of the new footpath being received from residents.

#### BACKGROUND

As part of the 2019-20 budget, Council approved a number of footpath construction projects across the Town, which required the replacement of the previous slab style of footpath and its replacement with a new concrete footpath, constructed in accordance with the Council's adopted policy.

Council Policy LV125 provides that footpaths are to be constructed

*"in residential areas poured in situ (in) Claremont cream coloured concrete".*

The Policy further provides that

*"Footpath widths (are to be) according to minimum width recommendations by Department of Transport and Main Roads WA Planning and designing for pedestrians: guidelines and Department of Planning – Liveable Neighbourhoods recommendations".*

Council Policy LV125 was amended by Council in September 2018 following feedback from the community, reducing the minimum width specified within the Policy from 1.8m to 1.5m in streets which held lower traffic volumes and in areas outside of community, shopping and school precincts.

In accordance with established practice, notification letters were distributed to residents of Caxton Road two weeks prior to the proposed commencement of works, with works scheduled to begin on Monday 7 October 2019. The letter as distributed to residents included details of the proposal to remove the existing slab footpath and install a new 1.5m wide cream colour concrete insitu footpath in accordance with Council Policy LV125 and the adopted 2019/20 budget.

Following the distribution of the notification letter the Town received several complaints in regards to the proposed 1.5 construction width, and how this would detrimentally impact the aesthetics and amenity of the street compared to the current 1.2m path.

In particular, the complaints received suggested that the narrow width of the verge made a 1.5m wide path inappropriate in this location as it would result in the path being very close to the existing street trees, and leave only a narrow strip of verge between the edge of the path and the kerb line.

Given that officers have no discretionary authority in respect to Council Policy LV125, and that Policy requires the construction of any new footpath to be completed at a minimum width of 1.5 metres, the proposed alternate as suggested by some residents that retained the existing 1.2 metre wide path is unable to be considered, without a specific resolution of Council.

#### DISCUSSION

Council's Footpath Policy LV125 reinforces the need for minimum footpath upgrade widths, due to several determining factors, including;

- Proximity to local schools,
- Distances from community centres or public transport, and
- Minimum proposed widths to enable safe use by prams, wheelchairs or cyclists.

Whilst Council Policy LV125 – Footpaths does not provide any discretion for officers to vary the width of a proposed footpath beyond or below the widths as articulated in the Policy (1.5m), Council can choose to vary the footpath width outside of this Policy as it feels is appropriate.

Most standards that inform footpath design and construction accept that 1.5m is the recommended minimum width for footpaths, however these standards also recognise that in certain circumstances where wider paths cannot be constructed (due to grades, pinch points, existing infrastructure or some other impediment) 1.2m width paths as the absolute minimum can be considered.

The following table is an excerpt from Council Policy LV125 – Footpaths. The section that applies to Caxton Road is highlighted in yellow;

Road Classification	Example Street / Road	Traffic Volume Vehicles / Day	Speed Limit (kp/hr)	Minimum Footpath Width			Comments
				Boundary Alignment	Mid Verge Alignment	Back of Kerb Alignment	
Access Road	Cul de sac	Below 100	50	1.5m	1.5m	1.5m	Footpath may not be required
Access Road	Residential streets	Below 500	50	1.5m	1.5m	1.5m	Footpath may be on one side
Access Road	Residential streets	Max 3000	50	1.5m	1.5m	1.5m	Footpath on both sides as required
Local Distributor	Princess Rd	Max 6000	50	1.8m	1.5m	1.8m	Footpath on both sides
District Distributor (B)	Davies Rd	Above 6000	50	1.8-2m	1.8-2m	1.8-2.5m	Median Refuges
District Distributor (A)	Gugeri St	Above 8000	60	2-2.5m	2-2.5m	2.1-2.5m	Median Refuges to be min 2.5m. Shared path on at least one side
Primary Distributor	Stirling Hwy		60	Entire verge			Controlled intersection crossing
Public Open Space	Rowe Park	Shared path			2.5m		Red asphalt with centre line
Public Open Space	Claremont Park	Shared path			Min 1.8m		Cream Concrete
District cycle routes	Stirling Road	Shared path			Min 2m		Cream Concrete

The existing footpath in Caxton Road varies in width from 1.2m to 1.4m along its length, however the majority of the path is 1.2m, and so retaining the path at this width would simply reflect replacement of the existing infrastructure with a new type of path, without choosing to vary the width.

On some properties along Caxton Road there is also a narrow strip of land between the existing footpath and the front property boundary containing small plants and reticulation. This is not continued the full length of the street and may explain why the existing path varies in width from 1.2m to 1.4m. This is however not significantly different to how many verges are treated in other areas of the Town, and the installation of new footpaths in these areas often requires the footpath to be installed close to trees, and the removal of both vegetation and the relocation of existing reticulation.

It is evident that a proportion of residents have improved the verge between the existing footpath and the road, maintaining grass lawns, plants and reticulation.

Following initial adverse feedback being received from the initial notification letter, the decision was taken to defer the project and refer the matter to Council for consideration. A second letter was then

distributed to residents informing them the project had been placed on hold pending a decision of Council.

This second letter generated further feedback from Caxton Road residents, with opinions divided in terms of the proposed width. Several residents raised concerns with the proposed 1.5m width, whilst others advised that they supported the proposed new 1.5m path, and wanted it installed as soon as possible.

In considering this matter and the form of any recommendation provided to Council, consideration must be given both to the wishes of the residents, as well to the broader objectives of the Council, and if the 'request' as made is able to be readily accommodated.

Equally it is also recognised that the amenity of Caxton Road is different from many other streets and presents as a very small, narrow local street, where perhaps ordinarily, the installation of a larger, wider footpath may not be in keeping with the scale of the street.

Despite having direct access to a local distributor road Caxton Road is not considered to be a significant part of the footpath network.

In terms of comparison, Caxton Road has a reserve width of approximately 12 metres, compared with immediately adjacent roads of Queen Street at 15 metres, and Chester Road at 20 metres width.

Whilst road widths are not generally a determining factor for setting footpath widths (instead function, role and hierarchy being considered to be more important elements), Council Policy LV125 is designed so as to be applied equitably across all roads, based on their classification, when in a practical sense, there may in fact be material differences between roads of the same classification.

In considering the comparative views on this issue, the Council should also consider the following two key headings;

#### Accessibility and Function

Throughout the community there has been an increase in the use of mobility scooters which will likely continue given the comparatively aging population of Claremont, these types of machines require wider footpaths especially if the footpath is used by a mobility scooter and another user simultaneously.

Councillors would also be aware that 'as of right' provisions within applicable legislation have also been changed, which now stipulate that all footpaths are legally able to be used by cyclists, a user group that has seen exponential growth in recent years.

Both of these types of user groups support the requirement for a stable, smooth, easy to maintain and fit-for-purpose footpath network.

Council Policy LV125 – Footpaths provides that the intent of the Policy is;

*to ensure footpaths provide pedestrian connectivity around the Town as an alternate form of transport to driving, while:*

- *Providing a safe and accessible environment for all path users*
- *Designing for the visually and physically impaired*
- *Designing for all pedestrians and vulnerable cyclists*
- *Preventing flooding of properties from the verge*

The Policy also makes reference to a number of external policies and guidelines;

- Austroads Guide to Road Design Part 6A: Pedestrian and Cyclist Paths
- Town of Claremont Disability Access and Inclusion Plan

- Town of Claremont Activities on Thoroughfare and Public Places Local Law
- Vehicle Access - Crossover Policy LV 106
- Disability Discrimination Act 1992
- Planning and designing for pedestrians: guidelines (Department of Transport and Main Roads WA endorsed) 2016
- Liveable Neighbourhoods
- Road Traffic Code 2000

All of the mentioned Policies and Codes generally support the development of footpaths at this width as a minimum.

### Amenity

Whilst the development of the footpath network and the application of Council Policy LV125 is designed to provide *a safe and accessible environment for all path users*, consideration should also be given to the impact that this infrastructure might have upon the amenity of the street.

Site inspections have revealed that whilst a 1.5m path can be accommodated within Caxton Road, this will require 3-4 pinch points where due to the location of street trees, the footpath width will need to be narrowed so as not to damage the tree.

Trees in front of numbers 22, 12 and 8 will all have to be accommodated within the design of the path, however this is not particular to narrow streets, as retrofitting wider paths in many areas of the district often requires pinch points to be used to accommodate existing trees and infrastructure.

Council Policy LV125 recognises the need for such pinch points as follows;

*At pinch points where constraints such as trees prevent the above widths, no longer than 2 metre sections the path can be narrowed to an absolute minimum of 1.2 metres, however this is not appropriate at intersections or in an area of high pedestrian traffic such as near a school or shopping precinct where wider path widths may be required.*

Unlike other recent examples however, the small planted strip between the front boundary and the edge of the path can be readily retained, as the widening will occur towards the verge and kerb line, this option will certainly assist to retain the amenity of the street.

In considering the feedback from residents, alternate options were also considered including relocating the path to the western side of the road, where there is a wider verge available. This option would also allow the path to be removed from the side of the road where right of ways exit onto Caxton Road, creating potential conflict points.

Whilst this might be a genuine alternate option, the southern end of Caxton Road contains several very mature trees. These trees create large areas of raised land, through which any such path would have to be cut, potentially impacting on the tree and almost certainly impacting on the amenity of the road in general. As a result this option was not progressed any further as it was considered not to be viable or appropriate to the amenity of the area.

In considering the options available, officers have considered the narrow road width of Caxton Road (unusual within the district), the extent of pinch points that will need to be generated to accommodate street trees and the broader amenity of the area.

Simultaneously officers have also considered if a 1.5m path, recognised as a suitable minimum size by most accepted standards and policies, and endorsed by Council Policy LV125 can be accommodated.

It is clear that with the exception of several pinch points (which in itself is not unusual for many new paths when being installed), the 1.5m path can be accommodated in Caxton Road. Furthermore, unlike Garden Street (which was recently considered by Council) where the additional width of the path would result in the deletion of the small vegetated strip between the front property boundaries

and the pathway, in Caxton Road this would not be required and the landscaped and manicured strips and vegetation would still be able to be retained.

The additional width would however narrow the verge (predominantly grassed) between the edge of the path and the road.

It is considered that through Council Policy LV1256, Council established its position with respect to the type and scale of paths that were to be installed across Claremont as part of this program. Predominantly all paths have been installed in accordance with this Policy and incidents such as Garden Street and now Caxton Road are the anomalies rather than the norm.

In considering Garden Street, Council determined that the design of this road, the lack of verge between the path and the road and the loss of the small vegetated strip between the front property boundaries and the path would have a detrimental impact on the amenity of this road.

By comparison, the 1.5m path can be accommodated on Caxton Road whilst retaining the vegetated strip between the front property boundaries and the path and the street trees protected (where appropriate) through the use of pinch points (provided for within Policy LV125).

As a result, while some residents may not support the installation of the proposed 1.5m path, the function of this path within the network, the application of State Government Guidelines as to footpath networks and priority and the purpose and objectives of the Council's own Policy LV125 – Footpaths, would appear to support the installation of the proposed footpath at a width of 1.5 metres.

## **PAST RESOLUTIONS**

Ordinary Council Meeting 18 September 2018, resolution number 176/18.

*That Council:*

1. *Endorse footpath location and width according to road classifications and traffic, as outlined in Table 1*
2. *Endorse the modified Footpath Policy LV125.*

## **FINANCIAL AND STAFF IMPLICATIONS**

Caxton Road is included within the 2019/20 budget

## **POLICY AND STATUTORY IMPLICATIONS**

Town of Claremont Footpath Policy LV125

The following guidelines also form part of the Town's broader Policy position with respect to footpaths, although they are not statutory or Policy documents of the Town.

- Liveable Neighbourhoods Guidelines 2015 – Western Australian Planning Commission

## **COMMUNICATION / CONSULTATION**

Letters were initially distributed to residents advising of the intended works. A further letter was sent to residents on 3 October 2019 informing them the project has been put on hold until a report is put to Council

## **STRATEGIC COMMUNITY PLAN**

### **Liveability**

*We are an accessible community with well-maintained and managed assets. Our heritage is preserved for the enjoyment of the community.*

- Promote and support initiatives that improve traffic flow.
- Provide clean, usable, attractive and accessible streetscapes and public spaces.
- Balance the Town's historical character with complementary, well designed development.

- Maintain and upgrade the Town's assets for seamless day to day usage.
- Develop the public realm as gathering spaces for participation, prosperity and enjoyment.

### **URGENCY**

Caxton Road is included in the 2019/20 budget, whilst initially programmed to occur in October, this has been rescheduled to accommodate the need for the matter to be considered by Council.

### **VOTING REQUIREMENTS**

Simple majority decision of Council required.

### **OFFICER RECOMMENDATION**

That Council

1. Acknowledge the recent feedback from residents of Caxton Road in respect to this matter and thank them for their contribution.
2. Resolves that as Caxton Road provides sufficient verge width, while still retaining a landscaped verge and street trees, it is appropriate for the new concrete footpath proposed for this street to be constructed at 1.5m width, consistent with the Council's Policy LV125, and that the narrow strip between the existing footpath and the front property boundaries be protected within this construction, so that the additional width required is obtained from the grassed verge between the edge of the path and the kerb line.
3. Employs pinch points as articulated within Policy LV125 to protect street trees as part of this footpath installation.

*The motion lapsed for want of a mover.*

### **ALTERNATIVE MOTION**

#### **RESOLUTION 145/19**

**Moved: Cr Paul Kelly**

**Seconded: Cr Jill Goetze**

**That Council**

- 1. Acknowledge the recent feedback from residents of Caxton Road in respect to this matter and thank them for their contribution.**
- 2. Resolves to maintain the current footpath width of 1.2m in Caxton Road to ensure that the existing amenity of the road is not negatively impacted upon.**
- 3. Employs pinch points as articulated within Policy LV125 to protect street trees as part of this footpath installation.**

Reason:

The majority of Caxton road footpath is currently 1.2m, and this road is different from many other streets, presenting as a very small, narrow local street, that is not considered to be a significant part of the footpath network.

**CARRIED**

*Council moved to Item 15. Announcements by the Presiding Member at the completion of this item.*

## 14.2 LEADERSHIP AND GOVERNANCE

### 14.2.1 APPOINTMENT OF ELECTED MEMBERS TO COMMITTEES

**File Number:** GOV/00074, D-19-37793

**Author:** Les Crichton, Director Corporate and Compliance

**Authoriser:** Liz Ledger, Chief Executive Officer

**Attachments:**

1. Terms of Reference - Audit & Risk Management Committee
2. Terms of Reference - Foreshore Advisory Committee
3. Terms of Reference - Lake Claremont Advisory Committee
4. Terms of Reference - Freshwater Bay Museum Advisory Committee
5. Terms of Reference - Claremont Town Centre Advisory Committee
6. Nominations - Lake Claremont Advisory Committee - Confidential
7. Nomination - Foreshore Advisory Committee - Confidential

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## PURPOSE

To appoint elected members to Committees of Council, and to appoint delegates to relevant local and regional committees. The report also recommends appointments to fill vacant community representative's positions.

## BACKGROUND

The Town has established five advisory committees in accordance with section 5.8 of the *Local Government Act 1995* (the 'Act') to assist with its functions. Committee membership is comprised of Elected Members, community members and, as required for some committees, representatives of other organisations. The intent is to provide more specialised input into Council's decision-making process. However, as the advisory committees do not have delegated authority, all decisions must still be made by resolution of Council.

The current members were appointed following the 2017 election with their tenure having expired on 19 October 2019, the 2019 local government election day.

Council has five Committees which require membership from Elected Members –

- Audit and Risk Management Committee
- Foreshore Advisory Committee
- Lake Claremont Advisory Committee
- Freshwater Bay Museum Advisory Committee
- Claremont Town Centre Advisory Committee.

In addition, the Town is affiliated with five other local and regional committees that require membership from Elected Members –

- Western Australia Local Government Association Central Metropolitan Zone
- Western Metropolitan Regional Council (WMRC)
- Metro West Joint Development Assessment Panel (Metro West JDAP)
- Shine Community Services Management Board
- Western Sub Group, Metropolitan Regional Road Group

The current members and vacancies for Committees of Council are as follows:

### Audit and Risk Management Committee

The Audit and Risk Management Committee has been established to provide an independent oversight of the financial systems of the Town on behalf of the Council, while assisting Council in fulfilling its corporate governance, stewardship, leadership and control responsibilities. Further details are provided within the Terms of Reference (Attachment 1).



Representative Type	Vacancies	Immediate Past Members
Elected Members	4*	Mayor Barker Cr Tulloch Cr Haynes Cr Kelly

\* One Elected Member position is the Mayor

Foreshore Advisory Committee

Management of the Claremont Foreshore is complementary to the Freshwater Bay Management Plan as adopted by the Swan River Trust Town of Claremont and the Claremont Heritage Trust Advisory Committee 1977. Its objectives are:

- To enhance the identity and character of the foreshore
- To enhance the environment
- To protect and encourage wildlife
- To enhance the amenity for residents and visitors to the foreshore.

Further details are provided with the Terms of Reference attached (Attachment 2).

Representative Type	Vacancies	Immediate Past Members
Elected Members	2	Cr Mews Cr Tulloch

Lake Claremont Advisory Committee

The purpose of the Lake Claremont Advisory Committee is to provide advice to Council on matters relating to:

- The care and maintenance of Lake Claremont and its immediate environment;
- The rehabilitation of Lake Claremont and its environs;
- Plans for amenities proposed to Lake Claremont and its immediate environs;
- Proposals for the Lake from the Friends Group.

Further details are provided with the Terms of Reference attached (Attachment 3).

Representative Type	Vacancies	Immediate Past Members
Elected Members	2*	Cr Haynes Cr Browne JP, OAM

\*The City of Nedlands appoint an Elected Member delegate to this committee in addition to the Town of Claremont’s Elected Members.

Freshwater Bay Museum Advisory Committee

The brief of the Museum Advisory Committee is to provide advice to the Council on matters relating to:

- Advise Council on matters relating to the Museum
- Assist in obtaining local support and develop working relationships with relevant groups
- To promote community awareness of the value and work of the Museum and to assist with funding initiatives and advocacy.

Further details are provided with the Terms of Reference attached (Attachment 4).

Representative Type	Vacancies	Immediate Past Members
Elected Members	2	Cr Mews Cr Goetze

Claremont Town Centre Advisory Committee

The Claremont Town Centre Advisory Committee has been established to consider matters relating to the marketing of the Claremont Town Centre, and is responsible for:

- Providing advice to Council initiatives relating to the Claremont Town Centre;
- Contributing to, and working cooperatively with the Town, on the progress of the Claremont Town Centre; and
- Bringing together retailers, professionals, civic authorities and others, for the purposes of improving the Claremont Town Centre as a destination.

Further details are provided with the Terms of Reference attached (Attachment 5).

Representative Type	Vacancies	Immediate Past Members
Elected Members	3	Mayor Barker Cr Goetze Cr Tulloch

The delegate membership and vacancies to local and regional committees are as follows:

Central Metropolitan Zone

The Central Metropolitan Zone is run by Western Australia Local Government Association (WALGA) and incorporates the following local governments: Town of Cambridge, Town of Claremont, Town of Cottesloe, Town of Mosman Park, City of Vincent, City of Perth, City of Nedlands and City of Subiaco. Meetings are held bi-monthly on a rotational basis at each of the member Council offices.

Representative Type	Vacancies	Immediate Past Delegates
Town of Claremont Delegates	2	Cr Kelly Cr Main

Western Metropolitan Regional Council (WMRC)

The WMRC aims to “make good waste practices normal in the Western suburbs of Perth” and incorporates the following local governments: Town of Claremont, Town of Cottesloe, Town of Mosman Park, Shire of Peppermint Grove and City of Subiaco.

Representative Type	Vacancies	Immediate Past Members
Town of Claremont Delegates	2	Cr Haynes Cr Kelly (Deputy)

Metro West Joint Development Assessment Panel (Metro West JDAP)

Development Assessment Panels (DAPs) are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge. The Metro West JDAP is coordinated by the Department of Planning and incorporates the following local governments: City of Nedlands, City of Subiaco, City of Vincent, Shire of Peppermint Grove, Town of Cambridge, Town of Claremont, Town of Cottesloe, and Town of Mosman Park.

Representative Type	Vacancies	Current Local Government Member
Town of Claremont Delegates	4*	Cr Haynes Cr Kelly Cr Mews (Alternate) Cr Tulloch (Alternate)

\* In accordance with requirements of the Department of Planning, two Elected Members are appointed as “local government members” and two Elected Members are appointed as “local government alternate members.”

Shine Community Services Management Board

SHINE Community Services is funded and supported by the combined councils of Claremont, Cottesloe, Peppermint Grove and Mosman Park together with the Home and Community Care program (HACC). The purpose of SHINE is to enhance the quality of life for seniors, people with disabilities, and their carers through services that support independent living and foster a connection to community.

Representative Type	Vacancies	Immediate Past Delegate
Town of Claremont Delegates	2	Cr Goetze Cr Main (Deputy)

Western Sub Group, Metropolitan Regional Road Group (MRRG)

The Sub Group of the MRRG is formed from elected members of the Western Suburbs Local Governments.

From within its membership, this body elects a member to be the representative to the Metropolitan Regional Road Group.

Historically it appears that the Town has not chosen to elect a Councillor to this sub group, although officers regularly attend the technical meetings that support the Sub Group and the distribution and allocation of Regional Road Group funding.

The Sub Group meets only to consider existing allocations of Direct Grants, Road Program (Improvement and Rehabilitation), State Blackspot and National Blackspot funding, once allocated. All allocations and assessments are undertaken via the Metropolitan Regional Road Group, to which the Sub Group nominates a representative.

Representative Type	Vacancies	Immediate Past Delegate
Town of Claremont Delegates	1	Nil

**DISCUSSION**

As prescribed in s5.11 of the *Local Government Act 1995*, Elected Members must be appointed to the following Committees of Council by absolute majority:

- Audit and Risk Management Committee
- Foreshore Advisory Committee
- Lake Claremont Advisory Committee
- Museum Advisory Committee
- Claremont Town Centre Advisory Committee (formerly Claremont Now Inc.)

Council also needs to appoint the prescribed number of delegates/members to the following local and regional committees –

- Western Australia Local Government Association Central Metropolitan Zone
- Western Metropolitan Regional Council (WMRC)
- Shine Community Services Management Board
- Metro West Joint Development Assessment Panel (2 Alternate members)
- Western Sub Group, Metropolitan Regional Road Group

The local government members and alternate members to the Metro West JDAP were appointed on 26 July 2018 for a term ending 26 January 2020. Nominations are now sought to fill all positions for a further term ending 26 January 2022.

All members and alternate members appointed to the Metro West JDAP will be required to attend mandatory training before they can sit on the DAP.

**Community Representatives**

It is further proposed that the following community representatives be appointed to the Lake Claremont Advisory Committee and Foreshore Advisory Committee. With one and two vacancies respectively remaining following appointment of community representatives at its meeting held 15 October 2019, the positions were re-advertised in the local papers closing Monday 28 October 2019.

The following nominations were received and are recommended for appointment.

Lake Claremont Advisory Committee

Representative Type	Nominee
Community Representative	Ryan Brown
Community Representative	Leeuwin Beeck

Two nominations for the one community representative positions have been received and are included as Attachment 6 (Confidential).

It is recommended Council consider the nominations and appoint one to fill the vacant position.

Foreshore Advisory Committee

Representative Type	Nominee
Community Representatives	Bill MacLeod
Community Representatives	

One nomination for the two vacancies was received and is included in Attachment 7 (Confidential).

It is recommended the nominee be appointed to the Foreshore Advisory Committee and Council acknowledge the remaining vacancy however not readvertise at this time.

**PAST RESOLUTIONS**

Ordinary Council Meeting 15 October 2019, Resolution 142/19: Appointment of Community Representatives to Advisory Committees –

*That Council*

1. *Endorse the Terms of Reference for the following Committees:*
  - (a) *Audit & Risk Management Committee (included as Attachment 1)*
  - (b) *Foreshore Advisory Committee (included as Attachment 2)*
  - (c) *Lake Claremont Advisory Committee (included as Attachment 3)*
  - (d) *Freshwater Bay Museum Committee (included as Attachment 4)*
  - (e) *Claremont Town Centre Advisory Committee (included as Attachment 5)*
2. *Appoint the recommended community representatives to the following Committees of Council:*
  - (a) *Audit & Risk Management Committee*

<i>Representative Type</i>	<i>Nominee</i>
<i>Community Representative</i>	<i>Meg Anklesaria</i>
<i>Community Representative</i>	<i>Aidan Daly</i>

- (b) *Foreshore Advisory Committee*

<i>Representative Type</i>	<i>Nominee</i>
<i>Community Representative</i>	<i>Claire Brittain</i>
<i>Community Representative</i>	
<i>Community Representative</i>	

(c) *Lake Claremont Advisory Committee*

<i>Representative Type</i>	<i>Nominee</i>
<i>Friends of Lake Claremont (FOLC)</i>	<i>Nick Cook</i>
<i>Scotch College Youth Representative</i>	<i>David Kyle</i>
<i>Community Representative</i>	<i>Karen Wood</i>
<i>Community Representative</i>	

(d) *Freshwater Bay Museum Advisory Committee*

<i>Representative Type</i>	<i>Nominee</i>
<i>Community Representative</i>	<i>Deborah Bray</i>
<i>Community Representative</i>	<i>Ricki Hewitt</i>
<i>Community Representative</i>	<i>Rosemary Hunter</i>
<i>Community Representative</i>	<i>Karen Kaard</i>
<i>Community Representative</i>	<i>Karen Wood</i>

(e) *Claremont Town Centre Advisory Committee*

<i>Representative Type</i>	<i>Nominee</i>
<i>CTC Business Representative</i>	<i>Scott Greenwood</i>
<i>CTC Business Representative</i>	<i>Michelle Docherty</i>
<i>CTC Business Representative</i>	<i>Hannah Etherington</i>
<i>CTC Business Representative</i>	<i>Lesley Thomas</i>
<i>CTC Business Representative</i>	<i>Eleanor Jones</i>

3. *Approve attendance to Committee meetings by members in accordance with s5.25(2) of the Local Government Act 1995 and Reg. 14A of the Local Government (Administration) Regulations 1996.*
4. *Advertise for nominations to fill the following vacancies -*
  - (a) *Foreshore Advisory Committee – two community representatives*
  - (b) *Lake Claremont Advisory Committee – one community representative.*

**CARRIED BY ABSOLUTE MAJORITY**

*With nominations exceeding vacant positions, a ballot was conducted to determine appointees to the Audit and Risk Management Committee and Freshwater Bay Museum Advisory Committee.*

Ordinary Council Meeting 19 February 2019, Resolution 12/19:

*That Council appoint Cr Tulloch to the Audit and Risk Management Committee.*

**CARRIED BY ABSOLUTE MAJORITY**

Ordinary Council Meeting 21 November 2017, Resolution 168/17:

*That Council appoint Cr Kelly as its Deputy Delegate to the Western Metropolitan Regional Council.*

**CARRIED BY ABSOLUTE MAJORITY**

Ordinary Council Meeting 7 November 2017, Resolution 157/17:

*That Council appoint the Elected Members as delegates to the following local and regional committees:*

*WALGA Central Metropolitan Zone*

*1. Cr Kelly – Delegate*

*2. Cr Main – Delegate*

*Shine Community Services Management Board*

*1. Cr Goetze – Delegate*

*2. VACANT (Deputy Delegate)*

*CARRIED BY AN ABSOLUTE MAJORITY*

Ordinary Council Meeting 7 November 2017, Resolution 156/17:

*That Council appoint Cr Haynes as Delegate to the Western Metropolitan Regional Council.*

*CARRIED BY AN ABSOLUTE MAJORITY*

Ordinary Council Meeting 7 November 2017, Resolution 155/17:

*That Council appoint the Elected Members to Committees of Council as follows;*

*Audit and Risk Management Committee*

*Mayor Barker*

*Cr Haynes*

*Cr Edwards*

*Cr Kelly*

*Foreshore Advisory Committee*

*1. Cr Tulloch*

*2. Cr Mews*

*Lake Claremont Advisory Committee*

*1. Cr Haynes*

*2. Cr Browne*

*Museum Advisory Committee*

*1. Cr Mews*

*2. Cr Goetze*

*Claremont Town Centre Advisory Committee*

*1. Cr Goetze*

*2. Mayor Barker*

*3. Cr Tulloch*

*CARRIED BY AN ABSOLUTE MAJORITY*

## **FINANCIAL AND STAFF IMPLICATIONS**

This is required for purposes of business continuity.

## **POLICY AND STATUTORY IMPLICATIONS**

*Local Government Act 1995 s5.9, s5.10 Appointment of committee members, s5.11 Tenure of Committee membership.*

## **COMMUNICATION / CONSULTATION**

The appointments will be made through discussion by Elected Members at the 5 November 2019 OCM.

## **STRATEGIC COMMUNITY PLAN**

### **Liveability**

*We are an accessible community with well-maintained and managed assets. Our heritage is preserved for the enjoyment of the community.*

- Provide clean, usable, attractive and accessible streetscapes and public spaces.
- Balance the Town's historical character with complementary, well designed development.
- Maintain and upgrade the Town's assets for seamless day to day usage.
- Develop the public realm as gathering spaces for participation, prosperity and enjoyment.

### **Local Prosperity**

*Our businesses are thriving and integrated into the life of the Claremont community, and the town centre is known as the premier visitor destination.*

- Plan for the development of attractive and thriving activity nodes to support small local business.
- Support new and existing local small business and entrepreneurial activity.
- Raise profile of the Claremont Town Centre as a visitor destination.

### **People**

*We live in an accessible and safe community that welcomes diversity, enjoys being active and has a strong sense of belonging.*

- Provide opportunities for local community groups that supports their capacity and ongoing sustainability.

### **Leadership and Governance**

*We are an open and accountable local government; a leader in community service standards.*

- Demonstrate a high standard of governance, accountability, management and strategic planning.
- Develop and build partnerships that support the Town's vision

## **URGENCY**

In order for the Town's Committees of Council to have full effect following the 2019 local government election, Elected Members must be appointed to fill the vacancies within each Committee.

The nomination of delegates to the WALGA Central Metropolitan Zone is required as soon as possible in preparation for their next meeting to be held on 28 November 2019 at the Town of Claremont.

Nominations for the Metro West JDAP have been requested by 8 November 2019.

Nominations for the WMRC are sought as soon as possible to enable delegates to be undertake their elected member declarations and allow their next meeting to be scheduled and agenda's issued.

## **VOTING REQUIREMENTS**

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED. Committee appointments  
Simple majority – Delegate appointments

Note: Further to the issue of agenda, the following nomination was received to fill the community representative position. Copies of the nomination was forwarded to Councillors on receipt.

Foreshore Advisory Committee

Ainslie de Vos

**OFFICER RECOMMENDATION**

That Council:

1. Appoint Elected Members to the following Committees of Council:
  - Audit and Risk Management Committee (4 vacancies incl. Mayor)
  - Foreshore Advisory Committee (2 vacancies)
  - Lake Claremont Advisory Committee (2 vacancies)
  - Museum Advisory Committee (2 vacancies)
  - Claremont Town Centre Advisory Committee (3 vacancies)
2. Appoint Elected Members to the following local and regional Committees:
  - WALGA Central Metropolitan Zone (2 vacancies)
  - Western Metropolitan Regional Council (2 vacancies)
  - Shine Community Services Management Board (2 vacancies)
  - Western Sub Group, Metropolitan Regional Road Group (1 vacancy)
3. Appoint one of the nominees to the Lake Claremont Advisory Committee as a community representative with his term expiring on the day of the 2021 local government elections.
4. Appoint Bill MacLeod to the Foreshore Advisory Committee as a community representative with his term expiring on the day of the 2021 local government elections.
5. Acknowledge the remaining community representative vacancy within the Foreshore Advisory Committee however not re-advertise at this time.

**MOTION**

**RESOLUTION 146/19**

**Moved: Cr Kate Main**

**Seconded: Cr Annette Suann**

That Council:

1. **Appoint Elected Members to the following Committees of Council:**
  - Audit and Risk Management Committee**
    - Mayor Barker
    - Cr Haynes
    - Cr Telford
    - Cr Kelly
  - Foreshore Advisory Committee**
    - Cr Suann
    - Cr Telford
  - Lake Claremont Advisory Committee**
    - Cr Haynes
    - Cr Franklyn



**Freshwater Bay Museum Advisory Committee**

- Cr Goetze
- Cr Suann

*Three nominations were received for the two vacancies therefore a ballot was conducted.*

**Claremont Town Centre Advisory Committee**

- Mayor Barker
- Cr Goetze
- Cr Suann

2. **Appoint Leeuwijn Beeck to the Lake Claremont Advisory Committee as a community representative with his term expiring on the day of the 2021 local government elections. Two nominations were received for the one vacancy therefore a ballot was conducted.**
3. **Appoint Bill MacLeod and Ainslie de Vos to the Foreshore Advisory Committee as a community representatives with their terms expiring on the day of the 2021 local government elections.**

**CARRIED BY AN ABSOLUTE MAJORITY**

**MOTION****RESOLUTION 147/19**

**Moved: Cr Peter Edwards**

**Seconded: Cr Kate Main**

**That the following Elected Members be appointed as Council's delegates/members to the following local and regional organisations/committees :**

**WALGA Central Metropolitan Zone**

- Cr Kelly - Delegate
- Cr Browne - Delegate

**Western Metropolitan Regional Council**

- Cr Haynes - Member
- Cr Franklyn – Deputy Member

*Three nominations were received for the two vacancies therefore a ballot was conducted.*

**Shine Community Services Management Board Delegates**

- Cr Goetze - Delegate
- Vacant - Deputy Delegate

**Western Sub Group, Metropolitan Regional Road Group (1 vacancy)**

- Cr Franklyn – Delegate

**Metro West Joint Assessment Development Panel (JDAP)**

- Cr Kelly – Member
- Cr Main – Member
- Cr Haynes – Alternate Member
- Cr Browne – Alternate Member

*Three nominations were received for the Member positions therefore and a ballot was conducted.*

**CARRIED**

*Council returned to Item 14.1.2 at the conclusion of this item.*

**15 ANNOUNCEMENTS BY THE PRESIDING PERSON**

Mayor Barker reported on his swearing in of newly elected Councillors Suann and Telford, and re-elected Councillors Browne, Edwards and Main at a ceremony held on Monday 28 October 2019.

Cr Goetze thanked Council for electing her as Deputy Mayor and acknowledged the contribution and leadership of the immediate past Deputy Mayor, Cr Browne OAM JP.

Cr Haynes reported on his attendance and judging at the recent Perth Philosothon (won by Scotch College ahead of Christ Church Grammar School) and the South West Philosothon.

Cr Haynes reported attendance at the Year 10 Community Service Program at Lake Claremont. Students from Scotch College and Christ Church Grammar School undertake community service work at the lake throughout the year. Cr Haynes presented a thank you note from Christ Church Grammar School to the Town for the opportunity to, and experiences gained from their participation.

Cr Haynes reported on his attendance at the Claremont Bahá'í celebration of their 200<sup>th</sup> birthday at which guests were presented a rose. Cr Haynes presented the rose he received on behalf of the Town to the CEO.

Cr Browne thanked Council for the honour to serve as its Deputy Mayor for the past four years and wished Cr Goetze well in the role.

Cr Browne acknowledged Cr Haynes on his retirement as Chair of the Philatelic Club for the past 34 years.

Cr Franklyn reported on her attendance at the recent International Cities and Towns Conference in Townsville with Cr's Goetze and Main, the Chief Executive Officer and Director Infrastructure and Assets.

**16 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**17 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PRESIDING PERSON OR BY DECISION OF MEETING**

**18 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

**19 FUTURE MEETINGS OF COUNCIL**

Ordinary Council Meeting, Tuesday 19 November 2019 at 7:00pm.

**20 DECLARATION OF CLOSURE OF MEETING**

There being no further business, the presiding member declared the meeting closed at 8:00PM.

.....  
**CHAIRPERSON**